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1786-1816

Hugh Johnston
1832

JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF THE
PROVINCE
OF
NEW BRUNSWICK,

FROM THE FIRST SESSION OF THE FIRST GENERAL ASSEMBLY, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY SIX,
TO THE
FOURTH SESSION OF THE NINTH GENERAL ASSEMBLY, IN THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY, INCLUSIVE.

BY ORDER OF THE HONORABLE THE LEGISLATIVE COUNCIL.

VOL. I.
26 GEO. III. TO 56 GEO. III.
INCLUSIVE.

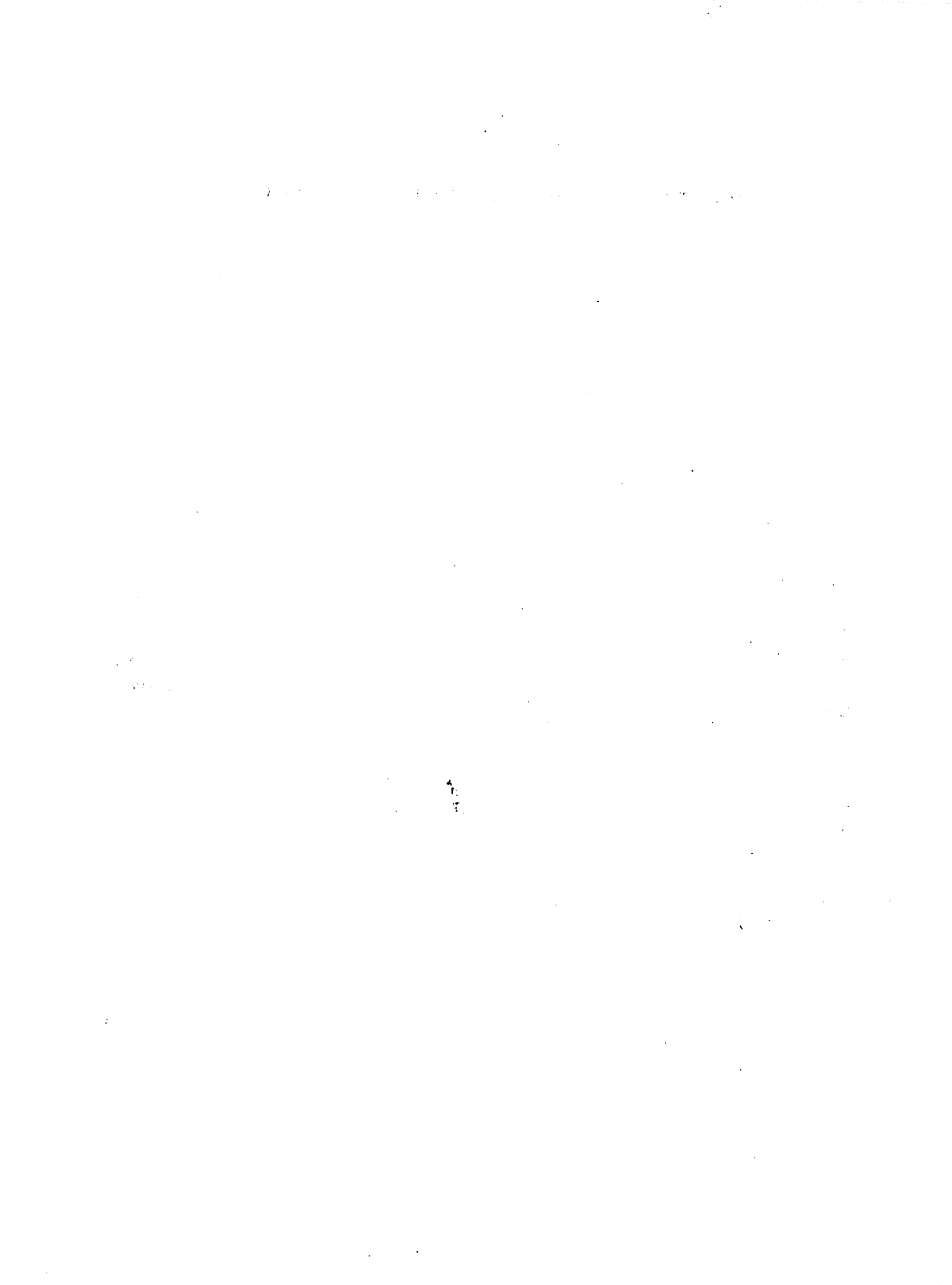


Fredericton:
PRINTED BY JOHN SIMPSON, PRINTER TO THE KING'S MOST EXCELLENT MAJESTY.
1831.



ADMINISTRATION OF THE GOVERNMENT
OF THE
PROVINCE OF NEW BRUNSWICK.

<p>THOMAS Carleton, Esquire, Captain General and Governor in Chief,</p>	<p>} From 16th August 1784 to 29th October 1786.</p>
<p>Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief,</p>	<p>} " 30th October 1786 to 4th October 1808.</p>
<p>Gabriel G. Ludlow, Esquire, President of His Majesty's Council, and Commander in Chief,</p>	<p>} " 5th October 1808 to 12th February 1808.</p>
<p>Edward Winslow, Esquire, same style,</p>	<p>} " 20th February 1808 to 29d May 1808.</p>
<p>Major General Martin Hunter, same style,</p>	<p>} " 24th May 1808 to 16th December 1808.</p>
<p>Lieutenant Colonel George Johnstone, same style,</p>	<p>} " 17th December 1808 to 27th April 1809.</p>
<p>Major General Martin Hunter, same style,</p>	<p>} " 28th April 1809 to 10th September 1811.</p>
<p>Major General William Balfour, same style,</p>	<p>} " 11th September 1811 to 13th Nov. 1811.</p>
<p>Major General Martin Hunter, same style,</p>	<p>} " 14th November 1811 to 14th June 1812.</p>
<p>Major General George Stracey Smyth, President and Commander in Chief,</p>	<p>} " 15th June 1812 to 16th August 1813.</p>
<p>Major General Sir Thomas Saumarez, same style,</p>	<p>} " 17th August 1813 to August 1814.</p>
<p>Major General George Stracey Smyth, same style,</p>	<p>} " August 1814 to 24th June 1816.</p>
<p>Lieutenant Colonel Harris William Hailes, same style,</p>	<p>} " 25th June 1816 to 30th June 1817.</p>
<p>Major General George Stracey Smyth, Lieutenant Governor and Commander in Chief,</p>	<p>} " 1st July 1817 to 27th March 1823.</p>
<p>Ward Chipman, Esquire, President and Commander in Chief,</p>	<p>} " 1st April 1823 to 9th February 1824.</p>
<p>John Murray Bliss, Esquire, same style,</p>	<p>} " 21st February 1824 to 27th August 1824.</p>
<p>Major General Sir Howard Douglas, Baronet, Lieutenant Governor and Commander in Chief,</p>	<p>} " 28th August 1824 to 29th March 1829.</p>
<p>William Black, Esquire, President and Commander in Chief,</p>	<p>} " 30th March 1829 to 8th September 1831.</p>



MEMBERS OF HIS MAJESTY'S COUNCIL

IN THE

PROVINCE OF NEW BRUNSWICK,

WITH THE DATES OF THEIR FIRST AND LAST ATTENDANCE IN COUNCIL.

The Hon. *George Duncan Ludlow,	22d November 1784.	28th October 1808.
" James Putnam,	22d November 1784.	1st August 1783.
" Abijah Willard,	22d November 1784.	1st August 1783.
" †Gabriel G. Ludlow,	22d November 1784.	25th September 1807.
" Isaac Allen,	22d November 1784.	16th July 1806.
" William Hazen,	22d November 1784.	17th September 1812.
" Jonathan Odell,	22d November 1784.	26th August 1818.
" Giffreå Studholm,	27th November 1784.	23d February 1787.
" †Edward Winslow,	4th December 1784.	13th April 1815.
" Daniel Bliss,	18th July 1785.	5th March 1805.
" Joshua Upham,	2d June 1786.	12th June 1806.
" Beverley Robinson, Junior,	16th April 1790.	11th May 1816.
" George Leonard,	7th February 1791.	22d January 1813.
" †John Saunders,	8d May 1793.	
" Christopher Billop,	10th February 1797.	22d November 1822.
" ††Ward Chipman,	2d February 1807.	3d February 1824.
" George Sproule,	24th September 1808.	28th November 1817.
" †Jonathan Bliss,	7th July 1809.	6th June 1822.
" John Coffin,	29th June 1812.	20th September 1824.
" John Murray Bliss,	17th May 1816.	
" William Pagan,	26th August 1817.	24th February 1819.
" §Thomas Wetmore,	22d December 1817.	13th March 1821.
" **John Robinson,	6th May 1818.	14th March 1828.
" †William Black,	11th September 1818.	
" †Harris William Hailes,	8th February 1819.	4th December 1819.
" Samuel Denny Street,	23d September 1819.	21st November 1823.
" Anthony Lockwood,	13th October 1819.	1st May 1823.
" George Shore,	18th June 1821.	
" Edward James Jarvis,	30th October 1822.	2d May 1823.
" **William Botsford,	12th July 1823.	
" Thomas Baillie,	11th November 1824.	
" **Ward Chipman,	17th March 1825.	
" Samuel Proudfoot Hurd,	16th May 1826.	
" and Right Reverend John, Lord } Bishop of Nova Scotia, }	3d July 1826.	
" **Harry Peters,	29th March 1828.	
" Frederick Phillips Robinson,	22d October 1828.	
" **Richard Simonds,	2d December 1829.	

*Chief Justice from 25th March 1784 to 13th November 1808.

†Denotes that the Honorable Member administered the Government of the Province.

‡Chief Justice from 19th October 1822.

§Attorney General from 3d January to 15th May 1785.

¶Attorney General from 16th May 1785, to 23th June 1809; and Chief Justice from 28th June 1809 to 1st October 1822.

§Attorney General from 26th July 1809 to 22d March 1828.

**Denotes that the Honorable Member was Speaker of the House of Assembly.



JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

ANNO VICESIMO SEXTO GEORGII TERTII REGIS.

THOMAS CARLETON ESQ. CAPTAIN GENERAL AND GOVERNOR-IN-CHIEF.

IN THE CITY OF SAINT JOHN, PROVINCE OF NEW-BRUNSWICK.

Council Chamber, Monday, 9th January, 1786.

HIS EXCELLENCY having by writs, directed to the Sheriffs of the several Counties, ordered a Representation of the Province to meet him in General Assembly, at this City, on the first Tuesday of this instant, January, and having summoned His Majesty's Council also to meet him in the said General Assembly, at the time and place aforesaid, the Council met this day in the Council Chamber,

PRESENT.

The Honorable Mr. Justice Putnam,

Mr. Willard,

Mr. Ludlow,

Mr. Hazen,

Mr. Odell.

A

ORDERED,

ORDERED, that Mr. Ludlow and Mr. Hazen wait on the Governor, and acquaint His Excellency that the Council are ready to proceed upon business.

Mr. Ludlow and Mr. Hazen report, that His Excellency was pleased to say he would immediately come down to the Council Chamber, and deliver a Speech to the Council and Assembly.

Adjourned to receive His Excellency's Speech.

The Council being resumed, Mr. Putnam read the Speech which His Excellency had been pleased to make to the Council and Assembly, and which is in the words following :—

*Gentlemen of the Council; and
Gentlemen of the Assembly :*

A Meeting of the several Branches of the Legislature for the first time in this New Province, is an event of so great importance, and must prove so conducive to its stability and prosperity, that I feel the highest satisfaction at seeing His Majesty's endeavours to procure the Inhabitants every protection of a free Government, in so fair a way of being finally successful.

The preceding Winter was necessarily spent in guarding the people against those numerous wants, incident to their peculiar situation; and the Summer has been employed, as well in the prosecution of this essential business as in dividing the Province and establishing the several Offices and Courts of Justice requisite for the security of the Farmer while engaged in raising a support for his Family; and now that the season of the year renders travelling commodious, and allows you leisure to attend the public business without interruption to your private affairs, I have called you together, in compliance with the Royal Instructions, that you may put the finishing hand to the arduous task of organizing the Province by re-enacting such of the Nova-Scotia Laws as are applicable to our situation, and passing such Bills as you shall judge best calculated to maintain our rapid advance towards a complete Establishment in this Country.

Gentlemen of the Council :

That Branch of the Laws of the Old Province which relates to Crimes and Misdemeanors I would recommend to your first consideration; they are for the most part, if not altogether, extracted from the Statute Law of England, and will become our best security for the quiet and permanent enjoyment of private liberty and property. As it may in some instances perhaps admit of a doubt what part of these Laws extend to this Province, and which are lost by the erecting of a distinct Administration, it will be most eligible by renewing them to leave no possibility of uncertainty in a matter so nearly affecting the happiness of Individuals and peace of the Community. Those Laws also which relate to the Execution of Justice, Civil and Criminal, make another important

important object of your attention, and as the assistance of the Judges will be required in forming or reviewing them, they will of course, I suppose originate with you.

Gentlemen of the Assembly :

Amongst the numerous Subjects which will fall under your consideration after you have adopted such Acts of the Province of Nova-Scotia as you may find necessary or proper, I would particularly point out a Bill providing for the Election of Members to serve in General Assembly, and for regulating all such Elections as well as determining the qualifications of Electors. A Law also for registering anew all grants of Lands lying within this Province, and made before our division from Nova-Scotia, is necessary for ascertaining Titles to Estates, and will prove of the greatest use in their preservation—I am therefore instructed to recommend it.

Gentlemen of the Council, and

Gentlemen of the Assembly :

I shall decline entering further into the particular objects that may be proper for your consideration in the course of the present Session, but shall leave them to be occasionally communicated by Message: in the mean time I have the fullest confidence that you will enter on the public business with a hearty disposition to join me in whatever may tend to the welfare of this Infant Colony.

The liberality of the British Government to the unfortunate Loyalists in general, and the peculiar munificence and parental care of our most gracious Sovereign to those of them settled in New-Brunswick, call loudly for every return that an affectionate and favored people can make, and I am persuaded you cannot better shew your gratitude on this behalf for the many unexampled instances of national and Royal Bounty, than by promoting Sobriety, Industry and the practice of Religion,—by discouraging all factions and party distinctions amongst us, and inculcating the utmost harmony between the newly arrived Loyalists, and those of His Majesty's Subjects formerly resident in the Province. And Gentlemen it is with real pleasure I declare, that our prospects are so favorable, that your exertions for those beneficial purposes can scarcely fail to render this Asylum of Loyalty the envy of the neighbouring States, and that by exercising the arts of peace, they who have taken refuge here, will not only be abundantly recompenced for their losses, but enabled to enjoy their connection with the parent State and retain their allegiance for the best of Kings, which their conduct has proved they prize above all considerations.

ORDERED, that Mr. Ludlow, Mr. Hazen, and Mr. Odell be a Committee to prepare a Draft of an Address in answer to His Excellency's Speech.

Adjourned till Wednesday next.

COUNCIL

COUNCIL CHAMBER, *Wednesday, 11th January, 1786.*

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Willard,*

*Mr. Ludlow,
Mr. Hazen,
Mr. Odell.*

Mr. Odell, from the Committee appointed to prepare a Draft of an Address in answer in His Excellency's Speech, reported the same, which he read in his place, and is in the words following:—

To His Excellency Thomas Carleton, Esquire, Captain General and Governor-in-Chief of the Province of New-Brunswick.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL, IN GENERAL ASSEMBLY MET.

SIR,

WE beg leave to return Your Excellency our humble thanks for your Speech, and to testify our sense of the unremitting exertions which have enabled Your Excellency, in so short a time from the Commencement of your Administration, to complete the various arrangements that were indispensably necessary, previous to a meeting of the several Branches of the Legislature in this New Province. His Majesty's gracious endeavours to procure the Inhabitants every protection of a free Government, are, by these means, already in a fair way of being finally successful.

We are happy to find from the voice of public gratitude, that your Excellency's benevolent attention has been so effectual in guarding the People against the numerous wants incident to their peculiar situation; and we are confident that experience will give lasting attestations to the wisdom of those measures which Your Excellency has pursued for the general welfare. It is therefore with peculiar satisfaction that we obey your Excellency's Summons, by which we are called upon, in conjunction with the other Branches of the Legislature, in General Assembly, to put the finishing hand to the arduous task of organizing the Province; and in the prosecution of this important object we are prepared, with all zeal and diligence, by a faithful discharge of our duty, fully to justify the confidence your Excellency has been pleased to express of our hearty disposition to co-operate in whatever may tend to the stability and prosperity of this infant Colony.

We feel and acknowledge with every emotion of duty and gratitude the liberality of the British Government to the unfortunate Loyalists in general, and the peculiar munificence, as well as parental care, of our most gracious Sovereign to those of them who are settled in this Province, and are convinced that the best return we can make in this behalf will be to exert ourselves for the promotion of whatever may tend to their peace and security.

And we have the highest confidence that, under Your Excellency's vigilant and wise administration

administration, the pleasing prospects we at present enjoy will be speedily realized in the permanent happiness of those who have preferred their duty to every other consideration.

And the same being approved,

ORDERED, That the Chief Justice and Mr. Odell wait on His Excellency to know when he will be pleased to receive the same.

Adjourned till To-morrow.

COUNCIL CHAMBER, Thursday, 12th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Willard,*

*Mr. Ludlow,
Mr. Hazen,
Mr. Odell.*

The Chief Justice and Mr. Odell report that His Excellency would be pleased to receive the Address of the Council this day, at 12 o'clock.

The Council took into consideration His Excellency's Speech, and particularly that part thereof, which recommended to the Council an examination of the Criminal Code of Laws, and those which relate to the execution of Justice, Civil and Criminal.

ORDERED, That the Chief Justice, Mr. Justice Putnam and Mr. Odell be a standing Committee for this purpose,—that they report from time to time such Laws as they shall judge proper for the consideration of Council,—and that the other Members have free access to them.

Adjourned in order to wait on His Excellency.

To meet again on Monday.

COUNCIL CHAMBER, Monday, 16th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Bliss,
Mr. Hazen,
Mr. Odell.*

The Chief Justice reported that the Members had waited on His Excellency with the Address of the Council, to which His Excellency was pleased to make the following answer :—

GENTLEMEN,

I thank you for this Address, and with pleasure embrace this opportunity, in return for your expressions of approbation, to acknowledge, that I am much indebted to the constant assistance and faithful advice of His Majesty's Council, for any success that may have attended my efforts for the public service.

A Message from the Assembly by Mr. Robert Pagan and Mr. Lyman, requesting the Council to concur with the Assembly in an Address to the Throne.

ORDERED, That the Chief Justice, Mr. Justice Allen and Mr. Winslow be a Committee to confer with a Committee of the Assembly on the Subject of their Message, and that Mr. Bliss and Mr. Odell inform the House thereof.

Adjourned till To-morrow.

COUNCIL CHAMBER, Tuesday, 17th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Ludlow,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Bliss,
Mr. Odell.*

A Message from the Assembly, acquainting the Council that they have appointed the Attorney General, the Solicitor General, Mr. Hardy, Mr. Robert Pagan, and Mr. Clinch, a Committee, to meet and join the Committee of the Council upon the subject of their Message.

A

A Message from the House of Assembly, by the Solicitor General and Mr. Foster, acquainting the Council that they have made choice of Brook Watson, Esq. to be Agent, for the Province of New-Brunswick, in Great-Britain, and to request their concurrence therein;

RESOLVED, That the Council do concur with the House of Assembly in the appointment of Brook Watson, Esq. to be Agent, for this Province, in Great Britain, and that Mr. Winslow acquaint the House therewith.

Adjourned till Thursday.

COUNCIL CHAMBER, Thursday, 19th January, 1786.

PRESENT.

The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Willard,
Mr. Justice Allen,

Mr. Ludlow,
Mr. Winslow,
Mr. Odell.

RESOLVED, That Mr. Justice Allen and Mr. Winslow be added to the standing Committee for examining the Criminal Code of Laws and those which relate to the execution of Justice, Civil and Criminal.

Adjourned till To-morrow.

COUNCIL CHAMBER, Friday, 20th January, 1786.

PRESENT.

The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Justice Allen,

Mr. Winslow,
Mr. Bliss,
Mr. Odell.

ORDERED, That Mr. Justice Allen wait upon the Assembly, requesting them to join the

the Council in a Message to His Excellency asking his concurrence with the Council and Assembly in the appointment of Brook Watson, Esquire, Agent for the Province.

The Chief Justice, from the Committee appointed to confer with a Committee from the House of Assembly on the subject of their Message respecting a joint Address to the Throne, reports that they have had the said conference, and therein stated objections to the proposed Address; which objections the Gentlemen of the Committee of the Assembly agreed to state to their House, as reasons for reconsidering the subject.

Adjourned till To-morrow.

COUNCIL CHAMBER, Saturday, 21st January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Justice Allen,
Mr. Winslow,*

*Mr. Hazen,
Mr. Bliss,
Mr. Odell.*

The Chief Justice, from the Standing Committee, brought in "A Bill to prevent Gaming," which was read.

ORDERED, That the same be read a second time on Monday next.

Adjourned till Monday.

COUNCIL CHAMBER, Monday, 23d January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Justice Allen,
Mr. Winslow,*

*Mr. Hazen,
Mr. Bliss,
Mr. Odell.*

Read

Read a second time, the " Bill to prevent Gaming ;" which being amended and read,

ORDERED, That the same, so amended, be read a third time to-morrow.

Mr. Winslow, from the Standing Committee, brought in " A Bill for regulating Juries and declaring the qualifications of Jurors."

ORDERED, That the same be read a second time to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Tuesday, 24th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Justice Allen,*

*Mr. Ludlow,
Mr. Bliss,
Mr. Odell.*

Adjourned till To-morrow.

COUNCIL CHAMBER, Wednesday, 25th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Hazen,
Mr. Odell.*

Read a third time, the " Bill for preventing Gaming."

RESOLVED, That this Bill do pass.

B

ORDERED,

ORDERED, That Mr. Odell carry it to the Assembly, for their concurrence.

Read a second time and amended, "the Bill for regulating Juries and declaring the qualifications of Jurors."

ORDERED, That the same, so amended, be read a third time to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Thursday, 26th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Justice Allen,
Mr. Winslow,*

*Mr. Hazen,
Mr. Bliss,
Mr. Odell,*

Read a third time, "the Bill for regulating Juries and declaring the qualifications of Jurors."

RESOLVED, That this Bill do pass.

ORDERED, that Mr. Bliss carry the same to the Assembly for their concurrence.

Mr. Justice Allen, from the Standing Committee, brought in "A Bill for establishing a tender in all payments to be made in the Province, and for punishing Offenders against the current and foreign Coin passing in the same." Which being read,

ORDERED, That the same be read a second time to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Friday, 27th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,*

*Mr. Justice Allen.
Mr. Winslow,
Mr. Bliss.*

Read

Read a second time, the Bill for establishing a Tender and for punishing offenders against the Coin.

ORDERED, That the same be read a third time to-morrow.

A message from the Assembly, by the Solicitor General and Major Murray, signifying their concurrence, in a message to His Excellency, to ask his concurrence in their appointment of an Agent.

ORDERED, That Mr. Justice Putnam, Mr. Ludlow and Mr. Bliss be a Committee for the purpose aforesaid.

Read, a Bill for punishing Forgery.

ORDERED, That the same be read a second time to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Saturday, 28th January, 1786.

PRESENT,

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Bliss,
Mr. Odell.*

A Message from the Assembly, by the Attorney General, Mr. Atwood and Mr. Wilkint Pagan, with the Bill for preventing Gaming; informing the Council that they had passed the same with amendments.

And also with "A Bill for regulating Marriage and Divorce, and for prohibiting and punishing Polygamy, Incest and Adultery."

The Bill to prevent Gaming being read with the amendments.

RESERVED, That the same do pass and be engrossed.

Read a third time and amended, the "Bill for establishing a Tender and for punishing offenders against the Coin,"

RESOLVED,

RESOLVED, That the same do pass, and that Mr. Justice Putnam carry the same to the the Assembly, for their concurrence.

Read a second time, the "Bill for Punishing Forgery."

RESOLVED, That the same be read a third time on Monday next.

The Chief Justice, from the Standing Committee, brought in "A Bill for the Trial and Punishment of Criminals who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes."

Also, "a Bill for the conviction and punishment of criminals who shall refuse to plead when arraigned; and for the trial of those who shall peremptorily challenge more than twenty."

Which were read a first time.

ORDERED, That the same be read a second time on Monday next.

Read a first time, "a Bill for regulating Marriage and Divorce, and for prohibiting and punishing Polygamy, Incest and Adultery."

ORDERED, That the same be read a second time on Tuesday next.

A Message from the Assembly, by Mr. Billop, with "A Bill against the profanation of the Lord's Day, commonly called Sunday, and for the suppression of immorality."

Which being read,

ORDERED, That the same lay on the Table, for further consideration on Wednesday next.

A Message from the Assembly, by the Solicitor General and Mr. Murray, with the Bill for regulating Juries and Declaring the qualifications of Jurors; informing the Council that they had passed the same with amendments.

And also, with "A Bill for permitting persons of the profession of the people called Quakers, to make an Affirmation instead of an Oath."

The Bill for regulating Juries, &c. being read with the amendments,

RESOLVED, That the same do pass.

Read, the Bill for permitting Quakers to make an Affirmation. &c.

ORDERED, that the same be read a second time on Tuesday next.

Adjourned till Monday next.

COUNCIL CHAMBER, Monday, 30th January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,
Mr. Justice Allen,*

*Mr. Winslow.
Mr. Bliss,
Mr. Odell,*

Read a third time, "the Bill for punishing Forgery."

RESOLVED, That the same do pass, and that Mr. Winslow carry the same to the Assembly for their concurrence.

Read a second time, the "Bill for the conviction and punishment of Criminals who shall refuse to plead when arraigned; and for the trial of those who shall peremptorily challenge more than twenty."

And the Bill for the trial and punishment of Criminals who shall steal Bills of Exchange, &c.

ORDERED, That the same be read a third time to-morrow.

Read a first time, the Bill for admitting depositions, *de bene esse*, of witnesses, aged, infirm, and otherwise unable to travel, and of witnesses departing from the Province.

ORDERED, That the same be read a second time to-morrow.

Read a Bill from the Assembly by Mr. Coffin and Mr. Stelle, "to enable Creditors more easily to recover Debts from Joint Partners."

ORDERED, That the same be read a second time to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Tuesday, 31st January, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,*

*Mr. Justice Allen,
Mr. Bliss,
Mr. Odell.*

Read

Read a third time, "the Bill for the trial and punishment of Criminals who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes."

And "The Bill for the conviction and punishment of Criminals who shall refuse to plead when arraigned, and for the trial of those who shall peremptorily challenge more than twenty."

RESOLVED, That the same do pass.

ORDERED, That Mr. Justice Allen carry the same to the Assembly for their concurrence.

Read a second time, the three following Bills :—

The Bill for admitting depositions, *de bene esse*.

The Bill for permitting persons of the profession of the people called Quakers, to make an affirmation instead of an Oath.

The Bill to enable Creditors more easily to recover their debts from Joint Partners.

ORDERED, That the same be read a third time on Thursday next.

Read a second time, "the Bill for regulating marriage and divorce, and for prohibiting and punishing Polygamy, Incest and Adultery."

ORDERED, That the same be read a third time on Thursday next.

Read, a Bill sent up from the Assembly by Mr. Clinch and Mr. Hubbard, "for the preservation of Moose."

Also, a Bill, by Mr. Murray and Mr. Atwood, for establishing the rate of Interest.

ORDERED, That the same be read a second time on Friday next.

Adjourned till To-morrow.

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COUNCIL CHAMBER, Wednesday, 1st February, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Patncm,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Bliss,
Mr. Odell.*

Read, a Bill sent up from the Assembly, by Mr. Lyman and Mr. Stelle, "for preventing the Multiplicity of Law-Suits."

ORDERED,

ORDERED, That the same be read a second time on Saturday next.

Also, a Bill by Mr. Robert Pagan and Mr. Campbell, "for the Regulation of Weights and Measures."

And a Bill for granting a Lottery to defray the Expenses of the Common Gaol in the County of Charlotte.

On motion that a Bill granting a Lottery to defray the Expenses of the Common Gaol in the County of Charlotte, be read a second time,

RESOLVED, in the negative.

RESOLVED, That "the Bill for Regulating Weights and Measures be read a second time on Saturday next.

The Bill "against the Profanation of the Lord's day," being read a second time and considered,

ORDERED, That the consideration of this Bill be resumed on Wednesday next.

Mr. Justice Allen, from the Standing Committee, brought in a Bill "To enable the Justices of the Peace of the several Counties in this Province for the time being, to receive for public uses, Grants of Lands lying in their respective Counties, and to regulate the Commons belonging to the several townships or Parishes within the same."

Which being read,

ORDERED, that the same be read a second time to-morrow.

Mr. Odell, from the Standing Committee, brought in a "Bill relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the Estates of Intestates,"

Which being Read,

ORDERED, That the same be read a second time to-morrow.

Read, a Bill, from the Assembly by Mr. McGeorge and Mr. R. Pagan, "to prevent the malicious killing or maiming of Cattle."

ORDERED, That the same be read a second time to-morrow.

Read, a Bill, brought in from the Standing Committee by the Chief Justice, "for prevention of frauds and perjuries."

ORDERED, that the same be read a second time to-morrow.

Adjourned till To-morrow.

COUNCIL

COUNCIL CHAMBER, Thursday, 2d February, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Hazen,
Mr. Bliss,
Mr. Odell.*

Read a second time, the Bill to prevent killing Cattle.
And the Bill to enable Justices of the Peace to receive Grants of Public Lands.

ORDERED, To be read a third time to-morrow.

Read a third time, the Bill for permitting persons of the profession of people called Quakers to make an affirmation instead of an Oath.

RESOLVED, That the same do pass and be engrossed.

ORDERED, That Mr. Hazen signify the same to the Assembly.

Read a third time, the Bill to enable Creditors more easily to recover their debts from Joint Partners.

RESOLVED, That the same do pass and be engrossed.

ORDERED, That Mr. Hazen signify the same to the Assembly.

Read a third time, and amended, the Bill for admitting depositions, *de beneesse*, of witnesses, aged, infirm, &c.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Odell carry the same to the Assembly for their concurrence.

A Message from the Assembly by Mr. Hubbard and Mr. Atwood, with the Bill, for the conviction and punishment of Criminals who shall refuse to plead when arraigned, and for the trial of those who shall peremptorily challenge more than twenty."

And also the Bill for the trial and punishment of Criminals who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes; informing the Council that they have passed the same.

Read a second time, The Bill for prevention of frauds and perjuries

ORDERED, That the same be read a third time on Saturday.

Read

Read a second time, the Marriage and Divorce Bill.

ORDERED, That the same be read a third time on Monday next.

Read a second time, the Bill concerning Wills and Legacies.

ORDERED, That the same be read a third time on Tuesday next.

Adjourned till To-morrow.

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**COUNCIL CHAMBER, Friday, 3d February, 1786.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read, a second time, the Bill for establishing the Rate of Interest.

Also, the Bill for the preservation of Moose.

ORDERED, That the same be read a third time to-morrow.

Read a third time, the Bill to prevent the malicious Killing of Cattle.

Also, the Bill to enable Justices of the Peace to receive Grants of Land for public uses.

RESOLVED, That the same do pass.

ORDERED, That Mr. Winslow carry the Bill to enable Justices of the Peace to receive Grants of Land, &c. to the Assembly, for their concurrence ;

And, that Mr. Justice Allen inform the Assembly that the Council have passed the Bill to prevent the malicious Killing of Cattle.

Read a Bill, from the Assembly, by Mr. Paine and Mr. William Pagan, for preventing damages by unseasonable burning woods, brush, or marshes, in the County of Charlotte.

ORDERED to be read a second time to-morrow.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, Saturday, 4th February, 1786.*

## PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Justice Allen,  
Mr. Ludlow,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Received a Message from His Excellency, signifying his concurrence in the appointment of Brook Watson, Esquire, to be Agent for this Province.

Read a second time, the Bill to prevent multiplicity of Law Suits.

ORDERED, To be read a third time on Wednesday next.

Read a second time, the Bill for regulating weights and measures.

ORDERED, To be read a third time on Wednesday next.

Read a third time, the Bill for prevention of Frauds and Perjuries.

RESOLVED, That the same do pass.

ORDERED, That Mr. Bliss carry the same to the Assembly for their concurrence.

Read a third time, the Bill for establishing the rate of Interest,  
And, the Bill for the preservation of Moose.

RESOLVED, That the same do pass.

ORDERED, That Mr. Winslow signify the same to the Assembly.

Read a second time, the Bill for preventing damages by unseasonable burning Woods, &c.

ORDERED, To be read a third time on Monday next.

Read a Bill, from the Assembly by Mr. Atwood and Mr. Coffin, for facilitating the navigation of the River Saint John.

ORDERED, To be read a second time on Thursday next.

Read a Bill, from the Assembly by Mr. William Pagan and Mr. McGeorge, for ascertaining damages on protested Bills of Exchange.

ORDERED, To be read a second time on Monday next.

Read



Read a Bill, from the Assembly, by Mr. Hazard and Mr. Stelle, for enabling the Justices of the Supreme Court to try all Causes at *nisi prius*, and authorizing Attornies of the Supreme Court to practise in the Inferior Courts of Common Pleas within the Province.

ORDERED, To be read a second time on Monday next.

Read a Bill from the Assembly, by Mr. Coffin and Mr. Hubbard, for the Public Registering of all Deeds, Conveyances and Wills, and other incumberances which shall be made of, or that may affect any Lands, Tenements, or Hereditaments, within this Province.

ORDERED, To be read a second time on Wednesday.

*Adjourned till Monday.*

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COUNCIL CHAMBER, Monday, 6th February, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Ludlow,
Mr. Justice Allen,*

*Mr. Winslow,
Mr. Bliss,
Mr. Hazen,
Mr. Odell.*

Read a third time, the Bill for preventing damages by unseasonable burning of woods, brush, or marsh, in the County of Charlotte.

And the question being put whether this Bill do pass,

RESOLVED, in the negative.

Third reading of the Marriage and Divorce Bill referred for Monday next.

Read a second time, the Bill for enabling the Justices of the Supreme Court to try all causes at *Nisi Prius*, &c.

ORDERED, to be read a third time on Monday next.

Read a second time, the Bill for ascertaining damages on Protested Bills.

ORDERED, to be read a third time on Wednesday next.

Read

Read a Bill, from the Assembly, by Mr. Stelle and Mr. Robert Pagan, for appointing Commissioners of Sewers.

And a Bill, by the Solicitor General and Mr. Stelle, for confirming unto the city of St. John its Rights and Privileges.

ORDERED, That they be read a second time to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Tuesday, 7th February, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Willard,
Mr. Justice Allen,*

*Mr. Hazen,
Mr. Bliss,
Mr. Odell,*

A Message from the Assembly, by Mr. Billop and Mr. Stelle, with the Bill for punishing Forgery, informing the Council that they had passed the same with amendments.

The Bill for punishing Forgery, together with the amendments, being read, and the question being put whether the Bill so amended do pass—

CONTENT.

Mr. Justice Putnam,
Mr. Bliss,

NOT CONTENT.

The Chief Justice,
Mr. Justice Allen,
Mr. Hazen,
Mr. Odell.

A Message from the Assembly, by the Solicitor General and Mr. Vanderberg, with the Bill for admitting depositions de bene esse, &c. informing the Council that they had passed the same with amendments.

The question being put, whether the Bill so amended do pass,

RESOLVED, in the affirmative.

Read a second time, the Bill for confirming unto the City of St. John its rights and privileges ;
And

And the Bill for appointing Commissioners of Sewers.

ORDERED, to be read a third time to-morrow.

Read a third time, the Bill relating to Wills, Legacies, &c.

RESOLVED, that the same do pass.

ORDERED, that Mr. Odell carry the same to the Assembly for their concurrence.

Adjourned till To-morrow.

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COUNCIL CHAMBER, Wednesday, 8th February, 1786.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Putnam,
Mr. Willard,
Mr. Justice Allen,*

*Mr. Bliss,
Mr. Hazen,
Mr. Odell.*

Read a third time, the Bill for the regulating of Weights and Measures.

The Bill for preventing the multiplicity of Law Suits.

The Bill for ascertaining damages on protested Bills of Exchange.

The Bill for confirming unto the City of Saint John, its rights and privileges.

And, the Bill for appointing Commissioners of Sewers.

RESOLVED, That the same do pass.

ORDERED, That Mr. Bliss signify the same to the Assembly.

Read a third time and amended, the Bill against the Profanation of the Lord's day, &c.

RESOLVED, That the same, so amended do pass.

ORDERED, That Mr. Odell carry the same to the Assembly for their concurrence in the said amendments.

A Message from the Assembly, by Mr. Murray and Mr. Hubbard, acquainting the Council that they had passed the Bill for establishing a Tender, &c. with amendments; which being read, and the question put, whether the Bill so amended do pass.

CONTENT

CONTENT.

Mr. Justice Putnam,
Mr. Willard,
Mr. Bliss.

NOT CONTENT.

The Chief Justice,
Mr. Justice Allen,
Mr. Hazen,
Mr. Odell,

Read a Bill from the Assembly, by Mr. William Pagan and Mr. Atwood, to regulate the sale of Goods sold at Public Auction or Out-cry.

ORDERED, To be read a second time to-morrow.

Read a second time, the Bill for registering Deeds, Conveyances, and Wills &c.

ORDERED, To be read a third time on Tuesday next.

Adjourned till To-morrow.

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**COUNCIL CHAMBER, Thursday, 9th February, 1786.**

## PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Justice Allen,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read a second time, the Bill to regulate the sale of Goods sold at Public Auction or Outcry.

ORDERED, to be read a third time on Monday next.

ORDERED, That the Bill for facilitating the Navigation of the River Saint John, which stood for a second reading this day, be read a second time on Wednesday next.

A Message from the Assembly, by Mr. M'George and Mr. Stelle, with the Bill against the profanation of the Lord's day, commonly called Sunday, and for the suppression of Immorality, acquainting the Council that they had concurred in passing the same with the amendments.

A Message from the Assembly, by Mr. Clinch and Mr. Robert Pagan, with the Bill for prevention of fraud and perjuries, acquainting the Council that they had passed the same.

A Message from the Assembly, by Mr. Robert Pagan and Mr. Billop, with the Bill to enable Justices of the Peace to receive Grants of Lands for public uses in their respective Counties, informing the Council that they had passed the same with amendments ; which being read with the amendments,

RESOLVED, That the same, so amended, do pass.

*Adjourned till Monday next.*

*COUNCIL CHAMBER, Monday, 13th February, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Justice Allen.*

*Mr. Ludlow,  
Mr. Hazen,  
Mr. Bliss.  
Mr. Odell.*

Read a third time, the Bill to regulate the sale of Goods sold at Public Auction or Outcry.

RESOLVED, That the same do pass, and that Mr. Ludlow acquaint the Assembly that the Council have passed the same.

Read a Bill, brought from the Assembly, by Mr. Hubbard and Mr. M'George, to lay a tax on Dogs,

ORDERED, to be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Paine and Mr. Dixon, for regulating the exportation of Fish and Lumber.

And a Bill to prevent Frauds in the sale of damaged Goods imported into this Province.

ORDERED, that the same be read a second time to-morrow.

Read a third time, the Bill for enabling the Justices of the Supreme Court to try all causes at Nisi Prius, and authorizing Attornies of the Supreme Court to practise in the Inferior Courts of Common Pleas within the Province.

RESOLVED,

RESOLVED, That the same do pass ; and that Mr. Ludlow acquaint the Assembly that the Council have passed the same.

Read a Bill, from the Assembly, by Mr. Foster and Mr. Vanderberg, for relief against Absconding Debtors.

ORDERED, To be read a second time to-morrow.

Read a third time, and amended, the Marriage and Divorce Bill.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Odell carry the same, together with the amendments, to the Assembly, for their concurrence.

A Message from the House, by Mr. Stelle and Mr. Hubbard, with the Bill relating to Wills, Legacies, &c. informing the Council that they had passed the same with amendments.

RESOLVED, That the Council concur in the said amendments,

ORDERED, That the Bill so amended be engrossed.

Read a Bill, from the Assembly, by Mr. Stelle and Mr. Hubbard, to oblige proprietors to pay a proportion of any public charge.

ORDERED, To be read a second time on Wednesday.

*Adjourned tili To-morrow.*

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COUNCIL CHAMBER, *Tuesday, 14th February, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Justice Allen,*

*Mr. Ludlow,  
Mr. Bliss,  
Mr. Odell.*

Read a second time, the Bill for relief against absconding Debtors.

ORDERED, That the same be read a third time to-morrow.

Read

Read a second time, the Bill to lay a tax on Dogs.  
And, the Bill for regulating the exportation of Fish and Lumber.

ORDERED, That they be read a third time to-morrow.

Read a second time, the Bill to prevent frauds in the sale of damaged Goods.

ORDERED, That the same be read a third time on Friday next.

A Message from the Assembly, by Mr. William Pagan and Mr. McGeorge, with a Bill for the regulation of Seamen.

And, a Bill for laying out and clearing a road to Westmoreland.

Read a third time, and amended, the Bill for the public Registering of Deeds, Conveyances, &c.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Justice Allen carry the same to the Assembly for their concurrence.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, Wednesday, 15th February, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Justice Allen,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read a second time, the Bill for facilitating the Navigation of the River St. John,  
And, the Bill to oblige absent proprietors to pay a proportion of any public charge.

ORDERED, to be read a third time on Monday next.

Read a third time, the Bill for regulating the Exportation of Fish and Lumber.

The Bill to lay a tax on Dogs.

And, the Bill for relief against absconding Debtors.

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ORDERED,

ORDERED, that Mr. Bliss acquaint the Assembly that the Council have concurred with them in passing the three Bills above-mentioned.

Read a first time, the Bill for the Regulation of Seamen.

ORDERED, to be read a second time on Saturday next.

Read a first time, a Bill for laying out and clearing a road to Westmoreland.

ORDERED, to be read a second time to-morrow.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, Thursday, 16th February, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Justice Allen,*

*Mr. Ludlow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read A Bill, from the Assembly, by Mr. Billop and Mr. Clinch for regulating Servants: And,

A Bill for limiting the value of actions to be brought in the Inferior Court of Common Pleas in this Province and for restraining the removal of actions.

ORDERED, to be read a second time to-morrow.

Read a Bill, brought in from the Standing Committee, to prevent frivolous and vexatious arrests.

ORDERED, to be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Vanderberg and Mr. Dixon, to prevent waste of timber.

RESOLVED, That the further consideration of this Bill be deferred to a future day.

Read a Bill, from the Assembly, by Mr. Vanderberg and Mr. Dixon, for securing the navigation of the River Magaguadavic.

ORDERED, To be read a second time to-morrow.

Read a Bill, brought in from the Standing Committee by Mr. Justice Allen, subject-  
ing



ing Real Estates in the Province of New-Brunswick to the payment of Debts, and directing the Sheriff in his proceedings thereon.

ORDERED, to be read a second time to-morrow.

Read a second time, the Bill for laying out and clearing a Road to Westmoreland.

ORDERED, to be read a third time on Monday next.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, Friday, 17th February, 1786.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,*

*Mr. Justice Allen,  
Mr. Ludlow,  
Mr. Hazen,*

Read a second time, the Bill to prevent frivolous and vexatious Arrests.

The Bill for regulating Servants.

The Bill for limiting the value of actions in the inferior Courts.

The Bill subjecting Real Estate to the Payment of Debts.

And, the Bill for securing the navigation of the River Magaguadavic.

ORDERED, That the Five Bills above-mentioned be read a third time to-morrow.

Read a third time, the Bill to prevent frauds in the sale of damaged Goods imported into this Province.

ORDERED, That the same do stand for further consideration.

Read a Bill, brought in from the Standing Committee, for giving the like remedy upon Promissory Notes as on Inland Bills of Exchange.

ORDERED, To be read a second time to-morrow.

Read a Bill, brought in from the Standing Committee, by Mr. Justice Allen, to prevent unnecessary expense in actions on the case, on judgment by default.

ORDERED, To be read a second time to-morrow.

Read a Bill, brought in from the Assembly by Mr. Hubbard and Mr. Vanderberg, to regulate the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings.

ORDERED, To be read a second time to-morrow.

*Adjourned till To-morrow.*

**COUNCIL**

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*COUNCIL CHAMBER, Saturday, 18th February, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Justice Allen,*

*Mr. Ludlow,  
Mr. Bliss,  
Mr. Hazen,*

Read a second time, the Bill for the regulation of Seamen.

ORDERED, To be read a third time on Friday next.

Read a third time, the Bill to prevent frivolous and vexatious arrests.

And, the Bill subjecting Real Estates in the Province of New-Brunswick, to the payment of debts, and directing the Sheriff in his proceedings thereon.

RESOLVED, That the same do pass.

ORDERED, That Mr. Hazen carry them to the Assembly, for their concurrence.

Read a third time the Bill for regulating Servants.

ORDERED, That the same do pass.

Read a third time, the Bill for limiting the value of actions to be brought in the Inferior Court of Common Pleas in this Province, and for restraining the removal of actions.

And, the Bill for securing the Navigation of the River Magaguadavick.

RESOLVED, That the same do pass.

ORDERED, That Mr. Justice Putnam acquaint the Assembly, that the Council have concurred with them in passing the three last mentioned Bills.

Read a second time, the Bill for giving like remedy upon Promissory Notes as upon Inland Bill of Exchange.

The Bill for regulating the Courts of Law established in the several Counties, for the trial of Causes to the value of forty shillings.

And, the Bill to prevent unnecessary expence in actions on the case, on Judgment by default.

ORDERED, That they be read a third time on Monday next.

A Bill from the Assembly, by Mr. Chipman and Mr. Dixon, for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province.

Read,

Read a Bill, from the Assembly, by Mr. Hazard and Mr. Clinch, for the registering of Letters Patent or Grants, under the Great Seal of the Province of Nova-Scotia, of Lands now situate within the limits of this Province.

ORDERED, To be read a second time on Monday next.

*Adjourned till Monday.*

**COUNCIL CHAMBER, Monday, 20th February, 1786.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,*

*Mr. Ludlow,  
Mr. Hazen,  
Mr. Odell.*

ORDERED, that the further consideration of the Bill for facilitating the navigation of the River St. John, be deferred till Wednesday next.

Read a third time and amended, the Bill to oblige absent Proprietors to pay a proportion of any public charge, and to repair Highways.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Ludlow carry the same to the Assembly for their concurrence.

ORDERED, That the further consideration of the Westmorland Road Bill be deferred till Wednesday next.

Read a third time, the Bill for giving the like remedy upon Promissory Notes as on Inland Bills of Exchange.

And, the Bill to prevent unnecessary expence in actions on the case, on judgment by default.

RESOLVED, That they do pass.

ORDERED, That Mr. Hazen carry them to the Assembly for their concurrence.

Read a third time, the Bill for regulating the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings.

RESOLVED, that the same do pass.

ORDERED, That Mr. Odell acquaint the Assembly of the same. Read

Read a second time, the Bill for registering Letters Patent under the Seal of Nova-Scotia, in this Province.

ORDERED, to be read a third time to-morrow.

Read a first time, the Bill for regulating Elections of Representatives in General Assembly.

ORDERED, to be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Coffin and Mr. Hubbard, for the speedy punishment and release of such persons as shall commit criminal offences under the degree of Grand Larceny.

RESOLVED, That the consideration of this Bill be referred to a future day.

Resumed, the consideration of the Bill to prevent frauds in the sale of damaged goods imported into this Province ; which being read and amended,

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Willard carry the same to the Assembly for their concurrence.

Read a Bill, brought in from the Standing Committee by Mr. Odell, for preserving the Church of England as by law established.

ORDERED, To be read a second time to-morrow.

*Adjourned till To-morrow.*

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COUNCIL CHAMBER, Tuesday, 21st February, 1786.

PRESENT.

*The Hon. The Chief Justice,*

*Mr. Willard,*

*Mr. Ludlow,*

*Mr. Hazen,*

*Mr. Odell.*

Read a third time, the Bill for the registering of Letters Patent, and Grants made under the Great Seal of the Province of Nova-Scotia, of Lands now situate within the limits of this Province.

RESOLVED, That the same do pass,

ORDERED,

ORDERED, That Mr. Odell acquaint the Assembly of the same.

Read a second time, the Bill for regulating Elections, &c.

ORDERED, To be read a third time to-morrow.

A Message from the Assembly, by the Solicitor General and Mr. Yeomans, acquainting the Council, that they concur in the amendments in the Bill to oblige absent proprietors to pay a proportion of any public charge, &c.

Read a Bill, from the Assembly, by the Solicitor General and Mr. Yeomans, for laying out, repairing and amending, Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways, within the several Towns and Parishes in this Province.

ORDERED, To be read a second time to-morrow.

A Message from the Assembly, by Mr. Robert Pagan and Mr. Stelle, acquainting the Council, that they concur in the amendments in the Bill for registering Deeds, &c.

Read a Bill from the Assembly, by Mr. Robert Pagan and Mr. Stelle, for regulating Pilots.

ORDERED, To be read a second time to-morrow.

Read a second time, the Bill for preserving the Church of England as by Law established.

ORDERED, To be read a third time to-morrow.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, Wednesday, 22d February, 1786.**

PRESENT.

*The Hon. The Chief Justice,*  
*Mr. Willard,*  
*Mr. Ludlow,*  
*Mr. Hazen,*  
*Mr. Odell.*

Read a second time, the Bill for the Speedy punishment and release of such persons as shall commit criminal offences under the degree of Grand Larceny.

ORDERED, To be read a third time to-morrow.

A Message from the Assembly, by Mr. Atwood and Mr. Vanderberg, acquainting the Council that they had concurred with them in passing the Bill to prevent frauds in the sale of damaged goods imported into this Province, with the amendments.

Read a Bill, from the Assembly, by Mr. Atwood and Mr. Vanderberg, to empower the foremen of Grand Juries to administer the usual oaths to such witnesses as are to be examined before them.

ORDERED, To be read a second time to-morrow.

Read a third time, the Bill for preserving the Church of England as by law established in this Province, and for securing liberty of conscience in matters of Religion.

RESOLVED, That the same do pass.

Read a third time, the Bill for regulating Elections.

RESOLVED, That the same do pass, with a suspending clause.

ORDERED, That Mr. Odell carry them to the Assembly for their concurrence.

Read a second time, the Bill for regulating Pilots.

Also, the Provincial Road Bill.

ORDERED, That they be read a third time to-morrow.

Read a third time and amended, the Bill for facilitating the navigation of the River Saint John.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Ludlow carry the same to the Assembly, for their concurrence.

Referred, the consideration of the Westmorland Road Bill.

*Adjourned till To-morrow.*

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**COUNCIL CHAMBER, Thursday, 23<sup>d</sup> February, 1786.**

PRESENT.

*The Hon. The Chief Justice,*

*Mr. Willard,*

*Mr. Ludlow,*

*Mr. Hazen,*

*Mr. Odell,*

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A Message from the Assembly, by Mr. Atwood and Dixon, informing the Council, that they concur in the addition of a suspending clause to the Election Bill.

Read a third time, the Bill for the speedy punishment and release of such persons as shall commit Criminal Offences under the degree of Grand Larceny.

Read a third time, the Bill for regulating Pilots.

RESOLVED, That the same do pass.

ORDERED, That Mr. Willard acquaint the Assembly of the same.

Read a third time, and amended, the Provincial Road Bill.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Hazen carry it to the Assembly for their concurrence.

Read a second time, the Bill to empower Foremen of the Grand Juries to administer the usual Oaths, &c.

ORDERED, to be read a third time to-morrow.

Read a first time, A Bill, brought in from the Standing Committee, by the Chief Justice, against tumults and disorders upon pretence of preparing or presenting public petitions or addresses to the Governor or General Assembly.

ORDERED, To be read a second time to-morrow.

*Adjourned till To-morrow.*

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COUNCIL CHAMBER, Friday, 24th February, 1786.

PRESENT.

*The Hon. The Chief Justice,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

Read a second time, the Bill against tumults and disorders, upon pretence of preparing or presenting public Petitions or Addresses to the Governor or General Assembly.

ORDERED, To be read a third time to-morrow.

Resolved,

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Read a third time, the Bill to empower the Foremen of the Grand Juries to administer the usual oaths to such Witnesses as are to be examined before them.

RESOLVED, That the same do pass.

ORDERED, That Mr. Hazen acquaint the Assembly of the same.

Read a third time, and amended, the Bill for the regulation of Seamen.

ORDERED, That the same so amended, do pass.

ORDERED, That Mr. Hazen carry the same to the Assembly for their concurrence.

A Message from the Assembly, by Mr. William Pagan and Mr. Hubbard, acquainting the Council that they concur with them in the amendments in the Bill for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners of Highways within the several Towns or Parishes within this Province.

A Message from the Assembly, by Mr. McGeorge and Mr. Yeomans, acquainting the Council that they concur with them in the amendments in the Bill for facilitating the Navigation of the River Saint John and other Rivers in this Province.

*Adjourned till To-morrow.*

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**COUNCIL CHAMBER, Saturday, 25th February, 1786.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

A Message from the Assembly, by Mr. Hazard and Mr. Atwood, acquainting the Council that they concur with them in passing the two following Bills:—

A Bill to prevent unnecessary expence in actions on the case on judgment by default: And,

A Bill for giving the like remedy upon Promissory Notes as on Inland Bills of Exchange.

Read a third time, the Bill against tumults and disorders upon pretence of preparing or presenting public petitions or other addresses to the Governor or General Assembly.

RESOLVED,



RESOLVED, That the same do pass.

ORDERED, That Mr. Odell carry it to the Assembly for their concurrence.

A Message from the Assembly, by Mr. Billop and Mr. Hubbard, with the Bill to prevent frivolous and vexatious arrests : Also,

The Bill subjecting Real Estates in the Province of New-Brunswick to the payment of debts, and directing the Sheriff in his proceedings thereon, acquainting the Council that they had passed the same with amendments.

RESOLVED, That the Council concur in the Amendments.

ORDERED, That Mr. Willard signify the same to the Assembly.

*Adjourned till Tuesday next.*

*COUNCIL CHAMBER, Tuesday, 28th February, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,*

*Mr. Ludlow,  
Mr. Hazen,  
Mr. Odell.*

A Message from the Assembly, by Mr. Payne and Mr. M'George, acquainting the Council that they concur with them in passing the Bill, with amendments, for the regulation of seamen.

Read A Bill, from the Assembly, by Mr. Coffin and Mr. M'George, to prevent the burning woods, by carelessly or wantonly firing the same.

ORDERED, To be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Dixon and Mr. Hubbard, for preventing idleness and disorders, and for punishing rogues, vagabonds and other idle and disorderly persons.

ORDERED, To be read a second time to-morrow.

*Adjourned till To-morrow.*

**COUNCIL**

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*COUNCIL CHAMBER, Wednesday, 1st March, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,*

*Mr. Ludlow,  
Mr. Hazen,  
Mr. Odell.*

Read a Bill, from the Assembly, by the Solicitor General and Mr. Hubbard, for the better ascertaining and confirming the boundaries of the several Counties within the Province, and for subdividing them into Towns or Parishes.

ORDERED, To be read a second time to-morrow.

Read a second time, the Bill for preventing idleness and disorders, and for punishing rogues, vagabonds, and other idle and disorderly persons.

ORDERED, To be read a third time to-morrow.

A Message from the Assembly, by Mr. Clinch and Mr. Dixon, with the Bill for preserving the Church of England as by Law established in this Province, and for securing liberty of conscience in matters of religion, informing the Council that they had passed the same with amendments.

RESOLVED, That the Council concur in the amendments.

ORDERED, That Mr. Odell signify the same to the Assembly.

Read a second time, the Bill to prevent the burning woods by carelessly or wantonly firing the same.

ORDERED, to be read a third time to-morrow.

Read a Bill, from the Standing Committee, by the Chief Justice, for establishing a tender in all payments to be made in this Province.

ORDERED, To be read a second time to-morrow.

*Adjourned till To-morrow.*

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*COUNCIL CHAMBER, Thursday, 2d March, 1786.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,*

*Mr. Hazen,  
Mr. Odell.*

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A Message from the Assembly, by Mr. Billop and Mr. Clinch, acquainting the Council that they concurred with them in passing the Bill against Tumults and Disorders, upon pretence of preparing or presenting Public Petitions or other Addresses to the Governor or General Assembly.

Read a second time, the Bill for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

ORDERED, That this Bill be read a third time on Monday next.

Read a second time, the Bill for establishing a Tender in all payments to be made in this Province.

ORDERED, To be read a third time to-morrow.

Read a third time, the Bill for preventing idleness and disorders, and for punishing Rogues, Vagabonds and other idle and disorderly Persons.

RESOLVED, That the same do pass.

Read a third time, the Bill to prevent the burning Woods by carelessly or wantonly firing the same.

RESOLVED, That the same do pass.

ORDERED, That Mr. Hazen acquaint the Assembly, that the Council concur with them in passing these two Bills.

Read a Bill, from the Assembly, by Mr. Coffin and Mr. Yeomans, to prevent nuisances by hedges, wiers, seines and other incumbrances obstructing the passage of fish in the Rivers, Coves and Creeks of this Province.

ORDERED, That this Bill be read a second time to-morrow.

*Adjourned to receive His Excellency.*

The Council being resumed, the Chief Justice reports that His Excellency has given his assent to the following Bills, viz :

An Act for confirming unto the City of Saint John, its rights and privileges.

An Act to empower the Foremen of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them.

An Act against the profanation of the Lords Day, commonly called Sunday, and for the suppression of immorality.

An

An Act for preventing the multiplicity of Law Suits.

An Act for the trial and punishment of Criminals, who shall steal Bills of Exchange, Bonds, Warrants, Bills or Promissory Notes.

An Act for permitting persons of the profession of the people called Quakers, to make an affirmation instead of an Oath.

An Act to prevent the malicious killing or maiming of Cattle.

An Act for giving the like remedy upon Promissory Notes, as on Inland Bills of Exchange.

An Act for the regulating of Weights and Measures.

An Act for the conviction and punishment of Criminals, who shall refuse to plead when arraigned, and for the trial of those who shall peremptorily challenge more than twenty.

An Act for ascertaining damages on protested Bills of Exchange.

An Act to enable Creditors more easily to recover their debts from Joint Partners.

An Act to prevent unnecessary expence in actions on the case on Judgment by default.

An Act for securing the navigation of the River Maguagadavick.

An Act for enabling the Justices of the Supreme Court, to try all causes at *Nisi Prius*, and authorising Attornies of the Supreme Court, to practise in the Inferior Courts of Common Pleas within this Province.

An Act to oblige absent proprietors to pay a proportion of any Public Charge, and to repair Highways.

An Act for limiting the value of actions to be brought in the Inferior Court of Common Pleas in this Province, and for restraining the removal of actions.

An Act against tumults and disorders, upon pretence of preparing or presenting Public Petitions, or other Addresses to the Governor or General Assembly.

An Act to enable the Justices of the Peace of the several Counties in this Province, for the time being, to receive for public uses, grants of Lands, lying in their respective Counties, and to regulate the Commons belonging to the several Townships or Parishes within the same.

An Act to prevent frauds in the sale of damaged Goods imported into this Province.

An Act for the preservation of Moose.

An Act to regulate the sale of Goods sold at Public Auction or Out-cry.

An Act for regulating Servants.

An

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An Act for the registering of Letters Patent and Grants made under the Great Seal of the Province of Nova-Scotia, of Lands now situate within the limits of this Province.

An Act to prevent frivolous and vexatious arrests.

An Act for regulating and facilitating the navigation of the River Saint John and other Rivers within this Province.

An Act to lay a Tax on Dogs.

An Act for the speedy punishment and release of such persons who shall commit criminal offences under the degree of Grand Larceny.

An Act for the regulation of Seamen.

An Act subjecting Real Estates in the Province of New-Brunswick to the payment of debts, and directing the Sheriff in his proceedings thereon.

An Act for admitting depositions de bene esse, of witnesses aged, infirm and otherwise unable to travel, and of witnesses departing from the Province.

An Act for regulating the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings.

An Act for establishing the Rate of Interest.

An Act for regulating Pilots.

An Act to prevent Gaming.

An Act for the public registering of all deeds, conveyances and wills or other incumbrances which shall be made of, or that may affect any lands, tenements or hereditaments within this Province.

An Act for regulating the exportation of Fish and Lumber and for ascertaining the quality of the same.

An Act for appointing Commissioners of Sewers.

An Act for regulating Juries and declaring the qualifications of Jurors.

An Act for prevention of Frauds and Perjuries.

An Act relating to Wills, Legacies, Executors and Administrators and for the settlement and distribution of the Estates of Intestates.

An Act for regulating Elections of Representatives in General Assembly and for limiting the duration of Assemblies in this Province. With a suspending clause.

An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province.

Read

Read a Bill from the Assembly, by Mr. Hazard and Mr. Clinch, for reviving and continuing certain actions in the Inferior Court of Common Pleas for the County of Sunbury, which before had become discontinued and for directing a mode of further proceeding in these actions.

RESOLVED, That the further consideration of this Bill be referred to a future day.

Also, a Bill for effectually raising a Revenue in this Province.

ORDERED, To be read a second time to-morrow.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, Monday, 6th March, 1786.*

PRESENT.

*The Hon. Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

Read a Bill from the Assembly, by Mr. Clinch and Mr. Hazard, for assessing, collecting and levying County Rates : Also,

A Bill for the Appointment of Town Officers in the several Counties in this Province.

ORDERED, To be read a second time to-morrow.

Read a third time, the Bill for establishing a tender in all payments to be made in this Province.

RESOLVED, That the same do pass,

ORDERED, That Mr. Ludlow carry the same to the Assembly for their concurrence.

Read a second time, the Bill for effectually raising a Revenue in this Province : Also,

The Bill to prevent nuisances, by hedges, weirs, seines and other incumbrances, obstructing the passage of fish in the Rivers, Coves and Creeks of this Province.

ORDERED, To be read a third time to-morrow.

Read

Read a Bill, from the Assembly, by the Solicitor General and Mr. Davidson, for regulating Innholders and Tavern Keepers : Also,

A Bill to enable the Corporation of the City of St. John, to lay a duty of anchorage upon all vessels not owned in this Province, for the purpose of placing buoys, at proper distances in the Harbour of St. John, and at the entrance thereof.

ORDERED, to be read a second time to-morrow.

Read a Bill from the Assembly, by Mr. William Pagan and Mr. Dixon, to enable the Treasurers in the respective Counties in this Province, to recover from such person or persons as have heretofore received any monies, or are otherwise indebted for mill privileges, public lots, &c.

ORDERED, To be read a second time to-morrow.

Read a Bill from the Assembly, by Mr. Paine and Mr. Coffin, for preventing Trespasses.

ORDERED, to be read a second time to-morrow.

Read a third time, and amended, the Bill for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

RESOLVED, That the same so amended, do pass.

ORDERED, That Mr. Willard carry the same to the Assembly for their concurrence.

A Message from the Assembly, by Mr. M'George and Mr. Clinch, acquainting the Council that they concur in the amendments in a Bill for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

*Adjourned till To-morrow.*

COUNCIL CHAMBER, Tuesday, 7th March, 1786.

PRESENT.

The Hon. Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,

Mr. Hazen,  
Mr. Odell,  
Read,

Read a second time, the Bill for regulating Innholders and Tavern-Keepers.

ORDERED, To be read a third time to-morrow.

Read a third time, the Bill for effectually raising a Revenue in this Province.

RESOLVED, That the same do pass.

ORDERED, That Mr. Ludlow acquaint the Assembly of the same.

Read a third time, and amended, the Bill to prevent nuisances by hedges, weirs, seines or other incumbrances, obstructing the passage of fish, in the rivers, coves and creeks of this Province.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Ludlow carry the same to the Assembly for their concurrence.

Read a second time, the Bill for appointing Town Officers.

Read a second time, the Bill to enable the Corporation of the City of Saint John to lay a duty of anchorage, &c.

Read a second time, the Bill to enable the County Treasurers to recover monies due for mill privileges, &c.

Read a second time, the Bill for preventing Trespasses.

Read a second time, the Bill for levying County Rates.

ORDERED, That these five Bills be read a third time to-morrow.

A Message from the Assembly, by Mr. M'George and Mr. Clinch, acquainting the Council that they concur with them in the amendments of the Bill to prevent nuisances, by hedges, weirs, seines and other incumbrances, obstructing the passage of fish in the rivers, coves and creeks of this Province.

Read a Bill, from the Assembly, by Mr. Clinch and Mr. McGeorge, for establishing the rates to be taken for wharfage and cranage of Vessels, within the limits of this Province.

ORDERED, To be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Clinch and Mr. McGeorge, against forestalling and regrating.

Read a Bill, from the Assembly, by Mr. Hazard, to regulate and provide for the support of the poor in this Province.

ORDERED, To be read a second time to-morrow.

Read,



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Read a Bill, from the Assembly, by the Solicitor General and Mr. Coffin, to enable the Corporation of the City of St. John, to raise a sum of money not exceeding three hundred pounds in the whole, nor more than one hundred pounds in any one year, to pay off their debts already incurred and to defray the necessary contingent expenses arising within the said city : And also,

A Bill for the better extinguishing Fires that may happen within the City of St. John.

ORDERED, That they be read a second time to-morrow.

*Adjourned till To-morrow.*

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*COUNCIL CHAMBER, Wednesday, 8th March, 1786.*

PRESENT.

*The Hon. Mr. Justice, Putnam  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

Read a third time, and amended, the Bill for regulating Innholders, Tavern-keepers and Retailers of Spirituous Liquors.

Read a third time, and amended, the Bill for the appointment of Town Officers in the several Counties in this Province.

Read a third time, and amended, the Bill to enable the Corporation of the City of Saint John, to lay a duty of anchorage upon all vessels not owned in this Province for the purpose of placing Buoys at proper distances in the harbour of Saint John, and at the entrance thereof.

RESOLVED, That these three Bills, so amended, do pass.

ORDERED, That Mr. Hazen carry them to the Assembly for their concurrence.

Read a third time, the Bill to enable the Treasurers in the respective Counties in this Province to recover from such person or persons as have heretofore received any monies, or are otherwise indebted for mill privileges, public Lots, &c.

Read a third time, the Bill for preventing Trespasses.

Read a third time, the Bill for assessing, collecting and levying County Rates.

RESOLVED, That the three Bills last mentioned do pass.

ORDERED, That Mr. Hazen acquaint the Assembly of the same.

Read

Read a second time, the Bill against Forestallers and Reqraters :

The Bill to regulate and provide for the support of the poor in this Province :

The Bill to enable the Corporation of the City of Saint John, to raise a sum of money, &c. : And,

The Bill to establish the rates of Wharfage and Cranage.

ORDERED, That they be read a third time to-morrow.

Read a second time, the Bill for the better extinguishing Fires that may happen within the City of Saint John.

ORDERED. To be read a third time to-morrow.

A Message from the Assembly, by Mr. Coffin and Mr. Foster, acquainting the Council that they concur in the amendments in the two following Bills :—

The Bill for the appointment of Town or Parish Officers in the several Counties in this Province : And,

The Bill regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors.

A Message from the Assembly, by Mr. Paine and Mr. William Pagan, acquainting the Council that they had passed with amendments the Bill for establishing a tender in all payments to be made in this Province.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Willard signify the same to the Assembly.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, Thursday, 9th March, 1786.*

PRESENT.

*The Hon. Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

Read a third time, the Bill against Forestallers and Reqraters :

The Bill to enable the Corporation of the City of St. John, to raise a sum of money not exceeding three hundred pounds in the whole, nor more than one hundred pounds in any one year, to pay off their debts already incurred, and to defray the necessary contingent expenses arising within the same : The

The Bill to regulate and provide for the support of the poor in this Province : And,  
The Bill establishing the rates to be taken for wharfage and cranage of ships and  
other vessels within the limits of this Province.

RESOLVED, That the above four Bills do pass.

ORDERED, That Mr. Willard acquaint the Assembly of the same.

Read a third time, and amended, the bill for the better extinguishing fires that may  
happen within the City of St. John.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Willard carry the same to the Assembly for their concurrence.

A Message from the Assembly, by Mr. M'George and Mr. William Pagan, ac-  
quainting the Council that they concur with them in the amendments in the Bill for  
the better extinguishing Fires that may happen within the City of St. John.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, 10 h : A. M. Tuesday, 14th March, 1786.**

PRESENT.

*The Hon. Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

A Message from the Assembly, by Mr. Paine and Mr. M'George, with a Bill to  
rectify the mistakes in a Bill intituled "an Act for raising a Revenue in this Province."  
Which being read,

ORDERED, That the same be read this day at three o'clock, P. M.

*Adjourned.*

**COUNCIL CHAMBER, 3 h : P. M.**

Read a second time, the Bill to rectify the mistakes in a Bill, intituled, "an Act for  
raising

raising a Revenue in this Province.”

ORDERED, That the same be read a third time to-morrow.

*Adjourned till To-morrow.*

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**COUNCIL CHAMBER, Wednesday, 15th March, 1786.**

PRESENT.

*The Hon. Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Hazen,  
Mr. Odell.*

Read a third time, the Bill to rectify the Mistakes in a Bill, intituled, “an Act for raising a Revenue in this Province.”

RESOLVED, That the same do pass.

ORDERED, That Mr. Hazen acquaint the House of Assembly of the same.

*Adjourned to receive His Excellency.*

The Council being resumed, Mr. Justice Putnam reported that His Excellency had given his assent to the following Bills, viz :—

An Act for preventing idleness and disorders, and for punishing Rogues, Vagabonds and other idle and disorderly persons.

An Act for the appointment of Town or Parish Officers in the several Counties in this Province.

An Act to prevent nuisances by hedges, weirs, seines and other incumbrances, obstructing the passage of fish in the rivers, coves, and creeks of this Province.

An Act for regulating Inn-holders, Tavern-keepers and Retailers of Spirituous Liquors.

An Act for preventing Trespasses.

An Act against Forestallers and Reqraters.

An Act to enable the Corporation of City of Saint John, to raise a sum of Money, not exceeding

- exceeding three hundred pounds in the whole, nor more than one hundred pounds in any one year, to pay off their debts already incurred, and to defray the necessary contingent expences arising within the said City.
- An Act to regulate and provide for the support of the poor in this Province.
- An Act for relief against absconding Debtors.
- An Act for the better extinguishing Fires that may happen within the City of Saint John.
- An Act for establishing a Tender in all payment to be made in this Province.
- An Act to prevent the burning Woods by carelessly or wantonly firing the same.
- An Act to enable the Treasurers of the respective Counties in this Province to recover from such person or persons as have heretofore received any monies, or are otherwise indebted for the sale of mill privileges and public lots.
- An Act establishing the rates to be taken for wharfage and crantage of Ships and other vessels within the limits of this Province.
- An Act for preserving the Church of England as by Law established in this Province, and for securing liberty of conscience in matters of religion.
- An Act for assessing, collecting and levying County rates.
- An Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.
- An Act for raising a Revenue in this Province.
- An Act to rectify the mistakes in a Bill, intituled, " An Act for raising a Revenue in this Province."

After which His Excellency closed the Session by a Speech to the Council and Assembly; and then, the Secretary announced His Excellency's pleasure that the Assembly be prorogued to the second Tuesday in June next.

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

**BY** your unremitted application to the public business, you have enabled me to dispense with your further attendance at this time in General Assembly.

The Acts of this your first session will prove a lasting monument of your zeal and attention in the discharge of your important trust, and of your knowledge of the regulations best calculated for promoting the further settlement, and securing the permanent welfare of the Province.

With a system of laws derived from the Parent State, and adapted to their situation,

tion, the inhabitants will now have every incentive to such industrious exertions as cannot fail, in this fertile country, to raise them soon, by the aid of agriculture and commerce, to a condition, in all respects, flourishing and happy.

I shall therefore dismiss you, Gentlemen, with full confidence, that during the recess, your example and influence will greatly contribute to enforce the authority of the Laws amongst your neighbours, and to encourage them in those habits of temperance, peace and good order, by which alone they can expect to reap the rewards of their toil and perseverance.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

---

ANNO VICESIMO SEPTIMO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

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COUNCIL CHAMBER, SAINT JOHN, 15th February, 1787.

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

ORDERED, That Mr. Winslow and Mr. Hazen wait on the Lieutenant-Governor, and acquaint His Excellency that the Council are ready to proceed upon business.

Mr. Winslow and Mr. Hazen report that His Excellency was pleased to say, he would immediately come down to the Council Chamber and deliver a Speech to the Council and Assembly.

*The Council Adjourned to receive His Excellency's Speech.*

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The Council being resumed, the Chief Justice informed them that His Excellency had been pleased to make a Speech to the Council and Assembly, of which he had obtained a copy.

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

**T**HE arrival of Lord Dorchester, at Quebec, with His Majesty's Commissions of Commander in Chief of the British Forces in the North American Colonies, and Governor of each Province, having taken place since your recess, it is with the greatest satisfaction I inform you of arrangements which cannot fail to give every encouragement to this rising settlement. The more intimate our union becomes with our Sister Colonies, and the more closely our interests are connected, the stronger shall we eventually be to encounter any obstacles to our growth and prosperity.

As I am persuaded you will cheerfully adopt every measure which shall be found conducive to these ends, I must call your attention to the means necessary for our defence, without which we can scarcely hope for permanent security. The first step to be taken in this business is the establishment of a Provincial Militia; it being of the highest importance that the military experience of the inhabitants should not be lost amidst their present peaceful employments. We ought carefully to shun the danger of resting our fate on the quiet temper of foreign States, nor should we ever rely on any other than our own arm for immediate protection. A well regulated Militia will at all times prove our surest safeguard, and perhaps after what we have experienced, no people could be more inexcusable, should we be found in this respect unprepared for emergencies; and I am confident, from the zeal you have shown to forward the increase and welfare of the Province, you will not delay to make use of the resources within your power for fixing its stability.

The unremitting attention of Government to our interests and situation is also strongly manifested by the arrival of Commissioners amongst us to examine into the losses and services of the Loyalists. It is now in the power of the Petitioners to establish their claims without leaving the Province, and numbers to whom the national bounty could not otherwise have been extended, will, in consequence of this measure, be enabled to carry on their improvements with double ardour.

The laws passed in the course of the last session leave few other subjects for your present consideration; and it will be prudent to wait their operation, and to bring forward only such Bills as may be called for from the evident concurrence of circumstances.

The Chief Justice having read the Speech.

**ORDERED,** That Mr. Justice Allen, Mr. Bliss and Mr. Studholme, be a Committee to prepare a draft of an Address in answer to His Excellency's Speech.

**ORDERED,** That His Excellency's Speech be taken into consideration to-morrow.

*Adjourned till To-morrow.*



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**COUNCIL CHAMBER, 16th February, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice, Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

Mr. Justice Allen, from the Committee, appointed to prepare a draft of an Address in answer to His Excellency's Speech, reported the same, which he read in his place and is in the words following:—

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY MET.

SIR,

**W**E beg leave to return your Excellency our thanks for your Speech.

A grateful recollection of the services, and firm confidence in the abilities of His Excellency Lord Dorchester, whose commissions you have been pleased to announce, are sufficient reasons for us to cherish hopes the most sanguine of the consequent advantages to this Province as well as the Sister Colonies.

Their interests, we have no doubt, will, by His Lordship's wisdom and prudence, become so blended with ours, as to strengthen our union, and promote through the whole, emulation without jealousy, the basis of that industry and exertion which must be called forth, if we expect to avail ourselves of all our various resources and natural advantages.

The establishment of a Provincial Militia, recommended by your Excellency, we conceive to be absolutely necessary for the security of our present property and future acquisitions; and we should be criminally inattentive to the character of the Inhabitants of the Province, could we neglect the opportunity we now possess of forming a Militia where the experience of the veteran and the zeal of the Citizen will be so happily united; and we shall cheerfully concur in such regulations as will enable your Excellency to avail yourself of our internal strength to the most advantage whenever it may become necessary.

The arrival of His Majesty's Commissioners in this Province, for the purpose of enquiring into the losses and sufferings of the Loyalists, must excite in the breasts of the Inhabitants the highest sentiments of the benevolence and humanity of the British Nation,—will relieve many of the most distressed, and we conceive, not the least meritorious of His Majesty's Subjects, from their present difficulties,—enable them to extend their improvements, and contribute to the growth and prosperity of the Province: and we trust that the gratitude of the Colonies will be equal to the unexampl'd munificence of the parent state.

The present condition of the Province fully evinces that few Laws are necessary in addition to those already passed; and we conceive that the well being of the people will

will always be found to depend more upon a vigorous and impartial execution than on the multiplicity of Laws.

And the same being approved,

ORDERED, That Mr. Justice Allen and Mr. Odell, wait on his Excellency to know when he will be pleased to receive the same.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, 17th February, 1787.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

Mr. Justice Allen and Mr. Odell, report that His Excellency would be pleased to receive the Address of the Council this day at one o'clock.

*Adjourned to wait on His Excellency; to meet again on Monday.*

*COUNCIL CHAMBER, 19th February, 1787.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Allen,  
Mr. Winslow,  
Mr. Hazen,*

*Mr. Bliss,  
Mr. Studholme,  
Mr. Odell,*

The Chief Justice reported, that the Members had waited on His Excellency with the Address of Council; to which His Excellency was pleased to make the following answer:—

Gentlemen,

GENTLEMEN,

I Thank you for this Address. Your assurance of concurrence in providing for the permanent security of the Province are the more acceptable to me, as our mutual endeavours in the public service have heretofore been successful.

*Adjourned till Wednesday next.*

**COUNCIL CHAMBER, 21st February, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Willard,  
Mr. Ludlow,  
Mr. Justice Putnam,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read a first time, a Bill brought in by Mr. Justice Upham, for the preservation and security of the Banks of the River St. John, in the Townships of Maugerville and Sheffield, and of the Highway adjoining said Bank.

ORDERED, That the same be read a second time to-morrow.

Read a first time, a Bill, brought in by Mr. Bliss, to authorise the respective proprietors of the Islands lying in the River St. John, to make rules and regulations for their better improvement and cultivation.

ORDERED, That the same be read a second time to-morrow.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, 22d February, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

Read

Read and amended, a Bill from the Assembly, by Mr. Billop and Mr. William Pagan, for securing the purchasers of Mortgaged Estates.

ORDERED, That the same be read a second time to-morrow.

Read a second time, the Bill to authorize the respective proprietors of certain Islands in the River St. John and other Rivers in this Province to make rules and regulations for their better improvement and cultivation.

ORDERED, To be read a third time to-morrow.

Also, the Bill for the preservation and security of the Banks of the River St. John, in the Towns of Maugerville and Sheffield, and of the Highway adjoining said Bank.

ORDERED, That a copy thereof be served on the Town Clerks of Maugerville and Sheffield, with a notice, that the inhabitants may be heard by themselves or their Counsel the next Session.

*Adjourned till To-morrow.*

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COUNCIL CHAMBER, 23d February, 1787.

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Winslow,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

Read a second time, with the amendments, the Bill for securing the purchasers of mortgaged estates.

ORDERED, That the same be read a third time to-morrow.

Read a third time and amended, the Bill to authorize the respective Proprietors of certain Islands in the River St. John, and other Rivers in this Province to make rules and regulations for their better improvement and cultivation.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Bliss carry it to the Assembly for their concurrence. Read

Read a Bill, from the Assembly, by Mr. Lyman, in addition to an Act for laying out, repairing and amending Highways, &c.

ORDERED, That the same be read a second time to-morrow.

*Adjourned till To-morrow.*

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**COUNCIL CHAMBER, 24th February, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Winslow,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell,*

Read a third time, with the amendments, the Bill for securing the purchasers of mortgaged Estates.

RESOLVED, That the same, so amended, do pass.

ORDERED, That Mr. Studholme carry it to the Assembly for their concurrence.

Read a second time, the Bill in addition to an Act for laying out, repairing and amending Highways.

ORDERED, That the same be read a third time, on Monday next.

Read a Bill from the Assembly, by Mr. William Pagan and Mr. Dixon, for more effectually securing the title of purchasers of real estate, against claims for dower.

ORDERED, That the same be read a second time on Monday next.

*Adjourned till Monday.*

**COUNCIL**

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**COUNCIL CHAMBER, 26th February, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read a Bill from the Assembly, by the Attorney and Solicitor-General, in addition to an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

ORDERED, That the same be read a second time to-morrow.

Also, a Bill for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication.

ORDERED, That the same be read a second time to-morrow.

A Message from the Assembly, by Mr. William Pagan and Mr. Kinnaird, informing the Council that they had concurred in the amendments in the Bill for securing the purchasers of mortgaged estates.

Read a Bill from the Assembly, by Mr. William Pagan and Mr. Kinnaird, to prevent persons being landed in the Province, who are likely to become a burthen on the inhabitants thereof.

ORDERED, To be read a second time to-morrow.

Read a third time, the Bill in addition to an Act for laying out, repairing and amending Highways, Roads, Streets, &c.

RESOLVED, That the same do pass.

ORDERED, That Mr. Hazen signify the same to the Assembly.

Read a second time, the Bill for the more effectually securing the title of purchasers of real estates against the claim of dower.

ORDERED, That the same be read a third time on Wednesday next.

*Adjourned till To-morrow.*

**COUNCIL**

**COUNCIL CHAMBER, 27th February, 1787,**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Justice Allen,  
Mr. Winslow,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

Read a second time, the Bill for regulating marriage and divorce : And,  
The Bill in addition to an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province.

ORDERED, That they be read a third time to-morrow.

Read a Bill, from the Assembly, by the Attorney General and Mr. Gay, for establishing a Militia in the Province of New-Brunswick, and for regulating the same.

ORDERED, That the same be read a second time to-morrow.

Read a second time, the Bill to prevent persons being landed in the Province, who are likely to become a burthen on the inhabitants thereof.

ORDERED, That the same be read a third time to-morrow.

A Message from the Assembly by the Solicitor General and Mr. Hubbard, informing the Council that they concur in passing the Bill to authorize the respective proprietors of certain Islands in the River St. John and other Rivers in this Province, to make rules and regulations for their better improvement and cultivation.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, February 28th, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Winslow,  
Mr. Hazen,*

*Mr. Bliss,  
Mr. Odell,*

Read a third time, the Bill for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication, with a restraining clause.

RESOLVED, That the same do pass.

Ordered,

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ORDERED, That Mr. Bliss carry it to the Assembly for their concurrence.

Read a third time, and amended, the Bill in addition to an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes: And also,

The Bill for more effectually securing the title of purchasers of real estates against claims for dower.

RESOLVED, That the said Bills, so amended, do pass.

ORDERED, That Mr. Odell carry them to the Assembly for their concurrence.

Read a second time, the Bill for establishing a Militia, &c.

ORDERED, That the same be read a third time to-morrow.

Read a third time, the Bill to prevent persons being landed in this Province who are likely to become a burthen on the inhabitants.

RESOLVED, That the same be referred to a future day.

Read a Bill, from the Assembly by Mr. M'George and Mr. Hubbard, in addition to an Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same.

ORDERED, That the same be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Paine and Mr. Vanderberg, for the relief of confined debtors.

ORDERED, That the same be read a second time to-morrow.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, 1st March, 1787.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Ludlow,  
Mr. Justice Allen,  
Mr. Winslow,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Studholme,  
Mr. Odell.*

Read a third time, the Bill for establishing a Militia in the Province of New-Brunswick, and for regulating the same. Resolved,



RESOLVED, That the same do pass.

ORDERED, That Mr. Winslow signify the same to the Assembly.

Read a second time, the Bill for the relief of confined Debtors.

ORDERED, To be read a third time at some future day.

Read a second time, the Bill in addition to an Act for regulating the exportation of Fish and Lumber, &c.

ORDERED, That the same be read a third time to-morrow.

A Message from the Assembly, by Mr. Lyman and Mr. Gay, informing the Council that they concur in the restraining clause to the Bill for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication : And also,

In the amendments in the Bill in addition to an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

*Adjourned till To-morrow.*

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COUNCIL CHAMBER, 2d March, 1787.

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Justice Allen,*

*Mr. Bliss,  
Mr. Odell.*

Read a third time, the Bill in addition to an Act, intituled, "an Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same."

RESOLVED, That the same do pass.

ORDERED, That Mr. Justice Putnam signify the same to the Assembly.

Read a Bill from the Assembly, by Mr. Billop and Mr. Gay, in addition to an Act, intituled, "an Act for assessing, collecting and levying County Rates."

ORDERED, That the same be read a second time to-morrow.

Read a Bill, from the Assembly, by Mr. Paine and Mr. Kinnaird, for suspending the penalties

penalties of an Act for securing the Navigation of the River Magaguadavick.

ORDERED, That the same be read a second time to-morrow.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, 3d March, 1787.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Bliss,  
Mr. Hazen,  
Mr. Odell.*

A Message from the Assembly, by Mr. McGeorge and Mr. Hubbard, requesting a conference with the Council, on the subject of an Act for the more effectually securing the title of purchasers of real estates against the claims of dower.

ORDERED, That the Chief Justice, Mr. Justice Putnam and Mr. Justice Allen, be a Committee to meet the Committee of the Assembly on the subject of their Message.

ORDERED, That Mr. Odell acquaint the Assembly of the same.

Read a second time, the Bill for suspending the penalties of an Act for securing the navigation of the River Magaguadavick.

ORDERED, That the same be read a third time on Monday next.

Read a second time, the Bill in addition to an Act, intituled "An Act for assessing, collecting and levying County Rates."

ORDERED, That the same be read a third time on Monday next.

*Adjourned till Monday next.*

COUNCIL

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**COUNCIL CHAMBER, 5th March, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

A Message from the Assembly, by Mr. Foster and Mr. Vanderberg, acquainting the Council that they concur in the amendments in the Bill for more effectually securing the title of purchasers of real estates against claims for dower.

Read a Bill from the Assembly, by Mr. Billop, to empower the Justices of the Peace in the several Counties in this Province, to grant licenses to Tavern-keepers and retailers of Spirituous Liquors : And,

A Bill from the Assembly, by Mr. Paine, for laying an impost.

ORDERED, That they be read a second time this day.

Read a second time, the Bill to empower the Justices of the Peace in the several Counties in this Province, to grant licenses to Tavern-keepers and retailers of Spirituous Liquors : And also,

The Bill for laying an Impost.

ORDERED, That they be read a third time to-morrow.

Read a third time, the Bill in addition to an Act, intituled, " An Act for assessing, collecting and levying County Rates."

RESOLVED, That the same do pass.

ORDERED, That Mr. Justice Allen signify the same to the Assembly.

Read a Memorial from Peter Clinch, Esquire.

Read a third time, the Bill for suspending the penalties of an Act for securing the navigation of the River Magaguadavick.

And the question being put whether this Bill do pass.

RESOLVED, in the negative.

*Adjourned till To-morrow.*

**COUNCIL**

**COUNCIL CHAMBER, 6th March, 1787.**

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read a third time, the Bill for laying an Impost : Also,  
The Bill to empower the Justices of the Peace in the several Counties in this Province, to grant licences to Tavern-keepers and retailers of Spirituous Liquors.

RESOLVED, That the same do pass.

ORDERED, That Mr. Justice Allen signify the same to the Assembly.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, 7th March, 1787.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Ludlow,  
Mr. Justice Allen,*

*Mr. Hazen,  
Mr. Bliss,  
Mr. Odell.*

Read a Bill, from the Assembly, by Mr. Foster and Mr. Coffin, to enable the Justices of the Peace in the several Counties in this Province, wherein no sufficient gaols are erected, to send persons charged with Grand Larceny and other offences of a higher nature, to the Gaol of the City and County of St. John.

ORDERED, To be read a second time this day.

Read a second time accordingly.

ORDERED, to be read a third time to-morrow.

Read a Bill, from the Assembly, by Mr. Chipman and Mr. Lyman, for appropriating and disposing of the public monies.

ORDERED, To be read a second time this day.

Read

Read a second time accordingly.

ORDERED, To be read a third time to-morrow.

*Adjourned till To-morrow.*

*COUNCIL CHAMBER, 8th March 1787.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. Ludlow,*

*Mr. Justice Allen,  
Mr. Hazen,  
Mr. Odell.*

Read a third time, the Bill for appropriating and disposing of the public monies: And, The Bill to enable the Justices of the Peace in the several Counties in this Province wherein no sufficient gaols are erected, to send persons charged with Grand Larceny, and other offences of a higher nature, to the gaol of the City and County of St. John.

RESOLVED, That the same Bills do pass.

ORDERED, That Mr. Ludlow signify the same to the Assembly.

*Adjourned to receive His Excellency.*

The Council being resumed, the Chief Justice reports that His Excellency had been pleased to give his assent to the following Bills :—

An Act for securing the purchasers of Mortgaged Estates.

An Act in Addition to An Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors within the several Towns or Parishes in this Province.

An Act to authorize the respective proprietors of certain islands in the River St. John and other Rivers in this Province, to make rules and regulations for their better improvement and cultivation.

An Act for regulating Marriage and Divorce and for preventing and punishing Incest, Adultery and Fornication. With a suspending clause.

An Act for establishing a Militia in the Province of New-Brunswick and for regulating the same.

An

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An Act in addition to an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.

An Act in Addition to an Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same.

An Act for more effectually securing the title of purchasers of Real Estates against Claims for Dower.

An Act in addition to An Act, intituled, " An Act for assessing, collecting and levying County Rates.

An Act for laying an Impost.

An Act to empower the Justices of the Peace in the several Counties in this Province to grant Licences to Tavern-Keepers and Retailers of Spirituous Liquors.

An Act to enable the Justices of the Peace in the several Counties in this Province, wherein no sufficient Gaols are erected, to send persons charged with grand Larceny and other offences of a higher nature to the Gaol of the City and County of St. John.

An Act for appropriating and disposing of the public monies.

After which His Excellency closed the Session by the following Speech to the Council and Assembly :—

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

**T**HE business of this Session being finished, I take the opportunity of expressing the sense I entertain of your zeal and unanimity, in laying the foundations of civil happiness and prosperity in this new country.

Public measures, adopted and pursued from genuine motives of public spirit, give us the fairest prospect of success. This, however, must in a great degree depend on a faithful and vigorous execution of the Laws ; to which I shall at all times gladly contribute by every exertion in my power, and in particular, by availing myself of the means you have put into my hands for the public safety and defence.

And then the Secretary announced His Excellency's pleasure that the Assembly be prorogued to the second Tuesday in June next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

---

ANNO VICESIMO OCTAVO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

---

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, 18th July, 1788.

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,*

*Mr. Justice Allen,  
Mr. Winslow,  
Mr. Bliss,  
Mr. Odell.*

ORDERED, that Mr. Allen and Mr. Winslow wait upon the Lieutenant Governor; and acquaint His Excellency that the Council are ready to proceed upon business.

Mr. Allen and Mr. Winslow report that His Excellency was pleased to say, he would immediately come down to the Council Chamber, and deliver a Speech to the Council and Assembly.

*Adjourned to receive His Excellency's Speech.*

The Council being resumed, the Chief Justice read a copy of His Excellency's Speech, which is as follows :—

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

**I**N calling you together for the first time after the removal of the Seat of Government to this place, I have endeavoured to consult the general convenience, and deferred a meeting of the Legislature until the state of our temporary Laws rendered it necessary, and the season of the year lessened the difficulty of your attendance on your public duty.

*Gentlemen of the Assembly,*

The Impost Law will require your attention, not only for a renewal, but for the introduction of such alterations as may be found requisite to give it greater effect. The expences attending the exploring and surveying of the road from Oromocto to Saint John have been paid, and the remainder of the monies appropriated by vote of your House, for those services has been applied to the exploring of the road from Fredericton to Saint Andrews, as will appear by the accounts of the Commissioners to be laid before you.

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

The prospect of a happy continuation of public tranquility and the flourishing state of the Province, leave me little to recommend for your consideration. Our people are industriously occupied in making permanent establishments, and the few criminal cases in so extensive a settlement are a proof not only of their improving manners, but of the success attending their honest exertions.

**ORDERED,** That Mr. Justice Putnam, Mr. Willard and Mr. G. G. Ludlow, be a Committee to prepare a draught of an Address in answer to His Excellency's Speech.

*Adjourned till Monday next.*

**COUNCIL CHAMBER, Monday, 21st July, 1788.**

**PRESENT.**

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,*

*Mr. G. G. Ludlow,  
Mr. Justice Allen,  
Mr. Odell.*

Mr.



Mr. Justice Putnam, from the Committee appointed to prepare a draught of an Address in answer to His Excellency's Speech, reported the following, which he read in his place.

TO HIS EXCELLENCY THE LIEUTENANT GOVERNOR,

*The Humble Address of His Majesty's Council, in General Assembly.*

SIR,

**WE** desire Your Excellency will accept our thanks for your Speech, and for having directed a meeting of the Legislature at this Season, when the communication with Fredericton is easy, and the Farmer enjoys a short relaxation from his labours.

We are happy in the prospect of a continuation of public tranquility ; for, with a continuance of peace, the improving manners and industrious exertions of the people, under His Majesty's Protection and Your Excellency's Administration, cannot fail to insure the flourishing condition of the Province ; and Your Excellency may rely on our hearty concurrence in any measure calculated to promote the general welfare.

And the same being approved,

**ORDERED**, That Mr. Odell wait on His Excellency to know when he will be pleased to receive the Address of the Council.

Mr. Odell reports that His Excellency will receive the Address of the Council this day at three o'clock.

*Adjourned to wait on His Excellency ; and to meet again on Wednesday next.*

*COUNCIL CAMBER, Wednesday, 23d July, 1788.*

**PRESENT.**

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,*

*Mr. Winslow,  
Mr. Bliss,  
Mr. Odell.*

The Chief Justice reports that the Members had waited on the Lieutenant Governor and delivered the Address of the Council, to which His Excellency was pleased to make the following answer :—

*Gentlemen,*

*Gentlemen,*

**I** THANK you for this Address, and I do, with much satisfaction, rely on the continuance of your zeal for the public welfare.

Message from the Assembly, by Mr. Billop and Mr. M'George, with a Bill for continuing and amending the Act for laying an Impost: Also,

A Bill in addition to an Act for relief against absconding debtors.

Which Bills being read,

ORDERED, that the same be read a second time on Friday next.

*Adjourned till Friday.*

**COUNCIL CHAMBER, Friday, 25th July, 1788.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,*

*Mr. Justice Allen,  
Mr. Winslow,  
Mr. Bliss,  
Mr. Odell.*

Read a second time, the Bill for continuing and amending the Act for laying an Impost.

ORDERED, that this Bill stand for a third reading on Monday next.

Read a second time, and amended, the Bill in addition to the Act for relief against absconding Debtors.

ORDERED, that this Bill stand for a third reading on Monday next.

Read a Bill from the Assembly, by Mr. Chipman and Mr. Stelle, for preventing damages by fire in the City of Saint John: Also,

A Bill for authorizing Justices of the Sessions to license Gates, to be erected across certain Highways therein mentioned: And

A Bill for the recovery of small debts from absentees.

ORDERED, that the Bill for preventing damages by fire in the City of Saint John, and  
the

the Bill for authorizing Justices of the Sessions to License Gates, to be erected across certain Highways therein mentioned, stand for a second reading on Monday next.

*Adjourned till Monday next.*

*COUNCIL CHAMBER, Monday 28th July, 1788,*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,*

*Mr. Justice Allen,  
Mr. Winslow,  
Mr. Odell.*

Read a third time, the Bill for continuing and amending the Act for laying an Impost.

RESOLVED, That this Bill do pass.

ORDERED, That Mr. Justice Allen signify the same to the Assembly.

Read a third time, with the amendments, the Bill in addition to the Act for relief against absconding Debtors.

RESOLVED, That this Bill, as now amended, do pass.

ORDERED, That Mr. Justice Allen carry the same to the Assembly for their concurrence.

Read a Bill, from the Assembly, by the Attorney General and Mr. Billon, in addition to an Act, intituled, "an Act for better extinguishing fires that may happen within the City of Saint John."

ORDERED, That this Bill stand for a second reading on Wednesday next.

Read a Bill, from the Assembly, by Mr. Murray and Mr. Hubbard, to provide for the support of a Light House, to be built upon Partridge Island: Also,

A Bill to continue sundry Acts of the General Assembly which are near expiring.

ORDERED, That these Bills stand for a second reading on Wednesday next.

Ordered,

ORDERED, That the Bill for the recovery of small debts from absentees; stand for a second reading this day three months.

*Adjourned till Wednesday next.*

COUNCIL CHAMBER, Wednesday, 30th July, 1788.

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,*

*Mr. Justice Allen,  
Mr. Winslow,  
Mr. Bliss,  
Mr. Odell.*

Read a Bill, from the Assembly, by Mr. Chipman, 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 : Also,

A Bill in addition to an Act, intituled, "an Act for regulating Pilots : " Also,

A Bill for the support and relief of confined debtors.

Read a Bill, from the Assembly, by Mr. Hardy and Mr. Stelle, to amend an Act, intituled, "an Act for regulating the exportation of fish and lumber, and for ascertaining the quality of the same : " Also,

A Bill for regulating the fisheries in the different rivers, coves and creeks in this Province.

Message from the Assembly, by Mr. William Pagan, informing the Council that the Assembly have concurred in the amendments of the Bill, in addition to an Act, intituled, "an Act for relief against absconding debtors."

ORDERED, That the Bill 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 : Also,

The Bill in addition to an Act, intituled, "an Act for regulating Pilots : "

The Bill for the support and relief of confined Debtors :

The Bill to amend the Act, intituled, "an Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same : " And,

The Bill for regulating the fisheries in the different rivers, coves and creeks of this Province, be read a second time this day.

*Adjourned till two o'clock this day.*

COUNCIL

**COUNCIL CHAMBER, Wednesday, 30th July, 1788—2 o'clock, P. M.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,*

*Mr. Justice Allen,  
Mr. Winslow,  
Mr. Bliss,  
Mr. Odell.*

Read a second time, the Bill 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 : Also,

The Bill in addition to an Act intituled, "An Act for regulating Pilots :"

The Bill for the support and relief of confined Debtors :

The Bill to amend the Act intituled, "An Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same : " And,

The Bill for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.

ORDERED, that the said several Bills stand for a third reading to-morrow.

Read a third time, the Bill for authorizing Justices of the Sessions to license gates to be erected across certain highways therein mentioned.

On the question whether this Bill do pass—Resolved in the negative.

Read a second time, the Bill for preventing damages by fire in the City of St. John.

On the question whether this Bill do pass—Resolved in the negative.

Read a second time, the Bill, in addition to the Act, intituled, "an Act for the better extinguishing fires that may happen within the City Saint John : " Also,

The Bill to provide for the support of a Light House to be built upon Partridge Island : And,

The Bill to continue sundry Acts of the General Assembly, which are near expiring.

ORDERED, that the said several Bills stand for a third reading to-morrow.

Read a Bill from the Assembly, by Mr. Murray, for appropriating and disposing of the public monies.

ORDERED, that this Bill stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**COUNCIL**

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**COUNCIL CHAMBER, Thursday, 31st July, 1788.**

PRESENT.

*The Hon. The Chief Justice,*  
*Mr. Justice Putnam,*  
*Mr. Willard,*  
*Mr. G. G. Ludlow,*

*Mr. Winslow,*  
*Mr. Bliss,*  
*Mr. Odell.*

Read a third time, the following Bills, viz :—

A Bill in addition to an Act, intituled, “ an Act for regulating Pilots :”

A Bill to amend an Act, intituled, “ an Act for regulating the exportation of fish and lumber, and for ascertaining the quality of the same :”

A Bill 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 :

A Bill in addition to an Act, intituled, “ an Act for the better extinguishing Fires that may happen within the City of Saint John :”

A Bill to provide for the Support of a Light House to be built upon Partridge Island : And,

A Bill to continue sundry Acts of the General Assembly, which are near expiring.

RESOLVED, that the said Bills do severally pass.

ORDERED, That Mr. Willard signify the same to the Assembly.

Read a second time, the Bill for appropriating and disposing of the public monies.

ORDERED, That the same be read a third time on this day.

Read a third time, the Bill for the support and relief of confined Debtors.

On the question whether this Bill do pass—Resolved, in the negative

*Adjourned till 2 o'clock this day.*

.....

**COUNCIL CHAMBER, 31st July, 1788—2 o'clock, P. M.**

PRESENT.

*The Hon. The Chief Justice,*  
*Mr. Justice Putnam,*  
*Mr. Willard,*  
*Mr. G. G. Ludlow,*

*Mr. Winslow,*  
*Mr. Bliss,*  
*Mr. Odell.*

Read

Read a third time, the Bill for appropriating and disposing of the public monies.

RESOLVED, That this Bill do pass.

ORDERED, That Mr. Willard signify the same to the Assembly.

Read a Petition, of Alexander Godsman and George Sutherland, praying to be heard against that part of a Bill, now depending in the Council, for regulating the fisheries in the different parts of this Province, which regulates the Salmon Fishery in Miramichi River.

Examined Witnesses respecting the subject of this petition, viz :

William Davidson, Esq.  
Alexander Godsman,  
Martin Lyons,

Alexander Taylor,  
James Henderson,  
John Murdoch.

*Adjourned till To-morrow.*

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**COUNCIL CHAMBER, Friday, 1st August 1788.**

PRESENT.

*The Hon. The Chief Justice,*  
*Mr. Justice Putnam,*  
*Mr. Willard,*  
*Mr. G. G. Ludlow,*

*Mr. Justice Allen,*  
*Mr. Winslow,*  
*Mr. Bliss,*  
*Mr. Odell.*

Read a third time, the Bill for regulating the Fisheries in the different Rivers, Coves and Creeks of this Province.

RESOLVED, that this Bill do pass.

ORDERED, That Mr. Winslow communicate the same to the Assembly.

*Adjourned till To-morrow at 11 o'clock.*

*COUNCIL CHAMBER, Saturday, 2d August, 1788,*

PRESENT.

*The Hon. Mr. Justice Putnam,  
Mr. Willard,  
Mr. G. G. Ludlow,  
Mr. Justice Allen,*

*Mr. Winslow,  
Mr. Bliss,  
Mr. Odell.*

Met, and Adjourned to receive His Excellency.

The Council being resumed, Mr. Justice Putnam reported that His Excellency had given his assent to the following Bills, viz :—

- A Bill for continuing and amending an Act, intituled, "an Act for laying an Impost."
- A Bill in addition to an Act, intituled, "an Act for relief against absconding Debtors."
- A Bill in addition to an Act, intituled, "an Act for the better extinguishing fires that may happen within the City of Saint John."
- A Bill to provide for the support of a Light House to be built upon Partridge Island.
- A Bill to continue sundry Acts of the General Assembly, which are near expiring.
- A Bill for regulating the Fisheries in the different rivers, coves and creeks of this Province.
- A Bill in addition to an Act, intituled, "an Act for regulating Pilots."
- A Bill 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.
- A Bill to amend an Act, intituled, "an Act for regulating the exportation of Fish and Lumber, and for ascertaining the quality of the same."
- A Bill for appropriating and disposing of the public monies.

And that His Excellency then closed the Session by the following Speech to the Council and Assembly :

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

**T**HE business before you being now finished, I have the satisfaction to close the present Session in full confidence of your persevering endeavours, both by a vigilant exertion of such authority as you may be invested with, and by the influence of your example, among all ranks of the people, to strengthen and confirm that spirit of industry, and those habits of temperance and good order, that are so essential to the growth and prosperity of this infant Colony.

And then the Secretary announced His Excellency's pleasure, that the Assembly be prorogued to the second Tuesday in October next.



**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**

OF THE  
**Province of New-Brunswick.**

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**ANNO VICESIMO NONO GEORGII TERTII REGIS.**

**THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.**

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**AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.**

**COUNCIL CHAMBER, Thursday, 15th October, 1789.**

**PRESENT.**

*The Hon. The Chief Justice,  
Mr. G. G. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Odell.*

**ORDERED,** That Mr. Odell wait upon the Lieutenant Governor, and acquaint His Excellency that the Council are met and ready to proceed upon business.

Mr. Odell reports, that His Excellency was pleased to say, he would come down immediately to open the Session of the General Assembly.

*Adjourned to receive His Excellency.*

The Council being resumed, the Chief Justice reports that His Excellency had made a Speech to the Council and Assembly, of which the following is a copy :—

*Gentlemen*

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

**I** HAVE deferred your meeting in General Assembly till this season of the year, supposing it might be the time when your attendance on your public duty would be least inconvenient to your private affairs ; and I have the satisfaction to inform you that by your provident attention, in former Sessions, to the various exigencies of this infant Colony, the business, I have at present to recommend to your deliberation, is reduced to little more than a renewal of the temporary laws which require to be re-enacted with such additions or amendments as may, from time to time, be found expedient.

I shall only observe that the communication with Fredericton by proper roads seems indispensable, and I would therefore recommend it for your future encouragement.

*Gentlemen,*

The re-established health of our most gracious Sovereign having been the subject of general rejoicing and thanksgiving throughout his happy dominions, I most heartily congratulate you on the preservation of a life so justly dear to the loyal American Colonies. Long may they enjoy his parental protection ! And by continuing their present successful exertions, soon make their situation in this thriving Province answer the Royal wish in their favor.

ORDERED, That Mr. Justice Upham, Mr. Winslow, and Mr. Hazen be a Committee to prepare an Answer to His Excellency's Speech.

*Adjourned till 12 o'clock, on Saturday.*

*COUNCIL CHAMBER, Saturday, 17th October, 1789.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. G. G. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Odell.*

The Committee appointed to prepare an Address in answer to His Excellency's Speech, reported the following, viz :—

TO HIS EXCELLENCY THE LIEUTENANT GOVERNOR.

*The Humble Address of His Majesty's Council, in General Assembly.*

SIR,

**W**E consider the motive which induced Your Excellency to defer meeting the General

eral Assembly until this time, as an additional proof of Your Excellency's unremitting attention, not only to our private convenience, but to the general welfare of the Province; and we are gratified that by the exertions of former Sessions the business which Your Excellency has now to recommend is reduced to little more than a renewal of the temporary Laws.

The Communication with Fredericton by proper Roads is an object of so much importance that it cannot fail to engage the further attention of the Legislature.

The joy diffused throughout the extensive dominions of Great Britain, on the recovery of the health of our most Gracious Sovereign, in which we have most cordially and affectionately participated, has in no instance been dictated by more genuine principles of loyalty than in this infant Colony; and it gives us pleasure that Your Excellency has afforded us an opportunity at this our first meeting after that great event, to join in public congratulations on the preservation of a life so justly dear and important.

We cherish the hope that his parental protection will long be continued to us, and to all his subjects, and animated thereby, we shall pursue our exertions, with renewed vigour and alacrity.

Which being approved,

ORDERED, That Mr. Winslow wait upon His Excellency to know when he will please to receive the Address of the Council.

Mr. Winslow reports that His Excellency will receive the Address of the Council this day at 2 o'clock.

*Adjourned to wait upon His Excellency; and*

*To meet again in Council at 12 o'clock on Monday next.*

**COUNCIL CHAMBER, Monday, 19th October, 1789.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. G. G. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Odell.*

The Chief Justice reports, that the Council had on Saturday, waited on the Lieutenant Governor with their Address, to which his Excellency was pleased to return the following answer:—

*Gentlemen,*

*Gentlemen,*

**I** Return you my thanks for this Address, and I take this opportunity to join my testimony with yours, respecting the genuine principles of loyalty, which distinguish this infant Colony.

Message from the Assembly, by Mr. Chipman and Mr. Lyman, with the following Bills, which, having been passed by the Assembly, are sent up for the concurrence of the Council, viz :—

A Bill for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the several Parishes in this Province.

A Bill in amendment of an Act, intituled, “an Act for assessing, collecting, and levying County Rates.”

A Bill to repeal an Act, intituled, “an Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such witnesses as are to be examined before them.”

Which Bills being read a first time.

ORDERED, That the same stand for a second reading on Wednesday next.

*Adjourned till 12 o'clock on Wednesday next.*

*COUNCIL CHAMBER, Wednesday, 21st October, 1789,*

PRESENT.

*The Hon. The Chief Justice,  
Mr. G. G. Ludlow,  
Mr. Justice Allen,*

*Mr. Justice Upham,  
Mr. Hazen,  
Mr. Odell.*

Read a second time, and amended, the Bill for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England in the several Parishes in this Province.

Read a second time, the Bill to repeal an Act, intituled, “an Act to empower the foreman of the Grand Juries to administer the usual Oaths to such witnesses as are to be examined before them.”

Read a second time, the Bill in amendment of an Act for assessing, collecting and levying County Rates. Ordered,

**ORDERED,** That the said Bills stand for a third reading to-morrow.

Message from the Assembly, by the Attorney General and Mr. Murray, with a Bill to continue and amend an Act, intituled, "an Act for regulating the Fisheries in the different rivers, coves and creeks of this Province:" And,

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.

Which Bills being each read a first time.

**ORDERED,** That they stand for a second reading to-morrow.

*Adjourned till 12 o'clock To-morrow.*

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**COUNCIL CHAMBER, Thursday, 22d October, 1789.**

PRESENT.

*The Hon. The Chief Justice,  
Mr. G. G. Ludlow,  
Mr. Justice Allen,  
Mr. Justice Upham,*

*Mr. Winslow,  
Mr. Hazen,  
Mr. Odell.*

Read a third time, the Bill for erecting a Parish in the City of St. John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England, in the several Parishes in this Province, with the amendments: And,

On the Question—Resolved, that this Bill, so amended, do pass.

**ORDERED,** that Mr. Justice Upham, inform the Assembly, that the Council have passed this Bill, thus amended, and request the concurrence of that House.

Read a second time, 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: Also,

The Bill "to continue and amend an Act, intituled, "An Act for regulating the Fisheries in the different Rivers, Coves, and Creeks of this Province."

**ORDERED,** That these Bills stand for a third reading To-morrow.

Read a third time, the Bill to repeal an Act, intituled, "An Act to empower the Foreman of the Grand Juries to administer the usual Oaths to such Witnesses as are to be examined before them:" Also, The

The Bill, in amendment of an Act, intituled "An Act for assessing, collecting and levying County Rates : " And,

On the Question—Resolved, that these Bills respectively do pass.

ORDERED, That Mr. Winslow, inform the Assembly, that the Council have concurred in passing the said Bills.

Message from the Assembly, by Mr. Billop and Mr. M'George, informing the Council, that the Assembly have concurred in the amendments of the Bill for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church Wardens and Vestries of the Church of England, in the several Parishes in this Province.

Read a first time, a Bill, sent up from the Assembly, by Mr. Billop and Mr. M'George, for laying an Impost : And,

ORDERED, That it stand for a second reading to-morrow.

*Adjourned till 12 o'clock To-morrow.*

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COUNCIL CHAMBER, Friday, 23d October, 1789.

PRESENT.

*The Hon. The Chief Justice,
Mr. G. G. Ludlow,
Mr. Justice Upham,*

*Mr. Winslow,
Mr. Hazen,
Mr. Odell.*

Read a third time, 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 : Also,

The Bill to continue and amend an Act, intituled "An Act for regulating the Fisheries in the different rivers, coves and creeks of this Province : " And,

On the question—Resolved, That the said Bills do severally pass.

ORDERED, That Mr. Ludlow inform the Assembly thereof.

Read a second time, the Bill for laying an impost.

ORDERED, That this Bill stand for a third reading to-morrow.

Message

Message from the Assembly, by Mr. Coffin and Mr. Pagan, with a Bill in addition to an Act intituled "an Act for regulating the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings." Also,

A Bill for reviving and continuing and amending sundry laws that have expired, and are near expiring: And,

A Bill relating to the punishment of persons convicted of felony within the benefit of clergy.

Which Bills being read a first time.

ORDERED, That they stand for a second reading to-morrow.

Adjourned till 12 o'clock To-morrow.

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COUNCIL CHAMBER, Saturday, 24th October, 1789.

PRESENT.

*The Hon. The Chief Justice,
Mr. G. G. Ludlow,
Mr. Justice Allen,
Mr. Justice Upham,*

*Mr. Hazen,
Mr. Bliss,
Mr. Odell.*

Read a Bill, sent up from the Assembly, by Mr. Lyman and Mr. Hardy, for appropriating and disposing of the public monies.

Read the same Bill a second time; and the same being read a third time,

RESOLVED, That this Bill do pass.

Read a third time, the Bill for laying an impost; and,

RESOLVED, That the same do pass.

Read a second time, the Bill for reviving and continuing and amending sundry laws that have expired and are near expiring:—And the same being read a third time,

RESOLVED, That this Bill do pass.

Read a second time, the Bill relating to the punishment of persons convicted of felony within the benefit of Clergy:—And the same being read a third time,

RESOLVED, That this Bill do pass.

ORDERED, That Mr. Bliss inform the Assembly that the Council have concurred in passing the above recited Bills.

Read a second time, the Bill in addition to an Act, intituled, "an Act for regulating the Courts of Law established in the several Counties for the trial of causes to the value of forty shillings."

ORDERED, That this Bill stand for a third reading this day three months.

Adjourned to receive His Excellency.

The Council being resumed, the Chief Justice reports that His Excellency had given his assent to the following Bills, viz :—

A Bill for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church-Wardens and Vestries of the Church of England, in the several Parishes in this Province.

A Bill to repeal an Act, intituled, "An Act to empower the Foreman of the Grand Juries to administer the usual oaths to such witnesses as are to be examined before them."

A Bill in amendment of an Act, intituled, "An Act for assessing, collecting and levying County Rates."

A Bill to authorize the erection of fences and gates across certain roads in the several Counties in this Province where the same shall be found necessary.

A Bill to continue and amend an Act, intituled "An Act for regulating the Fisheries in the different rivers, coves and creeks of this Province."

A Bill for laying an Impost.

A Bill relating to the punishment of persons convicted of Felony within the benefit of Clergy.

A Bill for reviving and continuing and amending sundry Laws that have expired, and are near expiring.

A Bill for appropriating and disposing of the Public Monies.

After which his Excellency closed the Session by the following Speech, to the Council and Assembly.

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

THE business of this Session being finished, I have the satisfaction to dismiss you, with those sentiments of esteem and regard, which are due to your zeal and perseverance in pursuing measures calculated to promote and secure the public welfare; and I with pleasure anticipate that complete success, which will be a lasting proof of the wisdom and rectitude of your conduct.

And then the Secretary announced His Excellency's pleasure that the Assembly be prorogued to the second Tuesday in January next.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

ANNO TRICESIMO PRIMO GEORGH TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Saturday, 5th February, 1791.

PRESENT,

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Winslow,
Mr. Bliss,*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Odell,
Mr. Robinson,*

ORDERED, That Mr. Odell wait upon the Lieutenant Governor, and acquaint His Excellency that the Council are met and ready to proceed upon business.

Mr. Odell reports that His Excellency was pleased to say, he would come down immediately and open the Session of General Assembly.

Adjourned to receive His Excellency.

The

The Council being resumed, the Chief Justice reports that His Excellency had made a Speech to the Council and Assembly, of which the following is a copy, viz :—

Gentlemen of the Council, and

Gentlemen of the Assembly :

HIS Majesty's disallowance of the Act passed in this Province, "for securing the purchasers of mortgaged estates," having been signified to me by an order of His Majesty in Council, I notified the same by Proclamation on the 9d of December last.

I have now further to inform you, that, by the same Order in Council, His Majesty hath also been pleased to signify his Royal disallowance of the Act "for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province."

As a Law, providing for these important objects, is essential to the completion of our colonial constitution, I recommend the revisal of this last mentioned act to your consideration ; being persuaded that a similar Act, with such amendment as a review of the subject may suggest, would be sanctioned by the Royal approbation.

Copies shall be laid before you of the papers transmitted to me on this occasion, together with some others respecting the Act "for regulating Marriage and Divorce."

Gentlemen of the Assembly,

An account of the warrants issued for payment of the sums granted in the last session, shall be laid before you.

The public Roads, must, for some years, continue to be one great object of your attention ; nor can I doubt your zeal in providing for a service so essential to the progress of settlement and cultivation in this country.

It is also highly requisite that some provision be made for the decent accommodation of the General Assembly, and the Courts of Justice. I have therefore directed a plan for this purpose to be prepared and submitted to your consideration.

Gentlemen of the Council, and

Gentlemen of the Assembly,

I have received a letter from one of His Majesty's principal Secretaries of State, announcing the death of His Royal Highness the Duke of Cumberland, which melancholly event happened on the 18th day of September last, to the great grief of their Majesties and all the Royal Family.

The vigor and dispatch with which the necessary preparations for war have been made, on the part of Great Britain, have enabled His Majesty to terminate the negotiations with the Court of Spain, in such manner as to secure inviolate the National honor and preserve the blessings of peace to his People, at a time when a bloody and expensive war appeared inevitable.

I am happy to congratulate you, Gentlemen, on this occasion, and the more so from a conviction that the inhabitants of this Province, who have shewn how highly they value

lue their birth-right as British subjects, will derive peculiar satisfaction from an event so interesting to the whole empire, and which reflects so true a lustre on His Majesty's Administration.

ORDERED, that Mr. G. G. Ludlow, Mr. Justice Allen, and Mr. Odell be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till 12 o'clock on Monday next.

COUNCIL CHAMBER, Monday, 7th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Hazen,*

*Mr. G. G. Ludlow,
Mr. Winslow,
Mr. Odell.*

ORDERED, That the Chief Justice and Mr. Justice Allen bring in a Bill for the Relief of Insolvent Debtors.

Adjourned till 12 o'clock, on Wednesday next.

COUNCIL CHAMBER, Wednesday, 9th February, 1791,

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Hazen,
Mr. Odell,
Mr. Leonard,*

*Mr. G. G. Ludlow,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

Mr. Justice Allen, from the Committee appointed for that purpose, reported the draught of an Address in answer to His Excellency's Speech, which he read in his place, as follows, viz :—

To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

The Humble Address of His Majesty's Council, in General Assembly.

SIR,

IMRESSED with a due sense of His Majesty's paternal affection, we receive the information of the disallowance of the Acts mentioned by your Excellency with that respect and submission which become dutiful and loyal subjects; and sensible of the importance of the Law recommended for our revisal, we beg leave to assure Your Excellency we shall cheerfully concur in passing an Act so essential to the completion of our Colonial Constitution, with such amendments as a Review of the subject may suggest, which we hope will be sanctioned by the Royal approbation.

We shall also enter heartily into every other measure that may tend to facilitate the business of the present Session and promote the interest of the Province.

It is with great concern that we receive the information of his Royal Highness the Duke of Cumberland's death; on which melancholy event we sincerely participate in the grief of their Majesties and the Royal Family.

When we consider the happiness and security we enjoy under His Majesty's just and lenient Government, it is with peculiar satisfaction, we observe national honor vindicated, and national advantages pursued, with a dignity and spirit that have prevented the calamities of war, and reflect so true a lustre on His Majesty's Administration,

And the same being approved,

ORDERED, That Mr. G. G. Ludlow and Mr. Odell wait on the Lieutenant Governor, to know when he will please to receive the Address of the Council.

Mr. Ludlow and Mr. Odell report that His Excellency will receive the Address of the Council to-morrow, at 12 o'clock.

Read a Bill, brought in by the Chief Justice and Mr. Justice Allen, "for the relief of insolvent debtors."

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow, at 12 o'clock.

COUNCIL CHAMBER, Thursday 10th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Odell,
Mr. Leonard.*

Read a second time, the Bill "for the relief of insolvent debtors."

ORDERED, That this Bill be committed.

Adjourned to wait on His Excellency ; and to meet again at 12 o'clock on Monday next.

COUNCIL CHAMBER, Monday, 14th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Odell,
Mr. Leonard,*

The Chief Justice reported that the Council had, on Thursday last, waited on the Lieutenant-Governor with their Address, to which His Excellency was pleased to return the following Answer :—

Gentlemen,

I Thank you for this Address, and wish you to be assured, that I have a just sense of your dutiful and loyal attachment to His Majesty's Person and Government, and of your zeal in the pursuit of such measures as may tend to promote the interest of this Province.

Read the order of the day ; and, the Council being in Committee, proceeded in considering the Bill "for relief of insolvent debtors."

The Council being resumed.

Adjourned till Wednesday next at 12 o'clock.

COUNCIL

COUNCIL CHAMBER, Wednesday, 16th February, 1791.

PRESENT.

*The Hon. Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Odell.
Mr. Leonard,*

*Mr. Justice Allen,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

Message from the House of Assembly, with a Bill "for regulating elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province:" Also,

A Bill "to continue an Act, intituled, an Act to authorize the erection of fences and gates across certain roads in the several counties in this Province, where the same shall be found necessary."

Read the said Bills—And,

ORDERED, That they stand for a second reading to-morrow.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Thursday, 17th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Hazen,
Mr. Odell.
Mr. Leonard,*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Bliss,
Mr. Robinson.*

Read a second time, the Bill "for regulation elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province."

ORDERED, That this Bill be committed.

Read a second time, a Bill, to continue an Act, intituled, "an Act to authorize 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 this Bill stand for a third reading to-morrow.

Message

Message from the Assembly, with a Bill "to declare that no Law passed in the General Assembly of the Province of Nova-Scotia, before the erection of the Province of New-Brunswick, shall be of force in this Province."—This Bill being read,

ORDERED, That it stand for a second reading to-morrow.

The report of the Committee on the Bill for relief of insolvent debtors, being made,

Read the said Bill with amendments, a third time ; And,

On the question—Resolved that the same do pass.

ORDERED, That Mr. Justice Upham carry the same to the House of Assembly for their concurrence.

Adjourned till To-morrow at 12 o'clock.

COUNCIL CHAMBER, Friday, 18th February, 1791.

PRESENT.

*The Hon. Mr. G. G. Ludlow,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

*Mr. Justice Upham,
Mr. Hazen,
Mr. Odell,
Mr. Leonard.*

The report of the Committee on the Bill for regulating Elections being made ; and the said Bill having been read a third time, with amendments,

RESOLVED, That the same do pass, with the addition of a clause suspending its operation till His Majesty's approbation thereof be had and declared.

ORDERED, That Mr. Robinson carry this Bill, so amended, to the Assembly for their concurrence.

Message from the Assembly, with a Bill "in addition to, and in amendment of an Act, intituled, an Act for laying out, repairing and amending Highways, Roads and Streets, and for appointing Commissioners and Surveyors of Highways within the several towns or Parishes in this Province : " And,

A Bill "for the recovery of small debts."

Which Bills being read,

M

Ordered,

ORDERED, that they stand for a second reading on Monday next.

Read a third time, the Bill "to continue an Act intituled, an Act 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."

On the question—Resolved, That this Bill do pass.

Read a second time, the Bill "to declare that no law passed in the General Assembly of the Province of Nova Scotia before the erection of the Province of New-Brunswick shall be of force in this Province."

ORDERED, That this Bill stand for a third reading on Monday next.

Adjourned till 12 o'clock on Monday next.

COUNCIL CHAMBER, Monday, 21st February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Odell,
Mr. Leonard.*

Read and amended, the Bill "to declare that no Law passed in the General Assembly of the Province of Nova-Scotia, before the erection of the Province of New-Brunswick, shall be of force in this Province."

On the question—Resolved that this Bill so amended do pass.

ORDERED, That Mr. Leonard carry the same to the House of Assembly for their concurrence : And,

That he inform the House, that the Council have concurred in passing the Bill to continue an Act, intituled, "an Act to authorize the erection of fences and gates across certain roads in the several counties in this Province, where the same shall be found necessary."

Read a second time, the Bill "in addition to, and in amendment of an Act intituled,

ed, "an Act for laying out, repairing and amending highways, roads and streets, and for appointing Commissioners and Surveyors of highways within the several Towns or Parishes in this Province."

ORDERED, That this Bill be committed.

Read a second time, the Bill "for recovery of small debts."

ORDERED, That this Bill be committed.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Tuesday, 22d February, 1791,

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Hazen,
Mr. Odell,
Mr. Leonard.*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Bliss,
Mr. Robinson,*

The Committee on the Bill "in addition to and in amendment of an Act, intituled an Act for laying out, repairing and amending highways, roads and streets, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province," having reported the same with amendments, and the said Bill having been a read a third time,

RESOLVED, That this Bill, so amended, do pass, and that Mr. Bliss carry it to the House of Assembly for their concurrence.

Read a Bill, brought in by Mr. Justice Upham, "for the relief of Debtors with respect to the imprisonment of their persons."

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the Assembly, with a Bill "for fixing permanently the boundary lines between the different Grants in this Province.—Which being read,

ORDERED, That it stand for a second reading to-morrow.

The

The Committee on the Bill "for the recovery of small debts," having reported the same with amendments, and the same having been read a third time,

On the question—Resolved, That this Bill, so amended, do pass, and that Mr. Justice Allen carry it to the Assembly for their concurrence.

Message from the Assembly, that they have concurred in the amendment of the Bill "to declare that no law passed in the General Assembly of the Province of Nova-Scotia before the erection of the Province of New-Brunswick shall be of force in this Province:" And also in the amendments of the Bill "for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province."

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Wednesday, 23d February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Winslow,
Mr. Odell,
Mr. Leonard.*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Robinson,*

Message from the Assembly, with the concurrence of the House in the amendments of the Council, to the Bill in addition to, and in amendment of an Act, intituled, "an Act for laying out, repairing and amending highways, roads and streets, and for appointing Commissioners and Surveyors of highways within the several Towns or Parishes in this Province:" And,

A Bill, sent up for concurrence, for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication.—This Bill being read a first time.

ORDERED, That it stand for a second reading to-morrow.

Read a second time, the Bill "for relief of debtors, with respect to the imprisonment of their persons."

ORDERED, That this Bill be committed,

Read

Read a second time, and committed, the Bill for fixing permanently the boundary lines between the different grants in this Province.

Message from the House of Assembly, with a Bill, sent up for concurrence, in addition to an Act, intituled, "an Act for regulating Juries and declaring the qualifications of Jurors."

This Bill having been read the first time,

ORDERED, That it stand for a second reading to-morrow.

Message from the Assembly, with the concurrence of that House in the amendments of the Bill, "for the recovery of small debts:" And,

A Bill sent up for concurrence, to define and describe the crime of Petit Larceny.

This Bill being read,

ORDERED, That it stand for a second reading to-morrow.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Thursday, 24th February, 1791.

PRESENT.

*The Hon. Mr. G. G. Ludlow,
Mr. Justice Allen,
Mr. Justice Upham,
Mr. Winslow.*

*Mr. Hazen,
Mr. Odell,
Mr. Leonard,*

Read a second time, the Bill for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a second time, the Bill to define and describe the crime of Petit Larceny.

Read a second time, the Bill in addition to an Act for regulating juries and declaring the qualifications of Jurors.

ORDERED, That these Bills stand for a third reading to-morrow.

Message from the House, with a Bill for fixing the times and places of holding the sittings of the Supreme Court in this Province: And,

A Bill to explain and amend an Act intituled, "An Act for regulating servants."

These

These Bills having been each read a first time,
ORDERED, That they stand for a second reading to-morrow.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Friday, 25th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
 Mr. Justice Allen,
 Mr. Winslow;
 Mr. Odell,
 Mr. Leonard.*

*Mr. G. G. Ludlow,
 Mr. Justice Upham,
 Mr. Hazen,
 Mr. Robinson,*

Read a third time, the Bill for regulating marriage and divorce, and for preventing and punishing incest, adultery and fornication.

On the question—Resolved, that this Bill do pass.

ORDERED, That Mr. Leonard inform the House of Assembly of the concurrence of the Council in passing this Bill.

Read a third time, and passed, the Bill in addition to an Act, intituled, “an Act, for regulating juries and declaring the qualifications of Jurors :” Also,
 The Bill to define and describe the crime of Petit Larceny.

ORDERED, That Mr. Justice Allen inform the House of Assembly that the Council have concurred in passing these two Bills.

The Committee having reported the Bill for fixing permanently the boundary lines between the different Grants in this Province, with an amendment, and the same being now read a third time,

On the question—Resolved that this Bill, so amended, do pass.

ORDERED, That Mr. Leonard carry the same to the Assembly for their concurrence.

Read a second time, the Bill for fixing the times and places of holding the sittings of the Supreme Court in this Province : And,

On

On motion—Resolved, That the further consideration of this Bill be put off to this day three months.

Adjourned till 12 o'clock To-morrow.

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COUNCIL CHAMBER, Saturday, 26th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Upham,
Mr. Leonard.*

*Mr. G. G. Ludlow,
Mr. Odell,*

Read a third time, and passed, the Bill for the relief of debtors, with respect to the imprisonment of their persons.

ORDERED, That Mr. Leonard carry this Bill to the House of Assembly for their concurrence.

Read a second time, and committed, the Bill to explain and amend an Act, intituled, "an Act for regulating servants."

Adjourned till 12 o'clock on Monday next.

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COUNCIL CHAMBER, Monday, 28th February, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Upham,
Mr. Odell,
Mr. Leonard.*

*Mr. G. G. Ludlow,
Mr. Hazen,
Mr. Robinson,*

On motion—Resolved unanimously, that the further consideration of the Bill to explain and amend an Act, intituled, "an Act for regulating servants," be put off *sine die*.

Message from the House of Assembly, with their concurrence in the amendment sent

sent down of the Bill "for fixing permanently the boundary lines between the different grants in this Province:" And with,

A Bill, sent up for concurrence, for altering the times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in the Counties therein mentioned: And also,

A Bill "to enable the Justices of the Supreme Court to issue Commissions for the examining of witnesses out of the Province;" both which Bills having been read a first time,

ORDERED, That the first mentioned of these Bills stand for a second reading this afternoon, and the other to stand for a second reading to-morrow.

Adjourned till 3 o'clock this day.

The Council being resumed.

Read the Bill "for altering the times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the Counties therein mentioned," a second time.

ORDERED, That this Bill stand for a third reading to-morrow.

Adjourned till To-morrow, at 12 o'clock.

COUNCIL CHAMBER, Tuesday, March 1st, 1791.

PRESENT.

*The Hon. The Chief Justice,
Mr. Justice Allen,
Mr. Winslow,
Mr. Bliss,
Mr. Robinson,*

*Mr. G. G. Ludlow,
Mr. Justice Upham,
Mr. Hazen,
Mr. Odell,
Mr. Leonard.*

Read a third time, and passed with an amendment, the Bill "for altering the times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the Counties therein mentioned."

Ordered,

ORDERED, That Mr. Justice Allen carry the same to the Assembly for their concurrence in the amendment.

Read a second time, and committed, the Bill to "enable the Justices of the Supreme Court to issue commissions for the examining of witnesses out of the Province."

Message from the House, with a Bill, sent up for concurrence, "for the security and protection of certain islands in the river St. John:" And,

A Bill "to continue an Act, intituled, "an Act for laying an Impost."

Which bills being read,

ORDERED, That they stand for a second reading to-morrow.

Message from the Assembly, with their concurrence in the amendment of the Bill "for altering the times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the Counties therein mentioned."

ORDERED, That the Governor's Speech, on the opening of every Session of General Assembly, with the Address of the Council in answer thereto, and the Governor's Answer to such address, be regularly transmitted for publication, by the Clerk of the Council, to the King's Printer.

Read a Bill, brought in by Mr. Winslow, "to enable the Justices of the Sessions, for the time being, in several Counties of this Province to receive, for public uses, grants of markets and ferries within such Counties."

Adjourned till 3 o'clock this Afternoon.

The Council being resumed—

Read a second time, the Bill "to enable the Justices of the Sessions, for the time being, in several Counties of this Province to receive, for public uses, grants of markets and ferries within such Counties."

ORDERED, That this Bill stand for a third reading to-morrow.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Wednesday, 2d March, 1791.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Winslow.
Mr. Hazen.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Bliss.
Mr. Odell.

Read a third time, and passed, the Bill to enable the Justices of the Supreme Court to issue Commissions for the examining of witnesses out of the Province.

Read a second time, the Bill "for the security and protection of certain Islands in the river Saint John :—" Also,

The Bill "to continue an Act, intituled, an Act for laying an Impost."

ORDERED, That these Bills stand for a third reading to-morrow.

Read a third time, and passed, the Bill "to enable the Justices of the Peace, for the time being, in several Counties in this Province to receive, for public uses, grants of markets and ferries within such Counties."

ORDERED, That Mr. Winslow carry this Bill to the Assembly for their concurrence, and inform that House, that the Council have concurred in passing the Bill to enable the Justices of the Supreme Court, to issue commissions for the examining of Witnesses out of this Province.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Thursday, 3d March, 1791.

PRESENT.

The Hon. Mr. G. G. Ludlow.
Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.

Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Message from the Assembly, with a Bill "for regulating the fisheries in the different rivers, coves and creeks in this Province."—This Bill having been read a first time,
 Ordered,

ORDERED, That it stand for a second reading this day.

Read a third time, the Bill "for the security and protection of certain Islands in the river Saint John :” And,

The Bill "to continue an Act, intituled, an Act for laying an Impost.”

On the question,—Resolved that these Bills do pass, and that Mr. Winslow inform the Assembly thereof.

Message from the Assembly, with a Bill "for the support and relief of confined debtors.”—This Bill being read a first time,

ORDERED, That it stand for a second reading this day.

Adjourned till three o'clock this afternoon.

Council resumed.

PRESENT.

*The Hon. Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.*

*Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.*

Read a second time, and committed, "the Bill for the support and relief of confined Debtors :” And,

The Bill "for regulating the fisheries in the different rivers, coves and creeks in this Province.”

Adjourned till 11 o'clock to-morrow.

COUNCIL CHAMBER, Friday, 4th March, 1791.

PRESENT.

*The Hon. Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.*

*Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.*

The

The Committee having reported on the Bill "for regulating the fisheries in the different rivers, coves and creeks in this Province;" and the said Bill being read a third time, with an amendment thereto, reported by the Committee,

On the question—Resolved, That the same, so amended, do pass: And,

ORDERED, That Mr. Odell carry the said Bill to the Assembly for their concurrence in the said amendment.

Message from the Assembly, with a Bill "for laying an Impost."—Which having been read,

ORDERED, That it be read a second time this day.

Read a third time, and passed, the Bill "for the support and relief of confined debtors."

ORDERED, That Mr. Odell inform the Assembly thereof.

Adjourned till 3 o'clock, this day.

The Council being resumed—

Read the Bill "for laying an Impost" a second time.

ORDERED, That it stand for a third reading to-morrow.

Message from the Assembly, with a Bill, sent up for concurrence, "for appropriating and disposing of the public monies."—Which being read a first time,

ORDERED, That it stand for a second reading to-morrow.

Adjourned till 12 o'clock To-morrow.

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COUNCIL CHAMBER, Saturday, 5th March, 1791.

PRESENT.

*The Hon. Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.*

*Mr. Justice Upham
Mr. Hazen.
Mr. Odell.*

Read

Read a second time, the Bill "for appropriating and disposing of the public monies."

Adjourned.

The Council being resumed—

Read a third time and passed, the Bill "for laying an Impost :—" And also, The Bill "for appropriating and disposing of the public monies."

ORDERED, That Mr. Hazen inform the Assembly that the Council have concurred in passing the above-mentioned Bills.

Adjourned to receive His Excellency.

The Council being resumed—

Mr. Justice Allen reports that His Excellency had given his assent to the following Bills, viz :—

- A Bill for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province. With a suspending clause.
- A Bill to continue an Act, intituled, "An Act to authorize the erection of Fences and Gates across certain roads in the several Counties in this Province, where the same shall be found necessary.
- A Bill to declare that no law passed in the General Assembly of the Province of Nova Scotia, before the erection of the Province of New-Brunswick, shall be of force in this Province.
- A Bill in addition to, and in amendment of, an Act intituled, "An Act for laying out, repairing and amending Highways, Roads and Streets; and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province.
- A Bill for the recovery of small debts.
- A Bill for regulating Marriage and Divorce, and for preventing and punishing incest, adultery and fornication.
- A Bill in addition to an Act, intituled, "An Act for regulating Juries, and declaring the qualifications of Jurors."
- A Bill to define and describe the crime of Petit Larceny.
- A Bill for fixing permanently the boundary lines between the different Grants in this Province.

-
- A Bill for altering the times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the Counties therein mentioned.
- A Bill to enable the Justices of the Supreme Court, to issue Commissions for the examining of witnesses out of the Province.
- A Bill for the security and protection of certain Islands in the River Saint John.
- A Bill to continue an Act, intituled, "an Act for laying an Impost."
- A Bill for regulating the fisheries in the different rivers, coves and creeks of this Province.
- A Bill for the support and relief of confined Debtors.
- A Bill for laying an Impost.
- A Bill for appropriating and disposing of the public Monies.

After which His Excellency closed the Session by the following Speech :—

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

THE Business of the present Session being now finished, it is no longer necessary to detain you from your private affairs. You are sensible, however, that your public duties extend beyond the occasions of meeting in General Assembly; nor can I entertain a doubt of your zeal to contribute, during your recess, by every salutary exertion of your influence and authority, to promote and confirm, among the people at large, those habits of industry, and that spirit of peace and good order, which, under all the difficulties of their situation, have hitherto so remarkably distinguished the Inhabitants of this Province.

And then the Secretary announced His Excellency's pleasure, that the Assembly be prorogued to the second Tuesday in June next.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

ANNO TRICESIMO SECUNDO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Tuesday, 14th February, 1792.

PRESENT.

*The Hon. The Chief Justice.
Mr. G. G. Ludlow.
Mr. Justice Allen.*

*Mr. Justice Upham.
Mr. Odell.
Mr. Robinson.*

ORDERED, That Mr. Odell wait on the Lieutenant Governor, to inform His Excellency that the Council are met and ready to proceed upon business.

Mr. Odell reports that his Excellency was pleased to say, he would come down immediately and open the Session of General Assembly.

Adjourned to receive His Excellency.

The Council being resumed—

The

The Chief Justice reports that His Excellency had made a Speech to the Council and Assembly, of which the following is a copy :—

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

THE principal business, which I have at present to recommend to your deliberation, is the renewal of the Act for laying an Impost, and such other temporary Laws as it may be expedient to continue. The zeal you have heretofore so fully manifested for the public welfare, leaves me no room to doubt your attention to any additions or amendments, that those Laws may be found to require.

Gentlemen of the Assembly,

An account shall be laid before you of the warrants that have issued for the payment of sums granted in the last Session.

A foundation was laid, some years ago, for an Academical Establishment in this Province : but the lands appropriated to that use, though of considerable extent, are not yet sufficiently productive to answer the immediate exigencies of such an institution. If therefore it is in your power, after providing for those objects which have been formerly recommended to you, I am confident you will want no arguments to induce you cheerfully to contribute some annual allowance in support of a Provincial Seminary of Learning.

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

Though I have not received any direct information concerning the present military arrangements in Europe, I cannot but express my hope, that the measures pursued by His Majesty and his allies may have their full effect, and that we may continue to enjoy the blessings of peace, so essential in particular to the prosperity of this Infant Colony.

ORDERED, That Mr. Upham, Mr. Bliss and Mr. Robinson, be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till 11 o'clock on Thursday next.

COUNCIL CHAMBER, Thursday, 16th February, 1792.

PRESENT.

The Hon. The Chief Justice.
Mr. G. G. Ludlow.
Mr. Justice Allen.
Mr. Justice Upham.

Mr. Bliss.
Mr. Odell.
Mr. Robinson.

Mr. Justice Upham, from the Committee appointed for that purpose, reported the draft of an Address in answer to His Excellency's Speech, which being read and approved, is in the words following :—

To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

THE business which your Excellency has been pleased to recommend to our deliberation, shall not fail to engage our particular attention. We shall readily concur in the renewal of the Act for laying an Impost and such other temporary Laws as it may be found expedient to continue; and it shall be our study ever to evince our zeal for the public welfare by a due and diligent attention to every proper object of deliberation, and particularly to any additions or amendments that the Laws to which your Excellency refers may be found to require.

We beg leave to avail ourselves of this occasion to express our most grateful sense of your Excellency's regard to the interest of the rising generation, in the early foundation you have laid of an Academical Establishment,—an Institution so essential to our future prosperity.

We thank your Excellency for your communication on the subject of the continuance of peace so peculiarly important to the welfare of this Infant Colony; and though your Excellency has not received any direct information concerning the present military arrangements in Europe, we cannot but express our hope, with your Excellency, that the measures pursued by His Majesty and his allies may have their full effect.

ORDERED, that Mr. Odell, wait on the Lieutenant-Governor, to know when His Excellency will be pleased to receive the address of the Council.

Mr. Justice Upham moved for leave to bring in a Bill “for continuing the Establishment of a Militia in this Province, and for regulating the same.”

Leave is granted accordingly.

Adjourned till 1 o'clock, P. M. To-morrow.

O

COUNCIL

COUNCIL CHAMBER, Friday, 17th February, 1792.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.*

*Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Odell.
Mr. Robinson.*

Mr. Odell reported that, in pursuance of the order of yesterday, he had waited upon the Lieutenant-Governor, and that His Excellency was pleased to say, he would receive the Address of the Council, this day at two o'clock.

Read the first time, a Bill, brought in by Mr. Justice Upham, "for continuing the establishment of a Militia in this Province, and for regulating the same."

ORDERED, That this Bill stand for a second reading on Monday next.

Adjourned to wait upon His Excellency ; to meet again on Monday next, at 12 o'clock.

COUNCIL CHAMBER, Monday, 20th February, 1792.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Robinson.*

*Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Odell.
Mr. Leonard.*

The Chief Justice reports that the Council, on Friday last, had presented their Address in answer to His Excellency's Speech ; to which His Excellency was pleased to return the following answer :—

Gentlemen,

I THANK you for this Address, and in particular, I receive with satisfaction your expressions of acknowledgement respecting the measures I have taken for laying the foundation of an Academical Establishment, which is undoubtedly an object of the greatest importance to the future prosperity of the Colony.

Read a second time, and committed, the Bill "for continuing the establishment of a Militia in this Province, and for regulating the same."

Adjourned till 12 o'clock on Wednesday next.

COUNCIL

COUNCIL CHAMBER, Wednesday, 22d February, 1792.

PRESENT.

The Hon. Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Hazen.

Mr. Odell.
Mr. Leonard.

The Committee having amended the Bill for continuing the establishment of a Militia, and for regulating the same.

ORDERED, That it be engrossed.

Message from the Assembly, with a Bill sent up for concurrence, "in amendment of an Act intituled, "an Act for more effectually securing the title of purchasers of real estates against claims of dower, and also to enable Femes Covert more easily to convey any real estate they may hold in their own right :"

Also, A Bill "to provide for the maintenance of Bastard Children."

Which Bills being read a first time,

ORDERED, That they stand for a second reading to-morrow.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Thursday, 23d February, 1792.

PRESENT.

The Hon. The Chief Justice.
Mr. G. G. Ludlow.
Mr. Justice Allen.
Mr. Justice Upham.
Mr. Hazen.

Mr. Bliss.
Mr. Odell.
Mr. Robinson.
Mr. Leonard.

Read a second time, the Bill "in amendment of an Act intituled, "an Act for more effectually securing the title of purchasers of real estates against claims of Dower, and also to enable Femes Covert more easily to convey any real estate they may hold in their own right."

ORDERED, That this Bill stand for a third reading on Monday next.

Message

Message from the Assembly, with a Bill "for altering the times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Northumberland :” And also,

A Bill "to encourage the destroying of Wolves.”

Which Bills being read a first time,

ORDERED, That they stand for a second reading to-morrow.

Read a second time, the Bill "to provide for the maintenance of Bastard Children.”

ORDERED, That this Bill stand for a third reading on Tuesday next.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Friday, 24th February, 1792.

PRESENT.

The Hon. The Chief Justice.

Mr. Justice Allen.

Mr. Hazen.

Mr. Odell.

Mr. Leonard.

Mr. G. G. Ludlow.

Mr. Justice Upham.

Mr. Bliss.

Mr. Robinson.

Read a third time, the Bill for continuing the establishment of a Militia, and for regulating the same.

On the question—Resolved that this Bill do pass.

ORDERED, That Mr. Justice Upham carry the same to the House of Assembly for their concurrence.

Read a second time, the Bill "for altering the times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Northumberland :” Also,

The Bill "to encourage the destroying of wolves.”

ORDERED, That these Bills stand for a third reading on Monday next.

Adjourned till 12 o'clock on Monday, next.

COUNCIL

COUNCIL CHAMBER, Monday, 27th February, 1792.

PRESENT.

*The Hon. Mr. Justice Upham.
Mr. Hazen.
Mr. Bliss.**Mr. Odell.
Mr. Leonard.*

Read a third time, the Bill "for altering the times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, in the County of Northumberland:" And also,

The Bill "to encourage the destroying of wolves."

Upon the question—Resolved that these Bills do pass.

Message from the Assembly, with a Bill "to prevent the destruction of sheep by dogs:" And,

A Bill "to continue an Act, intituled, an Act to prevent frauds in the sale of damaged goods, imported into this Province."—Which Bills being read,

ORDERED, That they stand for a second reading to-morrow.

ORDERED, That the third reading of the Bill "in amendment of an Act, intituled, an Act for more effectually securing the title of purchasers of real estates against claims of dower," be put off till to-morrow.

Message from the Assembly, that they have concurred in passing the Bill for continuing the establishment of a Militia, and for regulating the same.

Read a Bill, sent up from the Assembly, "for fixing the times and places of holding and sitting of the Supreme Court in this Province."

ORDERED, That this Bill stand for a second reading on Wednesday next.

Adjourned till 12 o'clock To-morrow.

COUNCIL CHAMBER, Tuesday, 28th February, 1792.

PRESENT.

*The Hon. The Chief Justice.
Mr. G. G. Ludlow.
Mr. Justice Allen.
Mr. Justice Upham.
Mr. Hazen.**Mr. Bliss.
Mr. Odell.
Mr. Robinson.
Mr. Leonard.*

Read

Read a second time, the Bill "to prevent the destruction of sheep by dogs:" And also, The Bill "to continue an Act, intituled, an Act to prevent frauds in the sale of damaged goods imported into this Province."

ORDERED, That these Bills stand for a third reading to-morrow.

Read a third time, and passed, the Bill "to provide for the maintenance of Bastard Children."

Message from the Assembly, with a Bill "to enable the Justices of the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in King's County, to hold the same Courts for the present year, at the time therein mentioned:" And, A Bill "in addition to an Act, intituled, an Act to prevent trespasses."

Which Bills being read,

ORDERED, That they stand for a second reading to-morrow.

Read a third time, and amended, the Bill "in amendment of an Act, intituled, an Act for more effectually securing the title of purchasers of real estates against claims of dower, and also, to enable Femes Covert more easily to convey any real estate they may hold in their own right."

RESOLVED, That this Bill so amended do pass.

ORDERED, That Mr. Leonard carry the same to the Assembly for their concurrence.

Adjourned till 10 o'clock to-morrow.

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*COUNCIL CHAMBER, Wednesday, 29th February, 1792.*

PRESENT.

*The Hon. The Chief Justice.  
Mr. Justice Allen.  
Mr. Hazen.  
Mr. Odell.*

*Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.  
Mr. Robinson.  
Mr. Leonard.*

Read a third time, and passed, the Bill "to continue an Act, intituled, an Act to prevent frauds in the sale of damaged goods imported into this Province."

ORDERED, That Mr. Bliss notify the same to the Assembly.

Ordered,

ORDERED, That the third reading of the Bill "to prevent the destruction of sheep by dogs," be put off till to-morrow.

Read a second time, the Bill "to enable the Justices of the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in King's County, to hold the same Courts for the present year, at the time therein mentioned:" Also,

The Bill "in addition to an Act, intituled, an Act to prevent trespasses."

ORDERED, That these Bills stand for a third reading to-morrow.

Read a second time, the Bill "for fixing the times and places of holding and sitting of the Supreme Court in this Province."

On motion—Resolved, That the further consideration of this Bill be put off *sine die*.

*Adjourned till 12 o'clock To-morrow.*

.....

**COUNCIL CHAMBER, Thursday, 1st March 1792.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Odell.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Leonard.*

Read a third time, the Bill "in addition to An Act, intituled, An Act to prevent trespasses."

On the question, whether this Bill do pass—Resolved in the negative.

Read a third time and passed, the Bill "to enable the Justices of the Court of General Sessions of the Peace, and Inferior Court of Common Pleas in King's County, to hold the same Courts for the present year, at the time therein mentioned."

ORDERED, That Mr. Leonard notify the same to the Assembly.

Message from the Assembly, with a Bill "for laying an Impost."—Which being read a first time,

ORDERED, That it stand for a second reading to-morrow.

*Adjourned till 12 o'clock To-morrow.*

COUNCIL CHAMBER, *Friday, 2d March, 1792.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Odell.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Leonard.*

Message from the Assembly, with a Bill “to restrain all persons that may be concerned in the collection of Impost duties, from owning any vessel, or trading, or dealing in dutiable articles.”—Which Bill being read,

ORDERED, That it stand for a second reading to-morrow.

Read a second time, the Bill “for laying an Impost :” And,

On motion—Resolved, That the further consideration of this Bill be put off *sine die*.

*Adjourned till 12 o'clock To-morrow.*

COUNCIL CHAMBER, *Saturday, 3d March, 1792.*

PRESENT.

*The Hon. Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Odell.*

*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Robinson.*  
*Mr. Leonard.*

Read a second time, the Bill “to restrain all persons that may be concerned in the collection of Impost duties, from owning any vessel, or trading, or dealing in dutiable articles.”

Read the same a third time : And,

On the question—Resolved, That this Bill do pass.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Message from the Assembly, with a Bill “for raising a Revenue in this Province :”  
 And, A

A Bill "to prevent Clerks of the Inferior Courts of Common Pleas acting as Judges in the respective Courts whereof they are Clerks."

Which Bills being read a first time,

ORDERED, That they stand for a second reading on Monday next.

*Adjourned till 12 o'clock on Monday next.*

.....  
**COUNCIL CHAMBER, Monday, 5th March, 1792.**

PRESENT.

*The Hon. The Chief Justice.  
Mr. Justice Allen.  
Mr. Hazen.  
Mr. Odell.*

*Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.  
Mr. Robinson.  
Mr. Leonard.*

Read a second time, the Bill "for raising a Revenue in this Province."

ORDERED, That this Bill stand for a third reading to-morrow.

Read a second time, the Bill "to prevent Clerks of the Inferior Courts of Common Pleas acting as Judges in the respective Courts whereof they are Clerks."

On motion—Resolved, that the further consideration of this Bill be put off *sine die*.

*Adjourned till 10 o'clock To-morrow.*

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COUNCIL CHAMBER, Tuesday, 6th March, 1792.

PRESENT.

*The Hon. Mr. Justice Allan.
Mr. Justice Upham.
Mr. Hazen.*

*Mr. Bliss.
Mr. Odell.
Mr. Robinson*

P

Read

Read a third time, and passed the Bill "for raising a Revenue in this Province."

Message from the Assembly, with a Bill "for appropriating and disposing of the public monies."—Which being read,

ORDERED, That it stand for a second reading to-morrow.

Message from the Assembly, requesting the concurrence of the Council in the following Resolution, viz :—“That the residue of the sums already directed by Law to be paid into the hands of the persons by Law appointed, for the purpose of completing the road from Fredericton to Saint Andrews, and for the purchase of a yoke of Oxen and two Cows, to be delivered to such persons as shall settle on the Portage from the Nashwaak to Miramichi, be expended in such manner as such persons so by Law appointed respectively, shall in their discretion think most effectual for rendering the respective roads most convenient for travellers.”—Which being read,

RESOLVED, That the Council concur therein : And,

ORDERED, That Mr. Bliss notify the same to the Assembly.

Adjourned till 11 o'clock To-morrow.

COUNCIL CHAMBER, Wednesday, 7th March, 1792.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.

Mr. Justice Upham.
Mr. Bliss.
Mr. Robinsen.

Read a second time, the Bill "for appropriating and disposing of the public monies :"
And,

On motion—Resolved that the further consideration of this Bill be put off *sine die*.

Message from the Assembly, with a Bill "to defray the expences incurred, and to be incurred in the public service therein mentioned."—Which being read,

ORDERED, That the same be now read a second time.

Read the same Bill a second time : and ordered that it be now read a third time.

Read

Read the same Bill a third time ; and on the question—resolved that the same do pass.

ORDERED, That Mr. Hazen acquaint the Assembly, that the Council have concurred in passing the Bill “for raising a Revenue in this Province ;” and also the Bill “to defray the expences incurred, and to be incurred in the Public Service therein mentioned.”

His Excellency came to the Council Chamber, and by Message to the House of Assembly, required their attendance.

The House accordingly attending,

His Excellency gave his assent to the following Bills, viz :—

A Bill for continuing the establishment of a Militia, and for regulating the same.

A Bill in amendment of an Act, intituled, “An Act for more effectually securing the title of purchasers of real estates against claims of dower ; and also to enable Females Covert more easily to convey any real estate they may hold in their own right.”

A Bill to provide for the maintenance of Bastard Children.

A Bill for altering the times of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland.

A Bill to encourage the destroying of Wolves.

A Bill to prevent the destruction of Sheep by Dogs.

A Bill to continue an Act, intituled, “An Act to prevent frauds in the sale of damaged goods imported into this Province.”

A Bill to enable the Justices of the Court of General Sessions of the Peace and Inferior Court of Common Pleas in King’s County, to hold the same Courts for the present year, at the time therein mentioned.

A Bill to restrain all persons that may be concerned in the collection of Impost duties from owning any vessel or trading or dealing in dutiable articles.

A Bill for raising a Revenue in this Province.

A Bill to defray the expences incurred, and to be incurred, in the public service therein mentioned.

After which His Excellency closed the Session by the following Speech, viz :—

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

IN dismissing you, at this time, from your attendance in General Assembly, I take the opportunity to express my satisfaction in the result of your deliberations.

Though

Though a perfect unanimity on every subject cannot be expected, yet a perfect harmony of counsels will eventually prevail so long as the several Branches of the Legislature continue to have a direct and steady view to the public good. But however wisely the laws may be adapted to that important end, their salutary influence must in a great measure depend on the degree of respect and veneration in which they are held by the Community at large. You will therefore at all times consider it as a duty you owe to yourselves and to your Country, to be vigilant in promoting a due sense of the inviolable authority of the Laws, and of the value of that excellent constitution which is so deservedly the boasted birth-right of British subjects.

And then the Secretary announced His Excellency's pleasure, that this Assembly be prorogued to the second Tuesday in June next.

JOURNAL
OF THE
LEGISLATIVE COUNCIL

OF THE
Province of New-Brunswick.

FIRST SESSION OF THE SECOND GENERAL ASSEMBLY.

ANNO TRICESIMO TERTIO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Tuesday, 12th February, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Winslow.

Mr. Justice Upham.
Mr. Odell.
Mr. Robinson.

HIS Excellency the Lieutenant Governor having, by writs returnable on the 22d ultimo, called an Assembly of Representatives to meet on this day at Fredericton, and the Members of His Majesty's Council having been severally summoned to attend at the same time and place in General Assembly, the Council met accordingly ; and,

Adjourned till To-morrow.

COUNCIL

COUNCIL CHAMBER, Wednesday, 13th February, 1793.

PRESENT.

*The Hon. Mr. Justice Allen.
Mr. Winslow.
Mr. Robinson.*

*Mr. Justice Upham.
Mr. Odell.*

HIS Excellency came down to the Council Chamber, and the House of Assembly attending, presented Amos Botsford, Esq. who informed His Excellency that the House, in obedience to His Excellency's directions, had proceeded to the choice of a Speaker, and that their choice had fallen upon him ; but, being sensible of the arduous task imposed upon him, he prayed His Excellency to direct the House to return and make choice of a person more capable of discharging the weighty duties of that high and important office.

The Secretary of the Province informed the House that His Excellency approved of the choice they had made.

Whereupon, the Speaker, in behalf of the House, prayed the usual privileges granted to Members of the House of Commons in Great Britain.

The Secretary, by direction of the Lieutenant Governor, answered, that His Excellency would grant them all the privileges which by the Constitution he was in such case authorized to grant ; and that His Excellency recommended it to the House to adjourn till to-morrow, when he proposed to open the Session.

His Excellency having retired; and the House of Assembly withdrawn,

The Council adjourned till 11 o'clock to-morrow.

COUNCIL CHAMBER, Thursday, 14th February, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Odell.*

*Mr. Justice Allen.
Mr. Winslow.
Mr. Robinson.*

His Excellency came down to the Council Chamber, and having by message required the attendance of the House of Assembly, and the House attending accordingly, His Excellency opened the Session by a Speech to the Council and Assembly.

His Excellency having retired, and the House of Assembly withdrawn, the Chief Justice

tice reported the Speech which His Excellency had made, and of which the following is a copy :—

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

WHEN the foundations of our Provincial Establishment were completed, and a House of Representatives became a constituent branch of the Legislature, it was, in each department, considered as a fundamental maxim, universally to regulate our proceedings by those models only, which had been sanctioned in similar cases, by the practice of the parent state ; and, in cases peculiar to our local situation, or to the subordinate condition of a Province, to deviate from those venerable rules, no further than necessity should require. To this maxim, I take the present occasion of recalling your attention, and of recommending it to your steady pursuit in all your future deliberations.

The principal business, which at this time requires dispatch, (after what concerns the Provincial Revenue,) is the continuation or renewal, perhaps with some amendments, of such temporary Laws as have been found of real utility, and may be near expiring.

Gentlemen of the Assembly,

I have directed the necessary papers and accounts, together with estimates for the year ensuing, to be laid before you.

A plan of a suitable building, for the decent accomodation of the General Assembly, and the Courts of Justice, and for which a convenient situation in the Town of Frederiction has been allotted, was recommended to the consideration of the late House of Assembly ; to whom, also, I suggested the importance of making some annual allowance in support of a Provincial Seminary of Learning, of which a foundation had been laid by an allotment of lands adjacent to this Town, but which cannot for many years to come, be sufficiently productive to answer the exigencies of such an institution : and I earnestly recommend it to you, as a business that calls for your immediate attention, to make effectual provision for both these objects, which are of such evident importance.

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

The people, of whom this rising Colony is composed, have under the most trying circumstances, given signal proofs of unshaken loyalty and a just estimation of the peculiar blessings which they inherit under the British Government and Constitution. To them, therefore, it must be a subject of exultation, tempered with a due sense of a superintending Providence, to contemplate the prosperous condition at this time observable in every part of His Majesty's dominions : and though the war, which the distractions of a neighbouring kingdom have kindled in Europe, may render it difficult to persevere, without some interruptions, in that system of administration to which

we

we are so much indebted ; yet, from the vigor of His Majesty's Government, supported by union at home, and universally respected abroad, we have still reason to hope a continuance of peace, and the consequent increase of national prosperity.

ORDERED, That Mr. Justice Allen and Mr. Winslow be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till 11 o'clock on Saturday next.

COUNCIL CHAMBER, Saturday, 16th February, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Justice Upham.*

*Mr. Winslow.
Mr. Odell.
Mr. Robinson.*

The Council request the Chief Justice, in their behalf, to apply to His Excellency, praying the appointment of a Sergeant at Arms to attend on the Council in General Assembly.

The Committee appointed for that purpose, reported the following draft of an Address in answer to His Excellency's Speech, viz :—

To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, Chancellor, and Vice Admiral of the same, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

FULLY convinced of the wisdom of the maxim adopted by the different branches of the Legislature, when the foundations of our Provincial Establishment were completed, to regulate their proceedings by those models only, which had been sanctioned in similar cases, by the practice of the parent state, we shall think it our duty to persevere in that salutary practice in all our future deliberations ; and we feel more strongly attached to this prudent system of conduct from the recent and melancholy proofs of the calamities that attend visionary and rash innovations.

The renewal of such temporary Laws as are near expiring (free from the defects which experience may have discovered, and with such amendments as a more careful review

review of them may suggest,) will be the object of our earliest attention.

The Inhabitants of this Province, now rising to consequence under your Excellency's mild and just administration, are sensible of the peculiar blessings they enjoy under the British Constitution, and they cannot fail to exult in the general peace and prosperity of the Empire. Should, however, the honor of the Kingdom or the interest of society make it necessary to deviate from the present system of Administration, we doubt not that the purity of the motives, and the vigor of His Majesty's Government, will ensure success and eventually contribute to establish the national security.

Which being approved,

ORDERED, That Mr. Odell wait on His Excellency to know when he will be pleased to receive it.

Adjourned till 11 o'clock on Monday next.

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COUNCIL CHAMBER, Monday, 18th February, 1798.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.*

*Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Robinson.*

Mr. Odell reports that he had waited on the Lieut. Governor, as ordered, and that His Excellency was pleased to say, he would receive the Address of the Council this day at two o'clock.

The Council accordingly waited on His Excellency, and delivered their Address, to which His Excellency was pleased to make the following answer, viz :—

Gentlemen,

I THANK you for this Address, and I am happy in the persuasion that your confidence respecting the security of our national happiness, under His Majesty's Government, will in all events be justified and confirmed.

The Council being returned to the Council Chamber, the Chief Justice reported the delivery of their Address, and His Excellency's answer thereto.

Adjourned till Wednesday next.

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COUNCIL

COUNCIL CHAMBER, Wednesday, 20th February, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.*

Read a Bill, sent up from the Assembly, "to prevent the annoying or stopping up of harbours."

ORDERED, That this Bill stand for a second reading on Friday next.

Adjourned till Friday next.

COUNCIL CHAMBER, Friday, 22d February, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.*

Read a Bill, sent up from the Assembly, "for the better regulation of practitioners in physic and surgery:" And,

A Bill "to levy an assessment on certain proprietors of land in the town of Sackville, for defraying the expences of a survey and plan therein mentioned."

ORDERED, that these Bills stand for a second reading on Monday next.

Read a second time, the Bill "to prevent the annoying or stopping up of Harbours."

On motion—Resolved, That this Bill be amended, by limiting its operation to the Harbour of St. Andrew in the Bay of Passamaquoddy; and so amended, to stand for a third reading on Monday next.

Adjourned till Monday next.

COUNCIL

COUNCIL CHAMBER, Monday, 25th February, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Robinson.

Read a third time, with amendments, the Bill “to prevent the annoying or stopping up of Harbours.” And,

On the question—Resolved, that this Bill, so amended, do pass.

ORDERED, That Mr. Leonard notify the same to the House of Assembly.

Read a second time, the Bill “for the better regulation of practitioners in physic and surgery:” And,

Upon motion—Resolved, That the further consideration of this Bill be put off *sine die*.

ORDERED, That the second reading of the Bill “to levy an assessment on certain proprietors of land in the Town of Sackville, for defraying the expences of a survey and plan therein mentioned,” be put off till Friday next.

Adjourned till To-morrow.

COUNCIL CHAMBER, Tuesday, 26th February, 1793.

PRESENT.

The Hon. Mr. G. G. Ludlow.
Mr. Justice Allen.
Mr. Hazen.

Mr. Odell.
Mr. Robinson.

Read a Bill, sent up from the Assembly, “for fixing the times and places of holding and sitting of the Supreme Court in this Province.”

Adjourned till To-morrow.

COUNCIL

COUNCIL CHAMBER, Wednesday, 27th February, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Hazen.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Odell.
Mr. Leonard.

Upon motion—Ordered unanimously, That the further consideration of the Bill, sent up yesterday, “for fixing the times and places of holding and sitting of the Supreme Court in this Province,” be put off *sine die*.

Adjourned till Friday next.

COUNCIL CHAMBER, Friday, 1st March, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.

Read and amended, the Bill “to levy an assessment on certain proprietors of land in the town of Sackville, for defraying the expences of a survey and plan therein mentioned.”

ORDERED, That this Bill, so amended, stand for a third reading on Monday next.

Adjourned till Monday next.

COUNCIL CHAMBER, Monday, 4th March, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.

Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.
Mr. Leonard.

Read

Read a third time, and passed with an amendment of the title, the Bill "to levy an assessment on the proprietors of the Township of Sackville, for defraying the expenses of a survey and plan of the said Township."

ORDERED, That Mr. Hazen notify the same to the Assembly.

Adjourned till To-morrow.

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COUNCIL CHAMBER, Tuesday, 5th March, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.
Mr. Leonard.*

Read a Bill, sent up from the Assembly, "for regulating the Fisheries in the different rivers, coves and creeks of this Province."

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the House of Assembly, acquainting the Council, that they have concurred in passing with the amendments, the Bill "to levy an assessment on the proprietors of the Township of Sackville, for defraying the expenses of a survey and plan of the said Township."

Message from the House of Assembly, requesting a conference on the subject matter of the Bill "to prevent the annoying or stopping up of harbours."

RESOLVED, That the Council agree to the said conference, and for that purpose will appoint a Committee to meet to-morrow morning at 10 o'clock.

ORDERED, That Mr. Hazen acquaint the House of Assembly with this resolution, and that Mr. Justice Allen and Mr. Odell be a Committee for that purpose.

Adjourned till To-morrow.

COUNCIL

COUNCIL CHAMBER, Wednesday, 6th March, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.
Mr. Leonard.*

The Committee appointed for that purpose, report that they have met a Committee of the House of Assembly, in conference on the subject matter of the Bill "to prevent the annoying or stopping up of harbours," and that it is the opinion of the Assembly, that a Bill extending the provisions of the Bill in question to all the roads, ports and harbours in the Province, would be of great public utility.

Read a Bill, brought in with leave, by Mr. Justice Allen, "to prevent the encumbering or filling up of harbours."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a second time, and amended, the Bill "for regulating the fisheries in the different rivers, coves and creeks in this Province."

ORDERED, That this Bill, so amended, stand for a third reading to-morrow.

Read a Bill, sent up from the House of Assembly, "to explain and amend an Act, intituled, an Act to provide for the support of a Light-house to be built upon Partridge Island."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, sent up from the House of Assembly, "in amendment of an Act, intituled, an Act to regulate and provide for the support of the Poor in this Province."

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

COUNCIL CHAMBER, Thursday, 7th March, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.*

Read

Read a third time, the Bill "for regulating the fisheries in the different rivers, coves and creeks of this Province," with an amendment.—And on the question whether this Bill so amended, do pass—

CONTENT.

Mr. Chief Justice,
Mr. Justice Allen,
Mr. Hazen,
Mr. Odell,
Mr. Robinson,
Mr. Leonard.

NOT CONTENT.

Mr. G. G. Ludlow.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council have concurred in passing this Bill, with an amendment.

Read a second time, the Bill "to prevent the encumbering or filling up of harbours :"
Also,

The Bill "to explain and amend an act, intituled, an Act to provide for the support of a Light House to be built upon Partridge Island :"
And,

The Bill "in amendment of an Act, intituled, an Act to regulate and provide for the support of the poor in this Province."

ORDERED, That the Bills stand for a third reading to-morrow.

Read a Bill, sent up from the House of Assembly, "for raising a revenue in this Province."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, sent up from the House of Assembly, "for appropriating and disposing of the public monies."

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the House of Assembly, requesting a conference on the subject of the amendment made by the Council to the Bill for regulating the fisheries.

RESOLVED, That the Council consent to the said conference : And,

ORDERED, That Mr. Leonard notify the same to the House of Assembly.

Adjourned till To-morrow.

COUNCIL CHAMBER, Friday, 8th March, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.

ORDERED, That Mr. Odell and Mr. Leonard be a Committee to meet in conference on the subject of the amendment made by the Council to the Bill for regulating the Fisheries.

Mr. Odell and Mr. Leonard having reported the reasons offered in conference on the part of the House of Assembly,

RESOLVED, on the question, that the Council consent to withdraw the amendment objected to, on the ground that it is a proper subject for a separate Bill.

CONTENT.

Mr. Chief Justice,
 Mr. G. G. Ludlow,
 Mr. Justice Allen,
 Mr. Odell.

NOT CONTENT.

Mr. Hazen,
 Mr. Robinson,
 Mr. Leonard.

RESOLVED, That the Bill "for regulating the fisheries in the different rivers, coves and creeks of this Province," do pass without amendment.

ORDERED, That Mr. Justice Allen inform the House of Assembly that the Council do not insist upon their amendment of the Bill "for regulating the fisheries in the different rivers, coves and creeks of this Province."

Read a third time, the Bill "to prevent the encumbering or filling up of harbours :"
 Also,

The Bill, "to explain and amend an Act, intituled, an Act to provide for the support of a Light House to be built on Partridge Island :"
 And,

The Bill, "in amendment of an Act, intituled, an Act to regulate and provide for the support of the poor in this Province."
 And,

On the question—Resolved, that these Bills do pass.

ORDERED, That Mr. Justice Allen notify the same to the House of Assembly.

RESOLVED, That the Council will request a conference with the House of Assembly on the subject of a clause in the Bill for appropriating and disposing of the public monies—"for the purpose of aiding and assisting in the education of the youth in each Parish in the Province."

ORDERED, That Mr. G. G. Ludlow acquaint the House of Assembly with this Resolution.
 Message

Message from the House of Assembly, that they consent to the proposed conference, and for that purpose have appointed a Committee to meet the Committee of Council as soon as they can conveniently attend.

ORDERED, that the Chief Justice and Mr. Justice Allen be a Committee for that purpose.

Read a second time the Bill "for raising a revenue in this Province."

ORDERED, that this Bill stand for a third reading to-morrow.

Read a Bill, brought in with leave by Mr. Odell, "for apprehending Deserters from His Majesty's Service, and for punishing unlawful dealings with Soldiers or Deserters."

ORDERED, that this Bill stand for a second reading to-morrow.

The Chief Justice from the Committee of Conference with the House of Assembly, on the subject of the clause in the Bill for appropriating and disposing of the public monies, reports that they stated the objections to the clause in question, as directed by this house, on the ground that it tends to a new establishment, and requires numerous regulations to give it effect, and therefore that the object (which heartily meets the approbation of the Council,) ought to be provided for in a separate Bill.

To these objections the Committee on the part of the Assembly answered, that they would lay the same before their House.

Adjourned till To-morrow.

COUNCIL CHAMBER, Saturday, 9th March, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.
Mr. Leonard.*

Read a second time, the Bill "for apprehending deserters from His Majesty's service, and for punishing unlawful dealings with soldiers or deserters."

ORDERED, That this Bill stand for a third reading on Monday next.

R

Ordered,

ORDERED, That the third reading of the Bill "for raising a Revenue in this Province," be put off till Monday next.

Read a Bill, sent up from the House of Assembly, "for regulating the size and contents of lime hogsheads within this Province : " Also,

A Bill "in amendment of an Act, intituled, an Act for more effectually securing the title of purchasers of real estates against claims of dower : "

A Bill "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province ; and for repealing all the laws now in force relating to the same : " And,

A Bill "to continue sundry Acts of the General Assembly which have expired or are near expiring."

ORDERED, That these Bills stand for a second reading on Monday next.

Read a Bill, sent up from the House of Assembly, "for the relief of George Bennison, an insolvent Debtor."

ORDERED, That this Bill stand for a second reading on Monday next.

Adjourned till Monday next.

.....

COUNCIL CHAMBER, Monday, 11th March, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen,
Mr. Winslow.
Mr. Odell.

Mr. G. G. Ludlow,
Mr. Hazen.
Mr. Robinson.
Mr. Leonard.

Read a third time, the Bill "for apprehending Deserters from his Majesty's service, and for punishing unlawful dealings with Soldiers or Deserters."

On the question,—Resolved that this Bill do pass.

ORDERED, That Mr. Ludlow carry this Bill to the House of Assembly for their concurrence.

Read a second time, the Bill "for regulating the size and contents of lime hogsheads within this Province : " Also,

The

The Bill "in amendment of an Act, intituled, an Act for more effectually securing the title of purchasers of real estates against claims of Dower :” And,

The Bill "to continue sundry acts of the General Assembly which have expired or are near expiring.”

ORDERED, That these bills stand for a third reading to-morrow.

ORDERED, That the third reading of the Bill "for raising a revenue in this Province,” be put off till to-morrow.

Read a second time, the Bill "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province ; and for repealing all the laws now in force relating to the same.”

On motion—Resolved, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill "for the relief of George Bennison, an insolvent debtor.”

On motion—Resolved, That the further consideration of this Bill be put off *sine die*.

Adjourned till To-morrow.

.....

COUNCIL CHAMBER, Tuesday, 12th March, 1793.

PRESENT.

The Hon. The Chief Justice.

Mr. Justice Allen.

Mr. Hazen.

Mr. Robinson.

Mr. G. G. Ludlow.

Mr. Winslow.

Mr. Odell.

Mr. Leonard.

Read a third time, the Bill "for regulating the size and contents of lime hogsheads within this Province :” Also,

The Bill "in amendment of an Act, intituled, an Act for more effectually securing the title of purchasers of real estates against claims of Dower :” And,

The Bill "to continue sundry Acts of the General Assembly which have expired or are near expiring :” And,

The Bill "for raising a Revenue in this Province.”

On the question—Resolved, that these Bills do pass.

Ordered,

ORDERED, That Mr. Leonard notify the same to the House of Assembly.

Read a second time, the Bill "for appropriating and disposing of the public monies :” And,

On motion,—Resolved unanimously, that the further consideration of this Bill be put off for three months.

Read a Bill, sent up from the House of Assembly, "for the appointment of Commissioners to determine upon, and adopt such measures as may be the most effectual for introducing Settlers into this Province.”

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the House of Assembly, that they have concurred in passing the Bill "for apprehending deserters from His Majesty's service, and for punishing unlawful dealings with soldiers or deserters.”

Adjourned till To-morrow.

COUNCIL CHAMBER, Wednesday, 13th March, 1793.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.
Mr. Leonard.*

Read a second time, the Bill "for the appointment of Commissioners to determine upon, and adopt such measures as may be the most effectual for introducing settlers into this Province.”

ORDERED, That this Bill be read a third time this day.

Read the same a third time.—And,

On the question—Resolved, That this Bill do not pass.

Adjourned till To-morrow, at 10 o'clock.

COUNCIL

COUNCIL CHAMBER, Thursday, 14th March, 1793.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

His Excellency came to the Council Chamber, and by message required the attendance of the House of Assembly.

The House attended accordingly, and His Excellency gave his assent to the following Bills, viz :—

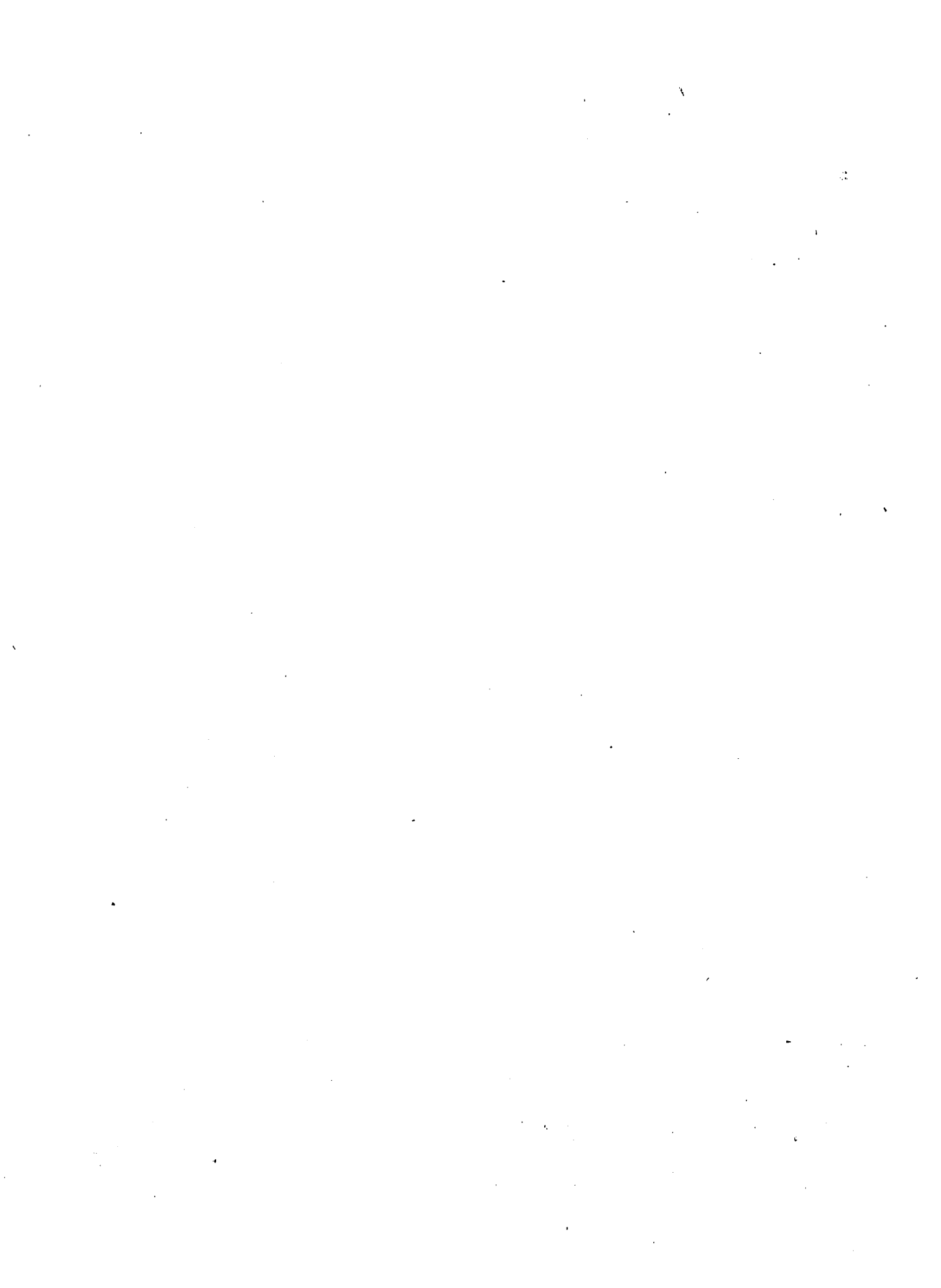
- A Bill to continue sundry Acts of the General Assembly which have expired or are near expiring.
- A Bill to prevent the encumbering or filling up of harbours.
- A Bill for apprehending deserters from His Majesty's Service, and for punishing unlawful dealings with soldiers or deserters.
- A Bill to explain and amend an Act, intituled, "an Act to provide for the support of a light house to be built upon Partridge Island."
- A Bill in amendment of an Act, intituled, "an Act for more effectually securing the title of purchasers of real estate against claims of dower."
- A Bill in amendment of an Act, intituled, "an Act to regulate and provide for the support of the poor in this Province."
- A Bill for regulating the size and contents of lime hogsheads within this Province.
- A Bill to levy an assessment on the proprietors of the township of Sackville, for defraying the expences of a survey and plan of the said township.
- A Bill for regulating the fisheries in the different rivers, coves and creeks of this Province. And,
- A Bill for raising a revenue in this Province.

His Excellency then closed the session with a Speech, of which the following is a copy:

Gentlemen of the Council, and
Gentlemen of the Assembly,

UNWILLING longer to detain you at this Season when travelling may be expected soon to become inconvenient, I shall dismiss you from further attendance at present in General Assembly, in full confidence that such provisions for the public service, as are now referred, will be the first objects of your attention in a future session.

And then, the Secretary announced His Excellency's pleasure that this Assembly be prorogued till the second Tuesday in June next.



JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

SECOND SESSION OF THE SECOND GENERAL ASSEMBLY.

ANNO TRICESIMO QUARTO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Tuesday, 4th February, 1794.*

PRESENT.

The Hon. The Chief Justice.
Mr. Odell.

Mr. Robinson.
Mr. Saunders.

REPORT, as usual, having been made to the Lieutenant-Governor, that the Council were met and ready to proceed to business,

His Excellency came down to the Council Chamber, and by message required the attendance of the House of Assembly.

The House attended accordingly, and His Excellency opened the Session by a
Speech

Speech to the Council and Assembly.

His Excellency having retired, and the House of Assembly being withdrawn, the Chief Justice reported the Speech which His Excellency had made, and of which the following is a copy :—

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

THE circumstances which had rendered it necessary for His Majesty to take part in the war with France are universally known, and the eventual importance of this war to the most essential interests of humanity, and even to the existence of civil society, must be felt and acknowledged by every one whose judgment has not been perverted by views of imaginary interest, or blinded by the contagious frenzy that is insensible to all the horrors of anarchy and confusion.

Happily for His Majesty's American subjects, this alarming mischief has not yet extended to this Continent. You cannot, however, but perceive the expediency of our making every possible exertion to put this Province into a condition of defence, prepared for the various emergencies that may arise in the progress of the war. I therefore earnestly recommend to your consideration, the preparing and passing of a Bill for the better regulation of our Militia. For although the voluntary exertions of the Inhabitants, particularly in the City and County of Saint John, were, on a late occasion, such as to merit the highest commendation; yet you are sensible that, in our Legislative capacity, it becomes our duty to aid and confirm the zeal and courage of a free people by suitable sanctions of legal provision; nor can you be less sensible that the subsisting Law, respecting the Militia, is in many respects defective and inadequate to the purposes of real security and active defence.

Gentlemen of the Assembly,

The several measures recommended to you in the course of the last Session, and such provisions as at the close of that Session were left unfinished, will, I doubt not, become the objects of your present attention; and I have the satisfaction to feel assured of your zeal on this, and on every occasion, for the real advancement of the public welfare.

Such papers and accounts as are necessary for your further deliberations shall be laid before you.

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

The present state of affairs exhibits in a new and more striking light the inestimable blessings of a British Government; and it becomes us, with more than usual vigilance, to guard against every appearance of danger to which our Constitution may be exposed. In every measure, therefore, which, in our Colonial situation, may be conducive to that great end, you may rely on my most hearty concurrence. Ordered,

ORDERED, That Mr. Odell and Mr. Saunders be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till To-morrow.

COUNCIL CHAMBER, Wednesday, 5th February, 1794.

PRESENT.

The Hon. The Chief Justice.

Mr. Robinson.

Mr. Allen.

Mr. Saunders.

Mr. Odell.

The Committee appointed for that purpose reported the following draught of an Address in Answer to His Excellency's Speech, viz :—

To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

IMRESSED with a just sense of the necessity of the present war with France, and of its eventual importance to the most essential interests of humanity, among all civilized Nations, we cannot but hope that His Majesty's late declaration may have its due effect; that in every Country, not yet infected with the frantic spirit of anarchy and confusion, there may be found wisdom and virtue sufficient to prevent the spreading of such a fatal contagion: and therefore that this alarming mischief may not come to disturb the peace of this Continent. We are however perfectly sensible of the expediency of our making every possible exertion to put this Province into a condition of defence, prepared for the various emergencies that may arise in the progress of the war;—nor are we less sensible of the defects of the subsisting law respecting our Militia; we shall therefore pay due attention to your Excellency's recommendation on this important subject, and cheerfully concur in preparing and passing a Bill that may be effectual, for the purpose of aiding and confirming the zeal and courage of a free people, by suitable sanctions of legal provision. In the mean time, we beg leave to pay the tribute of gratitude due for the measures taken by your Excellency, on a late occasion, for our defence; particularly in the judicious preparations so speedily made, and that too without expence to Government, for protecting the harbour and City of Saint John; and from the voluntary exertions of the inhabitants then, we cannot but anticipate the happiest fruits of their zeal and courage on any future occasion, while they have the honor to act under the direction, and are animated by the presence of your Excellency.

We feel, in its full force, the importance of your Excellency's observation, that the present state of affairs exhibits in a new and more striking light, the inestimable blessings

sings of a British Government ; and we shall be happy to contribute, in any degree, to the great end of guarding against every appearance of danger to which our excellent Constitution may at any time be exposed.

Which being approved,

ORDERED, That Mr. Odell wait upon the Lieutenant Governor, to know when His Excellency will be pleased to receive the Address of the Council.

Adjourned till Friday next.

COUNCIL CHAMBER, Friday, 7th February, 1794.

PRESENT.

*The Hon. The Chief Justice.
Mr. Allen.
Mr. Odell.*

*Mr. Robinson.
Mr. Saunders.*

Mr. Odell reports, that he waited on the Lieutenant Governor, as ordered, and that His Excellency was pleased to say, he would receive the Address of the Council to-morrow, at 12 o'clock.

Adjourned till To-morrow.

COUNCIL CHAMBER, Saturday, 8th February, 1794.

PRESENT.

*The Hon. The Chief Justice.
Mr. Allen.
Mr. Odell.*

*Mr. Robinson.
Mr. Saunders.*

The Chief Justice reports that the Council had this day waited on the Lieutenant Governor, and presented their Address ; to which His Excellency was pleased to return the following answer, viz :—

Gentlemen,

I THANK you for this Address, and shall at all times be happy to find my exertions for the safety and prosperity of this Province meet with the approbation of His Majesty's Council.

Adjourned till Monday next.

COUNCIL

COUNCIL CHAMBER, Monday, 10th February, 1794.

PRESENT.

The Hon. The Chief Justice.
Mr. Allen.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Odell.
Mr. Saunders.

Adjourned till Wednesday next.

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COUNCIL CHAMBER, Wednesday, 12th February, 1794.

PRESENT.

The Hon. The Chief Justice.
Mr. G. G. Ludlow.
Mr. Allen.

Mr. Odell.
Mr. Robinson.
Mr. Saunders.

Adjourned till To-morrow.

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**COUNCIL CHAMBER, Thursday, 13th February, 1794.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. G. G. Ludlow.*  
*Mr. Hazen.*

*Mr. Odell.*  
*Mr. Robinson.*  
*Mr. Saunders.*

Read a Bill, sent up from the Assembly, "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, sent up from the Assembly, "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same."

ORDERED, That this Bill stand for a second reading on Monday next.

*Adjourned till To-morrow.*

COUNCIL

*COUNCIL CHAMBER, Friday, 14th February, 1794.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. G. G. Ludlow.*  
*Mr. Allen.*

*Mr. Hazen.*  
*Mr. Odell.*

Read a second time, the Bill "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte."

ORDERED, That this Bill stand for a third reading on Monday next.

*Adjourned till Monday next.*

*COUNCIL CHAMBER, Monday, 17th February, 1794.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Allen.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. G. G. Ludlow.*  
*Mr. Hazen.*  
*Mr. Robinson.*  
*Mr. Saunders.*

Read a third time, and passed, the Bill "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte."

On motion—Ordered, that the further 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 or parishes in this Province, and for repealing all the laws now in force relating to the same," be put off till Wednesday next.

Read a Bill, sent up from the Assembly, "for the better regulating the Militia in this Province."

ORDERED, That this Bill stand for a second reading on Wednesday next.

*Adjourned till Wednesday next.*

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*COUNCIL CHAMBER, Wednesday, 19th February, 1794.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Allen.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. G. G. Ludlow.*  
*Mr. Hazen.*  
*Mr. Robinson.*  
*Mr. Saunders.*

Read a second time, the Bill "for the better regulating the Militia of this Province."

ORDERED, That this Bill stand for a third reading on Friday next.

On motion—Ordered, that the further 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 or parishes in this Province, and for repealing all the laws now in force relating to the same," be put off till Friday next.

*Adjourned till Friday next.*

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*COUNCIL CHAMBER, Friday, 21st February, 1794.*

PRESENT.

*The Hon. Mr. Allen.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. Hazen.*  
*Mr. Robinson.*  
*Mr. Saunders.*

Read a Bill, sent up from the Assembly, "for apprehending persons in any County or place upon warrants granted by Justices of the peace of any other County:" And, A Bill "to alter and amend an act, intituled, an act for regulating Innholders, Tavern Keepers and Retailers of spirituous liquors."

ORDERED, That these Bills stand for a second reading to-morrow.

On motion—Ordered that the further consideration of the Bill "for the better regulating the Militia in this Province:" And,

The Bill "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same," be put off till to-morrow.

*Adjourned till To-morrow.*

**COUNCIL**

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*COUNCIL CHAMBER, Saturday, 22d February, 1794.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. G. G. Ludlow.*  
*Mr. Hazen.*  
*Mr. Robinson.*

*Mr. Allen,*  
*Mr. Odell.*  
*Mr. Leonard.*  
*Mr. Saunders.*

Read a second time, the Bill “to alter and amend an act, intituled, an act for regulating Innholders, Tavern Keepers, and Retailers of Spirituous liquors :” And,  
 The Bill “for apprehending persons in any County or place upon warrants granted Justices of the peace of any other County.”

ORDERED, That these Bills stand for a third reading on Monday next.

Read a third time, and passed, “the Bill for the better regulating the Militia in this Province.”

Read a Bill, sent up from the Assembly, “to explain and amend an act, intituled, an act for regulating the fisheries in the different rivers, coves and creeks of this Province.”

ORDERED, That this Bill stand for a second reading on Monday next.

Read a Bill, sent up from the Assembly, “in addition to an act, intituled, an act for the appointment of town or parish officers in the several counties in this Province.”

On motion—Ordered, that the further consideration of this Bill be put off to this day three months.

Read a second time, the Bill “for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same :” And,

On motion—Ordered, that the further consideration of this Bill be put off to this day three months.

Read a Bill, sent up from the Assembly, “to alter and amend an act, intituled, an act for ascertaining damages on protested Bills of Exchange :” And,  
 A Bill “to continue an act, intituled, an act for raising a revenue in this Province.”

ORDERED, That these Bills stand for a second reading on Monday next.

*Adjourned till Monday next.*

COUNCIL

**COUNCIL CHAMBER, Monday 24th February, 1794.**

PRESENT.

*The Hon. Mr. Winslow.  
Mr. Robinson.**Mr. Odell.  
Mr. Leonard.  
Mr. Saunders.*

Read a second time, the Bill "to explain and amend an Act, intituled, an Act for regulating the fisheries in the different rivers, coves and creeks of this Province :"  
Also,

The Bill "to alter and amend an Act, intituled, an Act for ascertaining damages on protested Bills of Exchange :"

The Bill "for apprehending persons in any County or place, upon warrants granted by Justices of the Peace of any other County :"  
And,

The Bill "to continue an Act, intituled, an Act for raising a revenue in this Province."

ORDERED, That these Bills stand for a third reading to-morrow.

On motion—Ordered, that the further consideration of the Bill "to alter and amend an act, intituled, an Act for regulating Innholders, Tavern-Keepers, and retailers of spirituous liquors," be put off till to-morrow.

Read the following Bills, sent up from the Assembly, viz :—

A Bill "in addition to an Act, intituled, an Act for appointing Commissioners of Sewers :"

A Bill "for preserving the bank of the river Saint John, in front of the Parishes of Manguerville, Sheffield and Waterborough :"

A Bill "in addition to an Act, intituled, an Act for the better ascertaining and confirming the boundaries of the several counties within this Province, and for subdividing them into towns or parishes :"

A Bill "to prevent masters of vessels from carrying debtors, apprentices and servants clandestinely out of this Province :"  
And,

A Bill "for appropriating and disposing of the public monies."

ORDERED, That these Bills stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**COUNCIL CHAMBER, Tuesday, 25th February, 1794.**

PRESENT.

*The Hon. The Chief Justice.  
Mr. Winslow.  
Mr. Leonard.**Mr. Allen.  
Mr. Odell.  
Mr. Saunders.*

Read

Read a second time, the Bill "in addition to an Act, intituled, an Act for appointing Commissioners of Sewers:" Also,

The Bill "for preserving the bank of the River Saint John, in front of the parishes of Maugerville, Sheffield and Waterborough:" And,

The Bill "for appropriating and disposing of the public monies."

ORDERED, That these Bills stand for a third reading to-morrow.

Read a second time, the Bill "in addition to an Act, intituled, an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into towns or parishes:" And,

The Bill "to prevent masters of vessels from carrying debtors, apprentices and servants clandestinely out of this Province."

On motion—Ordered, that the further consideration of these Bills be put off for three months.

Read a third time, and passed, the Bill "to explain and amend an act, intituled, an act for regulating the fisheries in the different rivers, coves and creeks of this Province:" Also,

The Bill "to alter and amend an act, intituled, an act for ascertaining damages on protested Bills of Exchange:"

The Bill "for apprehending persons in any County or place upon warrants granted by Justices of the peace of any other county:"

The Bill "to alter and amend an act, intituled, an act for regulating Innholders, Tavern Keepers and Retailers of Spirituous liquors:" And,

The Bill, "to continue an act, intituled, an act for raising a Revenue in this Province."

*Adjourned till To-morrow.*

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**COUNCIL CHAMBER, Wednesday, 26th February, 1794.**

PRESENT.

*The Hon The Chief Justice.*

*Mr. Winslow.*

*Mr. Robinson.*

*Mr. Saunders.*

*Mr. Allen.*

*Mr. Odell,*

*Mr. Leonard.*

ORDERED, That Mr. Winslow inform the House of Assembly that the Council have concurred

concurring in passing the Bill for the better regulating the Militia in this Province.

**ORDERED**, That Mr. Allen inform the House of Assembly that the Council have concurred in passing a Bill "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte:" And, The Bill "to alter and amend an act, intituled, an act for regulating Innholders, Tavern Keepers and retailers of Spirituous liquors."

**ORDERED**, That Mr. Leonard inform the House of Assembly that the Council have concurred in passing the Bill "for apprehending persons in any county or place upon warrants granted by Justices of the peace of any other county:" And, The Bill "to explain and amend an act, intituled, an act for regulating the fisheries in the different rivers coves and creeks of this Province."

**ORDERED**, That Mr. Saunders inform the House of Assembly that the Council have concurred in passing the Bill "to alter and amend an act, intituled, an act for ascertaining damages on protested Bills of exchange:" And, The Bill "to continue an act, intituled, an act for raising a revenue in this Province."

Read a third time, and passed, the Bill "in addition to an act, intituled, an act for appointing Commissioners of sewers:" Also,

The Bill "for preserving the bank of the river Saint John in front of the parishes of Maugerville, Sheffield and Waterborough:" And,

The Bill "for appropriating and disposing of the public monies.

**ORDERED**, That Mr. Winslow inform the House of Assembly of the concurrence of the Council in passing these Bills.

Message from the Assembly, as follows, viz:—

*"House of Assembly, 24th February, 1794.*

"This House taking into consideration the necessity of having an Agent constantly resident in England, and His Majesty's service having required the attendance of Brook Watson, Esquire, late member of Parliament and Agent of this Province, with His Majesty's forces on the continent, which must prevent his personal attention to the various exigencies of this Province—Resolved that the thanks of this House be communicated to Brook Watson Esquire, late Agent of this Province, for his past services."

**ORDERED**, That Mr. William Pagan and Mr. Peters acquaint His Majesty's Council with the foregoing resolution.

**ORDERED**, That this message be entered on the Minutes of the Council in General Assembly.

*Adjourned till Tomorrow.* COUNCIL

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**COUNCIL CHAMBER, Thursday, 27th February, 1794.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Robinson.*  
*Mr. Saunders.*

*Mr. Allen.*  
*Mr. Odell.*  
*Mr. Leonard.*

Message from the Assembly, as follows, viz :

*“ House of Assembly, 27th February, 1794.*

“ The House of Assembly proceeded to the choice of an Agent for this Province, resident in London, in the room of Brook Watson, Esq. and made choice of William Knox, Esq.

“ ORDERED, that Doctor Agnew and Major Murray acquaint the Council therewith, and request their concurrence.”

(Signed)

“ A. BOTSFORD, Speaker.”

This Message having been duly considered, and the question decided for concurrence,

ORDERED, That Mr. Leonard inform the House of Assembly that the Council do concur in the choice of William Knox, Esq. to be Agent for this Province.

RESOLVED, That Colonel Ludlow be a Committee of the Council to correspond with the Agent, either jointly with a Committee of the Assembly, or otherwise, as occasion may require.

His Excellency the Lieutenant Governor came down to the Council Chamber, and, by Message required the attendance of the House of Assembly.

The House attended accordingly, and His Excellency gave his assent to the following Bills, viz :—

A Bill for the better regulating the Militia in this Province.

A Bill for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Charlotte.

A Bill to alter and amend an Act, intituled, “ an Act for regulating Innholders, Tavern Keepers and Retailers of spirituous liquors.”

A Bill for apprehending persons in any county or place, upon warrants granted by Justices of the Peace of any other county.

A Bill to explain and amend an Act, intituled, “ an Act for regulating the fisheries in the different rivers, coves and creeks of this Province.”

A



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A Bill to alter and amend an Act, intituled, "an Act for ascertaining damages on protested Bills of Exchange."

A Bill in addition to an Act, intituled, "an Act for appointing Commissioners of Sewers."

A Bill for preserving the bank of the river St. John, in front of the Parishes of Mau-gerville, Sheffield and Waterborough.

A Bill to continue an act, intituled, "an Act for raising a Revenue in this Province." And,

A Bill for appropriating and disposing of the public monies.

His Excellency then closed the Session with the following Speech :—

*Gentlemen of the Council, and*

*Gentlemen of the Assembly,*

**T**HE business before you being now finished, as far as the present circumstances seem to admit, I have the satisfaction to dismiss you from further attendance at this time in General Assembly, in full confidence that the provisions of this Session will be found well adapted to the immediate exigencies of the public service; and that your respective exertions, for the eventual completion of every object conducive to the welfare and reputation of the Province, will, at all times, be fully equal to the means and ability that your situation may supply.

The Secretary then announced His Excellency's pleasure that this Assembly be prorogued till the second Tuesday in June next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

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THIRD SESSION OF THE SECOND GENERAL ASSEMBLY.

ANNO TRICESIMO QUINTO GEORGHII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

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AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Tuesday 3d February, 1795.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Bliss.*  
*Mr. Robinson.*

*Mr. Justice Allen.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

**R**EPORT having been made, as usual, to the Lieutenant Governor, that the Council were met and ready to proceed upon business,

His Excellency came down to the Council Chamber, and, by Message, required the attendance of the House of Assembly.

The

The House attended accordingly, and His Excellency opened the Session by a Speech to the Council and Assembly.

His Excellency having retired, and the House of Assembly being withdrawn, the Chief Justice reported the following copy of His Excellency's Speech, viz :—

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

**T**he business which I have at this time to recommend to your consideration, after what concerns the Provincial Revenue, is chiefly the revisal of such temporary laws as may be near expiring, in order to the continuance of those which may still be found requisite, and with such amendments in their respective provisions as experience may have suggested.

*Gentlemen of the Assembly,*

I forbear at the present to renew my recommendation of measures formerly proposed and not yet provided for ; because the provisions hitherto made, for raising a Provincial Revenue, have been less productive than had been expected, and your ability consequently the less adequate to the public exigencies without such anticipations of future means as would be altogether unadvisable. I therefore recommend to your consideration the making of some preparation for the foundations of such an income as may in time enable us to make effectual provision for objects so important to the welfare and reputation of the Province.

The Treasurer's accounts, and such other papers as may be necessary for your further information, shall be laid before you.

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

I take this opportunity, with peculiar satisfaction, to inform you, that the provisions made in your last session, for the better regulation of our Militia, as also the zeal for the public defence, manifested by the voluntary exertions of such of the Inhabitants as had been called upon by occasions of alarm, have been honored with his Majesty's gracious approbation. I am also happy in a confidence that, whatever expectations may have been entertained by our enemies in Europe of seizing some favorable moment to bring the war into this country, they have been disappointed by the brilliant successes which have attended His Majesty's arms in the West Indies, and by the victory, equally glorious and important, which has added the first of June to the number of days rendered memorable by triumphs of the British Navy.

*Adjourned till To-morrow.*

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WEDNESDAY, 4th February, 1795.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Odell.*  
*Mr. Saunders.*

*Mr. Allen.*  
*Mr. Robinson.*

ORDERED, That Mr. Justice Allen and Mr. Robinson be a Committee to prepare an Address in answer to His Excellency's Speech.

*Adjourned till To-morrow.*

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THURSDAY, 5th February, 1795.

PRESENT.

*The Hon. Mr. Allen.*  
*Mr. Odell.*  
*Mr. Saunders.*

*Mr. Bliss.*  
*Mr. Robinson.*

*Adjourned till To-morrow.*

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FRIDAY, 6th February, 1795.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Odell.*  
*Mr. Saunders.*

*Mr. Allen.*  
*Mr. Robinson.*

The Committee appointed for that purpose, reported the following draught of an Address in answer to His Excellency's Speech, viz :—

*To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.*

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

**W**E shall most cheerfully enter upon the business which your Excellency has recommended

mended to our consideration. We will carefully revise such of our temporary Laws as may be near expiring, and readily concur in the continuance of those which may still be requisite, with such amendments as experience may have suggested.

It gives us the utmost satisfaction to be informed, that the Provisions made in the last Session for the better regulation of our Militia, and the zeal manifested by the Inhabitants of the Province for the public defence, have been honored by His Majesty's gracious approbation.

We rejoice, with your Excellency, that our enemies have hitherto been prevented from bringing the war into this country; and we most warmly participate in the national exultation occasioned by the brilliant successes which have attended His Majesty's arms in the West Indies, and by the glorious victory of the first of June.

Which being approved,

ORDERED, That Mr. Odell wait on His Excellency, to know when he will be pleased to receive the Address of the Council.

*Adjourned till To-morrow.*

*SATURDAY, 7th February, 1795.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Bliss.*  
*Mr. Robinson.*

*Mr. Allen.*  
*Mr. Odell.*  
*Mr. Saunders.*

Mr. Odell reports, that he had waited on the Lieutenant Governor, as ordered, and that His Excellency was pleased to say, he would receive the Address of the Council on Monday next.

ORDERED, That Mr. Justice Saunders be a Committee to revise such of the temporary Laws as may be near expiring.

*Adjourned till Monday next.*

**MONDAY,**

**MONDAY, 9th February, 1795.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Saunders.*

*Mr. Allen.*  
*Mr. Bliss.*  
*Mr. Robinson.*

The Council having met,

*Adjourned to wait on His Excellency, and to meet again in Council on Wednesday next.*

**WEDNESDAY, 11th February, 1795.**

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Robinson.*  
*Mr. Saunders.*

*Mr. G. G. Ludlow.*  
*Mr. Hazen.*  
*Mr. Bliss.*

Message from the Assembly, with a Bill "in addition to an Act, intituled, an Act for admitting depositions de bene esse of witnesses, aged, infirm, and otherwise unable to travel, and of witnesses departing from the Province."—Which being read,

ORDERED, That it stand for a second reading on Friday next.

Mr. Justice Saunders made report of the Temporary Laws that are near expiring.

*Adjourned till Friday next.*

**FRIDAY, 13th February, 1795.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Hazen.*  
*Mr. Robinson.*

*Mr. G. G. Ludlow.*  
*Mr. Odell.*  
*Mr. Saunders.*

ORDERED, That the further consideration of the Bill "in addition to an Act, intituled, an Act for admitting depositions de bene esse of witnesses, aged, infirm, and otherwise unable to travel, and of witnesses departing from the Province," be referred till Monday next.

*Adjourned till Monday next.*

*MONDAY, 16th February, 1795.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Allen.*  
*Mr. Bliss.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. G. G. Ludlow.*  
*Mr. Winslow.*  
*Mr. Hazen.*  
*Mr. Robinson.*  
*Mr. Saunders.*

Read a Bill from the Assembly, "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill from the Assembly, "for fixing the times and places of holding and sitting of the Supreme Court in this Province."

On motion—Resolved, that the further consideration of this Bill be put off for three months.

ORDERED, That the further consideration of the Bill "in addition to an Act, intituled, an Act for admitting depositions de bene esse of witnesses, aged, infirm and otherwise unable to travel, and of witnesses departing from the Province," be referred till Wednesday next.

Mr. Odell by direction of the Lieutenant-Governor, informs the Council, that his Excellency has this day sent a Message to the House of Assembly, of which the following is a copy, viz :—

**New-Brunswick, &c.**

MESSAGE TO THE HOUSE OF ASSEMBLY, 16th February, 1795.

Signed) THOS. CARLETON.

**H**IS Excellency having found it expedient to direct some preparations to be made for the defence of Saint Andrews, informs the House that the expence thereby incurred appears, by the accounts which have been rendered, and which are now laid before the House, to amount in the whole to the sum of *seventy-four pounds, seventeen shillings and seven-pence*; and his Excellency recommends it to the House to make provision for payment of the same.

His Excellency also informs the House that an expence, amounting to the sum of *fifty pounds*, has been incurred in the purchase of a lot of ground, on which a battery has been built in the city of Saint John, and that the sum of *seventeen pounds, thirteen shillings and one-penny*, appears to have been expended by the Mayor, Aldermen and  
 Commonalty



Commonalty of the said city, in the purchase of necessaries to maintain and secure divers prisoners apprehended in the United States, charged with piracy committed in this Province; and in defraying the expences of two guard-houses in the said city,—Accounts of these expences are now laid before the House, amounting in the whole to the sum of *sixty seven pound, thirteen shillings and one penny*; and his Excellency recommends it to the House to make provision for payment of the same.

His Excellency further recommends it to the House, in addition to such provision as may be requisite for the necessary expences of the Session, to provide for payment of the Adjutants of the Militia for the current year.

By His Excellency's command.

(Signed)

JON'N ODELL.

*Adjourned till Wednesday next.*

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WEDNESDAY, 18th February, 1795.

PRESENT.

The Hon. The Chief Justice.
Mr. Allen.
Mr. Bliss.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Hazen.
Mr. Robinson.
Mr. Saunders.

Read a Bill from the Assembly, "in addition to an Act, intituled, an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into towns or parishes."

To stand for a second reading to-morrow.

Read a Bill from the Assembly, "for better securing the navigation of Passamaquoddy Bay, and building a slip in the Harbour of Saint Andrews:" And,

A Bill "to continue several Acts that are near expiring."

These Bills to stand for a second reading to-morrow.

Read a second time and considered by paragraphs, the Bill "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same."

This Bill to stand for a third reading to-morrow.

Adjourned till To-morrow.

THURSDAY,

THURSDAY, 19th February, 1795.

PRESENT.

*The Hon. Mr. Allen.
Mr. Bliss.
Mr. Robinson.*

*Mr. Winslow.
Mr. Odell.
Mr. Saunders.*

Read a third time, with amendments, the Bill "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same."

RESOLVED, That this Bill, so amended, do pass.

Read a second time, the Bill "to continue several Acts that are near expiring."

To be further considered to-morrow.

The consideration of the Bill respecting depositions de bene esse to be further deferred till to-morrow.

Read a second time, the Bill for the better securing the navigation of Passamaquoddy Bay, &c.

To be further considered to-morrow.

Read a second time, the Bill "in addition to an act, intituled, an Act for the better ascertaining and confirming the boundaries of the several counties within this Province," &c.

To be further considered to-morrow.

Message from the House of Assembly, by two of their members, as follows, viz :—

" *Mr. President,*

" The House of Assembly have sent us to put you in mind of a Bill for regulating the holding and sitting of the Supreme Court, which tends so much to promote the happiness and convenience of His Majesty's subjects in this Province."

Adjourned till To-morrow.

FRIDAY, 20th February, 1795.

PRESENT.

*The Hon. Mr. Allen.
Mr. Odell.
Mr. Leonard.*

*Mr. Winslow.
Mr. Robinson.
Mr. Saunders.*

Ordered,

ORDERED, That the following answer be sent to the Message of yesterday, from the House of Assembly.

“ *Mr. Speaker,*

“ The Council have sent me to inform you, that they do not concur in passing the Bill referred to in your Message of yesterday, for fixing the times and places of holding and sitting of the Supreme Court in this Province.”

ORDERED, That Mr. Leonard carry this answer, and at the same time inform the House of Assembly that the Council concur in passing, with amendments, the Bill for regulating, laying out, and repairing highways, roads, &c.

Read a third time, the Bill in addition to an Act, intituled, an Act for admitting depositions de bene esse, &c. And,

On the question—Resolved, that this Bill do not pass.

Read a third time and passed, the Bill “ to continue several Acts that are near expiring.”

Read a third time, and passed, the Bill “ in addition to an Act, intituled, an Act for the better ascertaining and confirming the boundaries of the several counties within this Province, and for subdividing them into towns or parishes.”

Adjourned till Monday next.

MONDAY, 23d February, 1795.

PRESENT.

The Hon. Mr. Allen.

Mr. Bliss.

Mr. Robinson.

Mr. Winslow.

Mr. Odell.

Mr. Saunders.

ORDERED, That Mr. Winslow inform the House of Assembly that the Council have concurred in passing the Bill “ in addition to an act, intituled, an act for the better ascertaining and confirming the boundaries of the several counties within this Province, and for subdividing them into towns or parishes;” and, the Bill “ to continue several acts that are near expiring.”

Message from the Assembly, requesting a conference on the subject of an amendment to the last clause of the Bill for regulating, laying out, and repairing highways and roads, &c.

Resolved,

RESOLVED, That the Council agree to the said conference, and for that purpose will appoint a committee to meet to-morrow at 12 o'clock.

ORDERED, That Mr. Bliss acquaint the Assembly with this resolution ; and that Judge Saunders and Mr. Leonard be a Committee for this purpose, who are instructed to hear and report to the Council what may be stated in the conference on the part of that House.

Message from the Assembly, with a Bill "for altering the sittings of the Supreme Court within this Province," accompanied with a request for a conference on the subject matter of the said Bill.

Adjourned till To-morrow.

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TUESDAY, 24th February, 1795.

The Hon. Mr. Allen.

Mr. Bliss,

Mr. Robinson.

Mr. Saunders.

Mr. Winslow.

Mr. Odell.

Mr. Leonard.

The committee appointed to confer on the amendment to the Bill for regulating, laying out, and repairing highways, &c. report the following reasons as stated in the conference on the part of the Assembly, why they have not concurred in the amendment, viz:—

1. "That the Bill is to a certain degree in the nature of a money bill :” And,
2. "The House does not wish to make the Bill perpetual, as the circumstances of the different counties are different; and because the provisions of this Bill are many of them novel, and therefore, as the House conceives, would be best tested by experiment.”

RESOLVED, On due consideration hereof, that the Council cannot consider the Bill in question as being in any degree of the nature of a money Bill ; and that the Council abide by their amendment, because they think it for the public benefit to confine the passing of temporary laws to such objects as are in their nature temporary and contingent ; and because the far greater part of the provisions in the present Bill have been sufficiently tested by experiment.

RESOLVED, That the Council agree to the conference desired yesterday by the Assembly on the subject matter of a Bill "for altering the sittings of the Supreme Court within this Province," and for that purpose will appoint a committee to meet immediately.

Ordered,

ORDERED, That Mr. Robinson acquaint the Assembly with this resolution ; and that Judge Allen and Judge Saunders be a Committee for this purpose, who are instructed to state, on the part of the Council :—

1. That it is unparliamentary to propose two Bills of the same import in one Session. And,
2. That to demand a conference on the subject of a Bill under the present circumstances is also unparliamentary.

Read a Bill from the Assembly, “for the more easy and speedy recovery of small debts :” And,

A Bill “for preserving the bank of the river St. John in front of the parish of Lincoln in the county of Sunbury.”

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

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**WEDNESDAY, 25th February, 1795.**

PRESENT.

*The Hon. Mr. Allen.  
Mr. Bliss.  
Mr. Leonard.*

*Mr. Winslow.  
Mr. Odell.*

Read a second time, the Bill “for the more easy and speedy recovery of small debts.”

To stand for further consideration.

Read a second time, the Bill “for preserving the Bank of the river Saint John in front of the parish of Lincoln,” &c.

To stand for a third reading to-morrow.

*Adjourned till To-morrow.*

.....

**THURSDAY, 26th February, 1795.**

PRESENT.

*The Hon. Mr. Allen.  
Mr. Bliss.  
Mr. Robinson.*

*Mr. Winslow.  
Mr. Odell.  
Mr. Leonard.*

Read

Read and amended, the Bill "for the more easy and speedy recovery of small debts."

To stand for a third reading to-morrow.

Read a third time and passed, the Bill "for preserving the bank of the river St. John, in front of the parish of Lincoln, in the County of Sunbury."

Read a Bill from the Assembly, intituled, "a Bill declaratory of what Acts of Parliament are binding in this Province."

RESOLVED, That the further consideration of this Bill be put off *sine die*.

*Adjourned till To-morrow.*

.....

FRIDAY, 27th February, 1795.

PRESENT.

*The Hon. Mr. Allen.*

*Mr. Bliss.*

*Mr. Robinson.*

*Mr. Winslow.*

*Mr. Odell.*

*Mr. Leonard.*

Read a third time and passed, with amendments, the Bill "for the more easy and speedy recovery of small debts."

ORDERED, That Mr. Winslow acquaint the Assembly herewith; and also inform that House that the Council have concurred in passing the Bill "for preserving the bank of the river Saint John, in front of the Parish of Lincoln, in the County of Sunbury."

Read a Bill from the Assembly "to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions."

To stand for a second reading to-morrow.

Mr. Odell, by the direction of the Lieutenant Governor, communicates to the Council the following copies of an address to His Excellency, this day presented from the House of Assembly, and of His Excellency's answer thereto, viz:—

*"To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.*

THE HUMBLE ADDRESS OF THE HOUSE OF ASSEMBLY.

*"May it please your Excellency,*

**"THE** House of Assembly having taken into consideration the recommendations contained

tained in your Excellency's Message to them on the sixteenth instant; beg leave humbly to represent that they conceive the sums of seventy four pounds seventeen shillings and seven pence expended in preparations made for the defence of Saint Andrews; the expence amounting to the sum of fifty pounds, incurred in the purchase of a lot of ground on which a battery has been built in the city of Saint John; and the further sum of five pounds six shillings and sixpence expended in defraying the expences of two guard houses in the same city, to be expenditures for the general defence: and although they can confidently assure your Excellency of the ready personal co-operation of all His Majesty's subjects in this Province on every occasion in the general defence, yet they conceive their situation incompatible with the erection of or defraying the expence attending works of defence."

(Signed,)

"A. BOTSFORD, Speaker."

"*New-Brunswick, &c.*

"27th FEBRUARY, 1795.

"*Answer of His Excellency the Lieutenant Governor to the Address of the Assembly, this day presented.*

(Signed) "THOS. CARLETON.

"GENTLEMEN,

"I HAVE the satisfaction to feel, with you, a just confidence in the ready personal co-operation of all His Majesty's subjects in this Province on every occasion for the general defence; and I hope that, on a further consideration of this important subject, you will be convinced of the indispensable duty incumbent on us all, not only by every personal exertion, but by every other necessary means in our power, to provide for the safety and defence of the Province.

"If any emergency should arise, requiring efforts or provisions clearly beyond our ability, we can have no doubt of the necessary aid and protection of the parent state. But until the evident existence of such a situation, I should consider any application made in that view on my part as injurious to the reputation of the Province.

"By His Excellency's Command.

(Signed,)

"JON<sup>N</sup> ODELL."

*Adjourned till To-morrow.*

.....

SATURDAY, 28th February, 1795.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Robinson.*

*Mr. Allen.*  
*Mr. Odell.*  
*Mr. Leonard.*

V

Ordered,

**ORDERED**, That the Chief Justice be added to the Committee of conference on the subject of a Bill "for altering the sittings of the Supreme Court in this Province."

Read a second time, the Bill "to regulate the terms of the sittings of the Inferior Courts of Common Pleas, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions."

To be further considered on Monday next.

Message from the Assembly, that they have concurred in the amendment of the Bill "for the more easy and speedy recovery of small debts."

Read a Bill from the Assembly, "further to continue an Act, intituled, an Act for raising a Revenue in this Province."

To stand for a second reading on Monday next.

Read a Bill from the Assembly, "for appropriating and disposing of the public money."

**RESOLVED**, That the Council request a conference with the Assembly on the subject matter of this Bill, and for that purpose will appoint a Committee to meet a Committee from the Assembly on Monday next.

**ORDERED**, That Mr. Leonard acquaint the Assembly with this Resolution; and that Mr. Winslow and Mr. Leonard be a Committee for the said purpose.

The Committee of conference on the subject of a Bill "for altering the sittings of the Supreme Court in this Province, report—That, on their stating, as instructed, the allegations of the Council, the Committee from the Assembly intending to report the same to their House, had requested that the conference in the mean time might not be closed. That having this day met again in conference, the Committee from the Assembly had, in answer to the first allegation, quoted instances which had occurred in former Sessions of Assembly in this Province; and to the second, averred the right of demanding a conference in the present instance, on the ground of Parliamentary usage:—and lastly, suggested that the motive of their House in demanding this conference, had been to obtain information of the reasons which had induced the Council in four several Sessions to reject Bills of similar import with that now in question.

This report being made, the Council resolve that, instances of deviation from Parliamentary usage, which, on some occasions, have occurred by mutual consent of both houses, in order to the more easy and speedy dispatch of business, cannot be cited as precedents against allegations respecting the known and established rules of Parliamentary proceedings; and that the motive suggested on the part of the Assembly for demanding this conference is also irreconcilable to Parliamentary usage, which gives the right of demanding a conference to that Court only which is in possession of the Bill.

*Adjourned till Monday next,*



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MONDAY, 2d March, 1795.

PRESENT.

*The Hon. The Chief Justice.**Mr. Winslow.**Mr. Odell.**Mr. Leonard.**Mr. Allen.**Mr. Bliss.**Mr. Robinson.**Mr. Saunders.*

Message from the Assembly, that they agree to the conference requested by the Council, on the subject matter of the Bill "for appropriating and disposing of the public money."

The committee appointed to this conference are instructed on the part of the council to state the following objections to the said Bill, viz:—

1. That this Bill provides for Services not recommended, which the Council conceive to be unparliamentary.

2. That some of the Services, specially recommended by His Excellency in this Session, remain unprovided for, although those services are acknowledged to be for the general defence, and ought therefore to have been among the first objects of provision, while, on the contrary, greater sums are appropriated for other objects.

3. That the appropriating of sums of money, as in this Bill, to the several Members for their attendance in General Assembly, does not accord with Parliamentary usage.

Read a second time, the Bill "further to continue an act, intituled, an act for raising a Revenue in this Province."

To stand for a third reading to-morrow.

Further considered the Bill "to regulate the terms of the sittings of the Inferior Courts of Common Pleas," &c.

To stand for a third reading to-morrow.

Read a third time, and passed, (after mistakes therein corrected by the Assembly at their request,) the Bill "to provide for the support of beacons to be erected for better securing the navigation of Passamaquoddy bay, and building a slip in the harbour of Saint Andrews."

ORDERED, that Mr. Bliss acquaint the Assembly herewith.

*Adjourned till To-morrow.*

TUESDAY,

*TUESDAY, 3d March, 1795.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Robinson.*

*Mr. Allen.*  
*Mr. Odell.*  
*Mr. Saunders.*

Read a third time, and passed the Bill "further to continue an Act, intituled, an Act for raising a Revenue in this Province."

The Committee of Conference on the Bill "for appropriating and disposing of the public money," report the following reasons given in by the Committee from the Assembly on the part of that House, in answer to the objections offered by the Council to the said Bill, viz :—

"To the first objection, the House of Assembly reply in the words made use of by the Committee of Council, who managed a conference with a Committee of this House, on the 9th day of March, 1793—That it is the sole and undoubted right of the House of Assembly to originate a money Bill, and to include therein not only what may be recommended from the Executive Chair, but also such other sums as they may think necessary for the public good.

"To the second objection, the House of Assembly observe, that it is their inherent right to consider and determine upon the expediency of all public services recommended to them to be provided for; that the services in question are military expenditures; and that all expenditures on military works in Canada, Nova-Scotia and Newfoundland, for the purposes of public defence have invariably been included in the extraordinaries of the army, and annually presented to the House of Commons by the Secretary at war in the estimates for army extraordinaries.

"To the third objection, the House of Assembly observe, that the payment of Members serving in Parliament is constitutional and agreeable to the ancient usage and custom of Parliament; that the circumstances and situation of this Province render any other mode of payment, than that hitherto invariably adopted by the Legislature, inexpedient; that the same is conformable to precedents in our own acts of Assembly, (from which the House will not depart without good cause,) and hath also, in estimates of expences laid before the House by order of His Excellency the Lieutenant Governor, been recommended to be provided for as a public service.

"The House of Assembly have also further given it to us in charge to declare that they consider the words 'and ought therefore to have been among the first objects of provision, while, on the contrary, greater sums are appropriated for other objects,' as a reflection upon their proceedings and an infringement of the privileges of the House of Assembly."

ORDERED, That Mr. Justice Allen be added to this Committee; and Resolved, that the Council will desire a free conference on this subject.

Ordered,

ORDERED, That Mr. Winslow acquaint the Assembly herewith.

Message from the Assembly, that they agree to the free conference proposed.

*Adjourned till To-morrow.*

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WEDNESDAY, 4th March, 1795.

PRESENT.

The Hon. The Chief Justice.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Mr. Allen.
Mr. Bliss.
Mr. Robinson.
Mr. Saunders.

Read a third time, and amended, the Bill “to regulate the terms of the sittings of the Inferior Court of Common Pleas, and to enlarge the jurisdiction of the same, and for the summary trials of certain actions.”

On the question—Resolved, that this Bill, so amended, do pass.

ORDERED, That Mr. Leonard carry this Bill, with the amendment, to the Assembly; and also inform that House, that the Council have concurred in passing the Bill “further to continue an Act, intituled, an Act for raising a revenue in this Province.”

Adjourned till To-morrow.

~~~~~

THURSDAY, 5th March, 1795.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. Allen.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Saunders.*

Message from the Assembly, that they have concurred in the amendment of the Bill “to regulate the terms of the sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the summary trials of certain actions.”

The committee of conference on the Bill “for appropriating and disposing of the public money,” report:—That a free conference having been had on the reasons offered on the part of the Assembly to the objections stated by the council against the Bill, the committee from the Assembly had been instructed by that house “to propose a mutual oblivion of all proceedings on the matter of the said conference, and to add, that if the said proposal be rejected the conference is at an end.” This

This report being made, the Council resolve that they do not accede to this proposal.

**RESOLVED**, That the further consideration of the Bill “for appropriating and disposing of the public money,” be put off for three months.

**ORDERED**, That Mr. Winslow, Mr. Odell, and Judge Saunders be added to the Committee of Council appointed to correspond with Mr. Knox the Agent; which Committee is instructed to give him full information respecting the proceedings in this Session.

His Excellency came to the Council chamber, and, by message, required the attendance of the House of Assembly.

The Assembly attending accordingly, His Excellency gave his assent to the following Bills. viz :—

A Bill for the more easy and speedy recovery of small debts.

A Bill to regulate the terms of the sittings of Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the summary trial of certain actions.

A Bill in addition to an act, intituled, “an act for the better ascertaining and confirming the boundaries of the several counties within this Province, and for subdividing them into towns or parishes.”

A Bill for preserving the bank of the river Saint John in front of the parish of Lincoln in the County of Sunbury.

A Bill to continue several acts that are near expiring.

A Bill to provide for the support of beacons to be erected for better securing the navigation of Passamaquoddy Bay, and building a slip in the harbour of Saint Andrew’s.

A Bill further to continue an act, intituled, “an act for raising a revenue in this Province.”

His Excellency then closed the Session with the following Speech, viz :—

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

**I** HOPE the Bills now enacted may answer the beneficial purposes for which they have been prepared and presented; and as this Session has already continued to a time beyond which it may be inconvenient for you to be longer absent from your respective counties, I shall now dismiss you from further attendance at present in General Assembly.

The Secretary then announced His Excellency’s pleasure that this Assembly be prorogued till the second Tuesday in June next.

# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

---

FIRST SESSION OF THE THIRD GENERAL ASSEMBLY.

ANNO VICESIMO SEXTO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

---

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Tuesday, 9th February, 1796.

**W**RITS having issued for a new election of Representatives (in consequence of His Majesty's approbation and confirmation of the Act for regulating Elections, &c.) to meet in General Assembly on the second Tuesday in October last, and the said General Assembly having been, by proclamations of the 25th September and 30th November, prorogued to this day, the Council met.—

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

*Mr. Justice Allen.*  
*Mr. Bliss.*  
*Mr. Robinson.*

Ordered,

ORDERED, That Mr. Odell wait on the Lieutenant Governor, and inform His Excellency that the Council are met and ready to proceed upon business.

Mr. Odell reports, that he has waited on the Lieutenant Governor, as ordered, and that His Excellency will come to the Council Chamber immediately and open the Session.

His Excellency came to the Council Chamber, and, having by message required the attendance of the House of Assembly, and that House attending accordingly, His Excellency was pleased to make the following speech to both Houses. viz:—

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

**HIS** Majesty having been pleased, by his order in Council of the 3d of June last, to approve and confirm the act “for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province,” I thought it expedient to give the Inhabitants, without delay, the full enjoyment of their legal right, to be represented by Members chosen according to those regulations, which were then become a fundamental part of our colonial constitution.

*Gentlemen of the Assembly,*

The persevering loyalty, and firm attachment to the British Government, by which the people, whom you have the honor to represent, have been animated under the most trying circumstances, are sure pledges of their endeavors to convey the same sentiments to their posterity. They will also transmit a lasting remembrance of the national munificence, with which their sacrifices have been compensated; and although they must expect to be long indebted to the same bountiful source, for the principal means of their defence, and the chief support of their Government, yet they will doubtless be ambitious, at all times, to do what they can for themselves, and not to depend on the aids of the Parent State beyond the exigencies of real necessity.

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

I also recommend it to you to make permanent provision, as soon as it may be conveniently practicable, for suitable salaries to such public officers as have hitherto been paid only by occasional grants.

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

You cannot but be sensible of the importance of the duties incident to your station, as Members of the Legislature: nor can I doubt your zeal, to contribute your utmost to the advancement and security of the public welfare. I take

I take this opportunity to communicate to you the information, which has been transmitted to me by one of His Majesty's principal Secretaries of State, that "His Majesty has been pleased to order Letters of Marque to be issued against the ships, goods and subjects of the United Provinces of Holland;" and I congratulate you on the important successes which have lately attended the Arms of His Majesty's Allies.

The House of Assembly being withdrawn, and His Excellency having retired, the Chief Justice read a copy of the Speech.

ORDERED, That Mr. Winslow and Mr. Upham be a Committee to prepare an Address in answer to His Excellency's Speech.

*Adjourned till Thursday next.*

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**THURSDAY, 11th February, 1796.**

PRESENT.

*The Hon. Justice Upham.  
 Mr. Winslow.  
 Mr. Odell.*

*Mr. Robinson.  
 Mr. Justice Saunders.*

Mr. Winslow, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported a Draught, which was read and referred to further consideration to-morrow.

Message from the Lieutenant Governor, by Mr. Odell, informing the Council that the following accounts of expences incurred for the public defence have been, by order of His Excellency, this day laid before the House of House of Assembly, viz :—

GOVERNMENT,

TO ROBERT PAGAN, DR.

For money paid for Stuff, Iron Work and Carpenter's Work, making and completing six Gun Carriages.

|                                                                               |             |
|-------------------------------------------------------------------------------|-------------|
| Paid for seasoned plank for the sides, axletrees and wheels of six carriages, | £1 : 19 : 0 |
| Paid James Pendleberry's Account, as follows :—                               |             |
| For Iron Work, 160 lbs. of drawn bolts, at 4ls. per cwt.                      | 2 : 18 : 8  |
| Iron Work taken from another carriage to complete one carriage,               | 1 : 2 : 0   |
| His Account of Working Iron, to complete five carriages,                      | 3 : 4 : 2   |
| Paid John Rigby, carpenter, 10 days work, at 6s. 6d.                          | £3 : 5 : 0  |
| Paid John Joice, Carpenter, 2½ do. at 6s.                                     | 0 : 15 : 0  |
| Allowed them for rum, while at work,                                          | 0 : 5 : 1   |
|                                                                               | <hr/>       |
|                                                                               | 4 : 5 : 1   |

Carried Forward, £19 : 8 : 11

|                                                    |                  |              |
|----------------------------------------------------|------------------|--------------|
|                                                    | Brought Forward, | £13 : 8 : 11 |
| Paid for painting the six carriages,               |                  | 0 : 6 : 0    |
| Paid for 13 lbs. of sheet lead, for aprons, at 6d, |                  | 0 : 6 : 6    |
|                                                    |                  | <hr/>        |
|                                                    |                  | £14 : 1 : 5  |

*Saint Andrews, 15th December, 1794.*

(Signed)

ROBT. PAGAN.

THE PROVINCE OF NEW-BRUNSWICK,

TO JAMES REID, **DR.**

To the consideration money of a lot of ground, on which Prince Edward's Battery now stands, in the city of Saint John, purchased by the Mayor of the said city, by direction of His Excellency the Lieutenant Governor,

£50 : 0 : 0

*Saint John, May 4th, 1794.*

(Signed)

G. G. LUDLOW.

GOVERNMENT,

TO ROBERT PAGAN, **DR.**

For materials provided for erecting three Batteries at Saint Andrews, and for Carpenters' and Labourers' work, in finishing them, exclusive of the voluntary assistance of the Inhabitants in general of Saint Andrews, who worked in erecting them in the Fall of 1793, and Spring of 1794.

To 62 pieces of Merchantable Pine Timber, per particular account annexed, containing 2594 solid feet, equal to 64 T. 34 F. at 10s. per ton of 40 feet, £52 : 8 : 6

To 7 p. p. Refuse Pine Timber, per particular account annexed, containing 285 solid feet, equal to 7 T. 5 F. a 5s. per ton of 40 feet, 1 : 15 : 8

To 219 feet of 2 inch and 2 ½ inch Birch Plank for Dovetails, &c. at 2d per foot, 1 : 16 : 6

To 350 feet of 2 ½ inch Pine Plank for the Embrasures and Platforms, at 10s. per 100 feet, 1 : 15 : 0

To 545 feet of 2 inch Pine Plank for Platforms, &c. at 7s. per 100 feet, 1 : 18 : 6

To 85 feet of 2 inch Refuse Pine Plank, for securing the Banking, &c. at 3s. 6d. per 100 feet, 0 : 2 : 9

To 285 feet in length of Scantling and Ranging Timber, for Sleepers for Platforms, &c. at 7s. 6d per 100 feet, 1 : 0 : 9

To 51½ lbs. Spikes and Deck Nails for the Platforms, Dovetails, &c. at 7d per lb. 1 : 10 : 0

Paid Carpenters and Labourers as follows, exclusive of their own voluntary assistance with the Inhabitants in general, who worked gratis, viz :—



|                                                                                                                                                            |              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Paid Dougald Thompson, John Rigby, Amos Hitchings, and William<br>Monro, Carpenters, for assisting to finish the work, 38 days, at 6s.<br>6d. per day,     | 12 . 17 : 0  |
| Paid David Deley and Reuben Alexander, Labourers, for 8½ days<br>work, at 4s. per day,                                                                     | 1 : 13 : 0   |
| Paid for six days work of 1 Man and 2 yoke of Oxen, hauling timber<br>and other materials on the spot where the Batteries are erected, at<br>11s. per day, | 3 : 6 : 0    |
| To 4½ gallons Rum, to Carpenters, Labourers and Volunteers, when<br>employed in the work, at 5s.                                                           | 1 : 2 : 6    |
|                                                                                                                                                            | £60 : 16 : 2 |
| To cost of fitting 6 Gun Carriages, per account formerly rendered,                                                                                         | 14 : 1 : 5   |
|                                                                                                                                                            | £74 : 17 : 7 |

*Saint Andrews, 3d June, 1794.*

Errors and Omissions excepted,  
(Signed)

ROBT. PAGAN.

*Adjourned till To-morrow.*

FRIDAY, 12th February, 1796.

PRESENT.

*The Hon. Mr. Justice Allen.  
Mr. Justice Upham.  
Mr. Winslow.*

*Mr. Odell.  
Mr. Robinson.  
Mr. Justice Saunders.*

Read and approved, the following draught of an Address in answer to His Excellency's Speech, viz :—

*To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander  
in Chief of the Province of New-Brunswick, &c. &c. &c.*

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

**M**AY it please Your Excellency to accept our acknowledgements for your continued attention to the interest of the Province in calling a General Assembly at this time, and thereby giving the Inhabitants, without delay, the enjoyment of their legal right to be represented by Members chosen according to the regulations of an Act which,  
having

having been approved and confirmed by His Majesty, is now become a fundamental part of our Constitution.

We are fully sensible of the importance of the duties incident to our station as Members of the Legislature, and we trust that we shall have a just claim to your Excellency's confidence in our zeal to contribute, to the utmost of our power, to the advancement and security of the public welfare.

We thank Your Excellency for communicating the information, that His Majesty has been pleased to order Letters of Marque to be issued against the ships, goods and subjects of the United Provinces of Holland; and we most sincerely rejoice at the important successes which have lately attended the arms of His Majesty's allies.

ORDERED, That Mr. Odell wait on the Lieutenant Governor, to know when his Excellency will be pleased to receive the Address of His Majesty's Council.

*Adjourned till Monday next.*

.....

**MONDAY, 15th February, 1796.**

PRESENT.

*The Hon. Mr. Justice Allen.  
Mr. Justice Upham.  
Mr. Justice Saunders.*

*Mr. Odell.  
Mr. Robinson.*

Mr. Odell reports that he had waited on the Lieutenant Governor, as ordered, and that His Excellency was pleased to appoint this day at 1 o'clock, to receive the Address of the Council.

*Adjourned to wait on his Excellency, and to meet again on Wednesday next.*

~~~~~

WEDNESDAY, 17th February, 1796.

PRESENT.

*The Hon. Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Winslow.*

*Mr. Justice Allen.
Mr. Odell.
Mr. Robinson.*

Mr. Justice Allen reports that the Council had waited on the Lieutenant Governor
on

on Monday last, and presented their Address, to which His Excellency had been pleased to return the following answer, viz :—

Gentlemen,

I THANK you for this Address, and I hope that the success of your endeavours may be proportioned to your zeal for the public welfare.

Read a Bill, from the Assembly, “for preventing unnecessary expence and delay in the process of barring entails, and for establishing a plain and easy form of conveying and assuring Estates-Tail.”

Read a Bill, from the Assembly, “to amend an Act, intituled, an Act for regulating the fisheries in the different rivers, coves and creeks of this Province, so far as the same respects the fisheries in that part of the County of Northumberland which is within the Bay and River Miramichi and its branches.”

On motion of Mr. Justice Upham, leave is given to bring in a Bill “for making lands and tenements liable to the payment of debts, with a term of redemption,” and for repealing an Act, intituled, “an act subjecting real estates in the Province of New-Brunswick to the payment of debts, and directing the Sheriff in his proceedings thereon.”

Adjourned till Friday next.

FRIDAY, 19th February, 1796.

PRESENT.

*The Hon. Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.*

*Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.*

Read a second time, The Bill for preventing unnecessary expence and delay in the process of barring entails, &c.—And,

The Bill to amend the Act for regulating the fisheries, &c.

The further consideration of these Bills to be put off till Monday next.

Mr. Odell, by order of the Lieutenant Governor, communicated to the Council the following

following Message from His Excellency, sent yesterday to the House of Assembly, viz :—

New-Brunswick, &c.

“ 18th FEBRUARY, 1796.

Message from His Excellency the Lieutenant Governor to the House of Assembly.

(Signed) THOS. CARLETON.

HIS Excellency recommends it to the House to make provision for defraying the expense of printing, by his order, the Acts passed in the last Session of General Assembly, and the Act “for regulating Elections,” an account of which, amounting to £30 : 13 : 8, His Excellency has directed to be herewith laid before the House.

His Excellency has also directed to be herewith laid before the House a letter addressed by Robert Pagan, Daniel M’Master, Henry Goldsmith and James Campbell, Esquires, to Major Mackay (now Lieut. Colonel) of the Charlotte County Militia, together with an abstract for a detachment of the said Militia employed on that occasion on actual service, amounting to £28 : 10 : 9, which His Excellency recommends to the consideration of the House.

His Excellency also directs to be laid before the House, and refers to their consideration, a return, which he has received from Captain Nathan Frink, of persons employed in the capture of fugitives belonging to the French privateer La Solide, between the 11th and 14th of September, 1795, together with a letter on the subject from Captain Frink to the Secretary of the Province.

His Excellency also recommends it to the House to provide for payment of the Adjutants of Militia for the year past.

Adjourned till Monday next, at 12 o’clock.

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MONDAY, 22d February, 1796.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Justice Saunders.*

Read a Bill, from the Assembly, “to prevent Acts of the General Assembly from taking effect from a time prior to the passing thereof.” To

To stand for a second reading on Wednesday next.

Read a Bill, from the Assembly, "for regulating and establishing the times and places for holding the terms and sittings of the Supreme Court."

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, "for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of Highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same."

To stand for a second reading on Wednesday next.

ORDERED, That the third reading of the Bill to amend the Act for regulating fisheries, &c. ; and of the Bill respecting the process of barring entails, be put off till Wednesday next.

*Adjourned till Wednesday next.*

.....

*WEDNESDAY, 24th February, 1796.*

PRESENT.

*The Hon. The Chief Justice.  
Mr. Justice Allen,  
Mr. Winslow.  
Mr. Odell.  
Mr. Leonard.*

*Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.  
Mr. Robinson.  
Mr. Justice Saunders.*

Read a Bill, from the Assembly, "for preserving the bank of the River Saint John in front of the Parish of Burton, in the County of Sunbury."

To stand for a second reading to-morrow.

Read a second time, the Bill "to prevent acts of the General Assembly from taking effect from a time prior to the passing thereof."

To stand for a third reading to-morrow.

Read

Read a third time, the Bill "to amend an Act, intituled, an Act for regulating the fisheries in the different rivers, coves and creeks of this Province, so far as the same respects the fisheries in that part of the County of Northumberland which is within the Bay and River Miramichi and its branches:" And,

On the question—Resolved, that this Bill do pass.

ORDERED, That Mr. Winslow inform the House of Assembly that the Council have concurred in passing this Bill.

Read a third time, the Bill "for preventing unnecessary expence and delay in the process of barring Entails, and for establishing a plain and easy form of conveying and assuring Estates-tail."

On the question—Resolved, that this Bill do pass.

ORDERED, That Mr. Justice Upham inform the House of Assembly that the Council have concurred in passing this Bill.

Read a second time, the Bill for regulating, laying out, and repairing highways, &c.

On motion—Resolved, That the following amendments be proposed in this bill, viz : Dele the proviso in the 20th section, respecting the width of sleds, and the whole 25th section.

ORDERED, That this Bill, so amended, stand for a third reading to-morrow.

*Adjourned till To-morrow.*

.....

THURSDAY, 25th February, 1796.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Robinson.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Leonard.*  
*Mr. Justice Saunders.*

Read a third time, the Bill for regulating, laying out, and repairing highways and roads, &c. with the amendments proposed.

Resolved,

**RESOLVED**, That the following amendments be adopted, viz :—

I. In the title of the Bill, dele the word “repealing,” and instead thereof, insert “suspending for a limited time.”

II. At the close of the first Section, dele the word “repealed,” and insert the words, “suspended for the term of five years or during the operation of this act.”

III. Dele the first proviso in the 20th section respecting the width of Sleds.

On the question,—Resolved that this Bill, so amended, do pass.

**ORDERED**, That Mr. Leonard inform the House of Assembly that the Council have concurred in passing, with amendments, the Bill “for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for repealing all the laws now in force relating to the same.”

Read a third time, the Bill “to prevent acts of the General Assembly from taking effect from a time prior to the passing thereof.”

On the question,—Resolved that this Bill do pass.

**ORDERED**, That Mr. Justice Saunders inform the House of Assembly that the Council have concurred in passing this Bill.

Read a second time, the Bill “for preserving the bank of the River St. John in front of the parish of Burton in the county of Sunbury.”

**RESOLVED**, That the further consideration of this Bill be put off for three months.

*Adjourned till to-morrow, at 12 o'clock.*

**FRIDAY, 26th February, 1796.**

PRESENT.

*The Hon. The Chief Justice.  
Mr. Justice Allen.  
Mr. Winslow.  
Mr. Odell.  
Mr. Leonard.*

*Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.  
Mr. Robinson.  
Mr. Justice Saunders.*

Read a Bill, from the Assembly, “for reviving and continuing an act, intituled, an Act for the support and relief of confined debtors.”

To stand for a second reading on Monday next.

Read a Bill, from the Assembly, "to provide for the payment of debts incurred and services performed previous to, and during the last session of the late General Assembly."

To stand for a second reading on Monday next.

Mr. Odell, by direction of the Lieutenant Governor, communicated to the Council the following Message this day sent by His Excellency to the House of Assembly, viz :—

**New-Brunswick, &c.**

26th FEBRUARY, 1796.

*Message from His Excellency the Lieutenant Governor to the House of Assembly.*

(Signed) THOS. CARLETON.

**H**IS Excellency recommends it to the House to provide for payment of the rent of the House which has been, by his order, hired for the accommodation of the General Assembly and the Courts of Justice, of which an account, amounting to forty pounds, will herewith be laid before the House.

By His Excellency's Command.

(Signed)

JON'N ODELL.

*Adjourned till Monday next.*

MONDAY, 29th February, 1796.

PRESENT.

*The Hon. The Chief Justice.  
Mr. Justice Allen.  
Mr. Winslow.  
Mr. Odell.  
Mr. Leonard.*

*Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.  
Mr. Robinson.  
Mr. Justice Saunders.*

Read a second time, the Bill "for reviving and continuing an act, intituled, an Act for the support and relief of confined debtors."

To stand for a third reading to-morrow.

Message from the Assembly, that they concur in the amendments to the Bill for regulating, laying out, and repairing highways and roads, &c. Read



Read a second time, the Bill "to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly."

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, "to revive and continue an act, intituled, an Act for preserving the Bank of the River St. John, in front of the Parishes of Maugerville, Sheffield and Waterborough : " Also,

A Bill "for regulating the settlement of the poor, and for making further provision for their relief and support : " And,

A Bill "to prevent bringing infectious distempers into the city of Saint John."

These Bills to stand for a second reading to-morrow.

*Adjourned till To-morrow.*

*TUESDAY, 1st March, 1796.*

PRESENT.

*The Hon. The Chief Justice,  
Mr. Justice Allen,  
Mr. Winslow,  
Mr. Odell,  
Mr. Leonard.*

*Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.  
Mr. Robinson.  
Mr. Justice Saunders.*

Read a third time, the Bill "for reviving and continuing an act, intituled, an Act for the support and relief of confined debtors."

On the question—Resolved, that this Bill do pass.

ORDERED, That Mr. Ludlow inform the House of Assembly, that the Council have concurred in passing this Bill.

ORDERED, That the consideration of the Bill for regulating the settlement of the poor, &c. be put off till to-morrow.

Read a second time, the bill "to prevent bringing infectious distempers into the city of St. John : " And,

The bill "to revive and continue an Act, intituled, an Act for preserving the bank of the river Saint John, in front of the parishes of Maugerville, Sheffield and Waterborough."

These

These Bills to stand for a third reading to-morrow.

ORDERED, That the third reading of the bill "to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly of this Province," be put off till to-morrow.

*Adjourned till To-morrow.*

.....

WEDNESDAY, 2d March, 1796.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Justice Saunders.*

Read a second time, the Bill "for regulating the settlement of the poor, and for making further provision for their relief and support."

On motion,—Resolved that the further consideration of this Bill be put off for three months.

Read a third time, the Bill "to prevent bringing infectious distempers into the City of St. John." Also,

The Bill "to revive and continue an act, intituled, an act for preserving the bank of the river Saint John in front of the parishes of Maugerville, Sheffield and Waterborough."

On the question,—Resolved that these Bills do pass.

ORDERED, That Mr. Leonard inform the House of Assembly that the Council have concurred in passing these Bills.

Read a third time, the Bill "to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly of this Province."

On motion, that this Bill do pass—The Council divided—

CONTENT.

## CONTENT.

Mr. G. G. Ludlow.  
Mr. Justice Upham.  
Mr. Bliss.

## NOT CONTENT.

Mr. Justice Allen.  
Mr. Winslow.  
Mr. Odell.  
Mr. Robinson.  
Mr. Leonard.  
Mr. Justice Saunders.

Thereupon—Resolved, that this bill do not pass.

*Adjourned till To-morrow.*

.....  
**THURSDAY, 3d March, 1796.**

## PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Winslow.*  
*Mr. Robinson.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Odell.*  
*Mr. Leonard.*

Read a Bill, from the Assembly, "for defraying the expences of re-printing the laws of the Province."

To stand for a second reading to-morrow.

Mr. Justice Upham, with leave, withdrew his motion, of the 17th of February, respecting the bringing in of a bill "for making lands and tenements liable to the payment of debts, with a term of redemption; and for repealing an act, intituled, an Act subjecting real estates in the Province of New-Brunswick to the payment of debts, and directing the Sheriff in his proceedings thereon."

*Adjourned till To-morrow.*

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FRIDAY, 4th March, 1796.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Odell.
Mr. Leonard.

Mr. Justice Allen.
Mr. Winslow.
Mr. Robinson.
Mr. Justice Saunders.

Read

Read a second time, the Bill "for defraying the expences of re-printing the laws of the Province."

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, "for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury."

On motion—Ordered, that the further consideration of this Bill be put off till to-morrow.

Adjourned till To-morrow.

SATURDAY, 5th March, 1796.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.*

*Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.*

On motion—Resolved, That the Council request a Conference with the Assembly, on the subject matter of the Bill now before the Council, "for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the treasury;" and for that purpose will appoint a Committee to meet a Committee from the Assembly on Monday next.

ORDERED, That Mr. Leonard communicate this Resolution to the House of Assembly.

ORDERED, That the Chief Justice, Mr. Justice Allen, and Mr. Odell be a Committee for the said purpose.

ORDERED, That the further consideration of the Bill "for defraying the expences of re-printing the Laws of the Province," be put off till Monday next.

Message from the House of Assembly, that they "do agree to the Conference requested by the Council, on the subject matter of the Bill for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury."

Adjourned till Monday next.

MONDAY,

MONDAY, 7th March, 1796.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Odell.
Mr. Leonard.

Mr. Justice Allen.
Mr. Winslow.
Mr. Robinson.
Mr. Justice Saunders.

RESOLVED, That the Committee of Conference be instructed to state the following objections to the Bill “for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury,” viz :—

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

II. That this Bill nominates persons for the performance of public services, which is an interference with the Executive Power, and tends to destroy the balance of the Constitution.

III. That this Bill provides for the wages of the Members of the House of Assembly in an unconstitutional manner, taking out of the public Treasury those wages which acts of Parliament have directed to be levied on their respective Constituents ; and that mixing the wages with all the other services, as in this Bill, compels the Council either to agree to whatever sums they may vote to themselves, or to incur all the public inconveniencies before stated ; an alternative which the Council suppose the House would not wish to impose in a matter in which the Members of that House are individually so immediately interested.

IV. That by this Bill duties are laid upon British products and manufactures.

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

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

VII. That the sum of Twenty-four pounds three shillings and four pence, granted in this Bill to William Pagan, Esquire, for books imported on the subjects of the laws of nature and nations, of the constitution of Great Britain, and rules and proceedings of the British Parliament, purchased for the use and benefit of the Legislature, is an unnecessary expence, and does not appear to have been incurred by any public direction whatever.

The Committee of conference report, that they have met the Committee from the House

House of Assembly, and stated the objections of the Council, as instructed.

Read a third time, the Bill "for defraying the expences of re-printing the laws of this Province."

On the question—Resolved, that this bill do not pass.

Adjourned till To-morrow.

TUESDAY, 8th March, 1796.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Message from the Assembly, desiring "a present conference with the Council, on the subject matter of the last conference."

RESOLVED, That the Council do agree to the present conference requested by the House of Assembly, on the subject matter of the last conference.

ORDERED, That Mr. Winslow acquaint the House of Assembly with this resolution.

The Committee of Conference report the following observations, made by the Committee from the Assembly, on the part of that House, in answer to the objections offered by the Council to the Bill "for raising a Revenue," &c. viz :—

"In answer to the first objection offered by the committee of conference on the part of the Council, we have to observe, that it is couched in such vague and general terms, as to render it impossible for us to speak specifically to the objects and services which are alleged in it, to be mixed in this Bill—it may naturally be inferred from some words and expressions in it that the Council expected that each service provided for and each article taxed, should have been sent up to them in a distinct and separate Bill for their approbation or rejection. This mode of proceeding however would be contrary to all Parliamentary precedents as well as to those which appear in our own Journals. If the mixture of objects and services generally alluded to in it, be meant to refer to the appropriation of the Revenue of this year in the act which raises it, and
of

of the unappropriated sums in the Treasury for the services therein mentioned, we cannot help considering the assertion as an infringement of the privileges of the House of Assembly who 'alone possess the right of disposing as well as raising the public money and in such manner as they only think proper.' This Bill is confined to one general object the grant of supplies for the ordinary services and expences of Government, and many acts of Parliament comprehend a much greater variety of objects and services than are included in the present Bill.

"In answer to the second objection we have to observe, that the appointing of Commissioners by act of Assembly to superintend the expenditure of money, and take account of the same, has been uniformly practised by every House of Assembly in this Province and is a right inherent in that House from which it can never depart, as it is founded on the most unquestionable parliamentary authorities.—That the nominating Commissioners not only in money bills but also in bills which impose any burdens on the people 'is in the House of Assembly only,' besides the Honorable George Leonard, Joshua Gidney, and James Hughson were nominated in an act of Assembly passed in the year 1792 as commissioners, for the performance of the services alluded to. It might with equal propriety be urged by the Council that the power delegated by act of Assembly to the Sessions in each county to appoint assessors and other parish officers 'is an interference with the executive power and tends to destroy the ballance of the Constitution.' This objection therefore is altogether unconstitutional; for the House of Lords are not allowed to alter Commissioners' names—Commissioners of public accounts, American claims &c. have been named by the Commons and appointed by act of Parliament.

"In answer to the third objection we observe,—

I. That the only estimate of expences for the public service of the Province of New-Brunswick, viz. for the year 1793, recommends the pay of the Speaker and the members of the House as the first articles of Provision. It would therefore be a reflection on His Excellency the Lieutenant Governor to accede to this objection of the Council.

II. That the 6. Hen. 8. c. 16. was made long before there were any English Colonies in America, and therefore could not have had them in contemplation, and is consequently altogether inapplicable to the case in question.

III. That it is the sole and inherent right of the House of Assembly to judge of the expediency and to direct the mode and manner of providing for this service as well as for all other services.—

"The House of Assembly is therefore utterly at a loss to account for the wonderful inconsistency between this reason offered by the Council and the recommendation of services to be provided for in 1793. It is certainly strange that what His Excellency recommended in 1793, should be called unconstitutional by the Council in 1796. The allusions to personal advantage best become those who indulge such unworthy motives—the House think this part of the objection deserves no other answer.

"To the fourth objection they reply—that a large drawback is allowed on the exportation from Great Britain of the articles of Loaf Sugar, Porter, and Playing Cards, alluded to in this objection—that the duties proposed do not impose any burden on His Majesty's subjects in Great-Britain or Ireland other than is imposed on His Majesty's subjects in this Province—that the particular restrictions in His Excellency's instructions

instructions have been dispensed with in an act passed in the twenty eighth year of His Majesty's reign intituled 'an Act to provide for the support of a light house to be built upon Partridge Island,'—that in our sister colonies of Canada and Nova Scotia, as well as in the British West India Islands, duties are laid by their respective Legislatures on many articles of British product and manufacture—that the low state of the Revenue made it necessary for the House of Assembly to impose additional duties on the former articles of impost, and also to propose such new ones as would not materially injure their constituents—that they do not think it possible any restrictions can be continued in the instructions of the Lieutenant Governor of this Province which have been dispensed with in our sister Provinces. But if the Council are persuaded such restrictions still continue, to the particular prejudice of this Province, they will agree to leave out the articles of Loaf Sugar, Porter and Playing Cards, and will apply through their agent for the removal of a restriction which they are convinced was never intended to be continued to the detriment of this Province.

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

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

“In answer to the last objection we observe that 'it is the sole and inherent right of the House of Assembly both to raise the public money and to direct and limit the ends, purposes and services to which it is to be applied'—That the British Legislature are provided with the most valuable and useful publications on the laws of Nature, Nations &c.—That these are provided for by votes or resolves of the House of Commons—That the same laudable desire of constitutional information has induced similar purchases for the use and by the direction of every Legislature we have yet heard of—That the purchase of the Books referred to was by the direction of the

the House of Assembly—That a similar purchase was made and provided for in the session of 1788—That this House found it necessary to incur such expence for their information, although the Council from their being more enlightened may not think it necessary to consult the authorities this House refer to on constitutional questions. They therefore cannot admit of the Council's objection to this article of appropriation.

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

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

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

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

Read a second time, the Bill “for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury.”

To stand for a third reading to-morrow.

Adjourned till To-morrow, at 10 o'clock.

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WEDNESDAY, 9th March, 1796.

PRESENT.

The Hon. The Chief Justice.

Mr. Justice Upham.

Mr. Bliss.

Mr. Robinson.

Mr. Justice Saunders.

Mr. Justice Allen.

Mr. Winslow.

Mr. Odell.

Mr. Leonard.

Took into consideration, the Answer of the House of Assembly to the objections stated

stated in conference on the part of the Council to the Bill "for raising a Revenue, and for appropriating the same, together with the monies now in the Treasury."

RESOLVED, That the said answer does not remove those objections.

RESOLVED; That the Council desire a free Conference on the subject of the last Conference.

ORDERED, That Mr. Robinson acquaint the House of Assembly with this Resolution.

Message from the House of Assembly, that they do agree to the free Conference desired by the Council on the subject of the last Conference.

ORDERED, That the third reading of the Bill "for raising a revenue and for appropriating the same, together with the monies now in the Treasury," be put off till to-morrow.

Adjourned till To-morrow.

THURSDAY, 10th March, 1796.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

The Committee of Conference report, that they have this day met the Committee from the House of Assembly, and, in a free Conference, have replied as follows to the answers made in the last Conference to the objections offered by the Council to the Bill in question, viz :—

We first have to make one general observation, that, in the answers made on the part of the House of Assembly, to the objections stated in Conference to the Bill in question, the Council, with much concern, perceive a studied asperity of language, utterly inconsistent with public decorum and wish that spirit of harmony and mutual respect which ought to prevail between the several branches of the Legislature. With serious concern, also, we perceive that the Assembly entertains a groundless and unreasonable jealousy and distrust of the Council respecting the privileges of that House. And we conceive that nothing stated or suggested in conference ought to be considered as a
 breach

breach of any privilege, but merely as reasons or objections offered either for or against whatever points may be the subject of such conference.

I. The Council do not mean, in their first objection, to suggest that "each service provided for and each article taxed should have been sent up in a distinct and separate Bill for their approbation or rejection," but that the provisions and appropriations should have been so separated as to prevent the inconveniences enumerated, namely, the loss of the Revenue, the impeding of the public business, and the delay or eventual failure of justice respecting the ordinary services of the government. Nor do we say that the "appropriation of the Revenue of this year in the Act which raises it" is strictly unparliamentary, but it has never before been done in this Province, and we think such a practice, if adopted in this country, would lead to serious inconveniences, as the loss of both the Revenue and the appropriation would be the consequence whenever there should be a disagreement in opinion between the two Houses upon any one article of either. The same inconveniences are not to be apprehended in England, where the civil list is granted for the King's life, the public creditors are secured by established funds, and all annual estimates are made to anticipate the year for which they are granted.

II. Respecting the answer to the second objection, we have to observe, that irregular appointments heretofore made, however uniformly practised hitherto in this Province, ought no longer to be sanctioned; that the Council cannot consider "the nominating of Commissioners in all bills imposing burthens on the people as being solely in the House of Assembly;" that the nomination of the Honorable George Leonard, Joshua Gidney, and James Hughson, in the Act mentioned of 1792, as Commissioners for the performance of the services therein allotted to them, was irregular, and the money ought in that, and in all such cases, as it has been in many instances in former appropriation bills, to have been granted "to such persons as the Lieutenant Governor or Commander-in-Chief for the time being should appoint" for the express purpose intended; that the appointment of Commissioners of public accounts is for a service of a peculiar nature within the province of the Commons, who have a right to be fully informed of all expenditures of public money; and lastly, that Commissioners of American claims were appointed for a service altogether new and unknown before, requiring an Act of Parliament to authorize it, and the nomination of those Commissioners, we suppose, must have been made by direction of His Majesty, through his Chancellor of the Exchequer, or at least with his approbation.

III. Respecting the observations made in answer to the third objection, we conceive that the recommendation by his Excellency in 1793, to provide for the pay of the Speaker and the Members of the Assembly, cannot be supposed to have been intended to justify or propose any unconstitutional mode; but rather ought then to have suggested the expediency of the measure which we now think indispensably necessary. For the Statute of the 6 Hen. 8, having been made long before the existence of the Colonies, was part of the English law, which every subject of the realm must have brought with him on his emigration, and must continue to be a part of the law of this land, until some new law be enacted for the express purpose of authorising the mode

of providing for the service in question which is preferred by the Assembly, and to which, in such case, we should have no objection.

IV. As there can be no doubt of the continuance of the Royal instruction alluded to in the fourth objection, we have only to observe, on that head, that no part of that instruction was dispensed with in the Act "to provide for the support of a light house."

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

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

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

ORDERED, That the third reading of the Bill for raising a Revenue, &c. be further put off till to-morrow.

Adjourned till To-morrow.

FRIDAY, 11th March, 1796.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Message

Message from the Assembly, desiring "a present free conference with the Council on the subject matter of the last free conference," to which the Council agreed, and so answered the Members of the Assembly by whom the Message was sent.

ORDERED, That the former Committee of Conference be a Committee for the present Conference.

The Committee of Conference report the following reasons, offered in the present free Conference, in reply to the answer delivered on the part of the Council in the last free conference, viz :—

"The House of Assembly are not sensible that in their answers to the objections of the Council they indulged any asperity of language. It must naturally be expected from the strong impressions on their minds of the difficulties and inconveniencies which have arisen to the Province from the Council having last session, as well as the present, negatived the bills providing for the payment of the just debts of the Province and the necessary officers of both Houses, that they were hurt at the Council's asserting these ill consequences to have arisen on the part of the House, who, in originating those bills, were actuated by motives directly contrary. And the Council having inferred that motives of personal advantage actuated the House in the discharge of their duty, we conceive is utterly inconsistent with public decorum and the spirit of harmony which the House have ever been anxious, on their part, to maintain, and shews that the Council entertain a groundless and unreasonable jealousy of the motives by which the House are actuated in the discharge of their public duty.

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

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

"To the second objection made by the Council we answer, 'that even in Bills which are not for the grant of supply, but which however impose burdens on the people, such as bills for turnpike roads, for navigations, for paving, for managing the poor &c, for which tolls and rates must be collected, the Lords cannot make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the Persons, Commissioners, or Collectors appointed to manage it.'—In such Bills it is the invariable practice in Great Britain to appoint Commissioners and Collectors—we cannot

not

not therefore allow that the Council have hitherto acted irregularly in sanctioning such appointments by act of Assembly.

“ To the third reason we answer, that we conceive the Statute of 6. Hen. 8. c. 16, intituled ‘an Act that no Knights of Shires, nor Burgesses depart before the end of the Parliament,’ or the provisions therein made ‘that if any of the said Knights, Burgesses, or Barons do depart without leave, every of them so departing should lose all those sums of money which he ought to have had for his wages,’ are not applicable to our Colonial situation, and ought not to be deemed a part of the laws of this Province. Neither that Statute nor the Statute of 23. Hen. 6. c. 10. intituled ‘the order of levying the wages of the Knights of the Parliament,’ nor any ancient Statute regulating the wages of the Knights, Citizens and Burgesses, ever were considered in force in any British Colony, and are not applicable to the state of a Colony or the forms of our Legislature. But if these ancient and obsolete Statutes should be thought to be in force here, or to make a part of our general laws, the General Assembly is fully competent to make laws and regulations in this respect, more suitable to our condition and circumstances. This has been done by the General Assembly of this Province heretofore in many instances, and is justified by the usage of most of His Majesty’s American Colonies.

“ We conceive that the recommendation of His Excellency the Lieutenant Governor, in 1793, to provide for the pay of the Speaker, Members, &c. cannot be fairly construed otherwise than a recommendation to make provision in the usual manner, which His Excellency had approved of by giving his assent to all the Acts passed by the two Houses for that purpose. If a different mode had been in the contemplation of the Lieutenant Governor, he would have given some intimation thereof in his Message to the House on that occasion; and his giving his assent to the Act since passed for that purpose, confirms this opinion of the House. Besides, the Estimate above referred to is intituled ‘Estimate of Expences for the Public Service of the Province of New-Brunswick for the current year 1793, to be laid before the House of Assembly by order of His Excellency the Lieutenant Governor.’ We therefore insist that the provisions of this Bill, in this behalf, are constitutional and expedient.

“ To the sixth and seventh objections offered by the Committee of free Conference on the part of the Council, we answer in the following Parliamentary language:— ‘That it is the sole, undoubted, and inherent right of the commons to give money and grant aids, which are to be raised by such methods, and with such provisions, and the disposition thereof to be made in such manner as the Commons only think proper’—upon which right these objections made by the Council plainly intrench—and that ‘the Commons do only give and grant in all Bills of aid, and have the sole right to direct to what ends and purposes such aid shall be disposed; for that in common reasoning if the Commons only can give, they also must have the right to dispose.’”

And, that the Committee from the Assembly request the conference may yet be kept open.

On motion, by Mr. Justice Allen, that the Council do make it an indispensable condition

dition to the passing of the Bill, now before them, for raising a revenue &c, that what therein relates to the pay of the members be taken out; the Council divided—

CONTENT.

Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.
Mr. Justice Saunders.

NOT CONTENT.

Mr. Chief Justice.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson.

Whereupon it was further moved by Mr. Justice Allen, that the Committee of Conference be directed to take the Bill “for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury,” and leave it with the Committee from the Assembly in the present free Conference, and at the same time to say—that the Council adhere to their objections, except the second, but are willing, for the sake of harmony and to prevent public inconvenience, to pass the present Bill, provided the House of Assembly will, in addition to the alterations proposed by their Committee, take out of it what relates to the pay of the Members, and send up for that service a separate Bill, which, in that case, the Council are willing to pass; and the Council divided—

CONTENT.

Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.
Mr. Justice Saunders.

NOT CONTENT.

Mr. Chief Justice.
Mr. Justice Upham.
Mr. Bliss.
Mr. Robinson,

Thereupon—Resolved, that the said motion be adopted.

The Committee of Conference report that they have, in pursuance to this resolution, left the Bill with the Committee from the House of Assembly, and said to them as instructed; and that the Committee of the Assembly desired the Conference might yet be open.

The Committee of Conference report the following answer, delivered to them by the Committee of the Assembly in the present Conference, viz :—

“The House of Assembly consider the last proposition made by the Council respecting the Revenue and Appropriation Bill, as an interference in matters of Supply, since it prescribes the mode and manner of proceeding, and a manifest breach of their privileges.

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

Read a third time, the Bill "for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury." And,

On motion—That this Bill, as amended by the Assembly, do pass, the Council divided—

CONTENT.	NOT CONTENT.
Mr. Chief Justice.	Mr. Justice Allen.
Mr. Justice Upham.	Mr. Winslow.
Mr. Bliss.	Mr. Odell.
Mr. Robinson.	Mr. Leonard.
	Mr. Justice Saunders.

Thereupon—Resolved, that this Bill do not pass.

Adjourned till To-morrow.

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SATURDAY, 12th March, 1796.

PRESENT.

<i>The Hon. The Chief Justice.</i>	<i>Mr. Justice Allen.</i>
<i>Mr. Winslow.</i>	<i>Mr. Bliss.</i>
<i>Mr. Odell.</i>	<i>Mr. Robinson.</i>
<i>Mr. Leonard.</i>	<i>Mr. Justice Saunders.</i>

ORDERED, That Mr. Winslow, Mr. Odell, and Mr. Saunders, be a Committee to correspond with Mr. Knox, the Agent, and that they be instructed to give him information of the proceedings in this Session.

His Excellency the Lieutenant Governor came to the Council Chamber and, by message, required the attendance of the House of Assembly.

The Assembly attending accordingly, His Excellency gave his assent to the following bills, viz:—

A Bill to prevent acts of the General Assembly from taking effect from a time prior to the passing thereof.

A Bill for reviving and continuing an act, intituled, "an act for the support and relief of confined Debtors."

A Bill to revive and continue an act, intituled, "an act for preserving the bank of the river

river Saint John, in front of the parishes of Maugerville, Sheffield, and Waterborough."

- A Bill for preventing unnecessary expence and delay in the process of barring Entails, and for establishing a plain and easy form of conveying and assuring Estates-Tail.
- A Bill to prevent bringing infectious distempers into the city of John.
- A Bill to amend an Act, intituled, "an Act for regulating the fisheries in the different rivers, coves, and creeks of this Province, so far as the same respects the fisheries in that part of the County of Northumberland which is within the Bay and River Miramichi and its branches.
- A Bill for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for suspending for a limited time all the laws now in force relating to the same.

His Excellency then closed the Session with the following Speech, viz :—

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

AS it may, at this advanced season, be inconvenient to the Members from distant counties to be longer detained, I now close the present Session, in the hope that such provisions for the public service as remain unsettled will, at your next meeting, be resumed and completed in such manner as may be most conducive to the permanent welfare and prosperity of the Province.

The Secretary of the Province then announced His Excellency's pleasure, that this General Assembly be prorogued till the second Tuesday in June next.



JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

SECOND SESSION OF THE THIRD GENERAL ASSEMBLY.

ANNO TRICESIMO SEPTIMO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Tuesday, 17th January, 1797.*

PRESENT.

The Hon. The Chief Justice.

Mr. Winslow.

Mr. Robinson.

Mr. Justice Allen.

Mr. Odell.

Mr. Justice Saunders.

REPORT, as usual, having been made to His Excellency the Lieutenant Governor, that the Council was met and ready to proceed upon business, His Excellency came down to the Council Chamber, and, by message, required the attendance of the House of Assembly.

The Assembly attended accordingly, and His Excellency opened the Session by a Speech to both Houses.

The Assembly having withdrawn, and His Excellency having retired, the Chief Justice reported a copy of the Speech, which is as follows, viz :—

Gentlemen

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

THE principal objects that I have, at this time to recommend to your consideration, are the ordinary services of the last and the current year, together with such particulars as were recommended during the last session and, at the close of it, referred to the present meeting. And as you are unanimous in sentiments of loyalty to His Majesty, and of zeal for the public welfare, I cannot but hope that the business now before you will be dispatched, with that spirit of harmony and mutual respect, without which, however well intended, your deliberations may often be unproductive of public benefit.

Gentlemen of the Assembly,

I have given orders for the Treasurer's accounts, and such other papers as may be necessary for your information, to be laid before you.

If it should not be found conveniently practicable, at present, "to make a permanent provision of suitable salaries for such public officers as have heretofore been paid by occasional grants," I must earnestly recommend it to you at least to make those grants to anticipate the year for which they are provided; that persons, who give up their time and labour to the public service, and who by their appointments are made responsible for their conduct in office, may not again be exposed to such delay as, in a great measure, amounts to a denial of justice, in the withholding of their reward, on account of any accidental difference of opinion that may arise between the different branches of the Legislature.

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

I cannot but suppose the sole end of all your deliberations to be the *public good*.—Of the means for attaining this great end it may not, in every instance, be possible to avoid some variance of opinion; and therefore, as you are bound to act conformably to the unbiassed convictions of your own minds, every motive of candour and of duty will conspire to recommend the separation of any doubtful question from those on which it may be known that the two Houses are happily able to concur; that so your endeavours, to advance and secure the public credit and prosperity, may be, as much as possible, unimpeded by any diversity of sentiment.

ORDERED, That Mr. Odell and Mr. Justice Saunders be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till Friday next.

FRIDAY,

FRIDAY, 20th January, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Mr. Justice Allen.
Mr. Bliss.
Mr. Robinson.

The Chief Justice reported, that having informed the Lieutenant Governor of the wish of the Council that a Chaplain might be appointed to attend them in General Assembly, His Excellency had appointed the Rev. Mr. Pidgeon to that office. Whereupon the instrument of that appointment, under the hand and seal of His Excellency, and dated the 24th December, 1796, was read; and, Mr. Pidgeon having been thereof notified, attended, and performed Divine Service.

ORDERED, That the Chaplain attend, for the performance of Divine Service, every Wednesday during the Session.

Mr. Odell, from the Committee appointed for that purpose, reported the draught of an Address in answer to His Excellency's Speech, which having been read and amended, was approved, and is as follows, viz:—

To His Excellency Thomas Carleton, Esquire, Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.
 SIR,

WE beg leave to return our thanks to your Excellency for your Speech, in the opening of this Session, and to express our sense of your Excellency's unremitting attention to every thing that concerns the credit and prosperity of the Province. Our sentiments of loyalty to His Majesty and of zeal for the public welfare, are ardent and sincere. It is not more our duty, than an object of our ambition, to contribute every thing in our power to the success of your Excellency's administration, and therefore, in giving dispatch to the business now before the Houses, nothing on our part shall be wanting to cultivate that spirit of harmony and mutual respect, without which we are fully sensible that our deliberations, however well intended, may be unproductive of public benefit.

Whatever unavoidable variance of opinion may be perceived in the course of the public proceedings in General Assembly, we cannot but hope there will be a general unanimity on all questions of essential importance to the *public good*, which assuredly ought to be the sole end of all our deliberations; and, in all events, influenced by the motives of candour and of duty suggested by your Excellency, we shall endeavour to render the attainment of that great end, so far as may depend on us, secure against impediments arising from any diversity of sentiment.

Ordered,

ORDERED, That Mr. Odell wait upon the Lieutenant Governor to know when His Excellency will be pleased to receive the address of the Council.

Mr. Odell, from the Committee of correspondence, reported a copy of a letter, written to Mr. Knox, the agent, in pursuance of the Instructions of the Council for that purpose at the close of the last Session, and a letter from Mr. Knox in answer thereto, which were read and laid upon the table.

Adjourned till Monday next.

MONDAY, 23d January, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Billop.

Mr. Odell informed the Council that His Excellency had appointed this morning to receive their address.

Adjourned to present the same.

The Council having returned, the Chief Justice reported that they had presented their address, to which His Excellency had been pleased to return the following answer, viz :—

Gentlemen,

I THANK you for this address, and have a just sense of the zeal you express for the success of my administration, which I consider as a proof of your conviction that my aim is directed solely to the advancement of His Majesty's service and the real interests of the Province.

Mr. Odell, by direction of His Excellency, informed the Council that the House of Assembly had presented an address to the Lieutenant Governor, requesting His Excellency to inform that House "whether he had received any authority from His Majesty or the Secretary of State for the home department to dispense with that part of the Royal Instruction which prohibits him from giving his assent to any law whereby duties shall be laid upon the products or manufactures of Great-Britain or Ireland ;"

to

to which His Excellency has this day, by Message to the Assembly, answered that "no Bill which lays such duties can be assented to without a suspending clause, unless a draught of it has been previously transmitted home, and approved."

The said address and Message were read and laid upon the table.

Adjourned till Wednesday next.

WEDNESDAY, 25th January, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.
Mr. Billop.

After prayers, adjourned till Friday next.

FRIDAY, 27th January, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.
Mr. Billop.

Read a Bill, from the Assembly, "to encourage the killing of Bears and Loup-Cerviers :” Also,

A Bill "to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly of this Province."

ORDERED, That these Bills stand for a second reading on Tuesday next.

On motion of Mr. Justice Allen, leave is given to bring in a Bill to amend an act of the General Assembly of this Province passed in the twenty-sixth year of His Majesty's reign, intituled, "an act for preventing trespasses."

Mr.

Mr. Odell, by order of the Lieutenant Governor, communicated a Message of the 23d instant, to the House of Assembly, viz:—

PROVINCE OF NEW-BRUNSWICK, 23d January, 1797.

Message from His Excellency the Lieutenant Governor to the House of Assembly.

(Signed) THOS. CARLETON.

HIS Excellency has directed to be herewith laid before the House an account of Rent due for the House hired, by order of His Excellency, for the accommodation of the General Assembly and the Courts of Justice, for one year, ending the 1st of February, 1797, amounting to £40 : 0 : 0

An account of the expence of printing, by his order, the Acts passed in the last Session of General Assembly, amounting to 19 : 17 : 0

And several accounts of contingent expences, viz:—

To John Ryan, for printing sundry Proclamations and other public papers, £9 : 11 : 9

To Ephraim Betts, going express with a Writ of Election to the county of Northumberland, 2 : 5 : 0

To the General Post-Office, for postage of Letters with Writs of Election to several counties, 3 : 5 : 9

To James Sutter, bringing one hundred copies of the Act for regulating Elections express from St. John to Fredericton, 0 : 10 : 0

His Excellency also recommends it to the House to provide for payment of the Adjutants of the Militia.

By His Excellency's Command.

(Signed)

JON^N ODELL.

Adjourned till Tuesday next.

TUESDAY, 31st January, 1797.

PRESENT.

The Hon. The Chief Justice.

Mr. Justice Allen.

Mr. Winslow.

Mr. Bliss.

Mr. Robinson.

Mr. Justice Saunders.

Mr. G. G. Ludlow.

Mr. Justice Upham.

Mr. Hazen.

Mr. Odell.

Mr. Leonard.

Mr. Billop.

Read a second time, the Bill "to encourage the killing of Bears and Loup-Cerviers :—" And,

Upon motion—Resolved, that the further consideration of this Bill be put off for three months.

Read

Read a Bill, "to alter and amend an act passed in the twenty sixth year of His Majesty's reign, intituled, an act for preventing trespasses."

To stand for a second reading to-morrow.

ORDERED, That the further consideration of the Bill "to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly of this Province," be put off till to-morrow.

Read a Bill, from the Assembly, "in addition to an act intituled, an act for regulating Elections of representatives in General Assembly and for limiting the duration of Assemblies in this Province."

To stand for a second reading to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 1st February, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Billop.

Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Read a second time, the Bill to alter and amend the act for preventing trespasses.

To stand for a third reading on Friday next.

ORDERED, That the further consideration of the Bill to provide for the payment of debts &c, and the Bill in addition to the act for regulating elections &c, be put off till to-morrow.

Adjourned till To-morrow.

THURSDAY, 2d February, 1797.

PRESENT.

The Hon. Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Billop.

Mr. Winslow.
Mr. Bliss.
Mr. Justice Saunders.

Read

Read a Bill, from the Assembly, "for preserving the bank of the river Saint John within the limits therein mentioned:" And,

A Bill "to provide for the public services of the year one thousand seven hundred and ninety six."

ORDERED, That these Bills stand for a second reading to-morrow.

The further consideration of the other Bills now before the Council to be put off till to-morrow.

Adjourned till To-morrow.

FRIDAY, 3d February, 1797.

PRESENT.

The Hon. The Chief Justice.

Mr. Justice Allen.

Mr. Winslow.

Mr. Bliss.

Mr. Robinson.

Mr. Justice Saunders.

Mr. G. G. Ludlow.

Mr. Justice Upham.

Mr. Hazen.

Mr. Odell.

Mr. Leonard.

Mr. Billop.

Read a third time, the Bill "to alter and amend the act for preventing trespasses."

Resolved that this Bill do pass.

ORDERED, That Mr. Leonard carry this Bill to the House of Assembly for their concurrence.

Read a Bill, from the Assembly, "for regulating the exportation of fish and lumber, and repealing the laws now in force regulating the same."

To stand for a second reading on Monday next.

ORDERED, That the further consideration of the Bill, for preserving the banks of the River Saint John, and also of the Bill in addition to the act for regulating Elections, be put off till Monday next.

Read a second time, the Bill "to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly of this Province:" And,

On motion that the further consideration of this Bill be put off *sine die*, the votes were as follows, viz:—

CONTENT.

CONTENT.	NOT CONTENT.
The Chief Justice.	Mr. Justice Upham.
Mr. G. G. Ludlow.	Mr. Bliss.
Mr. Justice Allen.	
Mr. Winslow.	
Mr. Hazen.	
Mr. Odell.	
Mr. Robinson.	
Mr. Leonard.	
Mr. Justice Saunders.	
Mr. Billop.	

Read a second time, the Bill “to provide for the public services of the year one thousand seven hundred and ninety six:” And,

On motion that the further consideration of this Bill be put off *sine die*, the votes were the same.

Whereupon,—Resolved, that the further consideration of these two Bills be put off *sine die*.

Dissentient—

I. Because the same objections now made to passing the Bill intituled “a Bill to provide for the payment of debts incurred and services performed previous to and during the last Session of the late General Assembly of this Province,” and the Bill intituled “a Bill to provide for the public services of the year 1796,” now rejected in Council, were made to similar Bills at the last Session, and were at that time, after ample discussion and long deliberation, solemnly abandoned, excepting that alone which related to the Provisions for defraying the expences of the Members of the House of Assembly for their attendance and travelling charges; the principle of which Provisions was then acceded to by the Council, and the objection adhered to solely as to the mode of appropriation, which we conceive clearly appears from the following Resolution and Declaration of the Council, viz:—“On motion made by Mr. Justice Allen, that the Council do make it an indispensable condition to the passing of the Bill now before them, ‘for raising a Revenue in this Province and for appropriating the same, together with the monies now in the Treasury’—that what therein relates to the pay of the Members be taken out”—And, “that the Council adhere to their objections, excepting the second, but are willing, for the sake of harmony and to prevent public inconvenience, to pass the present Bill, provided the House of Assembly will, in addition to the alterations proposed by their Committee, take out of it what relates to the pay of the Members, and send up for that service a separate Bill, which, in that case, the Council are willing to pass.”

II. Because there remains, therefore, no diversity of sentiment between the two branches of the Legislature as to the right and propriety of the Members of the House of Assembly being paid their expences for their attendance and travelling charges, nor as to the manner of raising the supply for that purpose. And because we conceive that

that the House of Assembly, being a temporary elective body, freely nominated by the people, constitutionally possess the sole right, not only of granting public monies, but of modelling the supply in such manner as they think proper, there being no power, that we know of, in the Constitution, competent either to direct the mode of making their Grants, the manner of raising the supply, or the mode of appropriating the same.

III. Because we conceive the powers of the Council being unquestionably the same relating to Money Bills, as those of the House of Lords, can extend only to rejecting such bills, when the Council think the House of Assembly too lavish or improvident in their Grants, which cannot be said to be the case as to the provisions for defraying the expences of the Members of the House of Assembly for their attendance and travelling charges to which we refer, which provisions are in their amount, one fourth less than what has been always heretofore allowed, and much less in value than the allowance to the members of Parliament, as established in the reign of Edward III. four shillings a day being then allowed for a Knight of the Shire and two shillings for a Citizen or Burgess—two shillings being at that time equivalent to twenty at present.

IV. Because the mode of providing payment for the Expences of the Members of the House of Assembly for their attendance and travelling charges in a general appropriation Bill, was first authorized by a Law made and passed at the third session of the General Assembly of this Province held in the year 1788, intituled, “an act for appropriating and disposing of the public monies,” and always afterwards adopted by similar Laws made and passed at every session until the year 1795.

V. Because the Bills now rejected do not contain any new mode of appropriation, nor are the provisions to which we allude for new or unusual services.

IV. Because we fear the rejection of these Bills will not only occasion a further delay of payment for public services already rendered and performed, but will be the means of involving the Province in an accumulating debt, which cannot finally be discharged without resorting to new and extraordinary taxes and burdens upon the people.

(Signed,)

JOSHUA UPHAM.
DANIEL BLISS.

The further consideration of the Bill in addition to the Act for regulating Elections to be put off till Monday next.

Adjourned till Monday next.

MONDAY

MONDAY, 6th February, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Upham.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Billop.

Read a second time, the Bill “for preserving the bank of the river Saint John within the limits mentioned.” And,

On motion—Ordered that the further consideration of this Bill be put off for three months.

Read a second time, the Bill “for regulating the exportation of fish and lumber.”

To stand for a third reading on Wednesday next.

Read a Bill, from the Assembly, “to continue an Act, intituled, an Act 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.”

To stand for a second reading to-morrow.

Adjourned till To-morrow.

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TUESDAY, 7th February, 1797.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Justice Upham.
Mr. Hazen.
Mr. Robinson.
Mr. Billop.

Read a second time, the Bill to continue the act to authorize the erection of fences and gates across certain roads, &c.

To stand for a third reading to-morrow.

Read a second time the Bill in addition to the Bill for regulating the elections &c.
 And, On

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Adjourned till To-morrow.

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**WEDNESDAY, 8th February, 1797.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Odell.*  
*Mr. Leonard.*  
*Mr. Billop.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Justice Saunders.*

Read a third time, the Bill “for regulating the exportation of fish and lumber.” And,

On motion—Resolved, that this Bill do pass,

ORDERED, That Mr. Billop inform the House of Assembly that the Council have concurred in passing this Bill.

The third reading of the Bill to continue the act to authorize the erection of fences and gates across certain roads, &c. to be put off till to-morrow.

*Adjourned till To-morrow.*

.....  
**THURSDAY, 9th February, 1797.**

PRESENT.

*The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Odell.*  
*Mr. Leonard.*  
*Mr. Billop.*

*Mr. G. Ludlow.*  
*Mr. Winslow.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Justice Saunders*

The

The further consideration of the Bill to continue an act to authorize the erection of fences and gates &c. to be put off till Monday next.

Read a Bill, brought in by Mr. Bliss, "to authorize the erection of fences and gates across certain roads in the several counties in this Province where the same shall be found necessary."

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**FRIDAY, 10th February, 1797.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Winslow.*  
*Mr. Hazen.*  
*Mr. Leonard.*  
*Mr. Billop.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

Read a second time, the Bill to authorize the erection of fences and gates across certain roads, &c.

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, "to prevent the growth of thistles."

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**SATURDAY, 11th February, 1797.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Leonard.*  
*Mr. Billop.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Bliss.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

Bb

Read

Read a third time, the Bill "to authorize the erection of fences and gates across certain roads in the several Counties in this Province where the same shall be found necessary." And,

On motion—Resolved, That this Bill do pass.

ORDERED, That Mr. Bliss carry this Bill to the House of Assembly for their concurrence.

Read a second time, the Bill "to prevent the growth of thistles."

To stand for a third reading on Monday next.

Read a Bill, from the Assembly, "to remove doubts respecting the functions of Juries in cases of libel."

To stand for a second reading on Monday next.

On motion of Mr. Justice Upham, leave is given to bring in a Bill "to annex a part of the parishes of Kingston and Hampton to the parish of Norton in King's County."

ORDERED, That the said parishes be hereof duly notified.

*Adjourned till Monday next.*

.....

**MONDAY, 13th February, 1797.**

PRESENT.

*The Hon. The Chief Justice.*

*Mr. Justice Allen.*

*Mr. Winslow.*

*Mr. Hazen.*

*Mr. Robinson.*

*Mr. Justice Saunders.*

*Mr. G. G. Ludlow.*

*Mr. Justice Upham.*

*Mr. Bliss.*

*Mr. Odell.*

*Mr. Leonard.*

*Mr. Billop.*

On motion of Mr. Odell, that the sense of the Council be taken respecting an averment, made in a protest, entered by Mr. Justice Upham and Mr. Bliss, on the rejection by this House, on the 3d instant, of the two Bills—"to provide for the payment of debts incurred and services performed previous to and during the last session of the late General Assembly of this Province," and "to provide for the public services of the year one thousand seven hundred and ninety-six"—stating the said averment to be contradictory to the express declaration of the Council, as entered on their Journal on the 11th of March, 1796.

RESOLVED, That a Committee be appointed to search for parliamentary precedents respecting the entry and admission of Protests. Ordered,



ORDERED, That Mr. Justice Allen and Mr. Justice Saunders, be a Committee for this purpose.

Read a Bill, from the Assembly, "for raising a revenue in this Province, and for appropriating the same, together with the monies now in the treasury."

ORDERED, That the further consideration of this, and of the other Bills now before the Council, be put off till to-morrow.

*Adjourned till To-morrow.*

**TUESDAY, 14th February, 1797.**

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Winslow.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Justice Saunders.*

*Mr. G. G. Ludlow.*  
*Mr. Justice Upham.*  
*Mr. Hazen.*  
*Mr. Odell.*  
*Mr. Leonard.*  
*Mr. Billop.*

The Committee appointed yesterday, to search for Parliamentary precedents respecting the entry and admission of Protests, report that they have not been able to find any such, having no access to any of the Journals of the House of Lords.

Whereupon it is ordered, that every Member, referring in his protest to any previous proceeding of the Council, do, in the body of such protest, quote distinctly the minutes of such proceeding, as entered on the Journal of the Council.

On motion of Mr. Justice Saunders, that the further consideration of the Bill "for raising a Revenue in this Province and for appropriating the same, together with the monies now in the treasury," be put off for three months, the votes were as follows, viz:—

CONTENT.

The Chief Justice.  
 Mr. G. G. Ludlow.  
 Mr. Justice Allen.  
 Mr. Winslow.  
 Mr. Hazen.  
 Mr. Odell.  
 Mr. Robinson.  
 Mr. Leonard.  
 Mr. Justice Saunders.  
 Mr. Billop.

NOT CONTENT.

Mr. Justice Upham.  
 Mr. Bliss.

Whereupon

Whereupon—Resolved, that the further consideration of this Bill be put off for three months.

Read a third time, the Bill “to remove doubts respecting the functions of Juries in cases of libel :” And,

On the question, whether this Bill do pass—Resolved in the negative.

Read a Bill from the Assembly, “to re-appropriate certain monies therein mentioned :” And,

A Bill “to continue an Act, intituled, an Act for the more easy and speedy recovery of small debts.”

ORDERED, That these Bills stand for a second reading to-morrow.

Read a third time, the Bill “to prevent the growth of thistles.”

RESOLVED, That this Bill do pass.

ORDERED, That Mr. Justice Upham inform the House of Assembly that the Council have concurred in passing this Bill.

*Adjourned till To-morrow.*

.....

WEDNESDAY, 15th February, 1797.

PRESENT,

*The Hon. The Chief Justice.*

*Mr. Justice Allen.*

*Mr. Winslow.*

*Mr. Odell.*

*Mr. Justice Saunders.*

*Mr. G. G. Ludlow.*

*Mr. Justice Upham.*

*Mr. Hazen.*

*Mr. Leonard.*

*Mr. Billop.*

Message from the Assembly, that they have concurred in passing the Bill “to authorize the erection of fences and gates across certain roads in the several counties in this Province, where the same shall be found necessary.”

Message from the Assembly, that they have concurred in passing the Bill “to alter and amend an act passed in the twenty sixth year of His Majesty’s reign, intituled, an act for preventing trespasses,” with amendments.

Read the said amendments, with their connexions : And,

On the question—Resolved, that the same be agreed to.

Ordered,

**ORDERED**, That Mr. Justice Allen inform the House of Assembly that the Council agree to these amendments.

Read a second time the Bill "to re-appropriate certain monies therein mentioned."

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a second time, the Bill "to continue an act, intituled, an act for the more easy and speedy recovery of small debts."

To stand for a third a reading to-morrow.

On motion—Resolved, that the further consideration of the Bill "to continue an act, intituled, an act to authorize the erection of fences and gates across certain roads in the several counties in this Province where the same shall be found necessary," be put off for three months.

*Adjourned till To-morrow.*

**THURSDAY, 16th February, 1797.**

PRESENT.

*The Hon. The Chief Justice.*

*Mr. Justice Allen.*

*Mr. Hazen.*

*Mr. Robinson.*

*Mr. Justice Saunders.*

*Mr. G. G. Ludlow.*

*Mr. Winslow.*

*Mr. Odell.*

*Mr. Leonard.*

*Mr. Billop.*

Read a third time, the Bill "to continue an act, intituled, an act for the more easy and speedy recovery of small debts." And,

On motion—Resolved, that this Bill do pass.

**ORDERED**, That Mr. Hazen inform the House of Assembly hereof.

Read a Bill, from the Assembly, "to alter and amend an act, intituled, an act for regulating, laying out, and repairing highways and roads and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for suspending for a limited time all the laws now in force relating to the same."

To stand for a second reading to-morrow.

On

On motion of Mr. Leonard—Resolved, that Thomas Knox, Esquire, be appointed joint agent with his Father, William Knox, Esquire, the present agent for this Province, in Great Britain.

ORDERED, That this resolution be communicated to the House of Assembly, and their concurrence be herein requested.

ORDERED, That Mr. Leonard carry this resolution to the House of Assembly, for their concurrence.

*Adjourned till To-morrow.*

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FRIDAY, 17th February, 1797.

PRESENT.

*The Hon. The Chief Justice.*

*Mr. Justice Allen.*

*Mr. Winslow.*

*Mr. Bliss.*

*Mr. Robinson.*

*Mr. Justice Saunders.*

*Mr. G. G. Ludlow.*

*Mr. Justice Upham.*

*Mr. Hazen.*

*Mr. Odell.*

*Mr. Leonard.*

*Mr. Billop.*

Read a second time, the Bill to alter and amend an act, intituled, an act for regulating, laying out, and repairing highways and roads, &c : And,

On motion—Resolved, that this Bill be now read a third time.

Read a third time, the Bill to alter and amend an act, intituled, an act for regulating, laying out, and repairing highways and roads &c : And,

On motion—Resolved, that this Bill do pass.

ORDERED, That Mr. Justice Upham inform the House of Assembly hereof.

*Adjourned till To-morrow.*

SATURDAY,

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SATURDAY, 18th February, 1797.

## PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Leonard.*

*Mr. Justice Allen.*  
*Mr. Bliss.*  
*Mr. Robinson.*  
*Mr. Justice Saunders.*

Message from the Assembly, "to present to His Majesty's Council a copy of a representation to His Majesty of the present state of the Province."

ORDERED, That the said copy be laid upon the table.

His Excellency the Lieutenant Governor came to the Council Chamber, and sent the Sergeant at Arms attending on the Council to require the attendance of the House of Assembly.

The Assembly attending accordingly, his Excellency gave his assent to the following bills, viz :—

A Bill to continue an Act, intituled, "an Act for the more easy and speedy recovery of small debts."

A Bill to alter and amend an Act, passed in the twenty sixth year of His Majesty's reign, intituled, "an Act for preventing trespasses."

A Bill to authorize the erection of fences and gates across certain roads in the several Counties in this Province where the same shall be found necessary.

A Bill to regulate the exportation of fish and lumber, and for repealing the laws now in force regulating the same.

A Bill to prevent the growth of thistles.

A Bill to alter and amend an act, intituled, "an act for regulating, laying out, and repairing highways and roads, and for appointing Commissioners and Surveyors of highways within the several towns or parishes in this Province, and for suspending for a limited time all the laws now in force relating to the same."

His Excellency then closed the session with the following Speech, viz :—

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

**H**AVING given my assent to such Bills as you have agreed upon, I conclude it would be fruitless longer to detain you at present from your private affairs. I shall therefore dismiss you from further attendance at this time in General Assembly, and once

once more express my hope that such provisions, as yet remain unsettled, may, at a future meeting, be completed in the manner most conducive to the real interest and reputation of the Province. It is not, indeed, without serious concern, that I observe another year's delay of payment to the persons employed in the public service. But, though I lament the inconveniences that may be suffered by individuals, it is no small consolation to reflect that, in the mean time, the general prosperity of the Colony is still advancing, and, I trust, will continue to advance, with an uninterrupted progress.

The Secretary then announced His Excellency's pleasure that the Assembly be prorogued to the second Tuesday in May next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

---

THIRD SESSION OF THE THIRD GENERAL ASSEMBLY.

ANNO TRICESIMO OCTAVO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

---

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Tuesday, 16th January, 1798.*

PRESENT.

*The Hon. The Chief Justice.*

*Mr. Justice Allen.*

*Mr. Bliss.*

*Mr. Robinson.*

*Mr. G. G. Ludlow.*

*Mr. Winslow.*

*Mr. Odell.*

*Mr. Justice Saunders.*

*Adjourned till To-morrow.*

Cc

WEDNESDAY,

WEDNESDAY, 17th January, 1798.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Bliss.*  
*Mr. Robinson.*

*Mr. G. G. Ludlow.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

*Adjourned till after the Queen's Birth-Day.*

FRIDAY, 19th January, 1798.

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Justice Allen.*  
*Mr. Bliss.*  
*Mr. Robinson.*

*Mr. G. G. Ludlow.*  
*Mr. Winslow.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

The Lieutenant Governor came to the Council Chamber, and, by Message, required the attendance of the House of Assembly ;—And, the House attending accordingly, His Excellency opened the Session with a Speech to both Houses.

The House of Assembly withdrew.—And,

His Excellency having retired, the Chief Justice reported the following copy of His Excellency's Speech, viz :—

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

**T**HE principal objects that I have at this time to recommend to your consideration, are the ordinary services of the current year and of the two last preceding years, together with such particulars as were recommended during the two last sessions, and for which the necessary provisions have not been completed.

*Gentlemen of the Assembly,*

I have given orders for such accounts and papers as may be necessary for your further information to be laid before you.

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

The business now before you will, I hope, be despatched in such manner as may be  
 most



most effectually conducive to the present and future prosperity of this Province, which in our respective stations as branches of the Provincial Legislature, we cannot but consider as the great end of all our deliberations.

ORDERED, That Mr. Justice Allen and Mr. Winslow be a Committee to prepare an Address in answer to His Excellency's Speech.

*Adjourned till Monday next.*

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MONDAY, 22d January, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Odell.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Robinson.

The Chaplain attended, and performed Divine Service.

Mr. Winslow, from the Committee appointed for that purpose, reported the draught of an Address in answer to His Excellency's Speech, which was read and approved, and is as follows, viz :—

To His Excellency Thomas Carleton, Esquire, Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

WE return your Excellency our thanks for your Speech at the opening of this Session.

Sensible of the necessity of providing for the ordinary services of the current year, and fully convinced that provision for the two last preceding years, together with such particulars as were recommended during the two last Sessions, cannot be longer delayed, without injuring the honor and interest of the Province, we shall cheerfully concur in any constitutional mode that may be adopted for effecting so important a purpose. And we beg leave to assure your Excellency that nothing in our power shall be wanting to realize your hope that the business before us may be despatched in such manner as will be effectually conducive to the present and future prosperity of this Province, which, in our Legislative capacity, we shall always consider as the great end of our deliberations.

ORDERED, that Mr. Odell wait upon His Excellency, to know when he will be pleased to receive the Address of the Council.

Adjourned till To-morrow.

TUESDAY,

TUESDAY, 23d January, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Bliss.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.

Mr. Odell reported that he had waited on the Lieutenant Governor, as ordered, and that His Excellency had appointed this day at twelve o'clock to receive the Address of the Council.

Adjourned to wait upon His Excellency, and to meet again on Thursday next.

THURSDAY, 25th January, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Bliss.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.
Mr. Justice Saunders.

The Chief Justice reported, that the Council had presented their Address to His Excellency, and that His Excellency was pleased to return the following Answer :—

Gentlemen,

I THANK you for this Address, and shall be happy to find the success of your deliberations equal to your zeal for the honor and interest of the Province.

Mr. Odell, by direction of the Lieutenant Governor, informed the Council that His Excellency, by Message, yesterday, had recommended to the House of Assembly to provide for payment of one year's rent of the House hired, by order of His Excellency, for the accommodation of the General Assembly and the Courts of Justice, ending the first of February, 1791, £40 : 0 : 0. Also, for payment of the expence of printing 300 copies of the Acts passed in the last Session of the General Assembly, £15 : 11 : 9— And for payment of the services of the several Adjutants of the Militia.

Adjourned till Monday next.

MONDAY,

MONDAY, 29th January, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Bliss.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.

The Chaplain attending, performed Divine Service.

Mr. Odell, by direction of the Lieutenant Governor, communicated the copy of an Address from the House of Assembly, presented to His Excellency on the 25th instant, and of His Excellency's Answer thereto, viz :—

House of Assembly, 24th January, 1798.

RESOLVED, That an humble Address be presented to His Excellency the Lieutenant Governor, to request that he will be pleased to communicate to this House such information as he may have received from His Majesty's Ministers, on the subject matter of the Bill for laying an Impost on Loaf Sugar, Porter, Beer, Ale, and Playing Cards, a draught of which was transmitted by His Excellency, at the request of this House.

New-Brunswick, 25th January, 1798.

MESSAGE TO THE HOUSE OF ASSEMBLY.

THE Lieutenant Governor informs the House, in answer to their Address of yesterday, that he has not yet received any information from His Majesty's Ministers on the subject of the Bill "for laying an Impost on Loaf Sugar, Porter, Beer, Ale and Playing Cards, a draught of which, at the request of the House, His Excellency transmitted in a letter to the Secretary of State, dated the 25th February, 1797."

Mr. Odell, from the Committee of Correspondence, reported the copy of a letter written to Mr. Knox, the Agent, of the 27th of February, and of two letters from Mr. Knox, of the 7th June and 8d July, 1797, which were read and laid upon the table.

Adjourned till To-morrow.

TUESDAY, 30th January, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Bliss.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.

The

The Council met at 12 o'clock, and at 3 o'clock, afternoon,

Adjourned till Thursday next.

THURSDAY, 1st February, 1798.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Robinson.*

*Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.
Mr. Justice Saunders.*

Read a Bill, from the Assembly, "to continue sundry Acts of the General Assembly that are near expiring."

ORDERED, that this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "for raising a Revenue in this Province, and for appropriating the monies arising therefrom to the public services therein mentioned."

On motion of Mr. Justice Saunders—Resolved unanimously, that the further consideration of this Bill be put off for three months.

Adjourned till To-morrow.

FRIDAY, 2d February, 1798.

PRESENT.

*The Hon. The Chief Justice.
Mr. Winslow.
Mr. Odell.*

*Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Justice Saunders.*

Read a second time, the Bill "to continue sundry Acts of the General Assembly that are near expiring."

ORDERED, That this Bill stand for a third reading on Monday next.

Adjourned till Monday next.

MONDAY,

MONDAY, 5th February, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.

The Chaplain attending performed divine service.

Read a Bill, from the Assembly, "for regulating and establishing a table of fees."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "to provide for defraying the expence of the public service for the year one thousand seven hundred and ninety five, and for disposing of the monies now in the treasury."

On motion of Mr. Winslow—Resolved unanimously, that the further consideration of this Bill be put off for three months.

Read a third time, and passed, the Bill "to continue sundry acts of the General Assembly that are near expiring."

ORDERED, That Mr. Ludlow inform the House of Assembly that the Council have concurred in passing this Bill.

Adjourned till To-morrow.

TUESDAY, 6th February, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Justice Saunders.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.

Read a Bill, from the Assembly, "to encourage the killing of Bears and Loup-cerviers:" Also,

A Bill, "in addition to and in amendment of an Act, intituled, an act for the regulation of seamen."

ORDERED, That these Bills stand for a second reading to-morrow.

Read

Read a second time, the Bill "for regulating and establishing a table of fees."

ORDERED, That the further consideration of this Bill be put off till to-morrow.

Adjourned till To-morrow.

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WEDNESDAY, 7th February, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Justice Saunders.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.

Read a second time, the Bill "in addition to and in amendment of an Act, intituled, an Act for the regulation of seamen."

ORDERED, That this Bill stand for a third reading on Friday next.

Read a second time, the Bill "to encourage the killing of Bears and Loup-cerviers."

On motion of Mr. Winslow—Resolved, that the further consideration of this Bill be put off for three months.

The consideration of the Bill "for regulating and establishing a table of fees" having been resumed, and some time spent thereon—

RESOLVED unanimously, that the further consideration of this Bill be put for three months.

Adjourned till Friday next.

.....

FRIDAY, 9th February, 1798.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Bliss.
Mr. Robinson.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Odell.
Mr. Justice Saunders.

Read

Read a third time, and passed, the Bill in addition to, and in amendment of, the Act for the regulation of Seamen.

ORDERED, That Mr. Hazen inform the House of Assembly that the Council have concurred in passing this Bill.

The Lieutenant Governor came down to the Council Chamber, and, by Message, required the attendance of the House of Assembly.

The House attending accordingly, His Excellency gave his assent to the following Bills, viz :—

A Bill in addition to and in amendment of an Act, intituled, “an Act for the regulation of seamen.”

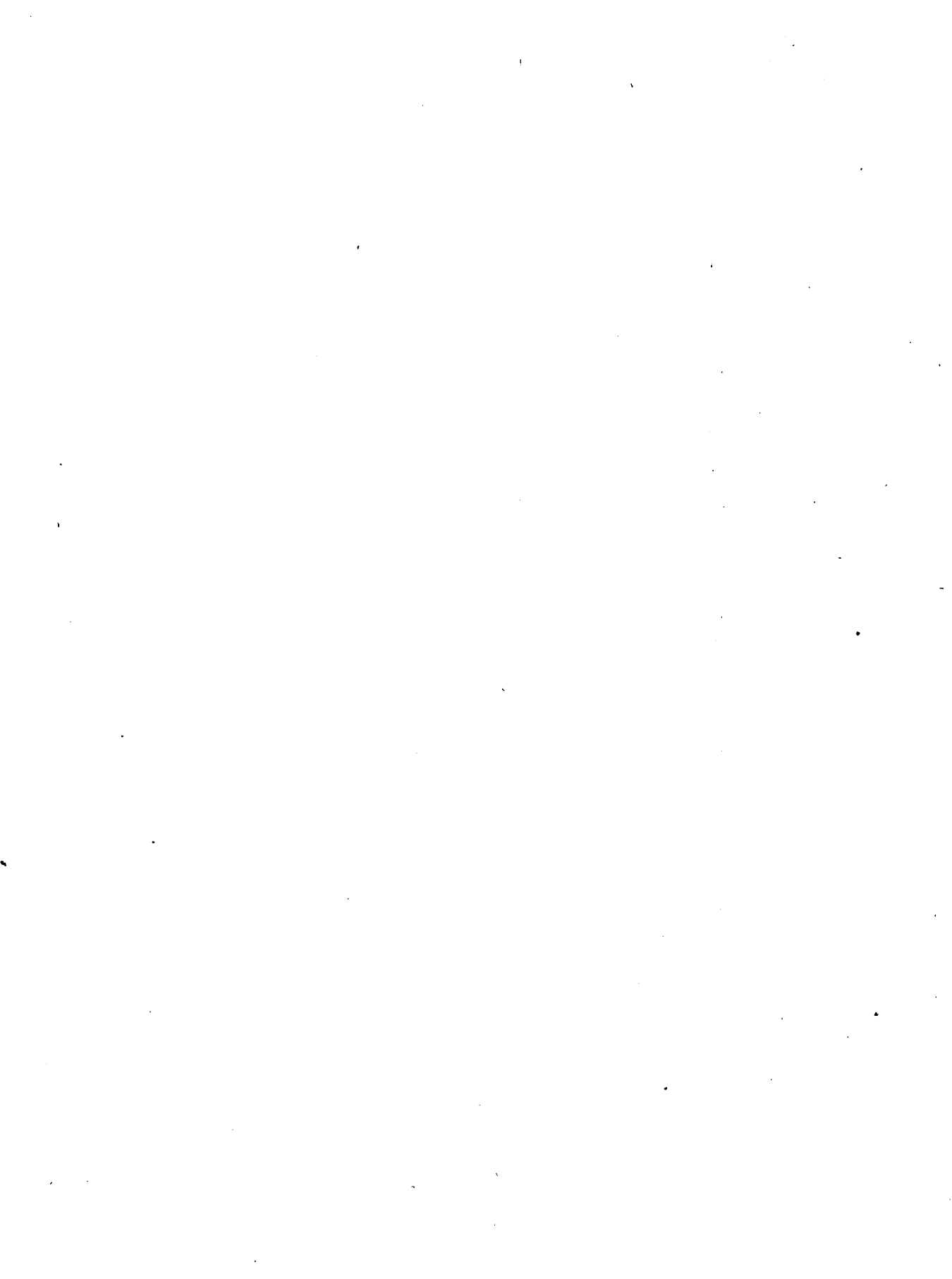
A Bill to continue sundry Acts of the General Assembly that are near expiring.

And then His Excellency closed the Session with the following Speech, viz :—

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

I SHALL now dismiss you from further attendance at this time in General Assembly, and refer to a future Session the completion of the business which has been recommended to your consideration.

And the Secretary of the Province then said—“ It is His Excellency’s pleasure that this General Assembly be prorogued till the second Tuesday in May next, and it is prorogued accordingly.”



JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

FOURTH SESSION OF THE THIRD GENERAL ASSEMBLY.

ANNO TRICESIMO NONO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Tuesday, 15th January, 1799.*

The Council met and Adjourned.

FRIDAY, 18th January, 1799.

PRESENT.

The Hon. The Chief Justice.

Mr. Winslow.

Mr. Robinson.

Mr. Justice Allen.

Mr. Odell.

The Lieutenant Governor came to the Council Chamber, and, by Message, required the

the attendance of the House of Assembly ;—And, the House attending accordingly, His Excellency opened the Session with a Speech to both Houses.

The House of Assembly withdrew.—And,

His Excellency having retired, the Chief Justice reported the following copy of His Excellency's Speech, viz :—

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

I HAVE now to recommend to your consideration the measures necessary for completing the business which, in the close of the last, was referred to a future session ; together with what may be requisite for the ordinary services of the current year.

Gentlemen of the Assembly,

I have given orders for such accounts and papers as may be necessary for your further information, to be laid before you.

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

I have the satisfaction to inform you that, by the declaration of the Commissioners, appointed in pursuance of the fifth article of the Treaty of Amity, Commerce and Navigation, between His Majesty and the United States of America, His Majesty's claim to the River Scoudiac, as a part of the Western Boundary of this Province, has been confirmed ; excepting that, in tracing this River to its source, the northern Branch has been adopted.

I avail myself of this occasion to congratulate with you on the great victory, with which, by the blessing of Almighty God, His Majesty's Arms have been lately crowned in the Mediterranean ; an event in the highest degree interesting to all His Majesty's Subjects in every quarter of his Dominions, and, under the present circumstances, of importance to every civilized Nation.

ORDERED, That Mr. Odell and Mr. Robinson be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till Tuesday next.

TUESDAY, 22^d January, 1799.

PRESENT.

*The Hon. The Chief Justice.
Mr. Hazen.
Mr. Robinson.*

*Mr. Justice Allen.
Mr. Odell.
Mr. Leonard.*

The

The Chaplain attended and performed divine service.

The Committee appointed for that purpose, brought in a draught of an Address in answer to His Excellency's Speech, which having been read and approved, is as follows :—

To His Excellency Thomas Carleton, Esquire, Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

May it please Your Excellency,

HIS Majesty's Council will not fail to pay immediate attention to Your Excellency's recommendation, and contribute, with zeal and alacrity, whatever may be in their power to effect the completion of the business, which at the close of the last, was referred to a future Session, together with what may be requisite for the services of the current year.

We thank Your Excellency for the information you have been pleased to give us respecting the confirmation of His Majesty's claim to the River Scoudiac as a part of the western boundary of this Province.

And we receive with renewed emotions of gratitude to Heaven on the great occasion, Your Excellency's congratulations on the Victory with which, by the blessing of Almighty God, His Majesty's arms have been lately crowned in the Mediterranean ; and we trust the time is fast approaching, when this event, so highly interesting to all His Majesty's subjects in every quarter of his dominions, will be found to have been of great importance to every civilized nation.

ORDERED, That Mr. Odell wait on His Excellency, to know when he will be pleased to receive the Address of the Council.

Mr. Odell reports, that His Excellency has been pleased to appoint to-morrow, at one o'clock, to receive the Address of the Council.

Mr. Odell, from the Committee of Correspondence, read a letter from the Committee to Mr. Knox, the Agent, and Mr. Knox's answer thereto, which were laid on the Table.

Adjourned till To-morrow.

WEDNESDAY,

WEDNESDAY, 23d January, 1799.

PRESENT.

The Hon. The Chief Justice.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Mr. Justice Allen.
Mr. Hazen.
Mr. Robinson.

Adjourned to wait on His Excellency.

The Council being returned, the Chief Justice reported, that they had presented their Address to the Lieutenant Governor, and that His Excellency had been pleased to return the following answer, viz :—

Gentlemen,

I THANK you for this Address. I have the fullest confidence in your zeal for the public service, and I participate with you in emotions of gratitude to Heaven, on the great and recent occasion of our national exultation.

Mr. Odell, by direction of the Lieutenant Governor, laid before the Council the following copy of a Message of this date from his Excellency to the House of Assembly, viz :—

(Signed) THOMAS CARLETON.

THE Lieutenant Governor directs to be herewith laid before the House of Assembly an account of rent of the House hired for the accommodation of the General Assembly and the Courts of Justice for one year, ending the first day of February, one thousand seven hundred and ninety nine, amounting to thirty pounds. Also, an account of the Expence, amounting to nine pounds, incurred for printing the Acts of the last Session ; and an account of cash paid by the Secretary of the Province for Expresses and Post Office charges in the public service, amounting to fifteen pounds fifteen shillings and ninepence. For payment of which several sums His Excellency recommends it to the House to make the requisite provisions.

His Excellency also directs the Treasurer's Accounts from the 6th March, 1798, to the 15th January, 1799, to be herewith laid before the House. And he recommends it to the House to make provision for payment of the several Adjutants of the Militia.

(Signed)

T. C.

Fredericton, 23d January, 1799.

Adjourned till Friday next.

FRIDAY,

FRIDAY, 25th January, 1799.

PRESENT.

The Hon. Mr. Justice Allen.
Mr. Hazen.
Mr. Robinson.

Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Mr. Odell, by direction of the Lieutenant Governor, informed the Council that an address, dated the 19th instant, had been presented to His Excellency by the House of Assembly, "praying that His Excellency would be pleased to lay before that House such communications as he had received from His Majesty's Ministers in any manner relative to the unhappy differences which have arisen with His Majesty's Council on the subjects of Appropriation and Revenue; and also such parts of His Excellency's correspondence as may have produced those communications"—and, that in answer thereto, the following Message was yesterday sent by His Excellency to the House of Assembly:—

(Signed) THOS. CARLETON.

THE Lieutenant Governor, in answer to the request of the House of Assembly expressed in their address of the 19th instant, directs to be herewith laid before the House extracts from the letters which he has received from his Majesty's Secretary of State, relative to the unhappy differences which have arisen between Council and Assembly on the subjects of Appropriation and Revenue; and as he cannot but feel a confidence in the mutual desire of both Houses to heal those unhappy differences, he hopes that this communication may contribute to facilitate their sincere and mutual endeavours to obtain that salutary and important object.

Fredericton, 24th January, 1799.

T. C.

(No. I.)

Extract of a letter from His Grace the Duke of Portland to the Lieutenant Governor, dated 30th May, 1795.

I entirely approve of your message to the Assembly, as well as of the rejection, by the Council, of an appropriation Bill which went in exclusion of the services recommended by the Governor, and acknowledged to be for the general defence of the Province.

When I observe their very moderate amount, and that no objections whatever are made to the services themselves, I cannot but suspect that the true and genuine sense of the Assembly must have been surprised and artfully worked upon by some means which that body cannot fail of soon seeing through and of rejecting, as neither according with the true interest of the Province, nor with those liberal ideas which should distinguish so respectable a Branch of the Legislature.

The voting of money for any particular services, whether recommended or not, is certainly within the Province of the Assembly, but such as are recommended by the Executive Government, and are on the face of them not merely advantageous but necessary for the Province, are always to be received as objects entitled to an early and distinct

distinct consideration.—I do not say that mixing other Grants of a different or personal nature with the public services is directly unconstitutional and beyond the powers of the Assembly; but it is generally allowed to be so inconvenient, and to lead to so many abuses, that objects of such a nature ought always to be resisted in that shape, and ought to be brought forward as separate Grants; thereby admitting of the same free and distinct discussion to which the public services themselves are and ought to be subject.

I trust that the Assembly will not continue to entertain the idea of receiving wages from their constituents. Such a measure independent of many other objections which might be stated against it, would tend (in a new Government more particularly) to lower the general character and weight of the Assembly, and would infallibly lead to a local and contracted policy, in which the places represented would be often considered as distinct and separate from the general advantage and interest of the whole Province.

(No. II.)

Extract of a letter from His Grace the Duke of Portland to the Lieutenant-Governor, dated 9th June, 1796.

I have perused with great attention and an equal degree of concern, your letter No. 19, and its inclosures. I purposely, therefore, take this opportunity of entering more particularly into the subject, as I trust that nothing more is necessary to produce that harmony and good understanding between the two Branches of the Legislature and the Executive authority, which is so essential to the welfare of the public service, than to understand clearly and distinctly the Constitutional mode of proceeding in those cases, which appear to have been before the Legislature, and to adopt and observe it without the smallest deviation.

With respect to money Bills, I am clearly of opinion, that the voting, and if the Assembly thinks proper, the appropriation of monies voted, is peculiarly within its province; but to carry such appropriation into execution, or to pass or direct the actual payment of the public accounts and contingencies, is unquestionably an improper encroachment on the functions of Executive Government. If the Assembly is jealous of such appropriation, or of the application of monies granted, but not appropriated to any particular service,; or if, without any such jealousy, they are desirous to have the accounts of such appropriations and applications laid before them, it is highly expedient to introduce that practice into the Assembly of New-Brunswick, as well as into all other Colonial Assemblies.

Another point of difference, I observe, arises from the insertion of different and distinct, as well as disputed points in Money Bills. Clauses of this nature when tacked to Money Bills, operate to the extent of the matter in question as an absolute annihilation of the other deliberative Branch of the Legislature, and there is in this Kingdom a standing order of the House of Lords against their insertion, founded on a mature consideration of the evils which such a practice must lead to. By this order, which was made so long ago as the year 1702, it is declared, "that the annexing any clause or clauses to a Bill of aid or supply, the matter of which is foreign and different from the
matter

matter of the said Bill, is unparliamentary and tends to the destruction of the Constitution of this Government." Such matters therefore should be brought forward as separate Bills, thereby admitting of a free and candid discussion. This is the regular and established mode of proceeding, in order that no extraneous matter, concerning which there may be great difference in opinion, may interfere with the supplies, which very properly and constitutionally originate with the House of Commons.

A strict adherence to these Rules, the reasonableness of which cannot I believe be disputed, with a becoming readiness in both branches, to pay due attention to their respective proceedings and wishes, cannot fail of healing those differences which at present subsist between them, and which are so detrimental to his Majesty's interests and those of the Province at large, which are inseparably united.

The appointment, by act of Parliament, of Commissioners, or persons concerned in the expenditure of public monies for extraordinary purposes, seems to have been altogether misunderstood, and to have been the means of producing an unfortunate difference in opinion upon what is very clear and evident. Provision for such extraordinary purposes is generally made by the House in consequence of a message from his Majesty or at the suggestion of his Majesty's Minister. The Commissioners in the Bill are named by the Crown, and the only reason they are appointed at all, is, because the disbursing of the money provided, and the necessary inquiries to be made, do not fall under the usual course of proceeding in the regular and ordinary departments of Government—Such for instance is the case where inquiries are to be made into claims or debts, where a compensation is meant to be given, and where the amount of the public money to be expended is to be ascertained and apportioned; but after all, it must be observed, such money can only be issued by warrant from the executive authority, and paid by persons appointed by that authority.

Having said thus much, I shall advert to such particulars in the letter before me as appear the most material. You are already by my letter of the 30th May, 1795, apprized of my sentiments upon the question of the Members of the Assembly receiving Salaries; and I have only to add, that the more I have considered the matter, the more fully I am convinced of the bad effects which such a measure would produce; besides, I am sure that the Members themselves will best consult their real interests, dignity and importance, in abandoning the idea altogether.

With respect to the Provincial Legislature's having imposed duties on articles from hence, it is certainly true that in some instances his Majesty's instruction has not been rigorously adhered to, particularly where the injury, against which the instruction was meant to guard, does not at all, or but very slightly, affect this country. But even in such instances it is highly proper to pass, as is always the case, the act which lays such duties with a suspending clause, unless a draft of it has been previously transmitted home and approved.

(No. III.)

Extract of a letter from His Grace the Duke of Portland to the Lieutenant-Governor, dated 13th June, 1797.

I have laid before the King your letters of the dates and numbers mentioned in the margin, and the Address to His Majesty from the Assembly of New-Brunswick, to

Ee

which

which it is my intention principally to confine myself in the answer I am now about sending to you. But before I enter upon that subject, I must inform you that, considering the very full and explicit manner in which the great and distinguishing principles of Legislative proceedings had been laid down in my letter to you of the 9th June, 1796, His Majesty cannot observe without great regret and displeasure the idle and groundless differences which still subsist between the Council and Assembly. The Province of New-Brunswick was originally formed and constituted by virtue of his Majesty's commission and instructions, and reference need only be had to those instruments, for a correct knowledge of its constitution, and for the enjoyment of every privilege and advantage of the British Constitution, which is compatible with the relative situation of a Colony and the Parent State.

After having endeavoured, in the letter above referred to, to state to you at large the inconvenience as well as the unconstitutional tendency of mixing any thing in money Bills, with the ordinary and extraordinary services of the year, I should give you a very unfair idea of the confidence which his Majesty is disposed to rely on the wisdom of the Assembly were I to say any thing further on the subject. In strict conformity to this principle it would have been perfectly proper to have proposed the measure for granting a remuneration to the Members of the Assembly in a separate and distinct Bill, as by that means a fair and free discussion of that measure might have been had, without entering into any extraneous matter.

Upon the merits of the Bill itself I have so fully stated my opinion in my former letters, that notwithstanding what may have been the practice of former times, founded upon the necessity of the case, yet in such times as these, and notwithstanding the single instance of such a practice in Nova Scotia, I must still persevere in thinking, that at the period in which we live such a measure can only tend to lessen the weight and dignity of the Assembly, and to diminish the reverence and respect which it is to be hoped, the Province will always shew to its Legislature.

(No. IV.)

Extract of a letter from His Grace the Duke of Portland to the Lieutenant Governor, dated 5th June.

It is with infinite concern I find from your letter, No. 35, as well as from one which has been addressed to me by Mr. Botsford, the Speaker of the House of Assembly of New-Brunswick, that the same disputes and misunderstandings (which I had hoped would have been put an end to and healed by the observations I have repeatedly made to you upon them in so many of my dispatches) still continue to prevail so much to the injury of the joint interests of the Crown and the Province. With respect to the Petition to the King, inclosed in Mr. Botsford's letter to me, I have only to refer to what I have stated on the subject of it in my letters of the 9th June, 1796, and the 13th of June last, and when you shall have laid before the House of Assembly the principles and rules of Legislative proceeding, as contained in those letters, I cannot allow myself to suppose that any thing like a serious difficulty can stand in the way of the sincere and mutual endeavours of the different branches of the Legislature to restore harmony and unanimity to their proceedings, by the establishment of a regular system for

for bringing forward and voting, distinctly and separately from any foreign or extraneous matter, the sums necessary to be granted for the public services of the Colony. As it does not appear, in the draft of the Bills transmitted to me in Mr. Botsford's letter, that any part of the monies voted by the Assembly is proposed to be paid otherwise than by the Governor's warrant, to the Treasury, the only obstacle that stands in the way of an amicable and final adjustment, is the refusal to separate from the public services of the Colony such other services as are of a particular or individual nature, which is a determination which evidently could not but frequently embarrass and impede the progress of measures which stand on a totally distinct and different basis.

In the consideration, therefore, of such particular or individual services as are recommended by the Assembly, there can be no doubt but that all due attention and respect should be paid to the sense of so respectable a body, but, on the other hand, nothing can be more inconsistent with the freedom of all deliberation than to involve, in the same decision, matters of a nature altogether foreign and distinct from each other, for, could such a mode of proceeding be admitted, it must necessarily follow that the success of every measure could no longer depend on its own intrinsic merit, but on the quality of some other measure, with which it may have no connection whatever; an idea so preposterous and so universally exploded that it cannot possibly be supported by a single advocate.

Mr. Odell also informed the Council, by direction of the Lieutenant Governor, that an Address, dated the 22d instant, had been presented to His Excellency by the House of Assembly, requesting him to lay before that House such part "of His Majesty's instructions as relates to the establishment of Fees in this Province;" and that in answer thereto, the following message was yesterday sent by His Excellency to the House of Assembly, viz:—

(Signed,) THOMAS CARLETON.

THE Lieutenant Governor directs to be herewith laid before the House of Assembly such parts of his Majesty's Commission and Instructions as relate to the establishment of fees in this Province.

Fredericton, 23d January, 1799.

T. C.

Extract from His Majesty's Commission to the Governor of New-Brunswick.

We do by these presents give and grant unto you the said Thomas Carleton, full power and authority, with the advice and consent of our said Council, to erect, constitute and establish such, and so many Courts of Judicature and public Justice within our said Province, as you and they shall think fit and necessary for the hearing and determining of all causes, as well criminal as civil, according to law and equity, and for awarding execution thereupon, with all reasonable and necessary powers, authorities, fees, and privileges belonging thereunto.

Copy of the 28th section of His Majesty's Instructions to the Governor of New-Brunswick.

28. And you are, with the advice and consent of our Council, to take especial care

to regulate, as soon as may be, all salaries and fees belonging to places, or paid upon emergencies, that they be within the bounds of moderation, and that no exaction be made on any occasion whatever; as also that tables of fees be publicly hung up in all places where such fees are to be paid; and you are to transmit copies of all such tables of fees to us by one of our principal Secretaries of State, and duplicates thereof to the Committee of our Privy Council for trade and plantations for their information.

Adjourned till Monday next.

MONDAY, 28th January, 1799.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Read the Minutes of the 23d and 25th instant.

Adjourned till To-morrow.

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TUESDAY, 29th January, 1799.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

The Chaplain attended and performed divine service,

Message from the Assembly with a Bill "to provide for payment of the services therein mentioned:" Also,

A Bill "to provide for payment of sundry debts of the Province for the year one thousand seven hundred and ninety five:" And,

A Bill "for defraying the ordinary services of the year one thousand seven hundred

dred and ninety five." Which Bills were read, and,

ORDERED, To stand for a second reading to-morrow.

Adjourned till To-morrow.

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WEDNESDAY, 30th January, 1799.

PRESENT.

*The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.*

*Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.*

Read a second time, the Bill "to provide for payment of the services therein mentioned:" Also,

The Bill "to provide for payment of sundry debts of the Province for the year one thousand seven hundred and ninety-five:" And,

The Bill "for defraying the Ordinary Services of the year one thousand seven hundred and ninety-five."

On motion that these Bills be now severally read a third time,

RESOLVED, That, notwithstanding the Resolutions of this House on the 7th and 11th of March, 1796, the Council are willing, for the sake of harmony, and to prevent public inconvenience, to proceed in the further consideration of these Bills.

Whereupon—

Read a third time, and passed, the Bill "to provide for payment of the services therein mentioned:" Also,

The Bill "to provide for payment of sundry debts of the Province for the year one thousand seven hundred and ninety-five:" And,

The Bill "for defraying the ordinary services of the year one thousand seven hundred and ninety-five."

ORDERED, That Mr. G. G. Ludlow inform the House of Assembly that the Council have concurred in passing these Bills.

Adjourned till To-morrow.

THURSDAY,

THURSDAY, 31st January, 1799.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Mr. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Adjourned till To-morrow.

FRIDAY, 1st February, 1799.

PRESENT.

The Hon. The Chief Justice.
Mr. Justice Allen.
Mr. Hazen.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Winslow.
Mr. Bliss.
Mr. Robinson.
Mr. Justice Saunders.

Message from the Assembly, with a Bill "for raising a Revenue in this Province"—
 Which was read, and

ORDERED, to stand for a second reading on Monday next.

Adjourned till Monday next.

MONDAY, 4th February, 1799.

PRESENT.

The Hon. The Chief Justice.
Mr. Winslow.
Mr. Odell.
Mr. Leonard.

Mr. G. G. Ludlow.
Mr. Hazen.
Mr. Robinson.

Read a Bill, from the Assembly, "for regulating the Fisheries in the County of Northumberland."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a second time, the Bill "for raising a Revenue in this Province."

On motion—Resolved, that this Bill be now read a third time.

Read accordingly a third time, and passed, the Bill "for raising a Revenue in this Province."
 Ordered,

ORDERED, That Mr. Winslow inform the House of Assembly that the Council has concurred in passing this Bill.

Read a Bill, from the Assembly, "for laying an impost on Loaf Sugar, Porter, Beer, Ale, and Playing Cards," with a suspending clause.

ORDERED, To stand for a second reading to-morrow.

His Excellency came to the Council Chamber, and, by Message, required the attendance of the House of Assembly.

The House of Assembly attended accordingly, and His Excellency gave his assent to the following Bills, viz:—

A Bill for raising a Revenue in this Province.

A Bill to provide for payment of sundry Debts of the Province for the year one thousand seven hundred and ninety-five.

A Bill for defraying the Ordinary Services of the year one thousand seven hundred and ninety-five. And,

A Bill to provide for payment of the services therein mentioned.

The House of Assembly withdrew and His Excellency retired.

Read a Bill "for defraying the ordinary services of the years one thousand seven hundred and ninety-six, one thousand seven hundred and ninety seven, one thousand seven hundred and ninety eight, and one thousand seven hundred and ninety nine."

To stand for a second reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 5th February, 1799.

PRESENT.

The Hon. The Chief Justice.

Mr. Justice Allen.

Mr. Hazen.

Mr. Robinson.

Mr. Justice Saunders.

Mr. G. G. Ludlow.

Mr. Winslow.

Mr. Odell.

Mr. Leonard.

Read a second time, the Bill "for regulating the fisheries in the county of Northumberland:" Also,

The Bill "for defraying the ordinary services of the Province for the years one thousand seven hundred and ninety-six, one thousand seven hundred and ninety seven, one thousand seven hundred and ninety-eight, and one thousand seven hundred and ninety-nine:" And,

The

The Bill "for laying an impost on Loaf Sugar, Porter, Beer, Ale, and Playing Cards."

ORDERED, That these Bills stand for a third reading to-morrow.

Read a Bill, from the Assembly, "in amendment of an Act made and passed in the thirty-first year of His Majesty's Reign, intituled, an Act for the support and relief of confined debtors :” And,

A Bill "for raising a Revenue, and for appropriating the same towards reimbursing the Members attending in General Assembly :” Also,

A Bill "for altering the times and place of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the county of Westmoreland."

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

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WEDNESDAY, 6th February, 1799.

PRESENT.

*The Hon. The Chief Justice.*

*Mr. Winslow.*

*Mr. Bliss.*

*Mr. Robinson.*

*Mr. Justice Allen.*

*Mr. Hazen.*

*Mr. Odell.*

*Mr. Justice Saunders.*

Read a third time, and passed, the Bill "for regulating the fisheries in the County of Northumberland :” Also,

The Bill "for laying an impost on Loaf Sugar, Porter, Beer, Ale and Playing Cards :” And,

The Bill for "defraying the ordinary services of the Province for the years one thousand seven hundred and ninety six, one thousand seven hundred and ninety seven, one thousand seven hundred and ninety eight, and one thousand seven hundred and ninety nine."

ORDERED, That Mr. Winslow inform the House of Assembly that the Council have concurred in passing these Bills.

Read a second time, the Bill "for raising a revenue, and for appropriating the same towards re-imbursing the members attending in General Assembly :” And,

The Bill "in amendment of an act made and passed in the thirty first year of his Majesty's reign, intituled, an act for the support and relief of confined debtors."

ORDERED, That these Bills stand for a third reading to-morrow.

Read

Read a second time, the Bill "for altering the times and place of holding the Court of General Sessions of the Peace and Inferior Court of Common Pleas in the County of Westmoreland."

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, "to authorize the Justices of the Sessions in the several Counties of this Province, to make regulations for the weighing of Hay, within such Counties where it may be found necessary to erect machines for that purpose."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "to prevent the importation or spreading of infectious distempers within this Province."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "to repeal an act made and passed in the thirty sixth year of His Majesty's reign, intituled, 'an act to prevent bringing infectious distempers into the City of Saint John,' and to make more effectual provision for preventing the importation and spreading of such contagious distempers."

ORDERED, That this Bill stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**THURSDAY, 7th February, 1799.**

PRESENT.

*The Hon. The Chief Justice.*

*Mr. Justice Allen.*

*Mr. Winslow.*

*Mr. Hazen.*

*Mr. Bliss.*

*Mr. Odell.*

*Mr. Robinson.*

*Mr. Justice Saunders.*

Read a third time, and passed, the Bill "in amendment of an act made and passed in the thirty first year of His Majesty's reign, intituled, 'an act for the support and relief of confined debtors:'" And,

The Bill "for raising a revenue and for appropriating the same towards reimbursing the members attending in general Assembly."

ORDERED, That Mr. Justice Saunders inform the house of Assembly that the Council has concurred in passing these Bills.

Read a second time, the Bill "to authorize the Justices in the several Counties of this Province, to make regulations for the weighing of Hay, within such Counties where it may be found necessary to erect machines for that purpose." Also,

The Bill "to repeal an act made and passed in the thirty sixth year of his Majesty's reign, intituled, 'an act to prevent bringing infectious distempers into the City of Saint John,' and to make more effectual provision for preventing the importation and spreading

spreading of such contagious distempers:" And,  
The Bill to "prevent the importation or spreading of infectious distempers within this Province."

ORDERED, That these Bills stand for a third reading to-morrow.

Message from the House of Assembly requesting a conference with the Council on the subject of re-printing the laws of the Province.

RESOLVED, That the Council agree to the conference, and that Mr. Justice Allen be a committee for that purpose.

ORDERED, that Mr. Justice Allen acquaint the House of Assembly with this resolution.

*Adjourned till To-morrow.*

*FRIDAY, 8th February, 1799.*

PRESENT.

*The Hon. The Chief Justice.*  
*Mr. Winslow.*  
*Mr. Bliss.*  
*Mr. Robinson.*

*Mr. Justice Allen.*  
*Mr. Hazen.*  
*Mr. Odell.*  
*Mr. Justice Saunders.*

Read a third time, and passed, the Bill "to authorize the Justices in the several Counties of this Province, to make regulations for the weighing of Hay, within such Counties where it may be found necessary to erect machines for that purpose:" Also,

The Bill "to prevent the importation or spreading of infectious distempers within this Province:" And,

The Bill "to repeal an act made and passed in thirty sixth year of his Majesty's reign, intituled, 'an act to prevent bringing infectious distempers into the City of Saint John,' and to make more effectual provision for preventing the importation and spreading of such contagious distempers."

ORDERED, That Mr. Hazen inform the House of Assembly that the Council has concurred in passing these Bills.

Mr. Justice Allen, from the conference, reports that, on the measure proposed by the Assembly of appointing joint Committees for revising and re-printing the laws, he had observed "that the appointment of persons for revising and re-printing the Laws of this Province was a part of the prerogative vested in His Excellency the Lieutenant Governor."

His



His Excellency came to the Council Chamber, and, by Message, required the attendance of the House of Assembly.

The Assembly attended accordingly, and His Excellency gave his assent to the following Bills, viz :—

A Bill for regulating the fisheries in the County of Northumberland.

A Bill in amendment of an Act made and passed in the thirty-first year of His Majesty's Reign, intituled, "an Act for the support and relief of confined debtors."

A Bill to authorize the Justices of the Sessions in the several Counties of this Province, to make regulations for the weighing of Hay, within such Counties where it may be found necessary to erect machines for that purpose.

A Bill to prevent the importation and spreading of infectious distempers within this Province.

A Bill to repeal an Act made and passed in the thirty-sixth year of His Majesty's reign, intituled, "an Act to prevent bringing infectious distempers into the city of Saint John," and to make more effectual provision for preventing the importation and spreading of such contagious distempers.

A Bill for defraying the ordinary services of the Province for the years one thousand seven hundred and ninety six, one thousand seven hundred and ninety seven, one thousand seven hundred and ninety eight, and one thousand seven hundred and ninety nine.

A Bill for raising a Revenue, and for appropriating the same towards reimbursing the members attending in General Assembly.

A Bill for laying an impost on Loaf Sugar, Porter, Beer, Ale, and Playing Cards.

His Excellency then closed the Session with the following Speech :—

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

**T**HE requisite provision for the several objects which have been recommended to your consideration being now in part completed, I shall at present detain you no longer from your private affairs.

The harmony which has prevailed in the proceedings of this Session, will be considered as a pledge, and I hope a sure one, of that public prosperity which we are ambitious to promote, and which must always greatly depend on the mutual and sincere cooperation of the several Branches of the Legislature.

The Secretary of the Province then announced His Excellency's pleasure, that the General Assembly be prorogued to the second Tuesday in May next.

The Secretary of the Board of Directors of the Corporation has the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the above-mentioned matter.

The Board of Directors has considered your letter and the report of the Committee on the subject of the proposed amendments to the Charter of the Corporation and has resolved to recommend that the amendments be adopted.

A copy of the proposed amendments to the Charter of the Corporation is enclosed herewith for your information.

The Board of Directors has also resolved to recommend that the Corporation be authorized to execute such documents as may be necessary to carry out the provisions of the proposed amendments.

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Secretary of the Board of Directors  
Government of Canada

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to be called upon to deliver a speech at the last session, and now, upon the expiration of the term of office of the members of the Council, it is necessary to elect a new Council, and to meet in a new place, and to commence a new session.

**JOURNAL**

**LEGISLATIVE COUNCIL**

OF THE

**Province of New-Brunswick.**

**FIFTH SESSION OF THE THIRD GENERAL ASSEMBLY.**

**ANNO QUADRAGESIMO PRIMO GEORGHII TERTII REGIS.**

**THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.**

**AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.**

**COUNCIL CHAMBER, Monday, 16th January, 1801.**

*The Chief Justice in the Chair.*

**THE** Lieutenant Governor, having, in the usual manner, been informed, that the Council was met and ready to proceed upon the business of their meeting, His Excellency came down to the Council Chamber, and, the House of Assembly attending, opened the Session with the following Speech to both Houses:—

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

**DURING** the period which has elapsed since our last meeting, we have continued to enjoy internal peace and tranquillity; and I have been able, without public inconvenience

venience, to defer calling you from your private affairs till now, when the Revenue Laws, passed at the last Session, are near expiring. The continuance of these laws, with such additions or amendments as may be found requisite for the present service or future prosperity of the Province, is the principal object that I have now to recommend to your deliberation.

*Gentlemen of the Assembly,*

I have given orders for the Treasurer's accounts, and such other papers as may be necessary for your further information, to be laid before you.

The salutary measure of extending the Revenue Acts of the last Session to the term of two years, has been productive of a considerable saving to the Treasury, which, I have the satisfaction to inform you, is now in a condition to answer every demand on account of past services.

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

I cannot here omit to congratulate with you on the Providential preservation of His Majesty's life, on a late occasion of imminent danger, and to express that grateful sense of the Divine favour, in that instance manifested to our Country, which must have been deeply impressed on the mind of every loyal subject of a Sovereign so truly and so deservedly beloved and venerated.

The House of Assembly having withdrawn, and His Excellency retired, Colonel Winslow and Mr. Odell are appointed a Committee to prepare an Address in answer to His Excellency's Speech.

*Adjourned till Thursday next.*

.....  
**THURSDAY, 29th January, 1801.**

*The Chief Justice in the Chair.*

Mr. Odell, from the Committee appointed for that purpose, reported the draught of an Address in answer to His Excellency's Speech, which was read and approved.

*To His Excellency Thomas Carleton, Esquire, Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.*

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

**WE** beg leave to return our thanks to your Excellency for your speech at the opening of the present Session; and to testify our sense of the wisdom and vigilance of your

your Excellency's administration, under which we have so long continued to enjoy internal peace and tranquillity.

We consider it as an auspicious circumstance, that your Excellency has been able, without public inconvenience, to defer convening the General Assembly during so great a part of the period to which the Revenue Laws of the last Session were extended; and we shall be happy to concur in the continuation of those Laws, with such additions or amendments as may be found requisite for the present service or future prosperity of the Province.

We accept with the warmest emotion your Excellency's congratulation on the providential preservation of his Majesty's life, on a late occasion of imminent danger; and we participate with your Excellency in that grateful sense of the Divine favour, in that instance manifested to our Country, which must have been deeply impressed on the mind of every loyal subject of a Sovereign so truly and so deservedly beloved and venerated.

Adjourned to present this Address to His Excellency, who had appointed this day for receiving it, and to meet again in Council on Monday next.

*MONDAY, 2d February, 1801.*

The Chief Justice reported, that the Council had, on Thursday last, presented their Address to the Lieutenant Governor, in answer to His Excellency's Speech, and that His Excellency had thereto been pleased to return the following answer, viz:—

*Gentlemen,*

**T**HE obliging tenor of your Address affords me the greater satisfaction, from the experience I have had of your steady and exclusive regard to His Majesty's service, and to the real welfare of the Province.

*Adjourned till Wednesday next.*

*WEDNESDAY, 4th February, 1801.*

Mr. Odell, by order of the Lieutenant Governor, communicated to the Council the following copies of two several Messages from his Excellency to the House of Assembly, and of a petition from the Tide Surveyor of the City of Saint John to His Excellency, viz:—

*Message from the Lieutenant Governor to the House of Assembly.*

THOS. CARLETON.

3d FEBRUARY, 1801.

**T**HE Lieutenant Governor informs the House of Assembly, that he proposes to direct

rect a revision of the existing Laws of the Province to be made; and a new edition of them to be printed, as soon as may be conveniently practicable; and recommends it to the House to make provision for defraying the expense of this necessary service.

*Message from the Lieutenant Governor to the House of Assembly.*  
 4th FEBRUARY, 1801.

THOS. CARLETON.

**T**HE Lieutenant Governor informs the House of Assembly that, from the several sums granted to him by the Acts of Appropriation of the last Session, for defraying expences of the Province, together with the amount formerly appropriated to the purchase of materials for erecting a building for the accommodation of the General Assembly and Courts of Justice, he has been able to apply to that important service nearly five hundred pounds, which, with other sums, amounting to about five hundred more, have been expended in erecting a suitable building for that purpose in Fredericton; and that the further expense for finishing what has been thus begun, will probably not exceed seven or eight hundred pounds, for which the Lieutenant Governor recommends the requisite provision to the consideration of the House.

In most of the different Counties of this Province, there is a want of sufficient Gaols and Court Houses, the erection or completion of which would require expences beyond the present ability of the inhabitants, without great inconvenience, to defray. The Lieutenant Governor therefore recommends it to the House to take into consideration the making of some suitable provision also for this service.

An account will herewith be laid before the House of Assembly, of the sums granted as above-mentioned, and of their application.

The Lieutenant Governor recommends to the consideration of the House, a petition, which will be herewith laid before them, from the Tide Surveyor of the City of Saint John.

|                                                                                                                                      |              |
|--------------------------------------------------------------------------------------------------------------------------------------|--------------|
| Amount of sums granted, by the appropriations of 1799, to the Lieutenant Governor for defraying the expences of the Province.        | £500 : 0 : 0 |
| Amount formerly appropriated to the purchase of materials for erecting a building for the accommodation of the General Assembly, &c. | 100 : 0 : 0  |
|                                                                                                                                      | £600 : 0 : 0 |
| Paid James Reid for a lot on which it was found expedient to erect a Battery in Saint John.                                          | £50 : 0 : 0  |
| Paid Robert Pagan, Esquire, for expences incurred by him for defence of the Town of Saint Andrews.                                   | 60 : 16 : 2  |
| Balance applied towards the expence incurred by order of the Lieutenant Governor in erecting a Province Hall in Fredericton.         | 489 : 3 : 10 |
|                                                                                                                                      | £600 : 0 : 0 |
|                                                                                                                                      | To           |

To His Excellency Thomas Carleton, Esquire, Lieutenant Governor and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.

*The Petition of John Chaloner, Tide Surveyor of the Province aforesaid.*

Most HUMBLY SHEWETH,

THAT your Petitioner was duly appointed to the said office of Tide Surveyor, in the year 1792, and has continued from that time to discharge the duties of said office without intermission.

That for his services in the said office, during the year 1796, when there was no Revenue Bill in force, Your Petitioner received £20, being one half the annual salary usually granted to him before that time, and that for his services in the said office, during the years 1797 and 1798, no allowance or salary whatever has been granted him.

That Your Petitioner, during the years last mentioned, devoted himself to the discharge of the duties of the said office, in the collection of the duties imposed for the support of the Light House on Partridge Island, and held himself always in readiness to attend thereto.

Your Petitioner, therefore, most humbly prays, that Your Excellency will please to take his case into your consideration, and that such allowance may be made to him for his services in the said office, during the years 1797 and 1798, as he may be thought reasonably to deserve.

And, as in duty bound, will ever pray.

JOHN CHALONER,  
Prov. Tide Surveyor.

*Adjourned till Friday next.*

FRIDAY, 6th February, 1801.

*The Chief Justice in the Chair.*

Mr. Odell, by order of the Lieutenant Governor, communicated to the Council the following copy of a Message from His Excellency to the House of Assembly, and of the papers therein mentioned, viz :—

*Message from the Lieutenant Governor to the House of Assembly.*

5th FEBRUARY, 1801.

THOS. CARLETON.

THE Lieutenant Governor informs the House of Assembly that an expense has been incurred, amounting to *thirty two pounds five shillings*, for printing three hundred copies of the Acts passed in the last Session of General Assembly; also that, by the close of the present Session, House-rent will be due for the accommodation of the General

Assembly and Courts of Justice, for the term of two years and one quarter, amounting to the sum of *sixty-seven pounds ten shillings*; for which sums, amounting to *ninety nine pounds fifteen shillings*, the Lieutenant Governor recommends it to the House to make provision, together with such further sums as may be requisite for paying the Adjutants of Militia, and for defraying the several expenses of the present Session.

An Extract of a letter from His Royal Highness the Duke of Kent, with a copy of the answer thereto, will herewith be laid before the House of Assembly, on the subject of a Communication by land from Halifax to Quebec. The attainment of this object, as stated by His Royal Highness, is so desirable that, although the plan may not be ripe for immediate execution, the Lieutenant Governor cannot entertain a doubt of the zeal and readiness of the Assembly of New-Brunswick, to co-operate with the adjacent Provinces, in making some eventual provision, proportionate to their ability, for a service of such magnitude and importance.

T. C.

*Extract of a letter from His Royal Highness the Duke of Kent to the Lieutenant Governor of New-Brunswick, dated Halifax, April 15th, 1800.*

I embrace this opportunity of informing you that, the Lieutenant Governor of Nova Scotia having intimated to the Provincial Legislature of the Province that I had it in contemplation to make every possible exertion in order to effect a communication by land from Halifax to Quebec, a very large and liberal grant of money has been made to complete the road, by way of Cobequid, to the extreme limits of the Province adjoining to Fort Cumberland. I flatter myself it will only require a similar intimation, on your part, to the Legislature of New-Brunswick, when you next meet them, to obtain as liberal assistance from them to forward this undertaking, in which, if possible, the welfare of that Province is still more intimately concerned. It is my intention to write shortly to the same effect to His Excellency Mr. Milnes, at Quebec.

The moment I can ascertain what the Civil Governments will do towards completing good roads and bridges through those parts which are settled at all, I shall be able to make my own plans for fixing military stations in the intermediate parts that are as yet totally unsettled, so as to enable me by the labour of the troops, to unite the roads made by the inhabitants, from the civil grants, in those parts where there are no settlers. As this is a circumstance in which I am peculiarly interested, from the conviction I have that it is a measure of the greatest public utility to all His Majesty's North American Colonies, allow me to suggest that, at the same time the attention of the Legislature is directed to the grant of monies for this purpose, it will be indispensably requisite that every possible encouragement should be held out to induce Settlers to fix in those spots which are as yet totally uninhabited; for it is well established that however well a road may be made, if it is through a country where there is but little passage, there is scarce a chance of its being kept long open.

*Copy of the Lieutenant Governor's answer to the foregoing letter.*

FREDERICTON, NEW-BRUNSWICK, 5th May, 1800.

I am honored with the letter, No. 12, (April 15th,) from Your Royal Highness, informing me that a very large and liberal grant of money has been made by the Provincial

cial



cial Legislature of Nova Scotia, in aid of the exertions which Your Royal Highness has it in contemplation to make, for effecting a communication by land from Halifax to Quebec; and I beg leave to assure Your Royal Highness that, so far as may be in my power, nothing shall be wanting to promote a concurrent zeal in this Province for giving every assistance, in proportion to our ability, to the completion of a design so evidently of the greatest public utility to all His Majesty's North American Colonies.

Mr. Odell, from the Committee of Correspondence, reported several letters and papers which had been received from Mr. Knox, the Agent, together with copies of the letters written to him by the Committee, since the last Session of the General Assembly, which having been read, were laid on the table.

**RESOLVED** unanimously, that the thanks of this House are due to Mr. Knox for his vigilant attention to the general interests of this Colony; and in particular for his zealous endeavours to obtain the revocation of the additional instruction of the 6th March, 1799, respecting Grants of Land within the Province of New-Brunswick.

**ORDERED**, That a copy of this Resolution be transmitted to Mr. Knox, by the Committee of Correspondence, who are at the same time to inform Mr. Knox, in addition to what they have stated to him, (in their letter of the 23d of June last,) that the hardships, arising from the present restriction on Grants of Land in this Province, have hitherto been felt chiefly in those districts which are already in part settled and cultivated, and which, beyond all doubt or controversy, are clearly within the limits of the Province; and that no applications whatever have yet been made for allotments in situations that can possibly involve any such doubt or controversy.

Read a Bill, brought in with leave, by Mr. Winslow, "for rendering Justices of the Peace more safe in the execution of their office, and for indemnifying Constables and others acting in obedience to their warrants."

**ORDERED**, That this Bill stand for a second reading on Monday next.

*Adjourned till Monday next.*

**MONDAY, 9th February, 1801.**

*The Chief Justice in the Chair.*

Read a second time the Bill "for rendering Justices of the Peace more safe in the execution of their office, and for indemnifying constables and others acting in obedience to their warrants."

**ORDERED**, That this Bill stand for a third reading to-morrow.

Read

Read a Bill, from the Assembly, "to continue an act made and passed in the thirty sixth year of His Majesty's reign, intituled, an act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several towns or parishes in this Province, and for suspending for a limited time all the laws now in force relating to the same."

Read a Bill, from the Assembly, "for the further and better support of the poor in the City of Saint John."

ORDERED, That these Bills stand for a second reading to-morrow.

*Adjourned till To-morrow.*

TUESDAY, 10th February, 1801.

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill "for rendering Justices of the Peace more safe in the execution of their office, and for indemnifying Constables and others acting in obedience to their warrants."

ORDERED, That Mr. Justice Upham carry this Bill to the House of Assembly, for their concurrence.

Read a second time the Bill to continue the act for regulating, laying out, and repairing Highways and Roads, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a second time the Bill "for the further and better support of the poor in the City of Saint John."

On motion of Mr. Leonard—Resolved, that this Bill be amended by omitting the preamble.

ORDERED, That this Bill, so amended, stand for a third reading to-morrow.

Read a Bill, brought in with leave, by Mr. Justice Allen, "for marking, opening, and regulating the Winter Roads within the parishes of Fredericton and Kingsclear in the County of York."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "to continue an act, intituled, an act for preserving the bank of the river Saint John in front of the Parishes of Manguerville, Sheffield and Waterborough :"  
And,

A Bill "to revive and continue an act for preserving the bank of the river Saint John in front of the parish of Lincoln in the County of Sunbury."

ORDERED, That these Bills stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**WEDNESDAY, 11th February, 1801.**

*The Chief Justice in the Chair.*

Read a third time, the Bill "for the further and better support of the poor in the City of Saint John," amended by omitting the preamble.

On the question—Resolved, that this Bill, so amended, do pass.

Read a third time, and passed, the Bill to continue the act for regulating, laying out, and repairing Highways and Roads, &c.

ORDERED, That Mr. Ludlow inform the House of Assembly that the Council have concurred in passing this Bill.

Read a second time, the Bill "to continue an act, intituled, an act for preserving the bank of the river Saint John, in front of the parishes of Maugerville, Sheffield, and Waterborough:" And,

The Bill "to revive and continue an act for preserving the bank of the river Saint John, in front of the parish of Lincoln in the County of Sunbury."

ORDERED, That these Bills stand for a third reading to-morrow.

Message from the House of Assembly, communicating sundry resolutions agreed to by that House, specifying the sums to be granted and appropriated for the public service of the current year; which resolutions are sent up for the concurrence of the Council, and, being read, are as follows, viz:—

RESOLVED, That there be granted to His Majesty, for defraying the expenses of the Public Service of this Province, the following sums, to-wit:—To the Speaker of the House of Assembly, for his services during the present Session and for his travelling charges, the sum of fifty pounds: To the other Members of the House of Assembly, for defraying their expenses of attendance during the present Session, and travelling charges, reckoning twenty miles for each day's travel, to be certified by the Speaker, the sum of ten shillings *per diem*: To the Chaplain of the Council in General Assembly, for his services during the present Session, the sum of fifteen pounds: To the Chaplain of the Assembly, for his services during the present Session, the sum of fifteen pounds: To the Clerk of the Council in General Assembly, for stationery and other

expences of the present Session, the sum of thirty pounds : To the Clerk of the Assembly, for his services during the present Session, the sum of ten shillings *per diem* ; and for other services the sum of fifty pounds ; and also for his services during the year one thousand eight hundred, the sum of twenty-five pounds : To the Sergeant at Arms attending the Council in General Assembly, the sum of ten shillings *per diem* during the present Session : To the Sergeant at Arms attending the Assembly, the sum of ten shillings *per diem* during the present Session : To the Door-Keeper of the Council in General Assembly the sum of five shillings *per diem* during the present Session : To the Door-Keeper of the Assembly, the sum of five shillings *per diem* during the present Session : To the Messenger, the sum of five shillings *per diem* during the present Session : To the Clerk of the Assembly, for Fuel, Stationery, and other expenses of the present Session, the sum of twenty-eight pounds six shillings and sixpence : To the Treasurer of the Province, for his services from the first day of March, one thousand seven hundred and ninety nine to the first day of March, one thousand eight hundred and one, the sum of one hundred and eighty pounds *per annum* : To the Tide Surveyor in the City of Saint John, for his services from the first day of March, one thousand seven hundred and ninety nine, to the first day of March, one thousand eight hundred and one, the sum of forty pounds *per annum* ; and also, for his past services, the further sum of fifteen pounds : To His Excellency the Lieutenant Governor, for the payment of the several Adjutants of the Militia, for the years one thousand seven hundred and ninety nine and one thousand eight hundred, a sum not exceeding three hundred and twenty pounds : To His Excellency the Lieutenant Governor, for defraying contingent expences of the Province, a sum not exceeding one hundred pounds.

**RESOLVED**, That the sum of three hundred and fifty pounds be granted towards completing the Building for the accommodation of the General Assembly and the Courts of Justice in Fredericton.

**RESOLVED**, That the sum of one hundred pounds be granted to the County of Westmorland, towards defraying the expense of erecting a Court House and Gaol in the said County : The sum of one hundred pounds to the County of York, towards defraying the expences of building a Gaol in the said County : The sum of one hundred pounds to Queen's County, towards defraying the expenses of finishing the Court-House and Gaol in the said County : The sum of one hundred pounds to the County of Charlotte, towards defraying the expenses of finishing the Court-House and Gaol in the said County : The sum of one hundred pounds to the County of Sunbury, towards defraying the expenses of finishing the Court House and Gaol in the said County : And the sum of one hundred pounds to King's County, towards defraying the expenses of building a Gaol in the said County.

**RESOLVED**, that the sum of two hundred and fifty pounds be granted to the Mayor, Aldermen and Commonalty of the city of Saint John, to assist in erecting an Hospital and Work-House in the said city.

**RESOLVED**, That the sum of one hundred and fifty pounds be granted for the purpose of repairing the road leading from the river Petcoodiac to the Kennebeckacis : The sum of fifty pounds, for the purpose of opening and repairing the road leading from Fredericton to Miramichi, through the settlements of the river Nashwaack : The sum of fifty pounds, for the purpose of opening and repairing the road from the river Nashwaack

waack to the Settlements on the river Miramichi : The sum of fifty pounds, for the purpose of repairing the road from where the same now is, near the farm of Ward Chipman, Esquire, to Gondola Point : The sum of fifty pounds, for the purpose of repairing the road lately laid out and opened from Chediac to the bend of the river Petcoodiac : The sum of seventy-five pounds, for the purpose of opening a road from Quaco to communicate with the settlement made by the Honorable Joshua Upham, Esquire, in the Parish of Hampton : The sum of ten pounds to enable the inhabitants at Mace's Bay and Dipper Harbour to open a road to communicate by the nearest practicable route with the public road leading from Saint Andrews to the City of Saint John, by the settlements at Musquash River : The sum of one hundred pounds, for the purpose of repairing the road already laid out from Saint Andrews to the City of Saint John, by the Settlements at Musquash : The sum of twenty-five pounds, for the purpose of opening a road from the Settlement on Washademoac River, to communicate with the Settlements on the River Saint John : The sum of one hundred pounds for the purpose of building and repairing such bridges as were carried away by the ice freshet in the year one thousand seven hundred and ninety eight, in the Parishes of Prince William and Woodstock, in the County of York : The sum of thirty pounds for the purpose of defraying the expenses of levelling and bridging the Portage Road, which is opened across the Peninsula that separates the rivers Kennebeckacis and Saint John : The sum of seventy-five pounds for the purpose of altering and repairing the roads leading from Fredericton to Saint John and Westmorland, through Queen's County and a part of King's County, by the head of Bellisle Bay to the river Kennebeckacis, and in the great line of communication between the Provinces of Nova Scotia and Canada : And the sum of fifteen pounds, for the purpose of repairing the road leading from Pickle's farm, on the river Kennebeckacis to Croft's farm, on Hammond Kiver : To be paid to such persons as His Excellency the Lieutenant Governor shall appoint for the respective purposes aforesaid, who are severally to account to the House of Assembly for their respective expenditures.

**RESOLVED**, That the sum of ten pounds five shillings, be granted to the Sheriff for the County of Charlotte, for returning a Member for the said County to serve in General Assembly.

**RESOLVED**, That the sum of thirty-two pounds five shillings, be granted to His Excellency the Lieutenant Governor, for defraying the expence of printing three hundred copies of the acts passed in the last Session of the General Assembly ; and the further sum of sixty-seven pounds ten shillings, for the payment of House-rent for the accommodation of the General Assembly, and the Courts of Justice.

**RESOLVED**, That the sum of two hundred pounds be granted to His Excellency the Lieutenant Governor, for defraying the expences to be incurred by the revising of all the acts of the General Assembly of this Province, and printing two hundred copies of the same for the use of the several Branches and Members of the Legislature, his Majesty's Courts of Justice, Attorney and Solicitor General, Justices of the Peace, Sheriffs, and Coroners in the several Counties, and Clerks of the different Parishes.

**RESOLVED**, That the sum of twelve pounds be granted to Samuel Lee, Esquire, Member

bet for Northumberland County, for his travelling charges at the last Session of the General Assembly.

**RESOLVED**, That the following sums be granted to the several persons hereafter mentioned, that is to say—To John M. Monagale, Esquire, the sum of twelve pounds fourteen shillings and six pence; To Benjamin De Wolf the sum of eighteen pounds fourteen shillings and ten pence; To Thomas Walker the sum of twelve pounds ten shillings and two pence; To Henry Rutherford the sum of eighteen pounds eighteen shillings; To Messrs. Bonnell and Budd the sum of one pound seven shillings and nine pence; and to Messrs. Isaac and David Bonnett the sum of two pounds seventeen shillings, being the amount of duties paid by them on articles imported by the way of Saint John, which were intended for, and consumed in the Province of Nova-Scotia.

**RESOLVED**, That the sum of forty-three pounds five shillings and ten pence be granted to William and Thomas Pagan and Company, being the whole amount of the duties paid by them on forty-six puncheons of Rum landed from on board the Brig Three-Brothers, (which put into the Port of Saint John, on her voyage from Jamaica for Quebec in distress,) and afterwards re-shipped for Halifax.

**RESOLVED**, That the sum of fifty pounds, be granted to Samuel Duffy, Keeper of the Light House on Partridge Island, in addition to his Salary, for his services to the first day of January one thousand eight hundred and one.

**RESOLVED**, That a sum not exceeding fifty pounds, be granted to the Commissioners of the Light House on Partridge Island, for the purpose of making such repairs to the same as may be found necessary.

**RESOLVED**, That a sum not exceeding one hundred pounds be granted to Jonathan Bliss, William Pagan, and James Simonds, Esquires, for defraying the expenses to be incurred by the printing of the Journals of the Votes and Proceedings of the House of Assembly, in the Sessions of one thousand seven hundred and ninety eight, one thousand seven hundred and ninety nine, and one thousand eight hundred and one.

**ORDERED**, That these Resolutions be taken into consideration to-morrow.

**ORDERED**, That the second reading of the Bill "for marking, opening, and regulating the Winter Roads within the Parishes of Fredericton and Kingsclear," be postponed till to-morrow.

Read a Bill, brought in with leave, by Mr. Justice Upham, "in addition to, and amendment of an Act, intituled, an Act for preventing trespasses." Also,

A Bill, brought in with leave, by Mr. Justice Saunders, "in addition to, and amendment of an Act, passed in the thirty-fourth year of His Majesty's reign, intituled, an Act for the better regulating the Militia in this Province."

**ORDERED**, That these Bills stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**THURSDAY,**

**THURSDAY, 12th February, 1801.**

*The Chief Justice in the Chair.*

Took into consideration the resolutions sent up yesterday, from the House of Assembly: And,

On the question—Resolved, that the same be agreed to without amendment.

**ORDERED,** That Mr. Justice Allen inform the House of Assembly that the Council do concur with that House in the resolutions which were yesterday sent up for the consideration of the Council.

Read a third time, and passed, the Bill “to continue an Act, intituled, an Act for preserving the Bank of the River Saint John, in front of the Parishes of Maugerville, Sheffield, and Waterborough.”

Message from the Assembly, that they agree to the amendment of the Bill “for the further and better support of the Poor of the City of Saint John.”

Read a Bill, from the Assembly, “for the support and relief of Confined Debtors:”

And,

A Bill “for the better securing the navigation of Passamaquoddy Bay, within Deer Island.”

**ORDERED,** That these Bills stand for a second reading to-morrow.

Read a second time, the Bill in addition to, and amendment of an Act for preventing trespasses: And,

The Bill in addition to, and amendment of an Act for regulating the Militia.

**ORDERED,** That these Bills stand for a third reading on Tuesday next.

*Adjourned till To-morrow.*

.....  
**FRIDAY, 13th February, 1801.**

*The Chief Justice in the Chair.*

Read a second time, the Bill “for the support and relief of confined debtors:” And  
The Bill “for the better securing the navigation of Passamaquoddy Bay within Deer Island.”

**ORDERED,** That these Bills stand for a third reading to-morrow.

Read a Bill, from the Assembly, “to empower the Justices of the Peace for the County of York to make such regulations respecting the Winter Roads in that County as may be found necessary.”

Ordered,

ORDERED, That this Bill stand for a second reading to-morrow.

*Adjourned till To-morrow.*

*SATURDAY, 14th February, 1801.*

*Mr. Justice Upham in the Chair.*

Read a third time, and passed, the Bill "for the support and relief of confined debtors:" And also,

The Bill "for the better securing the navigation of Passamaquoddy Bay within Deer Island."

ORDERED, That Mr. Robinson inform the House of Assembly that the Council have concurred in passing these Bills.

Read a second time, and amended, the Bill "to empower the Justices of the Peace for the County of York to make such regulations respecting the Winter Roads in that County as may be found necessary."

ORDERED, That this Bill stand for a third reading on Monday next.

Read a Bill, from the Assembly, "to repeal all the acts now in force relating to trespasses, and for making new regulations to prevent the same."

ORDERED, That this Bill stand for a second reading on Monday next.

*Adjourned till Monday next.*

*MONDAY, 16th February, 1801.*

*The Chief Justice in the Chair.*

Read a third time, the Bill "to empower the Justices of the Peace for the County of York to make such regulations respecting the Winter Roads in that County as may be found necessary," with amendments.

On the Question—Resolved, that this Bill, so amended, do pass.

ORDERED, That this Bill, with its amendments, be returned to the House of Assembly for their concurrence.

Read a second time, and amended, the Bill "to repeal all the Acts now in force relating to trespasses, and for making new regulations to prevent the same."

Ordered,



**ORDERED**, That this Bill, so amended, stand for a third reading to-morrow.

Read a Bill, from the Assembly, "for erecting a Court House and Gaol in the County of Westmoreland, and for altering the Shire Town of the said County."

**ORDERED**, That this Bill stand for a second reading to-morrow.

Read a Bill, brought in with leave, by Mr. Bliss, "for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury."

**ORDERED**, That this Bill stand for a second reading to-morrow.

*Adjourned till To-morrow.*

**TUESDAY, 17th February, 1801.**

*The Chief Justice in the Chair.*

Read a third time, the Bill "to repeal all the Acts now in force relating to trespasses, and for making new regulations to prevent the same," with amendments.

On the question—Resolved, that this Bill, so amended, do pass.

**ORDERED**, That this Bill, with its amendments, be returned to the Assembly for their concurrence.

Read a third time, and passed, the Bill "in addition to, and in amendment of an Act, intituled, an Act for the better regulating the Militia in this Province."

**ORDERED**, That this Bill be carried to the Assembly for their concurrence.

Read a second time, the Bill "for erecting a Court House and Gaol in the County of Westmoreland, and for altering the Shire Town of the said County."

**ORDERED**, That this Bill stand for a third reading to-morrow.

Read a Bill, from the Assembly, "for raising a Revenue in this Province :” Also, A Bill "for appropriating certain monies for defraying the expenses of the Province :” And,

A Bill "for granting certain sums for repairing and laying out Roads."

**ORDERED**, That these Bills stand for a second reading to-morrow.

Read a second time, the Bill "for preserving the Bank of the river Saint John, in front of the Parish of Lincoln, in the County of Sunbury."

**ORDERED**, That this Bill stand for a third reading to-morrow.

*Adjourned till To-morrow.*

**WEDNESDAY,**

*WEDNESDAY, 18th February, 1801.*

*The Chief Justice in the Chair.*

Read a second time, the Bill "for raising a Revenue in this Province :"  
Also,  
The Bill "for appropriating certain monies for defraying the expences of the Province :"  
And,

The Bill "for granting certain sums for repairing and laying out Roads."

ORDERED, That these Bills stand for a third reading to-morrow.

Read a third time, and passed, the Bill "for erecting a Court-House and Gaol in the County of Westmoreland, and for altering the Shire Town of the said County."

ORDERED, That Mr. Upham inform the House of Assembly that the Council have concurred in passing this Bill.

Read a third time, and passed, the Bill "for preserving the Bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury."

ORDERED, That this Bill be sent to the House of Assembly for their concurrence.

Message from the Assembly, that they have agreed to the amendments of the Bill "to repeal all the Acts now in force relating to trespasses, and for making new regulations to prevent the same."

*Adjourned till To-morrow.*

*THURSDAY, 19th February, 1801.*

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill "for raising a Revenue in this Province :"  
Also,

The Bill "for appropriating certain monies for defraying the expences of the Province :"  
And,

The Bill "for granting certain sums for repairing and laying out roads."

ORDERED, That Mr. Saunders inform the House of Assembly that the Council have concurred in passing these Bills.

Message from the Assembly, that they have passed the Bill "for preserving the bank of the River Saint John, in front of the Parish of Lincoln, in the County of Sunbury," with amendments.

On the question—Resolved, that the Council agree to these amendments.

Message from the Assembly, that they have passed the Bill "in addition to, and in amendment

amendment of an Act, intituled; an Act for the better regulation of the Militia in this Province," with amendments.

On the question—Resolved, that the consideration of these amendments be postponed for three months.

*Adjourned till Saturday.*

.....

*SATURDAY, 21st February, 1801.*

*The Chief Justice in the Chair.*

His Excellency the Lieutenant Governor came to the Council Chamber, and, in the usual manner, required the attendance of the House of Assembly.

The Assembly attended accordingly, and their Speaker presented the Bills of Supply and Appropriation of the present Session, with a Speech to the Lieutenant Governor, in behalf of the House, requesting His Excellency to accept these Grants for the Public Service.

His Excellency then gave his assent to the following Bills, viz:—

- A Bill for raising a Revenue in this Province.
- A Bill for appropriating certain monies for defraying the expences of the Province.
- A Bill for granting certain sums for repairing and laying out Roads.
- A Bill for the rendering Justices of the Peace more safe in the execution of their office, and for indemnifying Constables and others acting in obedience to their warrants.
- A Bill for erecting a Court House and Gaol in the County of Westmoreland, and for altering the Shire Town in the said County.
- A Bill to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same.
- A Bill for the better securing the Navigation of Passamaquoddy Bay within Deer Island.
- A Bill for preserving the Bank of the River Saint John in front of the Parish of Lincoln, in the County of Sunbury.
- A Bill to empower the Justices of the Peace for the County of York to make such regulations respecting the Winter Roads in that County as may be found necessary.
- A Bill for the support and relief of Confined Debtors.
- A Bill for the further and better support of the Poor in the City of Saint John.
- A Bill to continue an Act made and passed in the thirty-sixth year of His Majesty's  
Reign

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Reign, intituled, "an Act for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways within the several Towns or Parishes in this Province, and for suspending for a limited time all the Laws now in force relating to the same."

A Bill to continue an Act, intituled, "an Act, for preserving the Bank of the River Saint John, in front of the Parishes of Maugerville, Sheffield, and Waterborough."

His Excellency then closed the Session with the following Speech :—

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

**T**HE business before you being now completed, I avail myself of the occasion to express the satisfaction afforded me by the harmony with which your proceedings have been conducted, and from which I anticipate the future prevalence of that spirit of moderation in our public Councils, which is of such importance to the public welfare.

You have formerly declared your concurrent resolution, to be governed, in all your deliberations, by the rules of Parliamentary proceeding; and I trust that you will ere long surmount every difficulty which may have stood in the way of your carrying this wise and loyal resolution into complete effect.

The Secretary of the Province then announced His Excellency's pleasure that the General Assembly be prorogued to the first Tuesday in June next.

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**JOURNAL**

OF THE

**LEGISLATIVE COUNCIL**

OF THE

**Province of New-Brunswick.**

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**SIXTH SESSION OF THE THIRD GENERAL ASSEMBLY.**

**ANNO QUADRAGESIMO SECUNDO GEORGII TERTII REGIS.**

**THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.**

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**AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.**

**COUNCIL CHAMBER, Monday, 1st February, 1802.**

*The Chief Justice in the Chair.*

**ORDERED,** That Mr. Odell wait on the Lieutenant Governor, and acquaint His Excellency that the Council are met and ready to proceed upon business.

His Excellency came to the Council Chamber, and, by message, required the attendance of the House of Assembly.

The House attended accordingly, and His Excellency opened the Session with the following Speech.

*Gentlemen*

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

**T**HE importance of the great event, which has lately taken place, must be felt, not only throughout the British Empire, but in almost every part of the world.

His Majesty, after a series of achievements by his Fleets and Armies, the greatest and most glorious that have hitherto adorned the annals of our Country, has consented to preliminaries for restoring Peace to the World, on terms which must leave it impossible, even for his enemies, to doubt the purity of his views, or the sincerity of his professions, during the whole of a most arduous contest, in which he has so long been unavoidably engaged.

In the course of the War we have been favoured with many signal instances of Divine Protection. The very means employed by our Enemies to divide and destroy, have contributed to the more perfect union of His Majesty's Dominions, and to the greater stability of his Government.

Under these circumstances, we have reason to hope that a Peace, dictated, on the part of His Majesty, by motives of moderation and benevolence, may be firm and lasting. In the mean time, it is our duty to be not the less attentive to those means of future safety, which never can be prudently discontinued.

The Law for regulating the Militia of this Province, enacted during the War, must cease to be in force, whenever a definitive treaty of Peace shall be concluded. I therefore earnestly recommend to your consideration the preparing of a law for this indispensable object, with such provisions as may effectually secure to His Majesty's subjects of New-Brunswick, the advantages of a proper discipline, and the means of speedily collecting and exerting their force, in defence of the Province, as emergencies may require.

*Gentlemen of the Assembly,*

I have given orders for the Treasurer's accounts, and such other papers as may be necessary for your further information, to be laid before you.

You will perceive that on payment of the duties, for which Bonds have been taken, the revenue of the year past will be found sufficient for discharging all the sums appropriated at our last meeting.

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

During your late recess, I have received, in a letter from one of His Majesty's principal Secretaries of State, an intimation, "that it was very satisfactory to His Majesty to observe the mutual confidence and unanimity, with which the proceedings of the General Assembly of New-Brunswick had been conducted." I have much pleasure in making this communication to you; for I am persuaded you know how to prize such expressions of approbation from the Father of His People.

**ORDERED,** That Mr. Justice Allen and Mr. Robinson be a Committee to prepare an Address in answer to His Excellency's Speech.

*Adjourned till Wednesday next.*

**WEDNESDAY**

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WEDNESDAY, 3d February, 1802.

*The Chief Justice in the Chair.*

The Committee appointed to prepare an Address in answer to His Excellency's Speech, reported the following, which was read and approved, viz :—

*To His Excellency Thomas Carleton, Esquire, Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.*

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

**W**E beg leave to return our thanks to Your Excellency for your Speech at the opening of this Session.

As loyal subjects of His Majesty, we have the most lively participation in the sentiments suggested by Your Excellency, on the extensive importance of the great event which has lately taken place, when His Majesty, after a series of achievements by his Fleets and Armies, the greatest and most glorious that have hitherto adorned the annals of our country, consented to preliminaries for restoring Peace to the World, on terms which must leave it impossible, even for his enemies, to doubt the purity of his views, or the sincerity of his professions, during the whole of a most arduous contest, in which he had so long been unavoidably engaged.

We also feel the debt of pious acknowledgement, which we owe to Heaven, for the many signal instances of Divine Protection, with which, in the course of the war, we have been favored ; and especially in the result of those measures by which our enemies confidently expected to divide and destroy, but which have contributed to the more perfect union of His Majesty's Dominions, and to the greater stability of his Government.

Under these circumstances, we entertain, with Your Excellency, the reasonable hope that a Peace, dictated on the part of His Majesty, by motives of moderation and benevolence, may be firm and lasting. In the mean time, we are fully sensible of the force of Your Excellency's observation, that it is our duty to be not the less attentive to those means of future safety, which never can be prudently discontinued. And as the Law for regulating the Militia of this Province, enacted during the war, must cease to be in force, whenever a definitive Treaty of Peace shall be concluded, we shall pay due attention to the recommendation which the prospect of Peace has suggested to Your Excellency's vigilant care for the welfare of this Province, and we shall most gladly concur in preparing a Law for this indispensable object, with such provisions as may effectually secure to His Majesty's Subjects of New-Brunswick, the advantages of a proper discipline, and the means of speedily collecting and exerting their force, in defence of the Province, as emergencies may require.

We receive, with the most dutiful emotions, Your Excellency's communication, respecting the satisfaction which His Majesty has been pleased to express, on observing the mutual confidence and unanimity, with which the proceedings of the General As-

sembly of New-Brunswick had been conducted, and we beg leave to assure Your Excellency that nothing on our part shall be wanting to a continuance of that satisfaction, which has been announced in such gracious expressions of approbation from the Father of His People.

ORDERED, That Mr. Odell wait upon His Excellency, to know when he will be pleased to receive the Address of the Council.

*Adjourned till To-morrow.*

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**THURSDAY, 4th February, 1802.**

*The Chief Justice in the Chair.*

Mr. Odell reports that His Excellency will receive the address of the Council this day, at one o'clock.

*Adjourned to wait on His Excellency and to meet again in Council To-morrow.*

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**FRIDAY, 5th February, 1802.**

*The Chief Justice in the Chair.*

The Chief Justice reported that the Council had waited on the Lieutenant Governor with their address, to which His Excellency had been pleased to return the following answer :—

*Gentlemen,*

**I** THANK you for this Address, and hope that the success of your deliberations may at all times be proportioned to your zeal for the public welfare.

*Adjourned till Monday next.*

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**MONDAY, 8th February, 1802.**

*The Chief Justice in the Chair.*

Read a Commission under the Great Seal, appointing William Franklin Odell, Clerk of the Council in General Assembly. Whereupon—

ORDERED, That he take his place as Clerk accordingly.

Read



Read a Bill, from the Assembly, "for regulating the Militia."

ORDERED, That this Bill stand for a second reading on Wednesday next.

*Adjourned till Wednesday next.*

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**WEDNESDAY, 10th February, 1802.**

*The Chief Justice in the Chair.*

Read a second time, the Bill "for regulating the Militia."

ORDERED, That this Bill stand for a third reading to-morrow.

Read a Bill, from the Assembly, "for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmoreland :"  
And,

A Bill "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Kings."

ORDERED, That these Bills stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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THURSDAY, 11th February, 1802.

The Chief Justice in the Chair.

Message from the House of Assembly, requesting a Conference with the Council, touching the expediency and proper mode of introducing Settlers in this Province.

RESOLVED, That the Council do agree to the proposed Conference.

ORDERED, That Mr. Justice Allen, Mr. Odell, and Mr. Leonard, be a Committee for this purpose.

Read a second time, the Bill "for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmoreland :"
And,
The Bill "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Kings."

ORDERED, That these Bills stand for a third reading to-morrow.

ORDERED, That the third reading of the Bill for regulating the Militia, be postponed till to-morrow.

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 12th February, 1802.

The Chief Justice in the Chair.

The Chaplain attended and performed Divine Service.

Read a third time, the Bill "for regulating the Militia :"

The Bill "for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmoreland :"

And, The Bill "for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Kings."

On the question—Resolved, That these Bills do pass.

ORDERED, That Mr. Leonard notify the same to the House of Assembly.

Read a Bill, from the Assembly, "to render persons convicted of Petty Larceny competent Witnesses."

ORDERED, That this Bill stand for a second reading on Monday next.

Read a Bill, from the Assembly, "for the better securing of Judgment Creditors."

Adjourned till Monday next.

MONDAY, 15th February, 1802.

The Chief Justice in the Chair.

Read a second time, the Bill "to render persons convicted of Petty Larceny competent Witnesses."

ORDERED, That this Bill stand for a third reading to-morrow.

Read a second time, the Bill "for the better securing of Judgment Creditors."

On motion—Ordered, That the third reading of this Bill be put off for three months.

Adjourned till To-morrow.

TUESDAY, 16th February, 1802.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, "for rendering the Administration of Justice more equal

equal and less expensive :” And,

A Bill “ further to explain an Act, intituled, ‘ an Act for regulating the Fisheries in the different rivers, coves, and creeks of this Province,’ as well as an Act, intituled, ‘ an Act to explain and amend’ the said Act.”

Read a third time, the Bill “ to render persons convicted of Petty Larceny competent Witnesses.”

On the question—Resolved, that this Bill do pass.

ORDERED, That Mr. Justice Allen notify the same to the Assembly.

Adjourned till Thursday next.

THURSDAY, 18th February, 1802.

The Chief Justice in the Chair.

Read a second time, the Bill “ for rendering the Administration of Justice more equal and less expensive.”

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a second time, the Bill further to explain an Act for regulating the Fisheries, &c.

Upon the application of George Younghusband, Esquire—Ordered, that the parties interested in this Bill be heard by themselves or Counsel, to-morrow, at ten o’clock.

Adjourned till To-morrow.

FRIDAY, 19th February, 1802.

The Chief Justice in the Chair.

The Chaplain attended and performed Divine Service.

On motion—Resolved, that the third reading of the Bill further to explain an Act, intituled, an Act for regulating the Fisheries, &c. be put off for three months.

Adjourned till Monday next.

MONDAY

MONDAY, 22d February, 1802.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, "for aiding and encouraging Parish Schools."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "for the easy and speedy recovery of small Debts, and for regulating the proceedings thereon."

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 23d February, 1802.

The Chief Justice in the Chair.

Mr. Odell, by direction of His Excellency the Lieutenant Governor, communicated to the Council an order of His Majesty in Council, of the 15th of January 1800, declaring His Majesty's pleasure that in future, in all cases where His Majesty's confirmation shall be necessary to give validity and effect to any act passed by the Legislature of any of His Majesty's Colonies or Plantations, unless His Majesty's confirmation thereof shall be obtained within three years from the passing such act in any of the said Colonies or Plantations, such act shall be considered as disallowed.

Read a Bill, from the Assembly, "for registering Marriages, Births, and Deaths."

ORDERED, That this Bill stand for a second reading to-morrow.

ORDERED, That the second reading of the Bill "for aiding and encouraging Parish Schools," and the Bill "for the easy and speedy recovery of small Debts," be put off till to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 24th February, 1802.

The Chief Justice in the Chair.

Read a second time, the Bill "for aiding and encouraging Parish Schools."

ORDERED, That this Bill stand for a third reading to-morrow.

Read

Read a second time, the Bill for the easy and speedy recovery of small Debts, &c: And,

The Bill “for registering Marriages, Births, and Deaths.”

ORDERED, That these Bills stand for a third reading to-morrow.

Read a Bill, from the Assembly, “for preserving in this Province the Kirk or Church of Scotland as established by the Act of Union of England and Scotland.”

ORDERED, That the further consideration of this Bill be put off for three months.

Adjourned till To-morrow.

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THURSDAY, 25th February, 1802.

The Chief Justice in the Chair.

Read a third time, the Bill “for registering Marriages, Births, and Deaths.”

On the question whether this Bill do pass—Resolved in the negative.

Message from the Assembly, with a Resolution for introducing Settlers into this Province.

RESOLVED, That the Council do request a Conference, with the House of Assembly, on the subject of this Resolution.

ORDERED, That Mr. Leonard communicate this Resolution to the House of Assembly.

ORDERED, That the third reading of the Bill “for aiding and encouraging Parish Schools,” be put off till to-morrow.

Read a third time, the Bill “for the easy and speedy recovery of small Debts, and for regulating the Proceedings thereon.”

On the question—Resolved, that this Bill do pass.

O , That Mr. Justice Saunders communicate the same to the House of Assembly.

Adjourned till Tomorrow.

FRIDAY,

FRIDAY, 26th February, 1802.

The Chief Justice in the Chair.

RESOLVED, That the Council do request a Conference, with the House of Assembly, on the subject of the Bill "for aiding and encouraging Parish Schools."

ORDERED, That Mr. Justice Allen communicate this Resolution to the House of Assembly.

Message from the Assembly, with sundry Resolutions for defraying the Public Expenses of the Province.

Read a Bill, from the Assembly, "to alter and amend an Act passed in the twenty-sixth year of His Majesty's Reign, intituled, 'an Act to regulate Servants.'"

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, "in addition to, and to alter and amend, an Act, intituled, 'an Act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication.'"

On motion—Ordered, that the further consideration of this Bill be put off for three months.

Message from the House of Assembly, That they agree to the Conference, requested by the Council, on the subject of the Bill "for aiding and encouraging Parish Schools."

ORDERED, That Mr. Justice Allen and Mr. Odell be a Committee for this purpose.

Adjourned till To-morrow.

SATURDAY, 27th February, 1802.

The Chief Justice in the Chair.

RESOLVED, That the Council do agree to the several Resolutions sent up yesterday, by the House of Assembly, for their consideration, excepting the following :—

"To the Rector and Church-Wardens of the Parish of Fredericton, in trust for, and to be applied to the relief of the Children of Isaac Hedden, Esquire, deceased, the late Clerk of this House, the sum of twenty-five pounds."

"To the Clerk of the Assembly, appointed by this House, for his services during the present Session, the sum of ten shillings *per diem* ; and for other services the sum of fifty pounds."

"To the Clerk of the Assembly, appointed by this House, for Fuel, Stationery, and other expenses of the present Session, forty-three pounds six shillings and one penny."

To

“ To His Excellency the Lieutenant Governor, a sum not exceeding one hundred and fifty pounds, to defray the expenses of such person, as His Excellency may appoint, who shall view the Roads leading from the Nova Scotia line to St. John and Fredericton, and from St. Andrews to St. John, and report the situation of the same to the House of Assembly, with his opinion of such alterations as he may judge requisite more effectually to complete the general communication, with estimates of the expense of such alterations, or erection of such Bridges as he may think necessary.”

RESOLVED, That the Council do request a Conference, with the House of Assembly, on the subject of these recited Resolutions.

ORDERED, That Mr. Leonard communicate the same to the House of Assembly.

Message from the Assembly, that they agree to the proposed Conference.

ORDERED, That Mr. Justice Allen and Mr. Hazen be a Committee for this purpose, and that they be instructed to state—

That the Council consider the Resolution respecting the late Clerk of the Assembly, worded as it now stands, to be a gift, and therefore propose as an alteration, that it be expressed to be for past services.

The Report of the Roads ought regularly, in their opinion, to be made to the Lieutenant Governor, who appoints the person.

And the Council find the words, “ Appointed by the House,” an unusual addition in the two Resolutions mentioning the Clerk of the Assembly. They would therefore propose the words “ Appointed by this House” to be omitted; otherwise these Resolutions will require a distinct consideration, and ought to come up in a separate Bill.

The Committee of Conference, on the subject of the Bill “ for aiding and encouraging Parish Schools,” reported, that in pursuance of their instructions, they stated the objection of the Council to the clause of the Bill directing the Justices therein mentioned “ to report to the General Assembly,” and proposed the report to be made “ to His Excellency the Lieutenant Governor,” by whose order it would certainly, as in all similar cases, be laid before the two Houses at the next meeting of the General Assembly. That the Committee from the House of Assembly, having made report thereof to their House, returned and said, that the House of Assembly, by the words “ General Assembly,” intended to express the whole Legislature—and that they were instructed to add, that the House of Assembly would amend the clause, by directing the Report to be made to the “ Lieutenant Governor, Council and Assembly, at the next meeting of the General Assembly,” if this will be satisfactory to the Council.

Hereupon—The Committee were instructed to return and say, that the proposed amendment will be satisfactory.

The Bill having been returned with the said amendment, was read a third time, and passed.

Adjourned till Monday next,

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MONDAY,

MONDAY, 1st March, 1802.

The Chief Justice in the Chair.

Read a second time, the Bill “to alter and amend an Act passed in the 26th year of His Majesty’s Reign, intituled, ‘an Act to regulate servants.’”

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, “in addition to an Act to regulate the terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the summary trial of Actions.”

The Committee of Conference on the subject of the Resolutions sent up by the House of Assembly, report the following paper handed to them, by the Committee from the Assembly, viz :—

“To Samuel Denny Street, Esquire, Clerk of the House of Assembly, for his services during the present Session, ten shillings *per diem*, and for other services fifty pounds.

“To Samuel Denny Street, Esquire, Clerk of the House of Assembly, for Fuel, Stationery, and other expenses of the present Session, forty three pounds six shillings and one penny.

“The vote to the Rector, Church-Wardens, &c. as it stands in the Resolution.

“To His Excellency the Lieutenant Governor, a sum not exceeding one hundred and fifty pounds, &c. and report the situation of the same to the Lieutenant Governor, Council and Assembly, at their next meeting.”

The Council agree to the Resolution respecting the late Clerk of the Assembly, and to the Resolution, as now altered, respecting the report of the Roads.

Respecting the other two Resolutions, the Council observe that, although the House of Assembly agree to omit the words “appointed by this House,” the words “Samuel Denny Street, Esquire,” are now inserted, and, if the House of Assembly adhere to these words, those two Resolutions will still require a distinct consideration, and ought to come up in a separate Bill.

Adjourned till To-morrow.

TUESDAY, 2d March, 1802.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, “for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury.”

ORDERED, That this Bill stand for a second reading to-morrow.

Read

Read a second time, and amended, the Bill in addition to the Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas, &c.

ORDERED, That this Bill, so amended, stand for a third reading to-morrow.

ORDERED, On motion of Mr. Justice Saunders, that Dr. Joseph Clarke and Mr. James Sayre, be summoned, by the Sergeant at Arms, to attend this House, to-morrow at eleven o'clock.

Adjourned till To-morrow.

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WEDNESDAY, 3d March, 1802.

The Chief Justice in the Chair.

Read a third time, as amended, the Bill in addition to the Act to regulate the terms of the Sittings of the Inferior Courts of Common Pleas, &c.

On the question—Resolved that this Bill, so amended, do pass.

ORDERED, That Mr. Hazen notify the same to the Assembly.

Mr. James Sayre attended pursuant to the order of yesterday, and being examined at the Bar, states as follows:—

“That Israel Perley told him, that he, Perley, saw Major Dixon at Van Horn’s Tavern in Fredericton in presence of sundry Persons, and that Major Dixon there told Mr. Perley, that some of His Majesty’s Council had offered Major Dixon any thing in the gift of Government, if he would vote as the Council wished, in a question then depending in the House of Assembly.”

Whereupon—Ordered, that Israel Perley be summoned, by the Sergeant at Arms, to attend this House, to-morrow at eleven o'clock.

The order of the day for the second reading of the Bill “for raising a Revenue in this Province, and for appropriating the same, together with the monies now in the Treasury,” being read—The Council, taking into consideration the manner in which the Assembly have declined a compliance with the request of this House made in conference on the Resolutions sent up by the House of Assembly for their previous consideration,

RESOLVED, That in order to prevent the danger of losing Bills of Supply or Appropriation, on account of any disputed points therein contained, the Legislative Council and the Assembly agreed, in the course of their last meeting, by their Speakers, that

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the several particulars, proposed by the House of Assembly, to be at any time inserted in such Bills, should be previously sent up, in the form of Resolutions, for the consideration of the Council, and that this mode should be constantly observed ;

RESOLVED, That, in pursuance of this agreement, thus established and acted upon in the last Session, the Resolutions of Appropriation have been sent up in this present Session, and considered by this House ; and have been agreed to excepting four articles, the first of which has also been since agreed to—the second has been altered by the Assembly, so as to remove the objection—and the other two Resolutions, relating to the Clerk of the Assembly, have also been altered by that House, by leaving out the words objected to ; but other words have been inserted, which being considered as unusual, a separate Bill for those two articles has been required for the distinct consideration of the Council, conformably to the professed design of the said agreement. But the House of Assembly have, notwithstanding, declined a compliance, and have included these two Resolutions in one general Bill of Supply and Appropriation ; thereby hazarding (on disputed matters of comparatively small moment) a failure of Public Revenue, the loss of the Public Grants, and the manifest injury of the Public Creditors. Induced therefore by a just apprehension of the Evils likely to arise from the non-observance of a Rule calculated to preserve harmony between the several branches of the Legislature, and to secure to this House a complete deliberative voice in the passing of the Laws, when different Grants are about to be consolidated, the Council consider the neglect of their request, in this instance, as an evasion of the said agreement, and contrary to the very intent of submitting such Resolutions to the consideration of the Council ; and they protest against the same as a proceeding altogether irregular, and of no force to form a precedent against the demand of this House to have a separate Bill when called for in the manner aforesaid.

RESOLVED, That the Council do request a conference with the House of Assembly on the subject of the Bill for raising a Revenue in this Province, and for appropriating the same, &c.

ORDERED, That Mr. Justice Saunders communicate this Resolution to the House of Assembly.

ORDERED, That the further consideration of this Bill for raising a Revenue, &c, be put off till to-morrow.

Adjourned till To-morrow.

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THURSDAY, 4th March, 1802.

The Chief Justice in the Chair.

Israel Perley attended, pursuant to the order of yesterday, and being examined at
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the Bar, states, "That he saw Major Dixon at Van Horn's Tavern, in Fredericton; and that Major Dixon told him that he, Major Dixon, had been offered any thing if he would vote upon a question then depending in the House of Assembly, in opposition to the vote he had given."

And Mr. Perley being asked by whom the offer was made, says, "Major Dixon named no person, but Mr. Perley understood him to mean some of His Majesty's Council."

Message from the Assembly, that they agree to the Conference proposed by the Council, on the subject of the Bill for raising a Revenue, &c.

ORDERED, That Mr. Odell and Mr. Justice Saunders be a Committee for managing the said Conference, and that they propose the taking of the words "Samuel Denny Street, Esquire," out of the seventeenth section of the said Bill.

Message from the Assembly, that they agree to the proposed alteration of the Bill for raising a Revenue in this Province, &c. and return the same, so amended, to the Council. Whereupon—

Read a second time, the Bill for raising a Revenue, &c. And,

On motion—Ordered, That the same be now read a third time.

Read a third time, the Bill "for raising a Revenue in this Province, and for appropriating the same, together with the Monies now in the Treasury."

On the question—Resolved, that this Bill, so amended, do pass.

ORDERED, That Mr. Odell notify the same to the Assembly.

Message from the Assembly, that they agree to the amendments of the Bill in addition to an Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas, &c.

Adjourned till To-morrow.

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FRIDAY, 5th March, 1802.

The Chief Justice in the Chair.

Mr. Odell, by direction of the Lieutenant Governor, communicated to the Council the following copies of an Address, presented to His Excellency by the House of Assembly, and of His Excellency's Answer thereto.

House

“ House of Assembly, 2d March, 1802.

“ **RESOLVED**, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to appoint fit persons to be Commissioners to carry into effect the Resolutions of the House for the encouraging the introduction of Laborers, Servants, and Settlers into this Province.”

“ New-Brunswick.

“ Message from the Lieutenant Governor to the House of Assembly.

5th MARCH, 1802.

“ **THOMAS CARLETON.**

“ The Lieutenant Governor informs the House of Assembly, that, in compliance with the request signified in their Address of the 2d instant, he has appointed the Honorable Joshua Upham and George Leonard, Esquires, William Campbell, John Black, Munson Jarvis, Bradford Gilbert, Ward Chipman, James Campbell, George Sproule, and William Allen, Esquires, and Mr. John Campbell, to be Commissioners for the purposes mentioned in the said Address. “ T. C.”

On motion of Mr. Justice Saunders—Resolved, that the further examination of witnesses respecting the Report of words spoken by Major Dixon, be resumed at the next meeting of the General Assembly.

His Excellency came to the Council Chamber, and, in the usual manner, required the attendance of the House of Assembly.

The House attended accordingly, and their Speaker presented a Bill of Supply and Appropriation in behalf of the House, requesting His Excellency to accept the same for the Public Service.

His Excellency then gave his assent to the following Bills.

A Bill for raising a Revenue in this Province, and for Appropriating the same together with the monies now in the Treasury.

A Bill for regulating the Militia.

A Bill for altering the times of holding the Inferior Court of Common Pleas and General Sessions of the Peace for the County of Kings.

A Bill for altering the times of holding the Courts of General Sessions of the Peace and Common Pleas in the County of Westmoreland.

A Bill to render persons convicted of Petty Larceny competent Witnesses.

A Bill for the easy and speedy recovery of small Debts, and for regulating the Proceedings thereon.

A Bill for aiding and encouraging Parish Schools.

A Bill in addition to an act to regulate the terms of the Sittings of the Inferior Courts of Common Pleas in this Province, and to enlarge the Jurisdiction of the same, and for the summary trial of actions.

His Excellency then closed the Session with the following Speech.

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

THE business before you being now completed, I have the satisfaction, in closing the present Session, to express my confidence, that your endeavors, on this occasion, to secure and promote the public welfare, will be productive of the most salutary consequences.

The Secretary of the Province then announced His Excellency's pleasure, that the General Assembly be prorogued to the first Tuesday in June next.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

FIRST SESSION OF THE FOURTH GENERAL ASSEMBLY.

ANNO QUADRAGESIMO TERTIO GEORGII TERTII REGIS.

THOMAS CARLETON, ESQ. LIEUTENANT-GOVERNOR AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Tuesday, 8th February, 1803.*

WRITS having issued for a new Election of Representatives to meet in General Assembly, on the first Tuesday in November last, and the said General Assembly having been, by Proclamations of the first of November and ninth of December, prorogued to this day, the Council met, and

Adjourned till To-morrow.

WEDNESDAY, *9th February, 1803.*

The Chief Justice in the Chair.

ORDERED, That Mr. Odell acquaint His Excellency, the Lieutenant Governor, that
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the Council are met and ready to proceed upon business.

His Excellency came to the Council Chamber, and, by Message, required the attendance of the House of Assembly.

The House attended accordingly, and presented their Speaker, who being approved by the Lieutenant Governor, His Excellency then opened the Session with the following Speech :—

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

THE business which I have, at this time, to recommend to your consideration, is chiefly the making of such arrangements and provisions as the state of the Provincial Revenue may be found to require, together with such a review of the existing Acts of Assembly as must, from time to time, be necessary for ascertaining what temporary Laws it may be expedient to revive or continue, and what amendments may, from experience, appear to be requisite, either in these, or in any of our permanent Colonial Statutes.

Gentlemen of the Assembly,

I have given orders for the Treasurer's Accounts, and such other papers as may be necessary for your further information, to be laid before you.

The inconveniences which have been experienced, from deferring to make provision for the Ordinary Services, and especially for the payment of Salaries to Public Officers, till the expiration of the year, induce me earnestly to recommend, to your imitation, the Parliamentary practice of making the requisite appropriations to anticipate the periods for which they are assigned, and of providing, by permanent Grants, for the regular payment of suitable Salaries to Officers in the Public Service.

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

As the happiness and prosperity of this Colony depend essentially on the preservation of that Constitution which has been established for its Government, it is our indispensable duty, in all our Legislative transactions and deliberations, to have a steady eye to that most important object, and to consider this as the only safe rule of conduct by which we can contribute to the promotion and permanence of the public welfare.

ORDERED, That Mr. Justice Upham and Mr. Justice Saunders be a Committee to prepare an Address in answer to His Excellency's Speech.

Adjourned till To-morrow.

THURSDAY.

THURSDAY, 10th February, 1803.

The Chief Justice in the Chair.

The Chaplain attended and performed Divine Service.

Mr. Justice Saunders, from the Committee appointed for that purpose, reported the following Draught of an Address in answer to His Excellency's Speech, viz :—

To His Excellency Thomas Carleton, Esquire, Lieutenant-Governor and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

WE beg leave to return our thanks to your Excellency for your Speech at the opening of this Session, and to assure you, that we shall most cheerfully concur in all such arrangements and provisions as the state of the Provincial Revenue may be found to require, and that we shall, with the most careful and diligent attention, take such a review of the existing acts of Assembly as may enable us to ascertain what temporary laws it may be expedient either to revive or continue, and what amendments experience may have suggested as proper to be made either in these, or in any of our permanent Colonial Acts.

It is with sentiments of peculiar satisfaction that we avail ourselves of this occasion to declare to your Excellency, in the most explicit manner, our firm determination to maintain inviolate that constitution which has been established in this Colony; on the unimpaired preservation of which, we are fully convinced, its happiness and prosperity essentially depend; and we feel it to be our indispensable duty steadily to fix our attention on this important object, as the sole guide, capable of directing us with safety in our Legislative transactions and deliberations; and we beg leave further to assure your Excellency, that we consider this as the only safe rule of conduct by which we can contribute to the promotion and permanence of the public welfare.

Which being read and approved,—

ORDERED, That Mr. Odell, wait on the Lieutenant Governor to know when His Excellency will be pleased to receive the Address of the Council.

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 11th February, 1803.

The Chief Justice in the Chair.

Mr. Odell reports that the Lieutenant Governor will receive the address of the Council this day at two o'clock.

Adjourned to wait on His Excellency, and to meet again in Council on Monday next.

MONDAY, 14th February, 1803.

Mr. Justice Allen in the Chair.

Mr. Justice Allen reports that the Council had on Friday presented their Address to the Lieutenant Governor, to which His Excellency had returned the following answer:—

Gentlemen,

I THANK you for this Address, and have great satisfaction in expressing my perfect confidence in the sincerity of your zeal for the preservation of our happy Constitution unimpaired, and for the permanence of our Colonial prosperity.

Mr. Odell, by direction of the Lieutenant Governor, communicated to the Council, an message from His Excellency to the House of Assembly, which is as follows:—

Sto-Neunelwit.

Message from the Lieutenant Governor to the House of Assembly.

12th FEBRUARY, 1803.

(Signed,) THOMAS CARLETON.

THE Lieutenant Governor directs to be laid herewith before the House of Assembly a report made by Dugald Campbell, Esquire, the person appointed in pursuance of the provision for that purpose in the Revenue Act of the last Session, to view the Roads leading from the Nova Scotia line to Saint John and Fredericton, and from Saint Andrews to Saint John, together with the plans of the Roads, with such alterations as in his opinion are requisite more effectually to complete the general communication, with an estimate of such alterations, and of the erection of the necessary Bridges.

The Lieutenant Governor also directs to be laid before the House, and recommends to their consideration, a copy of Resolutions of the Assembly of Nova-Scotia, dated 12th of April, 1802, respecting the establishment of a Light-House on Briar Island, at the northwest entrance of Saint Mary's Bay, which it is supposed would be of great utility to the navigation of the Bay of Fundy, and equally beneficial to the trade of both Provinces.

The Lieutenant Governor informs the House, that an allowance of fifty pounds has been

been made to Donald M'Donald, Esquire, Clerk of the Peace in the County of Charlotte, to defray his labor and expense in collecting and transcribing the Records of that County, and he recommends it to the House to make provision for this service.

Three several Accounts, Nos. 1, 2, 3, of sums due to John Ryan, the King's Printer, are also herewith laid before the House; of these, the Account No. 3, has been discharged as far as the sum of thirty pounds, voted in the last Session, for printing the Journals extended, which leaves a balance unpaid of five pounds sixteen shillings and eight-pence.

T. C.

Read a Bill, from the Assembly, "to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same for the present year at the times therein mentioned."

ORDERED, That this Bill stand for a second reading to-morrow.

Message from His Excellency the Lieutenant Governor, to the Council, as follows, viz:—

New-Brunswick.

Message from the Lieutenant Governor to His Majesty's Council in General Assembly.

14th FEBRUARY, 1803.

(Signed) THOS. CARLETON.

THE Lieutenant Governor informs His Majesty's Council, that some legal provision is found necessary for re-vesting in the Crown, such grounds as may be wanted for the erection of fortifications and other military works and buildings for purposes of defence, and of accommodation of such Troops, as may, from time to time, be stationed in this Province, on payment of a just and reasonable compensation to the owners or occupants thereof; and he recommends this important object to the consideration of the Council.

T. C.

Adjourned till To-morrow.

.....

TUESDAY, 15th February, 1803.

The Chief Justice in the Chair.

Read a second time, the Bill "to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same for the present year at the times therein mentioned."

ORDERED, That the same stand for a third reading to-morrow.

Adjourned till To-morrow.

WEDNESDAY,

WEDNESDAY, 16th February, 1803.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill “to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same for the present year at the times therein mentioned.”

ORDERED, That Mr. Justice Upham inform the House of Assembly that the Council have concurred in passing this Bill.

Adjourned till Friday next.

FRIDAY, 18th February, 1803.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, “for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners.”

ORDERED, That this Bill stand for a second reading on Monday next.

Read a Bill, from the Assembly, “for the more equal Representation of this Province in General Assembly.”

ORDERED, That this Bill stand for a second reading on Monday next.

Adjourned till Monday next.

MONDAY, 21st February, 1803.

The Chief Justice in the Chair.

Read a second time, the Bill for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect Fortifications, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a Bill, from the Assembly, “in addition to an act, intituled ‘an act for the better

better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes.' ”

ORDERED, That this Bill stand for a second reading to-morrow.

Read a second time, the Bill “for the more equal Representation of this Province in General Assembly.”

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Adjourned till To-morrow.

TUESDAY, 22d February, 1803.

The Chief Justice in the Chair.

Mr. Odell communicated to the Council the following message from His Excellency the Lieutenant Governor to the House of Assembly :—

New-Brunswick.

Message from the Lieutenant Governor, to the House of Assembly.

19th FEBRUARY, 1803.

(Signed,) THOMAS CARLETON.

THE Lieutenant Governor directs to be herewith laid before the House, an account of expenses incurred, and services performed by Dugald Campbell, Esquire, appointed in pursuance of the provision for that purpose, made in the Session of 1802, to view and report on the roads leading from the Nova-Scotia Line to Saint John, &c. ; and His Excellency recommends the same to the consideration of the House. T. C.

Read a Bill, from the Assembly, “for the security of Navigation, and for preserving all Ships and Vessels and Goods which shall be found on shore, wrecked or stranded, upon the Coasts of this Province, and for punishing persons who shall steal shipwrecked goods, and for the relief of persons suffering loss thereby.”

ORDERED, That this Bill stand for a second reading on Thursday next.

Read a third time, the Bill for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect Fortifications, &c.

On the question—Resolved, that this Bill do pass.

Read a second time, the Bill in addition to an act, intituled, an act for the better ascertaining

ascertaining and confirming the Boundaries of the several Counties, &c.

ORDERED, That this Bill stand for a third reading on Thursday next.

Read Report from the Justices of the County of Charlotte, and the County of York, respecting the distribution of money granted for Parish Schools in those Counties.

Adjourned till Thursday next.

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THURSDAY, 24th February, 1803.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill in addition to an Act, intituled, an act, for the better ascertaining and confirming the Boundaries of the several Counties, &c.

ORDERED, That Mr. Hazen inform the House of Assembly, that the Council have concurred in passing this Bill.

ORDERED, That the second reading of the Bill for the security of Navigation, &c. be postponed till Wednesday next.

Adjourned till Wednesday next.

.....

WEDNESDAY, 2d March, 1803.

Mr. Winslow in the Chair.

PRAYERS.

ORDERED, That the further consideration of the Bill for the security of Navigation, &c. be put off till to-morrow.

Adjourned till To-morrow.

.....

THURSDAY, 3d March, 1803.

The Chief Justice in the Chair.

ORDERED, That the further consideration of the Bill for the security of Navigation, &c. be further put off till Monday next.

Adjourned till Monday next.

MONDAY,

MONDAY, 7th March, 1803.

The Chief Justice in the Chair.

Read a second time, the Bill for the security of Navigation, &c.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, “for altering the divisions of four of the Wards in the City of Saint John, and for changing the mode of Election within the two other Wards of the said City.”

ORDERED, that this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 8th March, 1803.

The Chief Justice in the Chair.

Read a second time, the Bill for altering the Divisions of four of the Wards in the City of Saint John, &c.

ORDERED, That this Bill stand for a third reading on Thursday next.

Adjourned till Thursday next.

THURSDAY, 10th March, 1803.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, “in addition to, and in amendment of an Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same.”

ORDERED, that this Bill stand for a second reading to-morrow.

Read a third time, and passed, the Bill for altering the divisions of four of the Wards in the City of Saint John, &c.

ORDERED, That Mr. Odell inform the House of Assembly that the Council have concurred in passing this Bill.

Adjourned till To-morrow.

Mm

FRIDAY,

FRIDAY, 11th March 1803.

The Chief Justice in the Chair.

Read a second time, the Bill in addition to, and in amendment of an Act to repeal all the Acts now in force relating to Trespasses.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Message from the Assembly, with sundry resolutions of votes of monies—which were read, and

ORDERED, to be re-considered to-morrow.

Read a Bill, from the Assembly, “for establishing a Public Grammar School in the City of Saint John :” And,

A Bill “to explain and amend an Act, intituled, ‘an Act for regulating the exportation of Fish and Lumber, and repealing the Laws now in force regulating the same.’”

ORDERED, That these Bills stand for a second reading to-morrow.

Mr. Odell communicated to the Council the following Message from His Excellency the Lieutenant Governor to the House of Assembly, viz :—

New-Brunswick.

Message from the Lieutenant Governor to the House of Assembly.

8th MARCH, 1803.

(Signed,) THOMAS CARLETON.

THE Lieutenant Governor informs the House, that His Majesty’s Ministers have, in their communications to him, pointed out the importance of giving all practicable encouragement to the raising of Hemp in this Province; he therefore recommends to the consideration of the House, the making of some provision for granting Bounties for this purpose, being confident of their zeal to contribute, as far as may be in their power, to an object so interesting to the national welfare.

T. C.

Adjourned till To-morrow.

SATURDAY 12th March, 1803.

The Chief Justice in the Chair.

PRAYERS.

Took again into consideration and agreed to the Resolutions sent up yesterday of votes of monies.

Ordered,

ORDERED, That Mr. Odell inform the House of Assembly that the Council have agreed to the same.

Read a Bill, from the Assembly, "to remove doubts respecting the Jurisdiction of the Inferior Courts of Common Pleas in this Province:" Also,

A Bill "for regulating the exportation of Butter:" And,

A Bill "for erecting the upper part of the County of York into a distinct Town and Parish."

ORDERED, That these Bills stand for a second reading on Monday next.

Read a Bill, from the Assembly, in addition to, and to alter and amend an act, intituled, an Act for regulating Marriage and Divorce, &c.

ORDERED, That the second reading of this Bill be put off for three months.

Read a second time, the Bill to explain and amend an act for regulating the exportation of Fish and Lumber: And,

The Bill "for establishing a Public Grammar School in the City of Saint John."

ORDERED, That these Bills stand for a third reading on Monday next.

Adjourned till Monday next.

MONDAY, 14th February, 1803.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, "for raising a Revenue in this Province."

ORDERED, That this Bill stand for a second reading to-morrow.

Read a third time, and passed, the Bill to explain and amend an act for regulating the exportation of Fish and Lumber.

ORDERED, That Mr. Winslow inform the House of Assembly that the Council have concurred in passing this Bill.

Read a third time, the Bill "for establishing a Public Grammar School in the City of Saint John."

On the question whether this Bill do pass,—Resolved in the negative.

Read a Bill, from the Assembly, "for aiding and encouraging County Schools."

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a second time, the Bill “to remove doubts respecting the Jurisdiction of the Inferior Courts of Common Pleas in this Province.”

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, “for appropriating certain monies for defraying the expences of the Province.”

ORDERED, That this Bill stand for a second reading to-morrow.

Read a second time, the Bill “for regulating the exportation of Butter :” And,
The Bill “for erecting the upper part of the County of York into a distinct Town and Parish.”

ORDERED, That these Bills stand for a third reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 15th March, 1803.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed, the Bill “for erecting the upper part of the County of York into a distinct Town and Parish :” And,
The Bill “for regulating the exportation of Butter.”

ORDERED, That Mr. Justice Allen inform the House of Assembly that the Council have concurred in passing these Bills.

Read a second time, the Bill “for raising a Revenue in this Province :” And,
The Bill “for appropriating certain monies for defraying the Expences of the Province.”

ORDERED, That these Bills stand for a third reading to-morrow.

Read a Bill from the Assembly, “for granting certain sums for repairing and laying out Roads :” And,

A Bill “to continue sundry Acts of the General Assembly that are near expiring.”

ORDERED, That these Bills stand for a second reading to-morrow.

Read

Read sundry Resolutions, sent up by the House of Assembly, to encourage the growth and culture of Hemp.

ORDERED, That these Resolutions stand for a second reading to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 16th March, 1803.

The Chief Justice in the Chair.

Message from the Assembly, with a Resolution, sent up for the concurrence of the Council, that William and Thomas Knox, Esquires, be appointed joint Agents for this Province, in Great Britain.

RESOLVED, That the Council do concur in the said appointment.

ORDERED, That Mr. Odell notify the same to the Assembly.

Read a third time, and passed, the Bill "for raising a Revenue in this Province :"
And,

The Bill "for appropriating certain monies for defraying the Expences of the Province."

Read a second time, the Bill "for granting certain sums for repairing and laying out Roads :"
And,

The Bill "to continue sundry Acts of the General Assembly that are near expiring."

On motion—Resolved, that these Bills be now read a third time.

And the same being read accordingly, were severally passed.

ORDERED, That Mr. Winslow inform the House of Assembly, that the Council have concurred in passing the four last mentioned Bills.

Read a second time, and agreed to the Resolutions, sent up by the House of Assembly, to encourage the growth and culture of Hemp.

ORDERED, That Mr. Winslow acquaint the House of Assembly herewith.

His Excellency came to the Council Chamber, and, by Message, required the attendance of the House of Assembly.

The House attended accordingly, and His Excellency gave his assent to the following Bills, viz :—

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- A Bill for transferring to, and vesting in the Crown, such lands and tenements of any person or body politic on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of war and defence, and for ascertaining the value thereof, and making compensation for the same to the former owners.
- A Bill to enable the Justices of the General Sessions of the Peace and Inferior Court of Common Pleas in the County of Northumberland, to hold the same, for the present year, at the times therein mentioned.
- A Bill for altering the divisions of four of the Wards in the City of Saint John, and for changing the mode of Elections within the two other Wards of the said City.
- A Bill in addition to an Act, intituled, "an Act for the better ascertaining and confirming the Boundaries of the several Counties within this Province, and for subdividing them into Towns and Parishes."
- A Bill for erecting the upper part of the County of York into a distinct Town and Parish.
- A Bill for regulating the exportation of Butter.
- A Bill to explain and amend an Act, intituled, "an Act for regulating the exportation of Fish and Lumber, and repealing the Laws now in force regulating the same."
- A Bill to continue sundry Acts of the General Assembly that are near expiring.
- A Bill for raising a Revenue in this Province.
- A Bill for appropriating certain monies for defraying the expences of the Province. And,
- A Bill for granting certain sums for repairing and laying out Roads.

After which His Excellency closed the Session with the following Speech :—

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

I HAVE now to dismiss you from further attendance, at this time, in General Assembly; but I cannot close the Session without expressing the satisfaction afforded me, by the mutual harmony of your proceedings, and the general result of your deliberations on this important occasion, of which, the salutary effects will be felt in the future peace and prosperity of the Province.

And then, the Clerk of the Crown announced His Excellency's pleasure that the General Assembly be prorogued to the second Tuesday in June next.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

SECOND SESSION OF THE FOURTH GENERAL ASSEMBLY.

ANNO QUADRAGESIMO QUINTO GEORGH TERTII REGIS.

GABRIEL G. LUDLOW, ESQUIRE, PRESIDENT AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Monday, 4th February, 1805.

The Chief Justice in the Chair.

THE meeting of the Legislature having been adjourned till this day, the President came to the Council Chamber, and, the House of Assembly attending, opened the Session by the following Speech :—

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

THE administration of this Government, in the absence of His Excellency the Lieutenant Governor, having devolved upon me, it becomes my duty now to call your attention to the exigencies of the public service, this being the time beyond which, from
the

the arrangements made at your last Session, it appears to have been intended not to defer a meeting of the General Assembly.

His Majesty's dominions are again involved in a war, which, like the last, had been made inevitable by the unbridled ambition of France, and which threatens again to spread far and wide among other European Powers, and to their distant dependencies.

At this time, therefore, the framing of a law for the more effectual regulation of our Militia, together with such other provisional measures as may appear to be requisite for the defence of the Province, will claim your attentive consideration.

Among the local provisions which, in this view, have been thought expedient, a law has been lately enacted in the neighbouring Province of Lower Canada, "for the encouragement of persons who shall apprehend deserters from His Majesty's regular forces;" and I recommend to your consideration the making of a similar provision here, where experience has taught us it is no less requisite.

The revival or continuance of such temporary laws as have been found beneficial, will, of course, be also an object of your attention.

Gentlemen of the Assembly,

By the accounts which will be laid before you, it appears that the duties imposed in the last Session have fallen short of expectation. Many of the public creditors are still unpaid, and the improvements of the roads have for the most part been unavoidably deferred. This subject therefore will require your particular attention, and the experience of the evils flowing from a want of punctuality in the payments of the Treasury, will, I hope, induce you to prevent their recurrence by making effectual provision for these cases and for all future appropriations.

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

I feel greatly relieved from the anxieties naturally arising from the trust committed to my care, when I reflect on your loyalty and patriotic zeal, being well assured that we are all actuated by the same hope, and ready to devote our lives to secure the same objects, the welfare of Great Britain and her Colonies.

ORDERED, That Mr. Odell and Mr. Robinson be a Committee to prepare an Address in answer to the President's Speech.

Adjourned till Wednesday next.

WEDNESDAY, 6th February, 1805.

The Chief Justice in the Chair.

PRAYERS.

The Committee appointed to prepare an Address in answer to the President's Speech, reported the following draught thereof :—

To

To the Honorable Gabriel G. Ludlow, Esquire, President of His Majesty's Council and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.

THE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

SIR,

PERMIT us to return our thanks for your Speech at the opening of this Session, and to take this opportunity of bearing our public testimony, that, in your administration, we perceive the same steady zeal for the inseparable interests of the Crown and the People, by which the Government of this Province has, from its first formation, been uniformly distinguished.

The impartial voice of history will pronounce the war, in which His Majesty's Dominions are again involved, to have been made inevitable by the unbridled ambition of France. Aware of the probable extension of this flame to other European Powers and their distant dependencies, we shall not fail to give, at this time, our attentive consideration to the framing of a law for the more effectual regulation of our militia, and to all such other measures as may appear to be requisite for the defence of the Province. We are fully sensible of the expediency of the local provision which, in this view, has been adopted in the Province of Lower Canada "for the encouragement of persons who shall apprehend Deserters from His Majesty's regular forces," and we shall gladly concur in making a similar provision here, where it is no less requisite.

We shall also readily concur in the revival or continuance of such temporary laws as have been found beneficial, and, if need be, in contributing, by amendments, to their further utility.

It will be our ambition to justify the confidence which you are pleased to express in our loyalty and patriotic zeal; and to shew that we are indeed, on all occasions, actuated by the same hope, and ready to devote our lives to secure the same objects, the welfare of Great Britain and her Colonies.

Which being approved—

ORDERED, That Mr. Odell wait upon the President, to know when he will receive the Address of the Council.

Adjourned till Friday next.

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FRIDAY, 8th February, 1805.

The Chief Justice in the Chair.

Mr. Odell reports that the President will receive the Address of the Council this day, at one o'clock.

Adjourned to wait upon the President, and to meet again in Council on Monday next.

Nn

MONDAY,

MONDAY, 11th February, 1805.

The Chief Justice in the Chair.

The Chief Justice reports, that the Council had on Friday presented their Address in answer to the Speech, to which the President had been pleased to return the following answer :—

Gentlemen,

I REQUEST you to accept my warmest thanks for this Address. I cherish the hope, that, in every public measure, my conduct may merit your approbation, and I look forward, with pleasure, to the time when I shall again take my place among you, as an individual member of His Majesty's Council in this Province.

Read a Bill, from the Assembly, “to alter one of the terms of holding the Inferior Court of Common Pleas for the County of York :”

A Bill “for the encouragement of persons who shall apprehend Deserters from His Majesty's Forces in this Province :” And

A Bill “to prevent the importation and sale of goods by persons not His Majesty's subjects.”

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 12th February, 1805.

Mr. Hazen in the Chair.

Read a Bill, from the Assembly, “for the better regulating the weight and rates at which Gold Coin shall pass current in this Province.”

ORDERED, That this Bill stand for a second reading to-morrow.

Mr. Odell, by direction of the President, communicated to the Council a report of the Attorney and Solicitor General, pursuant to the address of the House of Assembly to the Lieutenant Governor of the 16th March, 1803.

Read a second time, the Bill “to alter one of the terms of holding the Inferior Court of Common Pleas for the County of York.”

ORDERED, That this Bill stand for a third reading to-morrow.

ORDERED, That the second reading of the Bill “to prevent the importation and sale of

of goods by persons not His Majesty's subjects," and of the Bill "for the encouragement of persons who shall apprehend Deserters from His Majesty's Forces in this Province," be postponed till to-morrow.

Adjourned till To-morrow.

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*WEDNESDAY, 13th February, 1805.*

*The Chief Justice in the Chair.*

PRAYERS.

Read a third time, and passed, the Bill "to alter one of the terms of holding the Inferior Court of Common Pleas for the County of York."

Read a second time, the Bill "to prevent the importation and sale of goods by persons not His Majesty's subjects."

ORDERED, That this Bill stand for a third reading to-morrow.

ORDERED, That the second reading of the Bill "for the encouragement of persons who shall apprehend Deserters," be postponed till to-morrow.

Read a second time, the Bill "for the better regulating the weight and rates at which Gold Coin shall pass current in this Province."

ORDERED, That this Bill stand for further consideration to-morrow.

*Adjourned till To-morrow.*

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THURSDAY, 14th February, 1805.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, "to continue an act for the better securing the navigation of Passamaquaddy Bay within Deer Island."

A Bill "in addition to an act, intituled, 'an act for regulating Juries and declaring the qualification of Jurors :'" And,

A Bill "for the better regulating the Militia in this Province."

ORDERED, That these Bills stand for a second reading to-morrow.

ORDERED, That the further consideration of the Bill "to prevent the importation and sale of goods by persons not His Majesty's subjects," the Bill for the better regulating

ting the weight and rates of Gold Coin, and the Bill "for the encouragement of persons who shall apprehend Deserters," be put off till to-morrow.

Adjourned till To-morrow.

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FRIDAY, 15th February, 1805.

Mr. Hazen in the Chair.

ORDERED, That the further consideration of the Bill "to prevent the importation and sale of goods by persons not His Majesty's subjects," be put off till Monday.

Read a second time, the Bill for the better regulating the weight and rates of Gold Coin.

ORDERED, That this Bill stand for a third reading on Monday next.

Read a second time, the Bill for the encouragement of persons who shall apprehend Deserters.

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill in addition to an act for regulating Juries.

ORDERED, That this Bill stand for a third reading on Monday.

Read a second time, the Bill to continue an act for the better securing the navigation of Passamaquoddy Bay.

ORDERED, That this Bill stand for a third reading on Monday.

Read a second time, the Bill for the better regulating the Militia.

ORDERED, That this Bill stand for a third reading on Monday next.

Read a Bill, from the Assembly, "to alter and amend an Act, intituled, 'an Act for securing the navigation of the River Magaguadavic :'"

A Bill "for the more effectual prevention of Desertion from His Majesty's Forces :"
And,

A Bill "to provide for securing logs, timber, masts, &c. and for regulating such booms as have been erected, or which may hereafter be erected, in the different rivers, streams, and creeks of this Province."

ORDERED, That these Bills stand for a second reading on Monday next.

Adjourned till To-morrow.

SATURDAY,

SATURDAY 16th February, 1805.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, “to regulate the Winter Roads in the Counties of York and Sunbury.”

ORDERED, That this Bill stand for a second reading on Monday.

Adjourned till Monday.

MONDAY, 18th February, 1805.

The Chief Justice in the Chair.

ORDERED, That the further consideration of the Bill in addition to the Act for regulating Juries, be put off till Wednesday next.

Read a second time, the Bill for securing logs, timber, masts, &c.

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill to alter an Act for securing the navigation of the River Magaguadavic : And

The Bill for the more effectual prevention of Desertion.

ORDERED, That these Bills stand for a third reading on Wednesday.

Read a third time, and passed, the Bill to continue an Act for the better securing the navigation of Passamaquoddy Bay.

The Bill “for the better regulating the weight and rates at which Gold Coin shall pass current.”

The Bill “to prevent the importation and sale of Goods by persons not His Majesty’s subjects :” And,

The Bill for the better regulating the Militia.

ORDERED, That Mr. Leonard inform the House of Assembly that the Council have concurred in passing these Bills.

Adjourned till Wednesday next.

WEDNESDAY,

WEDNESDAY, 20th February, 1805.

The Chief Justice in the Chair.

PRAYERS.

ORDERED, That the further consideration of the Bill in addition to the Act for regulating Juries, be put off till to-morrow.

Read a third time, and passed, the Bill to alter and amend an Act for securing the navigation of the River Magaguadavic : And,

The Bill " for the more effectual prevention of Desertion from His Majesty's Forces."

ORDERED, That Mr. Odell inform the House of Assembly, that the Council have concurred in passing these Bills.

Read a second time, the Bill " to regulate the Winter Roads in the Counties of York and Sunbury."

ORDERED, that this Bill stand for a third reading to-morrow.

Adjourned till To-morrow.

.....

THURSDAY, 21st February, 1805.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed, the Bill " to regulate the Winter Roads in the Counties of York and Sunbury."

ORDERED, That Mr. Saunders inform the House of Assembly that the Council have concurred in passing this Bill.

Read a Bill, from the Assembly, " to provide for the support of the Poor."

ORDERED, that this Bill stand for a second reading to-morrow.

Read a Resolution, of the 20th instant, sent up for concurrence by the House of Assembly.

ORDERED, To be taken into further consideration to-morrow.

Read a Bill, from the Assembly, " for altering one of the terms of holding the Inferior Court of Common Pleas in the County of Sunbury."

Ordered,

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, to amend an Act, intituled, an Act for regulating, laying out, and repairing Highways, &c.

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

.....
FRIDAY, 22d February, 1805.

The Chief Justice in the Chair.

Read a second time, the Bill “ to provide for the support of the Poor.”

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill “ for altering one of the terms of holding the Inferior Court of Common Pleas in the County of Sunbury.”

ORDERED, That this Bill stand for a third reading on Monday next.

Read a Bill, from the Assembly, “ to empower the Justices of the Peace for the County of Kings to make such regulations respecting the Winter Roads in that County as may be found necessary.”

ORDERED, That the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, “ to provide for punctuality of payment at the Treasury, by issuing of Notes to the amount of the Public Appropriations.”

ORDERED, That this Bill stand for a second reading on Monday next.

Adjourned till Monday next.

.....
MONDAY, 25th February, 1805.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed, the Bill in addition to an Act, intituled, an Act for regulating Juries.

Read

Read a third time, and passed, the Bill “to alter one of the terms of holding the Inferior Court of Common Pleas in the County of Sunbury.”

ORDERED, That Mr. Justice Upham inform the House of Assembly that the Council have concurred in passing these Bills.

Read a third time, the Bill “to amend an Act, made and passed in the forty first year of His Majesty’s Reign, to continue an Act for laying out, and repairing Highways and Roads.”

On the question whether this Bill do pass—Resolved in the negative.

Read a second time, the Bill to provide for punctuality of payment at the Treasury.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a Bill, from the Assembly, “for encouraging and extending Literature in this Province.”

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, to enable the Commissioners of Highways in the Parishes of Manguerville, Sheffield, and Waterborough to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes.

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, “for regulating Seamen.”

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 26th February, 1805.

The Chief Justice in the Chair.

PRAYERS.

Read a second time, the Bill “for regulating Seamen.”

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill for encouraging and extending Literature.

ORDERED, That this Bill stand for a third reading to-morrow.

Read

Read a second time, the Bill to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield, and Waterborough to lay out Highways, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a third time, and passed, the Bill "to provide for punctuality of payment at the Treasury."

ORDERED, That Mr. Justice Upham inform the House of Assembly that the Council have concurred in passing this Bill.

Adjourned till To-morrow.

.....

WEDNESDAY, 27th February, 1805.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed, the Bill to enable the Commissioners of Highways in the Parishes of Maugerville, Sheffield, and Waterborough, to lay out Highways, &c. :
And,

The Bill "for encouraging and extending Literature in this Province."

ORDERED, That Mr. Allen inform the House of Assembly that the Council have concurred in passing these Bills.

Read a Bill, from the Assembly, "more effectually to prevent the destruction of Sheep by Dogs :"
And,

A Bill "for the regulation of Booms for securing Masts, Logs, and Lumber in the County of Charlotte."

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

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*THURSDAY, 28th February, 1805.*

*The Chief Justice in the Chair.*

PRAYERS.

Read a second time, the Bill "more effectually to prevent the destruction of Sheep by Dogs."  
Oo Ordered,

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill for the regulation of Booms for securing Masts, Logs, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

*Adjourned till To-morrow.*

*FRIDAY, 1st March, 1805.*

*The Chief Justice in the Chair.*

PRAYERS.

Read a third time, and passed, the Bill "for the regulation of Booms for securing Masts, Logs and Lumber in the County of Charlotte."

ORDERED, That Mr. Odell inform the House of Assembly that the Council have concurred in passing this Bill.

Read a Bill, from the Assembly, "to continue an Act made and passed in the forty third year of His Majesty's Reign, intituled, 'an Act for raising a Revenue in this Province :'"

A Bill "for erecting the eastern part of the County of Westmoreland into a distinct Town or Parish :"

A Bill "for granting aid in support of the College of New-Brunswick, incorporated by Charter, and established at Fredericton :"

And, A Bill "to continue an Act made and passed in the thirty sixth year of His Majesty's Reign, intituled, 'an Act for regulating, laying out, and repairing Highways and Roads.'"

ORDERED, That these Bills stand for a second reading to-morrow.

*Adjourned till To-morrow.*

*SATURDAY 2d March, 1805.*

*The Chief Justice in the Chair.*

Read a second time, the Bill for granting aid in support of the College : And

The Bill to continue an Act for raising a Revenue.

Ordered,



ORDERED, That the same be now read a third time.

Read a third time, and passed, the Bill for granting aid in support of the College :  
And,  
The Bill to continue an Act for raising a Revenue.

ORDERED, That Mr. Odell inform the House of Assembly that the Council have concurred in passing these Bills.

Read a second time, the Bill "for erecting the eastern part of the County of Westmoreland into a distinct Town or Parish :"  
And,  
The Bill to continue an Act for regulating, laying out, and repairing Highways.

ORDERED, That these Bills stand for a third reading on Monday next.

Read sundry Resolutions of Appropriation, sent up by the Assembly for concurrence, and a Resolution for establishing a Packet between Saint John and Saint Andrews.

ORDERED, That the same be agreed to.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council have agreed to these Resolutions.

Read and agreed to a Resolution, sent up by the Assembly, for purchasing Ropes, and completing certain Works commenced, for crossing the River Magaguadavic.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council have agreed to this Resolution.

*Adjourned till Monday.*

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MONDAY, 4th March, 1805.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, "to amend an Act for regulating the exportation of Butter :"
And,

A Bill "to continue sundry Acts of the General Assembly that are near expiring."

ORDERED, That these Bills stand for a second reading to-morrow.

Read a third time, and passed, the Bill "for erecting the eastern part of the County of Westmoreland into a distinct Town or Parish :"
And,

The

The Bill to continue the Act for regulating, laying out, and repairing Highways and Roads.

ORDERED, That Mr. Odell inform the House of Assembly that the Council have concurred in passing these Bills.

Adjourned till To-morrow.

TUESDAY, 5th March, 1805.

The Chief Justice in the Chair.

Read a second time, the Bill "to amend an Act for regulating the exportation of Butter:" And,

The Bill "to continue sundry Acts of the General Assembly that are near expiring."

ORDERED, That these Bills be now read a third time.

Read a third time, and passed, the said Bills.

ORDERED, That Mr. Odell inform the House of Assembly that the Council have concurred in passing these Bills.

Read a Bill, from the Assembly, "to appropriate the Public Revenue."

ORDERED, That the same be now read a second time.

Read the said Bill a second time : and,

On motion—Resolved, that the same be now read a third time.

Read a third time, and passed, the said Bill "to appropriate the public Revenue:"

ORDERED, That Mr. Odell inform the House of Assembly that the Council have concurred in passing this Bill.

The President came to the Council Chamber, and, the House of Assembly attending, gave his assent to the following Bills :—

A Bill for the better regulating the Militia in this Province.

A Bill to alter one of the terms of holding the Interior Court of Common Pleas for the County of York.

A Bill to prevent the importation and sale of Goods by persons not His Majesty's Subjects.

A Bill for the better regulating the weight and rates at which Gold Coin shall pass current in this Province.

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- A Bill to continue an Act, intituled, “an Act for the better securing the navigation of Passamaquoddy Bay, within Deer Island.”
- A Bill for the more effectual prevention of Desertion from His Majesty’s Forces.
- A Bill to alter an Act, intituled, “an Act for securing the navigation of the River Magaguadavick.”
- A Bill to regulate the Winter Roads in the Counties of York and Sunbury.
- A Bill in addition to an Act, intituled, “an Act for regulating Juries and declaring the qualification of Jurors.”
- A Bill for altering one of the terms of holding the Inferior Court of Common Pleas in the County of Sunbury.
- A Bill to provide for punctuality of payment at the Treasury, by issuing of Notes to the amount of the Public Appropriations.
- A Bill for encouraging and extending Literature in this Province.
- A Bill to enable the Commissioners of Highways in the Parishes of Mougerville, Sheffield, and Waterborough, to lay out Highways, and to appropriate part of the Statute Labour for securing the Bank of the River in front of those Parishes.
- A Bill for the regulation of Booms for securing Masts, Logs, and Lumber in the County of Charlotte.
- A Bill for granting aid in support of the College of New-Brunswick, incorporated by Charter, and established at Fredericton.
- A Bill to continue an Act made and passed in the thirty-sixth year of His Majesty’s Reign, intituled “an Act for regulating, laying out, and repairing Highways and Roads.”
- A Bill to continue an Act made and passed in the forty-third year of His Majesty’s Reign, intituled, “an Act for raising a Revenue in this Province.”
- A Bill for erecting the eastern part of the County of Westmoreland into a distinct Town or Parish.
- A Bill to continue sundry Acts of the General Assembly that are near expiring.
- A Bill to amend an Act for regulating the exportation of Butter. And,
- A Bill to appropriate the Public Revenue.

The President then closed the Session by the following Speech to both Houses :—

Gentlemen

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

THE business of the present Session is now finished, but I cannot dismiss you without a public acknowledgement of the attention, unanimity, and perseverance with which your deliberations have been conducted.

Gentlemen of the Assembly,

The provisions made for enabling the Treasurer to make immediate payment to the Public Creditors, will prevent a repetition of the evils complained of ; while the liberal supplies which you have granted, must, in a short time, satisfy all demands that can be made on the Treasury.

The establishments for the encouragement and support of Literature, will, I hope, be productive of the happiest effects, in preparing the rising generation to tread in the footsteps of their Parents, and enabling them to contend with the foremost, in the cause of loyalty and in a steady attachment to the British Constitution.

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

The call on the country, by the regulations of the Militia, is of essential importance, and when those regulations shall be carried into execution by a zealous people, they will, I doubt not, contribute effectually to our future peace and safety.

I now dismiss you, Gentlemen, from further attendance at present in General Assembly ; and recommend it to you to cultivate, among your neighbours, that harmony and public spirit, without which no country can be, nor indeed deserves to be prosperous.

The Secretary then, by direction of the President, declared the General Assembly to be prorogued to the first Tuesday in June next.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

THIRD SESSION OF THE FOURTH GENERAL ASSEMBLY.

ANNO QUADRAGESIMO SEPTIMO GEORGII TERTII REGIS.

GABRIEL G. LUDLOW, ESQUIRE, PRESIDENT AND COMMANDER-IN-CHIEF.

AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, Friday, 30th ^{Jan} February, 1807.

The Chief Justice in the Chair.

THE General Assembly having been, by Proclamation, prorogued to this day, the President came to the Council Chamber, and, the House of Assembly attending, opened the Session by the following Speech :—

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

HAPPILY for this part of His Majesty's dominions, remote from the bloody scenes which on the Continent of Europe are still exhibited to the astonished world, we yet enjoy

enjoy the blessing of domestic peace and tranquillity. But during the whole period, which has elapsed since I met you last in General Assembly, has our Parent Country been engaged in a continued struggle for her own liberties and those of Europe. In the course of this eventful war, Great Britain has achieved the most brilliant victories by sea, and nearly annihilated the fleets of her foes. But although her arms have been successful also on shore, and colonies added to her extensive empire, the independence of Continental Europe appears yet insecure, and all prospect of peace is removed by the restless and unprincipled ambition of her implacable enemy. The great exertions and unexampled supplies, requisite to carry on the present contest with vigour in every quarter of the Globe, have not however prevented our most gracious Sovereign from giving new proofs of liberality and attention to His North American Colonies. The bounties granted by act of Parliament in favour of our Exports, the exclusions of foreign salted provisions from the British West Indies, and the allowance of a direct trade to Gibraltar, are so many encouragements to the commerce of this Province, and call for our most grateful thanks. They will, I doubt not, be followed by suitable endeavours on our part to merit a continuance of His protection.

Gentlemen of the Assembly,

I have directed the Public Accounts and Estimates to be laid before you, in full confidence of your making such provisions as the Public Service may be found to require, in such manner as may be most effectual, and at the same time least inconvenient to the people.

The autumn of the year 1804, was ushered in with such premature and severe frosts as occasioned a great diminution of the crops, and in some parts of the Province the inhabitants suffered much distress throughout the spring and summer following. The evil appeared too general for the private hand of charity; I was therefore induced to avail myself of your usual confidential vote, and endeavoured by a small loan of provisions to the most indigent, to enable them to support their families until the ensuing harvest. The particular accounts will be laid before you, and the mode adopted will, I hope, meet with your approbation.

The Impost Duties of last Session have proved productive, and will be sufficient to discharge the Public Debts. As your attention will be called to a renewal of the Revenue Law, to supply the exigencies of Government, it is a subject well deserving your consideration, how far the encreasing consumption of Rum, which threatens to enervate the present and rising generation, may be safely checked; and whether it will be possible to apply such a duty, as will contribute to this desirable end. High Port Duties encrease the temptation to smuggling, (a practice already too prevalent,) and instead of lessening the consumption of the article, only injure the fair importer. Perhaps the most equitable and effectual way to answer the double purpose, would be, to have recourse to the place of consumption, by rating the retailer of spirituous liquors according to the quantity he sells. The success attending the interior duty on Malt and Wine in Great Britain, holds out sufficient encouragement for us to adopt a similar practice. And as the growing burthen of the poor rates is much augmented by the free use of spirituous liquors, it may perhaps be thought a real relief to the country, should the pro-
duce

duce arising from this source, in each County, be appropriated to the support of its poor. Taxation will then contribute to guard the morals of society, as well as be the means of its support.

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

I have full confidence in your zeal for the prosperity of the Colony, and you may rely on my cordial assent to any laws, which, on mature deliberation, shall be thought requisite for the public welfare.

ORDERED, That Mr. Odell be appointed a Committee to prepare an Address in answer to the President's Speech.

Adjourned till Monday next.

.....

MONDAY, 2d February, 1807.

The Chief Justice in the Chair.

Mr. Odell reported the following draught of an Address in answer to the Speech :—

“ *To the Honorable Gabriel G. Ludlow, Esquire, President of His Majesty's Council and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.*

“THE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

“SIR,

“WE thank your Honor for your Speech at the opening of this Session ; and while we lament the bloody scenes which, on the Continent of Europe, are still exhibited to the astonished World, we hope that, in this remote Colony, we may continue to enjoy the blessings of domestic peace and tranquillity. We also trust that, notwithstanding the present alarming appearances, the continued struggle, in which the Parent Country is engaged, for her own liberties and those of Europe, will, under the superintendence of Divine Providence, be finally successful. For although the safety of the British Empire and its Dependencies has been hitherto the principal fruit of the great and brilliant victories, which, in the course of this eventful war, have been achieved by His Majesty's arms, yet we cannot but hope that the righteous cause, for which he contends, will in due time prevail against all the efforts, however formidable, of the most unprincipled and ferocious ambition.

“That the great exertions and unexampled supplies, requisite to carry on this arduous contest with vigour, in every quarter of the Globe, have not prevented our most gracious Sovereign from giving new proofs of liberality and attention to His North American Colonies, is justly mentioned by your Honor, as calling for our most grate-

ful acknowledgements; and we are persuaded that, on the part of this loyal Province, these fresh encouragements to its commerce will be followed by suitable endeavours to merit a continuance of His Majesty's paternal protection.

"We shall be ambitious, on all occasions, to justify the confidence which you are pleased to express in our zeal for the prosperity of the Colony, and to contribute to the success of your public administration."

Which being approved—

ORDERED, That Mr. Odell wait upon the President, to know when he will receive the Address of the Council.

Mr. Odell reports that the President will receive the Address of the Council this day at two o'clock.

Adjourned to wait on the President, and to meet again in Council on Thursday next.

.....

THURSDAY, 5th February, 1807.

The Chief Justice in the Chair.

The Chief Justice reports, that the Council had on Monday waited on the President, and presented their Address, to which the President had returned the following answer :—

"Gentlemen,

"I THANK you for this Address, which affords me the higher satisfaction, as I have found, by experience, how sincerely you are disposed to give me your best assistance in the discharge of my public duty."

Mr. Chipman, by leave, brought in a Bill for the further relief of Debtors, with respect to the imprisonment of their persons; which was read, and

ORDERED, To stand for a second reading to-morrow.

Read a Bill, from the Assembly, for the more effectual punishment of such persons as shall seduce Soldiers to Desert.

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 6th February, 1807.

The Chief Justice in the Chair.

Read a second time, the Bill for the more effectual punishment of such persons as shall seduce Soldiers to Desert.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a second time, the Bill for the further relief of Debtors, with respect to the imprisonment of their persons.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a Bill, from the Assembly, for the more easy and effectual mode of foreclosing Mortgaged Estates.

ORDERED, That this Bill stand for a second reading to-morrow.

Read a Bill, from the Assembly, for regulating and establishing the times and places for holding the Terms and Sittings of the Supreme Court.

ORDERED, That the second reading of this Bill be put off for three months.

Adjourned till Monday next.

.....

MONDAY, 9th February, 1807.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill for the more effectual punishment of such persons as shall seduce Soldiers to Desert.

ORDERED, That Mr. Chipman inform the House of Assembly that the Council have concurred in passing this Bill.

Read a third time, and passed, the Bill for the further relief of Debtors, with respect to the imprisonment of their persons.

ORDERED, That Mr. Chipman carry the same to the House of Assembly for their concurrence.

Read a second time, the Bill for the more easy and effectual mode of foreclosing Mortgaged Estates.

On motion—Resolved, that the third reading of this Bill be put off for three months.

Adjourned till To-morrow.

TUESDAY,

TUESDAY, 10th February, 1807.

The Chief Justice in the Chair.

Adjourned till To-morrow.

WEDNESDAY, 11th February, 1807.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, for regulating Trials in cases of Felony.

ORDERED, That this Bill stand for a second reading on Monday next.

Adjourned till Monday next.

MONDAY, 16th February, 1807.

Mr. Winslow in the Chair.

ORDERED, That the second reading of the Bill for regulating Trials in cases of Felony, be put off till to-morrow.

Message from the Assembly, that they have concurred in passing the Bill for the further relief of Debtors, with respect to the imprisonment of their persons.

Read a Bill, from the Assembly, to ascertain the rights of Fishery.

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

TUESDAY, 17th February, 1807.

The Chief Justice in the Chair.

Read a second time, the Bill for regulating Trials in cases of Felony.

On motion—Resolved, that the third reading of this Bill be put off for three months.

Read a second time, the Bill to ascertain the rights of Fishery.

ORDERED, That this Bill stand for a third reading on Thursday.

Read

Read a Bill, from the Assembly, to alter and amend an act relating to Wills, Legacies, Executors and Administrators, and for the settlement and distribution of the estates of Intestates :

A Bill in addition to, and amendment of an act, intituled, "an act for assessing, collecting, and levying County rates : " And,

A Bill in alteration and amendment of an act for establishing the rates to be taken for Wharfage and Cranage.

ORDERED, That these Bills stand for a second reading on Thursday next.

Read a Bill, brought in with leave by Mr. Chipman, to render Justices of the Peace more safe in the execution of their duty : And,

A Bill for the more effectual prevention of frivolous and vexatious arrests and suits, and to authorize the levying of poundage upon executions in certain cases.

ORDERED, That these Bills stand for a second reading on Thursday next.

Adjourned till To-morrow.

.....

WEDNESDAY, 18th February, 1807.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to confirm the proceedings of the Justices of the Peace in Kings' County, and to authorize said Justices to build and finish a Gaol and Court House in the said County : And,

A Bill to alter and amend an act passed in the thirty-sixth year of His Majesty's reign for regulating, laying out, and repairing Highways, &c.

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

.....

THURSDAY, 19th February, 1807.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to prevent divers Misdemeanours in idle and disorderly Persons : And,

A Bill to enable the owners of Stray Cattle more easily to recover the same.

ORDERED, That these Bills stand for a second reading to-morrow.

Read

Read a second time, the Bill for the effectual prevention of frivolous and vexatious arrests, &c: And,

The Bill to render Justices of the Peace more safe in the execution of their duty.

ORDERED, That these Bills stand for a third reading to-morrow.

Read a second time, and amended, the Bill in alteration and amendment of an act for establishing the rates to be taken for Wharfage and Cranage.

ORDERED, That this Bill, so amended, stand for a third reading to-morrow.

Read a second time, the Bill to alter and amend an act for regulating, laying out, and repairing Highways, &c.

ORDERED, That the third reading of this Bill be put off for three months.

Read a second time, the Bill in addition to, and amendment of an act, intituled, "an act for assessing, collecting, and levying County rates."

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill to alter and amend an act relating to Wills, Legacies, &c.

ORDERED, That the further consideration of this Bill be put off for three months.

Read a second time, the Bill to confirm the proceedings of the Justices of the Peace in Kings' County, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a third time, and passed, the Bill to ascertain the rights of Fishery.

ORDERED, That Mr. Leonard inform the House of Assembly that the Council concur in passing this Bill.

Adjourned till To-morrow.

FRIDAY, 20th February, 1807.

The Chief Justice in the Chair.

Read a second time, and amended, the Bill to prevent divers Misdemeanors in idle and disorderly Persons.

ORDERED, That this Bill stand for a third reading on Monday next.

Read

Read a third time as amended, and passed, the Bill in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage.

ORDERED, That Mr. Winslow carry the same to the Assembly for their concurrence.

Read a third time, and passed, the Bill to confirm the proceedings of the Justices of the Peace in Kings' County, and to authorize said Justices to build and finish a Gaol and Court House in the said County.

ORDERED, That Mr. Winslow inform the House of Assembly that the Council have concurred in passing this Bill.

Read a third time, and passed, the Bill for the more effectual prevention of frivolous and vexatious arrests and suits, and to authorize the levying of poundage upon executions in certain cases : And,

The Bill to render Justices of the Peace more safe in the execution of their duty.

ORDERED, That Mr. Odell carry these Bills to the Assembly for their concurrence.

Read a second time, and amended, the Bill to enable the owners of Stray Cattle more easily to recover the same.

ORDERED, That this Bill stand for a third reading on Monday next.

Adjourned till Monday next.

MONDAY, 28d February, 1807.

The Chief Justice in the Chair.

Message from the House of Assembly, that they have concurred in the amendments to the Bill in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage.

Read a third time, and passed with amendments, the Bill to enable the owners of Stray Cattle more easily to recover the same : Also,

With amendments, the Bill to prevent divers Misdemeanors in idle and disorderly Persons.

ORDERED, That Mr. Chipman carry the same to the House of Assembly for their concurrence.

Adjourned till To-morrow.

TUESDAY,

TUESDAY, 24th February, 1807.

The Chief Justice in the Chair.

Adjourned till Thursday next.

THURSDAY, 26th February, 1807.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, for further regulating Trials in Summary Actions.

ORDERED, That this Bill stand for a second reading to-morrow.

Read sundry Resolutions of Appropriation, sent up by the Assembly.

ORDERED for further consideration to-morrow.

Message from the Assembly, that they have concurred in passing the Bill to render Justices of the Peace more safe in the execution of their duty.

Adjourned till To-morrow.

FRIDAY, 27th February, 1807.

The Chief Justice in the Chair.

Read a second time, and concurred in the Resolutions of Appropriation sent up yesterday.

Read a Resolution, sent up to-day, for appropriating fifty guineas, to be presented to Lieutenant Colonel Johnstone, in behalf of the New-Brunswick Regiment.

ORDERED, That Mr. Odell inform the House of Assembly that the Council concur with these Resolutions.

Read a Bill, from the Assembly, for laying a duty on Gypsum or Plaister of Paris :
And,

A Bill to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province.

ORDERED, That these Bills stand for a second reading to-morrow.

Read

Read a second time, the Bill for further regulating Trials in Summary Actions.

ORDERED, That the further consideration of this Bill be put off for three months.

Adjourned till To-morrow.

.....

SATURDAY, 28th February, 1807.

The Chief Justice in the Chair.

Read a second time, the Bill for laying a duty on Gypsum, or Plaster of Paris.

ORDERED, That this Bill stand for further consideration on Monday next ; and that a Conference be requested with the House of Assembly, on the subject of this Bill, on Monday next, at 12 o'clock.

ORDERED, That Mr. Leonard communicate this Resolution to the House of Assembly.

Read a second time, the Bill to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province.

ORDERED, that this Bill stand for a third reading on Monday next.

Read a Bill, from the Assembly, for raising a Revenue in this Province.

ORDERED, That this Bill stand for a second reading on Monday next.

Read a Bill, from the Assembly, to enable the Justices of the County of York, in their General Sessions, to assess the same, for the purpose of completing the Gaol of the said County.

ORDERED, That this Bill stand for a second reading on Monday next.

Adjourned till Monday next.

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MONDAY, 2d March, 1807.

The Chief Justice in the Chair.

Message from the Assembly, that they agree to the Conference proposed, on the subject of the Bill for laying a duty on Gypsum, and that Mr. R. Pagan, Mr. Coffin, and Mr. Robinson, are appointed a Committee to attend and manage the same.

Ordered,

ORDERED, That Mr. Leonard and Mr. Chipman be a Committee to manage the Conference on the part of the Council, and that they be instructed to state :—

“I. That the Bill in question cannot be passed into a Law, inasmuch as penalties are inflicted by it for acts done without the limits, and consequently without the jurisdiction of the Province.

“II. That desirable as the object undoubtedly is, to derive from the trade in this article some benefit to the Revenue of the Province, and to secure to His Majesty's subjects the carrying of it from these Provinces to the places of consumption in the United States, the Council are of opinion that it cannot be properly, or in any degree effectually obtained, without co-operating Legislative Acts, with reciprocal provisions on the part of the Province of Nova Scotia, and His Majesty's Royal Approbation to any Act to be passed for the purpose.”

Message from the House of Assembly, requesting a Conference with the Council, on the subject of the Islands in Passamaquoddy Bay.

RESOLVED, That the Council do agree to the proposed Conference, and that Mr. Saunders and Mr. Chipman be a Committee for that purpose.

ORDERED, That Mr. Odell communicate this Resolution to the House of Assembly.

Read a second time, the Bill for raising a Revenue.

ORDERED, That this Bill stand for a third reading to-morrow.

Read a third time, and passed, the Bill to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province.

ORDERED, That Mr. Chipman inform the House of Assembly that the Council concur in passing this Bill.

Read a Bill, from the Assembly, for raising a Revenue to be appropriated for opening of Roads, and other public purposes.

ORDERED, That a conference be requested with the House of Assembly on the subject of this Bill.

ORDERED, That Mr. Chipman communicate this Resolution to the House of Assembly.

Read a Bill, from the Assembly, in addition to an Act, intituled, “an Act for the better regulating the Militia in this Province.”

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the Assembly, that they agree to the Conference proposed on the subject of the Bill for raising a Revenue, to be appropriated for opening of Roads and other public purposes.

Ordered,

ORDERED, That Mr. Saunders and Mr. Chipman be a Committee to confer with the Committee of the House of Assembly, and that they be instructed to state :—

“ That the provisions of this Bill indirectly authorize the importation of sundry articles prohibited by divers Acts of Parliament to be imported into this Province, and that it cannot therefore be passed into a Law.

“ That although it is undoubtedly an object of great importance to prevent all clandestine and illicit trade, nevertheless the Acts to be passed for this purpose must, in the opinion of the Council, be calculated to carry into effect the provisions of the Laws of Trade respecting the condemnation and the distribution of the proceeds of articles seized for clandestine importation ; and if any duty is imposed upon such articles, that it must be so imposed upon them in the hands of the purchasers, subsequent to their condemnation.”

The Committee appointed to confer with the Committee of the House of Assembly, on the subject of the Islands in Passamaquoddy Bay, report, that the Committee from the House of Assembly stated, “ That His Honor the President having, in compliance with an Address from the House to him for that purpose, been pleased to lay before them a correspondence between him and His Majesty’s Minister to the United States, the House find from that correspondence, that, in a conversation between His Majesty’s Minister and the American Secretary of State, it had been stated to His Majesty’s Minister, that, by a convention between His Majesty and the United States, *then unratified*, Moose, Dudley, and Frederick Islands, had been conditionally declared to belong to the United States.

“ That the House presume His Majesty’s Council will agree in opinion with them, that much injury must arise to the Kingdom at large, and this Province in particular, if such cession should take place.

“ They therefore propose to His Majesty’s Council to agree in the appointment of a joint Committee, who may represent to His Majesty’s Ministers their alarm at the consequences of such cession, and state the national importance of these Islands, from their local situation ; and the exportation of fish and lumber from their neighbourhood, if they remain a part of the Province ; as well as the great aid that must be given to illicit trade from them, if they are given up. And that the House hope, that by such speedy representation, so fatal a cession may be prevented.”

RESOLVED, That Mr. Saunders and Mr. Chipman be appointed a Committee to be joined with a Committee of the Assembly, as requested by that House.

ORDERED, That Mr. Odell communicate this Resolution to the House of Assembly.

Read a second time, the Bill to enable the Justices of the County of York to assess the same, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

Adjourned till To-morrow.

TUESDAY,

TUESDAY, 3d March, 1807.

The Chief Justice in the Chair.

Read sundry Resolutions of Appropriation sent up by the House of Assembly.

ORDERED, That the same be read a second time this day.

Read a third time, and passed, the Bill for raising a Revenue in this Province :
And,

The Bill to enable the Justices of the County of York in their General Sessions to assess the same for the purpose of completing the Gaol of the said County.

ORDERED, That Mr. Saunders inform the House of Assembly that the Council have concurred in passing these Bills.

Read a second time, the Bill in addition to an act, intituled, "an act for the better regulating the Militia in this Province."

ORDERED, That this Bill stand for a third reading to-morrow.

Read a second time, and agreed to the Resolutions of Appropriation sent up this day from the House of Assembly.

ORDERED, That Mr. Saunders inform the House of Assembly that the Council agree to these Resolutions.

Read a Bill, from the Assembly, to empower the Justices of the Peace for the County of Charlotte, in their General Sessions, to regulate the Fisheries in the said County.

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 4th March, 1807.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill in addition to an act, intituled, "an act for the better regulating the Militia in this Province."

ORDERED, That Mr. Chipman inform the House of Assembly that the Council concur in passing this Bill.

Read a second time, the Bill to empower the Justices of the Peace for the County of Charlotte in their General Sessions to regulate the Fisheries in the said County.

Ordered,

ORDERED, That this Bill be read a third time this day.

Read a Bill, from the Assembly, relating to Guardians.

ORDERED, That the further consideration of this Bill be referred till the next Session of the General Assembly.

Read a Bill, from the Assembly, to appropriate the Public Revenue.

ORDERED, That this Bill be read a second time this day.

Read a Bill, from the Assembly, 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.

ORDERED, That this Bill be read a second time this day.

Read third time, and passed, the Bill to empower the Justices of the Peace for the County of Charlotte in their General Sessions to regulate the Fisheries in the said County.

ORDERED, That Mr. Chipman inform the House of Assembly that the Council concur in passing this Bill.

Read a second time, the Bill to prevent illicit and clandestine Trade: And, The Bill to appropriate the Public Revenue.

On motion, that these Bills be now read a third time,

Read a third time, and passed, the same.

ORDERED, That Mr. Chipman inform the House of Assembly that the Council concur in passing these Bills.

Read a Bill, from the Assembly, to continue sundry Acts of the General Assembly which are near expiring.

ORDERED, That this Bill be now read a second time.

Read the same a second time, Whereupon—

RESOLVED, That a Conference be requested with the House of Assembly on the subject of this Bill.

ORDERED, That Mr. Leonard communicate this Resolution to the House of Assembly.

Message from the Assembly, that the House agree to the proposed Conference, and have appointed Mr. R. Pagan, and Mr. Agnew to manage the same.

Ordered,

ORDERED, That the Chief Justice be a Committee to meet the Committee of the House of Assembly.

The Chief Justice having returned from the Conference—Amended the Bill to continue sundry Acts, &c: And,

ORDERED, That the same be now read a third time as amended.

Read a third time, and passed, as amended, the Bill to continue sundry Acts of the General Assembly, &c.

ORDERED, That Mr. Odell inform the House of Assembly that the Council have passed the said Bill with an amendment.

Message from the Assembly that they concur in the said amendment.

Adjourned till To-morrow.

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*THURSDAY, 5th March, 1807.*

*The Chief Justice in the Chair.*

The President came to the Council Chamber, and, the House of Assembly attending, gave his assent to the following Bills :—

- A Bill for the more effectual punishment of such persons as shall seduce Soldiers to Desert.
- A Bill for the further relief of Debtors, with respect to the imprisonment of their persons.
- A Bill to ascertain the rights of Fishery.
- A Bill in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage.
- A Bill to confirm the proceedings of the Justices of the Peace in Kings' County, and to authorize said Justices to build and finish a Gaol and Court House in the said County.
- A Bill to render Justices of the Peace more safe in the execution of their duty.
- A Bill to enable the owners of Stray Cattle more easily to recover the same.
- A Bill to provide for the redeeming and cancelling the Treasury Notes that have been issued in this Province.
- A Bill for raising a Revenue in this Province.
- A Bill to enable the Justices of the County of York, in their General Sessions, to as-

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sess the same, for the purpose of completing the Gaol of the said County.

A Bill in addition to an Act, intituled, "An Act for the better regulating the Militia in this Province."

A Bill to empower the Justices of the Peace for the County of Charlotte, in their General Sessions, to regulate the Fisheries in the said County.

A Bill to appropriate the Public Revenue.

A Bill to make perpetual sundry Acts of the General Assembly which are near expiring.

A Bill 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 President then closed the Session by the following Speech :—

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

**T**HE business before you being now finished, I have the satisfaction to dismiss you from further attendance at this time in General Assembly. From the mutual harmony with which your proceedings have been conducted, the public confidence in your disinterested zeal for the welfare of the Colony will be confirmed; and the influence of your example, in the several Counties, will have the more weight in keeping alive that spirit of Loyalty, which has justly been the boast and pride of His Majesty's subjects in this Province."

The Secretary then, by direction of the President, declared the General Assembly to be prorogued to the first Tuesday in June next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

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*FOURTH SESSION OF THE FOURTH GENERAL ASSEMBLY.*

ANNO QUADRAGESIMO OCTAVO GEORGII TERTII REGIS.

MARTIN HUNTER, ESQUIRE, PRESIDENT AND COMMANDER-IN-CHIEF.

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AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

*COUNCIL CHAMBER, Tuesday, 5th July, 1808.*

*The Chief Justice in the Chair.*

**T**HE General Assembly having been prorogued to this day, the President came to the Council Chamber, and, the House of Assembly attending, opened the Session by the following Speech :—

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

**H**IS Majesty having thought fit to direct the most active measures to be taken for strengthening the defences of the British possessions in North America, and having  
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been

been graciously pleased at the same time to express his reliance upon the Legislatures of the respective Provinces, for making every exertion consistent with their internal resources, with a view to the general defence, it became my duty, on being appointed to the Administration of this Government, to give you, without delay, an opportunity in General Assembly, to fulfil His Majesty's just expectations on this momentous occasion, by such legal provisions as our situation may require, and by making such amendments as may be necessary in the present law for regulating the Militia of this Province.

"These are the principal objects that I have at present to recommend to your consideration. Such further particulars as I may have to suggest, shall be communicated by Message.

*"Gentlemen of the Assembly,*

"I have ordered the Treasurer's Accounts, and such other documents as he may be able to furnish for your information, to be laid before you. Of such expences as it may now be necessary to provide for, in addition to the ordinary services of the Province, you will be able to form a judgment, when the steps to be taken for duly training the Militia shall have been discussed and ascertained.

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

"I HAVE the fullest confidence in your dutiful attachment to His Majesty's person and government, and in your zeal for the public welfare; I cannot therefore but anticipate such a result, from your deliberations on the important subjects now before you, as will merit His Majesty's gracious approbation, and the grateful acknowledgements of a brave and loyal people."

ORDERED, That Mr. Saunders and Mr. Chipman be a Committee to prepare an Address in answer to the President's Speech.

*Adjourned till Thursday next.*

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*THURSDAY, 7th July, 1808.*

*The Chief Justice in the Chair.*

Mr. Justice Saunders, from the Committee appointed for that purpose, reported the following draught of an Address, in answer to the President's Speech :—



*“ To the Honorable Martin Hunter, Esquire, President of His Majesty’s Council and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.*

“THE HUMBLE ADDRESS OF HIS MAJESTY’S COUNCIL IN GENERAL ASSEMBLY.

“SIR,

“**W**ITH unfeigned satisfaction we avail ourselves of the earliest opportunity to congratulate you upon your appointment to the administration of the Government of this Province, and to assure you of that affectionate esteem and respect which a knowledge of your character, from your former residence among us, has inspired.

“While we regret the events which have rendered it necessary for His Majesty to direct the most active measures to be taken for strengthening the defences of the British possessions in North America, we trust that the dangers and difficulties of our situation will only serve to excite an increased emulation, to shew, with our fellow-subjects in other parts of his extended dominions, how highly we prize our character as British Subjects, the honor of His Majesty, and the independence of the Empire; and we shall be zealous to evince how well-placed his reliance is, upon the Legislature of this his loyal Province, for making every exertion consistent with our internal resources, with a view to the general defence.

“Fully aware that nothing on this momentous occasion, can be more important for the essential interests and security of the Province than a proper and judicious organization of the Militia, we shall most cheerfully promote and concur in every measure calculated to effect so desirable a purpose, and duly attend to such farther communications as may be made to us on this interesting subject.

“Ever actuated by the most ardent wish to manifest our dutiful attachment to His Majesty’s person and government, and our zeal for the public welfare, it shall be our endeavour, that the result of our deliberations on the important business now before us, may justify that confidence in us which you are pleased to express, and, at the same time, merit His Majesty’s most gracious approbation, and the good opinion and confidence of the brave and loyal people whose interests are committed to our care.”

Which being approved—

ORDERED, That Mr. Odell wait upon the President, to know when he will receive the Address of the Council.

Read a Bill, brought in by Mr. Chipman, 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 this Bill stand for a second reading on Monday next.

Message from the President to the Council, as follows :—

“**New-Brunswick.**

**“New-Brunswick.**

“MESSAGE TO HIS MAJESTY’S COUNCIL.

“7th JULY, 1808.

“MARTIN HUNTER.

“**T**HE President directs to be herewith laid before His Majesty’s Council, an extract of a letter from the Right Honorable Lord Castlereagh to Lieutenant General Sir James Craig, K. B. respecting the steps necessary to be taken for training the Militia, and providing for the defence of His Majesty’s North American Colonies; and recommends the same to the consideration of the Council.

“M. H.”

*Adjourned till To-morrow.*

FRIDAY, 8th July, 1808.

*Mr. Winslow in the Chair.*

Mr. Odell reports, that the President will receive the Address of the Council this day, at two o’clock.

*Adjourned to wait on the President, and to meet again in Council on Monday next.*

MONDAY, 11th July, 1808.

*Mr. Winslow in the Chair.*

Mr. Winslow reports, that the Council had on Friday presented their Address, to which the President was pleased to return the following answer:—

“Gentlemen,

“**I** THANK you for your kind expressions of congratulation on my appointment to the administration of this Government; in which I shall be happy to contribute whatever may be in my power to the success of your endeavours for promoting and securing the present and future welfare of this Province.”

Read a second time, the Bill to alter and amend an Act, intituled, an Act for regulating Marriage and Divorce, &c.

ORDERED, That this Bill stand for a third reading on Wednesday next.

Read

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Read a Bill, brought in by Mr. Chipman, for making Process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith.

ORDERED, That this Bill stand for a second reading on Wednesday next.

*Adjourned till Wednesday next.*

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**WEDNESDAY, 13th July, 1808.**

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill to alter and amend an Act, intituled, An Act for regulating Marriage and Divorce, &c.

ORDERED, That Mr. Chipman carry the same to the House of Assembly for their concurrence.

Read a second time, the Bill for making Process in Courts of Equity effectual against persons who reside out of this Province, &c.

ORDERED, That this Bill stand for a third reading to-morrow.

*Adjourned till To-morrow.*

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**THURSDAY, 14th July, 1808.**

*Mr. Winslow in the Chair.*

Read a third time, and passed, the Bill for making Process in Courts of Equity effectual against persons residing out of the Province, &c.

ORDERED, That Mr. Chipman carry the same to the House of Assembly for their concurrence.

Mr. Odell communicated to the Council the following Messages from the President to the House of Assembly :—

**“ New-Brunswick.**

“ MESSAGE TO THE HOUSE OF ASSEMBLY.

“ 14th JULY, 1808.

“ MARTIN HUNTER.

“ **T**HE President directs to be herewith laid before the House of Assembly, a Petition

tion of the President and Directors of the public Grammar School in the City of Saint John, and a Petition of Messrs. William Hazen, James Simonds, and James White; and recommends the same to the consideration of the House.

“ M. H.”

“ *New-Brunswick.*

“ MESSAGE TO THE HOUSE OF ASSEMBLY.

“ MARTIN HUNTER.

“ 14th JULY, 1808.

“ **T**HE President directs to be herewith laid before the House of Assembly, an account of Jacob S. Mott, and an account of Messrs. Ryan and Durant, for printing Laws and other public papers; and recommends to the House the making provision for payment of the same.

“ M. H.”

“ *New-Brunswick.*

“ MESSAGE TO THE HOUSE OF ASSEMBLY.

“ MARTIN HUNTER.

“ 14th JULY, 1808.

“ **T**HE President directs to be herewith laid before the House of Assembly, a letter dated the 9th instant, which he has received from Lieutenant Colonel Wetmore, representing the case of Joseph Lutwidge of the St. John Regiment of Militia; and recommends the same to the consideration of the House.

“ M. H.”

*Adjourned till Monday next.*

*MONDAY, 18th July, 1808.*

*The Chief Justice in the Chair.*

Message from the Assembly, that they have concurred in passing the Bill to alter and amend an Act, intituled, an Act for regulating Marriage and Divorce, &c., and the Bill for making Process in Courts of Equity effectual against persons who reside out of this Province, &c.

Mr. Odell communicated to the Council the following Message from the President to the House of Assembly :—

“ *New-Brunswick.*

**New-Brunswick.**

"MESSAGE TO THE HOUSE OF ASSEMBLY.

" 15th JULY, 1808.

" MARTIN HUNTER.

" **T**HE President directs to be herewith laid before the House of Assembly, an account of expenses remaining due upon the Right Honorable Lord Sheffield's Picture; and recommends the same to the consideration of the House. " M. H."

Read a Bill, from the Assembly, for the greater security of the Province, by the better regulating the Militia thereof.

ORDERED, That this Bill stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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**TUESDAY, 19th July, 1808.**

*Mr. Winslow in the Chair.*

Read a second time, the Bill for the greater security of the Province, by the better regulating the Militia thereof.

ORDERED, That this Bill stand over for further consideration to-morrow.

*Adjourned till To-morrow.*

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**WEDNESDAY, 20th July, 1808.**

*The Chief Justice in the Chair.*

RESOLVED, That the Council request a free Conference with the House of Assembly, on the subject of the Bill for the greater security of the Province, &c.

ORDERED, That Mr. Chipman communicate this Resolution to the House of Assembly.

Message from the Assembly, that they agree to the free Conference proposed by the Council, and have appointed Mr. Mackay, Mr. Robinson, Mr. M'Lean, and Mr. Peters, a Committee for that purpose.

ORDERED, That Mr. Robinson, Mr. Saunders, and Mr. Chipman, attend immediately to manage the same on the part of the Council.

Ordered,

ORDERED, That Mr. Odell communicate the same to the House of Assembly.

The Committee having returned from the Conference,

Read a second time, and amended, the Bill for the greater security of the Province, &c.

ORDERED, that this Bill stand for a third reading on Friday next.

*Adjourned till Friday next.*

FRIDAY, 22d July, 1808.

*Mr. Hazen in the Chair.*

Read a third time, and passed as amended, the Bill for the greater security of the Province, by the better regulating the Militia thereof.

ORDERED, That Mr. Leonard inform the House of Assembly that the Council have passed the said Bill with amendments.

Mr. Odell communicated to the Council a Message from the President to the House of Assembly, as follows :—

**“New-Brunswick.**

“MESSAGE TO THE HOUSE OF ASSEMBLY.

“MARTIN HUNTER.

“20th JULY, 1808.

“THE President directs to be herewith laid before the House of Assembly, for their consideration, an abstract of expences incurred on account of the Militia, during the administration of Presidents Ludlow and Winslow, but yet unprovided for, and of which, Mr. Hazen, late Paymaster, will attend to give such explanation to the House as may be requisite.

“M. H.”

*Adjourned till Monday next.*

MONDAY, 25th July, 1808.

*Adjourned till To-morrow.*

TUESDAY,

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**TUESDAY, 26th July, 1808.**

*The Chief Justice in the Chair.*

Message from the Assembly, that they concur in the amendments to the Bill for the greater security of the Province, &c.

Read sundry Resolutions of Appropriation, sent up by the House of Assembly.

ORDERED, That the same stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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**WEDNESDAY, 27th July, 1808.**

*Mr. Winslow in the Chair.*

Read a Proclamation of the late President Ludlow, notifying an Order of His Majesty in Council for suspending the Bill "to ascertain the Rights of Fishery."

Read also, a Petition to His Majesty, on the subject of the said Bill, as follows:—

**"To the King's Most Excellent Majesty.**

*"The joint Petition of the Council and Assembly of Your Majesty's Province of  
"New-Brunswick.*

"MOST HUMBLY SHEWETH,

"**T**HAT the settlements in the several Counties in this Province are yet almost entirely made on lands fronting on such waters as, in this country, are called Rivers, Coves, Creeks, and Lakes; and that the inhabitants have made these Settlements under the general idea, prevalent in Nova Scotia, of which this Province was formerly a part, and in other American Colonies, that in all the Rivers and inland waters of the above description, the right of fishery was attached to the adjacent soil; and whoever obtained a grant of land, considered this right as a part, and often the most valuable part, of the property granted; the extent of the grants upon these waters, and the number of acres granted, having been, in many instances, limited by the value of such fisheries supposed to be attached thereto.

"That the only place where, after the separation of New-Brunswick from Nova Scotia, an exception to this rule was thought of, was the City of Saint John; where it was obviously proper to consider the Inhabitants, whether holding lots, fronting on the water or not, as entitled to an equal participation in the benefits to be derived from the fisheries in the Harbour, so far as these were included within the limits of the City; and accordingly the exclusive right of fishing within those limits was granted to them collectively by Charter, which was soon after confirmed by act of Assembly. By this Grant it was the intention of Government to place the citizens, as a body, in the condition of an individual grantee of lands fronting on any River, Cove, Creek, or Lake, in the Province.

"That there happened to be a valuable fishing spot of small extent, in the Parish  
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of Portland upon the north shore of the said Harbour, in front of lands which had, many years before, been granted under the Province of Nova Scotia, and, in order to avoid any interference with the rights of those prior grantees, the bounds of the said City were expressly limited to low water mark on that shore; the Government thereby intending to reserve to those prior Grantees the rights of fishery supposed to be attached to the soil of which they were the proprietors, and which they had occupied and enjoyed so many years under the Province of Nova Scotia. But, notwithstanding this limitation, the citizens at an early period contended for a right of setting their nets on this shore also, which has occasioned the only disputes respecting the rights of fishery that have existed in the Province.

“ That to put an end to these disputes, clauses were inserted in several acts of Assembly, passed for regulating the fisheries in general, appointing particular regulations for the said Harbour of Saint John; which being found ineffectual for that purpose, and the inhabitants of other parts of the Province being alarmed, that the rights of the proprietors of the soil to the fisheries in front of their lands, bordering upon these inland waters, should be liable to be called in question in violation of the Faith of Government understood to be pledged to them, and without which the settlement of the country in many parts of the Province would not have been undertaken, especially on the rivers Miramichi and Restigouche in the extensive County of Northumberland, it at length became an object of serious attention to the Legislature of the Province, to put an end to all disputes and further doubt upon the subject. Accordingly, at the Session of the General Assembly in the year 1807, a Bill ‘to ascertain the Rights of Fishery,’ was passed by the Assembly, and unanimously agreed to by the Council, nearly in the words of an act of the General Assembly of the Province of Nova Scotia passed, many years ago, for a similar purpose, and now forming a part of the perpetual Laws of that Province; expressly declaring ‘that all and every His Majesty’s subjects owning or lawfully possessing lands, bounded on any River, Cove, Creek or Lake, in this Province, should have and be deemed to have the sole and exclusive right of taking fish on, or in front of the shores thereof, under the regulations and restrictions of any act of Assembly made or to be made for that purpose;’ saving however, ‘the rights and privileges of the City of Saint John, and of the Freemen and Inhabitants thereof as already secured by Charter.’

“ This Bill, when passed into an Act of the Legislature, was therefore gladly received by the Province in general, and the concern was alike general when the late President’s Proclamation announced Your Majesty’s Order for suspending the operation of this Act, ‘until the parties, whose rights have been stated to be affected by the said Act, could be heard, and a determination taken upon the case.’

“ We therefore deem it our duty in behalf of Your Majesty’s loyal subjects of this Province at large, whose interests are committed to our care, to avail ourselves of this earliest opportunity we have had, to make our joint and humble Petition to Your Majesty, and to pray that the Act above-mentioned, ‘for ascertaining the Rights of Fishery in this Province,’ may be finally ratified, and that Your Majesty’s Royal Assent thereunto may be most graciously had and declared.”

Which being approved—

Ordered,



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ORDERED, That Mr. Leonard carry the same to the House of Assembly, and request their concurrence therein.

Read a second time, and agreed to, the Resolutions of Appropriation sent up yesterday, from the Assembly.

ORDERED, That Mr. Leonard notify the same to the House of Assembly.

*Adjourned till To-morrow.*

.....

**THURSDAY, 28th July, 1808.**

*The Chief Justice in the Chair.*

Read sundry Resolutions of Appropriation, sent up by the House of Assembly.

To stand for a second reading to-morrow.

Read a Bill, from the Assembly, to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek, in the City and County of Saint John.

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the Assembly, that they concur in the Petition, sent down yesterday by the Council, on the subject of the Bill to ascertain the Rights of Fishery.

ORDERED, That Mr. Odell be a Committee, to join with such Committee as the House of Assembly shall appoint, to wait upon the President, with a request that His Honor will transmit to His Majesty's Ministers the joint Petition of the Council and Assembly on the subject of the Bill "to ascertain the Rights of Fishery."

ORDERED, That Mr. Chipman communicate the same to the House of Assembly.

*Adjourned till To-morrow.*

.....

**FRIDAY, 29th July, 1808.**

*Mr. Hazen in the Chair.*

Read a second time, and amended, the Bill to make more effectual provision for repairing the Aboideau, &c.

Ordered,

ORDERED, That the same be now read a third time.

Read a third time, and passed as amended, the said Bill.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council have passed the said Bill, with amendments.

Read a second time, and agreed to, the Resolutions of Appropriation sent up yesterday by the Assembly.

ORDERED, That Mr. Robinson notify the same to the House of Assembly.

Read the first and second time, a Bill from the Assembly, to continue an Act, intituled, "an Act for raising a Revenue in this Province : " And  
A Bill to appropriate the Public Revenue.

ORDERED, That the same Bills be now read a third time.

Read a third time, and passed, the Bill to continue an Act, intituled, "an Act for raising a Revenue : " And  
The Bill to appropriate the Public Revenue.

ORDERED, That Mr. Robinson notify the same to the House of Assembly.

Read a Resolution sent up by the House of Assembly for concurrence, as follows :—

" RESOLVED, That the thanks of this House be given to William Knox, Esquire, for his long and faithful services as the Agent of this Province in Great Britain ; and also to Thomas Knox, Esquire, for his faithful services as Joint Agent with the said William Knox ; and that the Speaker be requested to transmit a copy of this Resolution to the said William and Thomas Knox.

" AND WHEREAS it is thought to be necessary to the interests of the Province, that the Provincial Agent in Great Britain should reside near London, for the purpose of more ready and speedy access to the Public Offices, in attending to the business appertaining to such agency—

" RESOLVED, That Edward Goldstone Lutwyche, Esquire, be appointed the Agent of this Province in Great Britain ; and that this Resolution be sent to His Majesty's Council for their concurrence."

RESOLVED, That the same be agreed to ; and that Mr. Robinson notify the same to the House of Assembly.

Read a Bill, from the Assembly, to make more effectual provision for assessing, levying, and collecting County Rates.

ORDERED, that this Bill stand for a second reading to-morrow.

Mr. Odell from the Committee appointed to wait upon the President, with the Joint Address

Address of the Council and Assembly, upon the subject of the Bill "to ascertain the Rights of Fishery," reported, that His Honor, after perusing the Petition, was pleased to say that he would cheerfully comply with the request of the Council and Assembly, by transmitting their Petition without loss of time, and would recommend it to the attention of His Majesty's Ministers.

*Adjourned till To-morrow.*

.....

*SATURDAY, 30th July, 1808.*

*Mr. Hazen in the Chair.*

Read a second time, the Bill to make more effectual provision for assessing, levying, and collecting County Rates.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

ORDERED, That Mr. Leonard and Mr. Chipman be appointed a Committee to correspond with the Agent for the Province in Great Britain.

His Honor the President came to the Council Chamber, and, the House of Assembly attending, gave his assent to the following Bills :—

A Bill for the greater security of the Province, by the better regulating the Militia thereof.

A Bill for making Process in Courts of Equity effectual against persons who reside out of this Province, and cannot be served therewith.

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."

A Bill to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John.

A Bill to continue an Act, intituled, "an Act for raising a Revenue in this Province."  
And

A Bill to appropriate the Public Revenue.

His honor then closed the Session with the following Speech to the Council and Assembly :—

*Gentlemen,*

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

**T**HE business before you being now finished, I am happy, in closing the Session, to express the satisfaction afforded me by a review of your proceedings, and of the harmony with which they have been conducted.

“ You have shown that you consider the support of His Majesty’s Government and the prosperity of the Province as inseparably connected ; nor can any thing in your power be more conducive to either, than your perseverance in making this the great and leading principle of your conduct.

“ To the Bills now enacted, and especially to that which provides for the better regulation of the Militia, I have with pleasure assented, under a full conviction, that your zeal, alike loyal and patriotic, has in this instance omitted nothing within the extent of your ability. You have done what you could ‘to strengthen the hands of the Executive Government ;’ and it will be my ambition, on any emergency that may ensue, to give the fullest effect to the means of defence which you have provided.”

The Secretary then, by direction of the President, declared the General Assembly to be prorogued to the first Tuesday in October next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

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*FIRST SESSION OF THE FIFTH GENERAL ASSEMBLY.*

ANNO QUINQUAGESIMO GEORGII TERTII REGIS.

MARTIN HUNTER, ESQUIRE, PRESIDENT AND COMMANDER-IN-CHIEF.

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AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

*COUNCIL CHAMBER, Saturday, 27th January, 1810.*

**W**RITS having been issued for a new Election of Representatives, to meet in General Assembly on the second Tuesday in November last, and the said General Assembly having been, by Proclamations of the thirtieth of October and twenty eighth of November last, and of the twenty-third, twenty-fifth, and twenty-sixth, of this instant, January, prorogued to this day, His Honor the President came to the Council Chamber, and, by Message, commanded the attendance of the House of the House of Assembly.

The House attended accordingly, when the Chief Justice, by the President's command, directed them to return and choose a fit person to be their Speaker, and to present the person so chosen to His Honor here, for his approbation, on Monday morning next, at eleven of the clock.

*Adjourned till Monday next.*

MONDAY, 29th January, 1810.

His Honor the President came to the Council Chamber, and commanded the attendance of the House of Assembly ; who attended accordingly, and His Honor opened the Session by the following Speech :—

“ *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 Executive 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 alacrity 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 employed on a part of the road between Fredericton and Saint John, which, upon careful examination, appeared most to require assistance. This service I trust will be found to have been faithfully and beneficially performed : 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 adequate 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 despatch of public business.”

PRAYERS.

Ordered

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ORDERED, That Judge Chipman and Mr. Robinson be a Committee to prepare an Address in answer to the President's Speech.

*Adjourned till one o'clock To-morrow.*

.....

**TUESDAY, 30th January, 1810.**

*The Chief Justice in the Chair.*

The Committee appointed to prepare an Address in answer to the President's Speech, reported the following. viz :—

*“ To the Honorable Martin Hunter, Esquire, President of His Majesty's Council and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.*

“ THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

“ SIR,

“ **ALTHOUGH** you had entertained a hope that the continuance of the ordinary Provincial Revenue, with the requisite appropriations, would be the principal objects to be recommended for the deliberation of the Legislature during the present Session, we yet feel with you the necessity, occasioned by the present aspect of public affairs, of being prepared for every result, and of taking into our serious consideration a renewal, with every practicable improvement, of the Law for regulating and training the Militia of the Province, and for enabling the Executive Government promptly and effectually to call into action the force of the country whenever its defence or safety may require.

“ We derive peculiar satisfaction from the information which you have been pleased to communicate, from your own observation of the progress made by the Militia under the regulations of the Act passed at the last Session of the General Assembly; and we fully participate with you in the confidence which you express, in their future zeal and alacrity on every service to which they may be called in discharge of the duties that bind them to their King and Country.

“ We thank you, Sir, for the measures which you have been pleased to adopt for the improvement of the Road between Fredericton and Saint John, by employing a detachment of His Majesty's Troops under your command in that service; and we shall not fail most cordially to unite in any proposals, that may tend to complete that most desirable object, as well as to open and facilitate the communication by public Roads, where the same may be requisite, between other parts of the Province, being persuaded that nothing can more essentially promote its best interests.

“ We shall respectfully receive, and, with diligence, attend to any further communications you may be pleased to make to us in the course of the Session; and you may rely with the fullest confidence on our utmost endeavours to despatch the public business

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ness in a manner that may best insure the harmony of the several branches of the Legislature, and promote the real interests of the Province.”

Which being approved—

ORDERED, That Mr. Odell wait upon the President, to know when His Honor will receive the Address of the Council.

*Adjourned till To-morrow.*

.....

WEDNESDAY, 31st January, 1810.

*The Chief Justice in the Chair.*

Mr. Odell reports that the President will receive the Address of the Council this day, at one o'clock, in the Council Chamber.

His Honor the President being in the Chair, the Council presented their Address, to which His Honor was pleased to return the following Answer :—

“ *Gentlemen,*

“ I RECEIVE with entire satisfaction the assurances contained in this Address, being thoroughly convinced that the zeal which you profess for the public welfare, is every way entitled to my fullest confidence.”

*Adjourned till 12 o'clock To-morrow.*

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THURSDAY, 1st February, 1810.

*The Chief Justice in the Chair.*

PRAYERS.

*Adjourned till eleven o'clock To-morrow.*

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FRIDAY, 2d February, 1810.

The Chief Justice in the Chair.

Adjourned till Monday next.

MONDAY,

MONDAY, 5th February, 1810.

Adjourned till Thursday next.

THURSDAY, 8th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

The Secretary communicated to the Council a message from the President to the House of Assembly, as follows:—

“ Message from the President to the House of Assembly.

“ 7th FEBRUARY, 1810.

“ M. HUNTER.

“ **T**HE President having received from Lord Castlereagh, one of His Majesty’s principal Secretaries of State, an extract of a letter from His Lordship to Sir George Prevost, expressing a hope that such an arrangement might be made as would place the militia of the two Provinces, (of Nova Scotia and New Brunswick,) when on service, upon the same footing 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.”

Mr. Chipman, by leave, brought in a Bill for making further provisions to prevent the destroying and murdering of Bastard Children &c.—Which was read the first time.

ORDERED, To stand for a second reading to-morrow.

Adjourned till To-morrow.

FRIDAY, 9th February, 1810.

The Chief Justice in the Chair.

Read a second time, the Bill to prevent the destroying of Bastard Children.

ORDERED, To stand for a third reading on Monday next.

Adjourned till Monday next.

MONDAY,

MONDAY, 12th February, 1810.

The Chief Justice in the Chair.

Message from the Assembly, with a Bill to authorize the Sheriff, or other Executive Officer, serving Process at the Parish of Saint Martins, to convey any Prisoners there arrested to the Gaol in the City of Saint John by way of the public road leading through a part of Kings' County: Also,

A Bill for regulating, laying out, and repairing Highways and Roads, and for appointing Commissioners and Surveyors of Highways.

Which Bills were read a first time, and

ORDERED, To stand for a second reading to-morrow.

ORDERED, That the third reading of the Bill for making further provisions to prevent the destroying of Bastard Children, be put off till to-morrow.

Adjourned till twelve o'clock To-morrow.

TUESDAY, 13th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

ORDERED, That the second reading of the Road Bill be put off till to-morrow.

ORDERED, That the third reading of the Bill to prevent the destroying of Bastard Children, be put off till to-morrow.

ORDERED, That the second reading of the Bill to authorize the Sheriff serving Process at Saint Martins to convey Prisoners by the road through a part of Kings' County, be put off till to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 14th February, 1810.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill for making further provisions to prevent the destroying and murdering of Bastard Children.

ORDERED, That Mr. Justice Chipman carry this Bill to the Assembly for their concurrence. Read

Read a second time, and amended, the Bill to authorize the Sheriff serving Process at the Parish of Saint Martins to convey any Prisoners there arrested, &c.

ORDERED, To stand for a third reading to-morrow.

Took into consideration the Road Bill, and postponed the further consideration of the same Bill till to-morrow.

Adjourned till eleven o'clock To-morrow.

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THURSDAY, 15th February, 1810.

The Chief Justice in the Chair.

The Secretary communicated to the Council the following Message from the President to the House of Assembly:—

“ Message from the President to the House of Assembly.

“ 15th FEBRUARY, 1810.

“ M. HUNTER.

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.”

Read a Bill, from the Assembly, to continue and amend an Act for the more easy and speedy recovery of Small Debts.

ORDERED, That Mr. Chipman request a Conference with the House of Assembly immediately, on the subject of the Road Bill.

Message from the Assembly, that they agree to the Conference requested.

ORDERED, That Mr. Chipman and Mr. Odell be a Committee to meet the Committee appointed by the Assembly.

Read a third time, and passed as amended, the Bill to authorize the Sheriff serving Process at Saint Martins to convey any Prisoners there arrested, &c.

Ordered,

ORDERED, That Mr. Robinson notify the same to the Assembly.

Adjourned till twelve o'clock To-morrow.

FRIDAY, 16th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

Message from the Assembly, that they concur in the amendments of the Bill to authorize the Sheriff, &c. serving Process, &c.

Read a Bill, from the Assembly, to continue and amend an Act, intituled, an Act to continue &c. an Act for the better securing the navigation of Passamaquoddy Bay, within Deer Island.

ORDERED, That this Bill stand for a second reading on Monday next.

Read a second time, the Bill for recovery of Small Debts.

ORDERED, That the further consideration of this Bill be postponed till Monday next.

Adjourned till twelve o'clock on Monday next.

MONDAY, 19th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

Message from the Assembly requesting a free Conference with the Council on the subject of the Road Bill.

RESOLVED, That the Council do agree to the proposed Conference, and that Mr. Odell and Judge Chipman be a Committee for the purpose, to meet the Committee of the House forthwith.

ORDERED, That Mr. Robinson communicate this Resolution to the House of Assembly.

Read a Bill, from the Assembly, to continue and make perpetual 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."

Ordered,

ORDERED, that this Bill stand for a second reading to-morrow.

Message from the Assembly, that they have agreed to the Bill to prevent the destroying and murdering of Bastard Children, with an amendment.

RESOLVED, That the Council do agree to the said amendment.

ORDERED, That Mr. Justice Saunders notify the same to the Assembly.

ORDERED, That the consideration of the Bill for recovery of Small Debts, be further postponed till to-morrow.

Read a second time, the Bill for the better securing the Navigation of Passamaquoddy Bay.

ORDERED, To stand for a third reading to-morrow.

Adjourned till To-morrow.

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*TUESDAY, 20th February, 1810.*

*The Chief Justice in the Chair.*

PRAYERS.

Read a third time, and passed, the Bill to revive, continue, and amend the act for the better securing the navigation of Passamaquoddy Bay.

ORDERED, That Mr. Justice Saunders inform the House of Assembly that the Council have concurred in passing the said Bill.

Read a second time, and amended, the Bill to continue and make perpetual the act for regulating the Fisheries in the County of Northumberland.

ORDERED, To stand for a third reading to-morrow.

*Adjourned till eleven o'clock To-morrow.*

.....  
*WEDNESDAY, 21st February, 1810.*

*The Chief Justice in the Chair.*

PRAYERS.

Read

Read a Bill, from the Assembly, for the better security of the navigation of certain Harbours in the County of Northumberland.

ORDERED, To stand for a second reading to-morrow.

RESOLVED, That the Council will request a Conference with the House of Assembly on the subject of the Bill for the more easy and speedy recovery of Small Debts.

ORDERED, That Mr. Robinson communicate this Resolution to the House of Assembly.

Read a third time, and passed as amended, the Bill to continue and make perpetual the act for regulating the Fisheries in the County of Northumberland.

ORDERED, That Mr. Robinson return the same to the Assembly.

Message from the Assembly, that they concur in the amendment to the Bill to continue the act for regulating the Fisheries in the County of Northumberland; and also, that they agree to the Conference proposed on the subject of the Bill for recovery of Small Debts.

ORDERED, That Mr. Chipman be a Committee to manage the Conference on the part of the Council.

ORDERED, That Mr. Leonard communicate this Resolution to the House of Assembly.

The Secretary communicated to the Council the following Messages from the President to the House of Assembly, viz :—

*“ Message from the President to the House of Assembly.*

*“ 19th FEBRUARY, 1810.*

*“ M. HUNTER.*

**T**HE 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.”

*“ Message from the President to the House of Assembly.*

*“ 19th FEBRUARY, 1810.*

**T**HE 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.”

Mr.

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Mr. Chipman, by leave, brought in a Bill to provide for the more easy partition of Lands in Copercenary, Joint Tenancy, and Tenancy in Common.—Which was read, and ORDERED, to stand for a second reading to-morrow.

*Adjourned till To-morrow.*

.....

**THURSDAY, 22d February, 1810.**

PRAYERS.

Read a second time, the Bill for the more easy partition of Lands, &c.

ORDERED, To stand for a third reading to-morrow.

Read a second time, the Bill for securing the navigation of certain Harbours in Northumberland.

ORDERED, To stand for a third reading to-morrow.

*Adjourned till To-morrow.*

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FRIDAY, 23d February, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed, the Bill for the more easy partition of Lands, &c.

ORDERED, That Mr. Chipman carry the same to the Assembly for concurrence.

Read a third time, and passed, the Bill for the better securing the navigation of certain Harbours in Northumberland.

ORDERED, That Mr. Chipman inform the House of Assembly that the Council have agreed to this Bill.

Message from the Assembly, requesting a free Conference on the subject of the Bill for recovery of Small Debts.

RESOLVED, That the Council do agree to the Conference proposed, and that Judge Saunders and Judge Chipman be a Committee for the purpose.

ORDERED, That Mr. Robinson notify the same to the Assembly.

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Message

Message from the Assembly requesting the concurrence of the Council in an Address to His Honor the President, requesting he will be pleased to appoint Commissioners for the purpose of inquiring into the practicability of removing the Rock on the east side of the entrance of the Falls, near the City of Saint John, to a depth sufficient to prevent interfering with the River Navigation ; and also to inquire into, and ascertain, as nearly as may be, any effect likely to be thereby produced on the Low Lands bordering on the River Saint John, and to make report thereof to the House as soon as may be.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council do agree to the said Address.

Adjourned till Monday next.

.....
 MONDAY, 26th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a Bill, from the Assembly, to authorize the erection of Fences and Gates across certain Roads &c.

A Bill in addition to the act to prevent the encumbering and filling up of Harbours :
 And

A Bill to enable the Justices at their General Sessions to make such regulations relating to Streets, Market-Houses, and other public places, &c.

ORDERED, That these Bills stand for a second reading to-morrow.

The Committee appointed to conduct the free Conference with the Committee of the Assembly, on the Bill for the recovery of Small Debts, report, that they had met the Committee of the Assembly, who stated that the principal objections, on the part of the Assembly, to the amendments proposed by the Council to the said Bill, were the reducing the jurisdiction of the Justice below five pounds, and restricting that jurisdiction to cases of debt only ; that the Assembly wished to know whether the Council would recede from these parts of the amendments, before they took into consideration the other amendments. Thereupon—

ORDERED, That the said Committee be instructed to request a statement in writing of all the objections on the part of the Assembly to the said amendments, that the whole may be taken into consideration together by the Council.

The Committee of Conference report, that they have communicated the same to the Committee of the Assembly.

The

The Committee appointed to conduct the free Conference with the Committee of the Assembly on the subject of the Road Bill, report, that the Committee, on the part of the Assembly, had proposed to them 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 to the said Commissioners for their government in making such assessment, and that the Commissioners proceed in their discretion in assessing such as neglect or refuse to give in such Schedule or Statement. And that they proposed the Bill, if so regulated, to continue, by way of experiment, for two years. Thereupon—

ORDERED, That the Committee on the part of the Council be instructed to inform the Committee on the part of the Assembly, that the Council will be ready, to give their assent to a Law by which all the labour upon the Highways, beyond a proper number of days' work to be performed by every male inhabitant of a proper age, may be apportioned upon taxable property, whenever a law shall be made for ascertaining such property, with proper and adequate provisions for assessing other public rates and taxes, in due proportion, upon such property.

The Committee report, that they have communicated the same to the Committee of the Assembly.

Adjourned till eleven o'clock To-morrow.

.....

TUESDAY, 27th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a second time, the Bill for erecting Fences and Gates &c.

ORDERED, To be put off for three months.

Read a second time, and amended, the Bill in addition to the act to prevent the encumbering and filling up of Harbours.

ORDERED, To stand for a third reading to-morrow.

Read a second time, the Bill to make regulations relating to Streets &c.

ORDERED, That the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, for better regulating the militia in this Province: A Bill to continue an act to prevent illicit and clandestine Trade &c: And,

A Bill in addition to the Act for assessing, collecting, and levying County Rates.

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

.....

WEDNESDAY, 28th February, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a Bill, from the Assembly, for the preservation of Moose, on the Island of Grandmanan : And

A Bill in amendment of the Acts now in force for regulating Seamen.

ORDERED, To stand for a second reading on Friday next.

Read a third time, and passed as amended, the Bill in addition to the Act to prevent the encumbering or filling up of Harbours.

ORDERED, That Mr. Chipman return the same to the Assembly for concurrence.

Message from the Assembly, that they agree to the amendments of the said Bill.

The Committee appointed to conduct the free Conference with the Committee of the Assembly, on the Bill for the recovery of Small Debts, report, that the Committee of the Assembly have stated that they are instructed by the House of Assembly to make, in addition to the two principal objections, stated yesterday, to the amendments of the Bill in question, the following, that is to say :—

“ 1st. To the expunging of the third section they cannot consent.

“ 2d. They object to that part of the proposed amendment to the sixth section, which authorizes the Justice to direct payment to be made by instalments, 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.

“ 3d. They consider the restoration of the seventh section will not be resisted by the Council, if the Justice's jurisdiction continues the same as it has been, and now is, under the existing Law ; but they admit that this section may be amended.

“ 4th. 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.

“ The

“The fourth of the new sections proposed, numbered in pencil ‘ten,’ and also the sixth, numbered in pencil ‘twelve,’ the House cannot concur in; indeed they consider those sections inapplicable to the enlarged jurisdiction of the Justice.

“5th. 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 Justice’s Court.

“6th. The House object to the new section marked in pencil ‘twenty-three,’ 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.”

Whereupon—

The Committee of the Council are instructed to state to the Committee on the part of the Assembly, in answer to the said objections :—

“1st. That the Council, for the sake of 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—

“2d. That the 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.

“3d. That consequently, the Council adhere to the fourth of the new sections proposed, numbered in pencil ‘ten,’ and also to the sixth, numbered in pencil ‘twelve.’

“4th. That although the Council conceive the proposed amendment to the sixth section, authorizing the Justice to direct payments to be made by instalments 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. 2.

“5th. 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.

“6th. 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 Justice’s Court.

“7th It follows from the foregoing particulars that the Council must adhere to their rejection

rejection of the section in the Bill numbered VII, and must also retain the new section marked in pencil '28,' as a substitute for the section in the Bill numbered X.

"8th. 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.

"9th. 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."

The Committee of Conference report, that they have communicated the same to the Committee of the Assembly.

Went into the second reading of the Militia Bill.

ORDERED, That the further consideration of this Bill be put off till to-morrow.

The second reading of the Bill to continue the act to prevent illicit and clandestine Trade, and of the Bill in addition to the act for assessing, collecting, and levying County rates, put off till Friday next.

Adjourned till To-morrow.

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THURSDAY, 1st March, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed, the Bill for regulating, laying out, and repairing Highways, &c.

ORDERED, That Mr. Odell notify the same to the Assembly.

Went again into the consideration of the Militia Bill and amended the same.

ORDERED, To stand for a third reading to-morrow.

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 2d March, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a third time, and passed as amended, the militia Bill.

ORDERED, That Mr. Leonard notify the same to the Assembly.

Message from the Assembly, that they have passed the Bill for the more easy partition of Lands, with an amendment.

RESOLVED, That the Council do agree to the said amendment.

ORDERED, That Mr. Leonard notify the same to the Assembly.

Read a second time, the Bill to continue the Act to prevent illicit and clandestine Trade :

The Bill in amendment of the Acts for regulating Seamen :

The Bill for the preservation of Moose on the island of Grandmanan : And

The Bill to authorize the Justices of Saint John to make an Assessment, &c.

ORDERED, To stand for a third reading to-morrow.

Read sundry Resolutions of Appropriation sent up from the Assembly.

ORDERED, To lie on the table.

Adjourned till To-morrow.

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SATURDAY, 3d March, 1810.

The Chief Justice in the Chair.

Message from the Assembly, that they agree to the amendments of the Bill for regulating the Militia.

RESOLVED, That the further consideration of the Bill for the preservation of Moose, be put off for three months.

Read a third time, and passed, the Bill in addition to the Act for regulating Seamen :

The Bill to continue the Act to prevent illicit and clandestine Trade, &c : And

The Bill to authorize the Justices of Saint John to make an Assessment, &c.

ORDERED, That Mr. Chipman notify the same to the Assembly.

Read a Bill, from the Assembly, for laying a duty on certain articles imported from the United States of America : And

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A Bill to continue and amend an Act, intituled, "an Act for regulating Pilots."

ORDERED, That these Bills stand for a second reading on Monday next.

Adjourned till Monday next.

MONDAY, 5th March, 1810.

The Chief Justice in the Chair.

PRAYERS.

Read a second time, the Bill to continue and amend the Act for regulating Pilots.

ORDERED, To stand for a third reading to-morrow.

Read a second time, the Bill for laying a duty on certain articles imported from the United States.

The further consideration of this Bill referred till to-morrow.

Read a Bill, from the Assembly, to continue and amend the Act for raising a Revenue: And

A Bill for the preservation of Oysters in the Counties of Westmorland and Northumberland.

ORDERED, To stand for a second reading to-morrow.

The Committee of Conference on the Bill for the recovery of Small Debts, report, that the Committee on the part of the Assembly had stated—

"The House, from a sincere desire to preserve harmony, and for no other reason, have concluded to waive 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 Justice's Court shall be restricted to the recovery of debts only, for the following reasons:—

"1st, 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.

"2d. 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.

“3d. 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 controversy does not exceed the sum of forty shillings, in any Court of Law within this Province, except the Clerks’ 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 Clerks’ Courts were taken away and transferred to the several Justices of the Peace, who had power to hear and determine all other causes whatsoever, cognizable in the said Clerks’ Courts. That this power has been, by several Laws of the Province, continued in the said Justices to this time.

“4th. That the amendment now proposed, of restricting the jurisdiction of the Justice to the recovery of debts only, if concurred in, will 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.

“5th. That if the Bill does not pass into an Act, the Clerks’ Courts will, upon the expiration of the Law for the recovery of small debts, be re-possessed 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.

“That 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 reconsideration, 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.” Thereupon—

ORDERED, That the Committee be instructed to state to the Committee of the Assembly—

“1st. That the Assembly, in the course of the free Conference, having, at the request of the Council, stated in writing *all their objections* to the amendments proposed by the Council to the said Bill; and the Council having, after full and mature deliberation, communicated to the Assembly, in writing, their answer to those objections in full and explicit terms, the Council conceived that the Conference, so far as respected those objections, was at an end.

“In receiving and replying, therefore, to the last communication made by the Committee of the Assembly on the subject of the Bill in question, the Council request it may be distinctly understood that this is not to be regarded as a precedent on any future occasion.

“2d. 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.

“3d. 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.

“4th. 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, it 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,’ the Council beg leave to observe,—‘That a perpetual Act was passed in the 26th 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 eighteenth section of a *temporary Act*, passed in the thirty-fifth 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 the 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, except in 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 first day of this instant month of March, when it expired by its own limitation, and left the said Act of 26, Geo. 3, as it still remains, in full force.

‘If then the Clerks’ Courts of the respective Counties, and the City Court of the City of Saint John, referred to in the act of the 26, Geo. 3, by virtue of their 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

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 reside or may be found.’

“ This clause merely gives to the Justices of the Peace a concurrent jurisdiction with the Clerks’ 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 Justice’s 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 entitled to any Costs whatsoever,’ and making adequate provision for the defendant’s 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.

“ 5th. The Council think it not altogether irrelevant to observe, on this occasion, that the County Courts, 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 of the County are established ; it is required ‘ that the Clerk shall be of the degree of an utter Barrister 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 Clerk’s deputies shall be likewise of the degree of an utter Barrister 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 this special County Court, in which the Jury upon the Trial shall find the damages under forty shillings, that the Plaintiff is not to be entitled to his costs, unless the Judge shall certify that the freehold or title to the Plaintiff’s land, or an Act of Bankruptcy principally came in question.

“ 6th.

“6th. As no new light has been thrown upon the subject matter of Conference by the last communications on the part of the Assembly, and nothing is suggested therein which had not been fully considered by the Council, before their answer to the objections made by the Assembly to the proposed amendments, the Council are compelled, by a sense of duty, to adhere to the amendment now under consideration, and herewith to close the present Conference.

“7th. The Council, nevertheless, still desirous to meet the wishes of the Assembly in all instances not incompatible with superior duties, will agree, (in case the Assembly shall deem it necessary or proper,) to make the following clause the concluding section of the Bill now under consideration.

“ ‘Provided always and be it further enacted, that the Justices of the Peace in the several Counties shall respectively have concurrent jurisdiction with the Clerks’ Courts in the respective Counties in all causes by law cognizable by the same Courts, where the sum or thing in demand does not exceed forty shillings, any law, usage or custom, to the contrary notwithstanding.’ ”

Read a Bill, from the Assembly, in amendment of an Act for regulating Fisheries.

ORDERED, To stand for a second reading on Thursday next.

Adjourned till To-morrow.

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TUESDAY, 6th March, 1810.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill to continue and amend the Act for regulating Pilots.

ORDERED, That Mr. Odell notify the same to the Assembly.

RESOLVED, That the further consideration of the Bill for laying a duty on articles from the United States, be put off for three months.

Read a second time, and amended, the Bill for the preservation of Oysters.

ORDERED, To stand for a third reading on Thursday next.

Read a Bill, from the Assembly, to provide for the more effectually repairing the Streets, &c. in the City and County of Saint John.

ORDERED, That the same be now read a second time.

Read a second time, and amended, the said Bill.

Ordered,

ORDERED, To stand for a third reading on Thursday.

Mr. Agnew, a Member of the Assembly, delivered to the Council the Bill for the more easy and speedy recovery of Small Debts, together with a Resolution of the House thereupon.

RESOLVED, That an immediate Conference with the House of Assembly be requested on the said Resolution.

ORDERED, That Mr. Justice Saunders communicate this Resolution to the Assembly.

Message from the Assembly, by Mr. Agnew, that they agree to the Conference proposed, and have appointed Mr. Agnew and Mr. Wetmore a Committee for the purpose.

ORDERED, That Mr. Justice Saunders and Mr. Chipman be a Committee to manage the Conference on the part of the Council.

ORDERED, That Mr. Chipman notify the same to the Assembly.

The Committee of Conference on the subject of the Resolution delivered in by Mr. Agnew, a member of the Assembly, together with the Bill for the more easy and speedy recovery of Small Debts, are instructed to state to the Committee of Conference on the part of the Assembly—

“ 1st. That the Council observe that this communication was made by one Member of the Assembly only, contrary to the hitherto invariable usage in making such communications.

“ 2d. That in the present stage of the Bill the said Resolution cannot in any form be received by the Council, and therefore the said Resolution, together with the said Bill and amendments, is returned to the Assembly.”

Adjourned till Thursday next.

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THURSDAY, 8th March, 1810.

*The Chief Justice in the Chair.*

Read a third time, and passed as amended, the Bill to provide for the more effectually repairing the Streets and Bridges in Saint John.

Read a third time, and passed as amended, the Bill for the preservation of Oysters.

Read a third time, and passed, the Bill to continue and amend the Act for raising a Revenue.

ORDERED, That Mr. Justice Saunders notify the same to the Assembly.

Read

Read a second time, the Bill to regulate the issuing of Writs of Replevin.

RESOLVED, That the further consideration of this Bill be put off for three months.

Message from the Assembly, that they agree to the amendments of the Bill for the recovery of Small Debts, as modified by the Council, and communicated by the Committee of Conference; and that they also agree to the amendments to the Bill for more effectually repairing the Streets, &c. in Saint John.

Message from the Assembly, that they agree to the amendments to the Bill for the preservation of Oysters.

Read a Bill, from the Assembly, in addition to an Act, intituled, an Act to empower the Justices of the Sessions &c, to make regulation respecting Markets, &c.

Read the same Bill a second time: And

ORDERED, To stand for a third reading to-morrow.

Mr. Justice Chipman, by leave, brought in a Bill to regulate the proceedings in actions of Replevin, &c. which was read a first and second time: And

ORDERED, To stand for a third reading to-morrow.

Read a second time, and amended, the Bill in addition to the Act for regulating the Fisheries.

To stand for a third reading to-morrow.

*Adjourned till To-morrow.*

*FRIDAY, 9th March, 1810.*

*The Chief Justice in the Chair.*

PRAYERS.

Read a third time, and passed as amended, the Bill for the more easy and speedy recovery of Small Debts.

ORDERED, That Mr. Odell return the same to the Assembly for concurrence.

Read a Bill, from the Assembly, to make perpetual an Act for the better support of the Poor in the City of Saint John.

Read a second and a third time, and passed the said Bill.

Ordered,

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ORDERED, That Mr. Chipman inform the House of Assembly that the Council have agreed to the said Bill.

Read a third time, and passed, the Bill to regulate the proceedings in Actions of Replevin.

ORDERED, That Mr. Chipman carry the same to the Assembly for concurrence.

Read a third time, and passed, the Bill in addition to the act for regulating Markets and Ferries.

ORDERED, That Mr. Chipman communicate the same to the Assembly.

Read a Bill, from the Assembly, to prevent the destruction of Moose on the Island of Grandmanan.

Read a second time, and amended the same Bill.

ORDERED, To stand for a third reading to-morrow.

Read a Bill, from the Assembly, to alter and amend an Act for regulating the exportation of Fish and Lumber.

To stand for a second reading to-morrow.

Read a third time, and passed as amended, the Bill in addition to the Act for regulating the Fisheries.

ORDERED, That Mr. Chipman return the same to the Assembly for concurrence.

Message from the Assembly, that they agree to the amendments of the Bill for recovery of Small Debts.

*Adjourned till To-morrow.*

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*SATURDAY, 10th March, 1810.*

*The Chief Justice in the Chair.*

Read a third time, and passed as amended, the Bill to prevent the destruction of Moose on Grandmanan.

ORDERED, That Mr. Justice Saunders return the same to the Assembly for their concurrence.

Read a second time, and amended, the Lumber exportation Bill.

Read

Read a third time, and passed as amended, the same Bill.

Read a Bill, from the Assembly, to facilitate the Road of communication in the Province.

Read a second time, and amended, the same Bill.

Read a third time, and passed as amended, the same Bill.

ORDERED, That Mr. Robinson return the same to the Assembly for concurrence.

Read a Bill, from the Assembly, to annex certain settlers to the Parish nearest to where they reside.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, to repeal an Act to render Justices of the Peace more safe in the execution of their duty: And

A Bill in addition to the Act for the more effectual prevention of Desertion.

Read a second and a third time, and passed, the same Bills.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council agree to the same Bills.

Message from the Assembly, that they agree to the amendments to the Bill to prevent the destruction of Moose; to the Bill in amendment of the Act for regulating the Fisheries; and the Lumber exportation Bill.

Message from the Assembly, that they agree to the Bill to regulate the proceeding in Actions of Replevin; and to the amendments of the Bill to facilitate the communication, &c.

Read and agreed to the several Resolutions of Appropriation sent up from the Assembly.

ORDERED, That Mr. Sproule notify the same to the Assembly.

Mr. Chipman, by leave, brought in a Bill to declare the qualifications of Church Wardens, &c. which was read a first and second time.

Read a third time, and passed, the same Bill.

ORDERED, That Mr. Chipman carry the same to the Assembly for concurrence.

*Adjourned till Monday next.*

**MONDAY,**

*MONDAY, 12th March, 1810.*

*The Chief Justice in the Chair.*

PRAYERS.

Message from the Assembly, that they agree to the Bill to declare the qualifications of Church Wardens, &c.

Message from the Assembly, requesting the concurrence of the Council in an Address to the President, praying him to appoint Commissioners to superintend the Light House on Partridge Island.

RESOLVED, That the Council do concur in the said Address; and that Mr. Leonard be a Committee to attend with the Committee to be appointed by the Assembly to present the same.

ORDERED, That Mr. Chipman communicate the same to the Assembly.

Read a Bill, from the Assembly, to repeal the Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek in Saint John, and making further regulations, &c.

Read a second time, and amended, the said Bill.

Read a third time, and passed, the said Bill as amended.

ORDERED, That Mr. Robinson return the said Bill to the Assembly for concurrence.

Message from the Assembly, with sundry additional Resolutions of Appropriation.

Message from the Assembly, that they agree to the amendments to the Aboideau Bill.

RESOLVED, That an humble Address be presented to His Honor the President, praying that he will assign the Room, between the Room occupied by the House of Assembly, and that appropriated for the Supreme Court in the Province Hall, for a Library for the use of the Legislature and the Supreme Court.

ORDERED, That Mr. Chipman request the concurrence of the House of Assembly in this Resolution.

Read a Bill, from the Assembly, to revive and continue sundry Acts, &c. which have expired.

Read the same a second and a third time and passed.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Read a Bill, from the Assembly, in addition to an Act for regulating Elections, &c.

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To

To stand for a second reading to-morrow.

Read a Bill, from the Assembly, to revive and make perpetual the Bill for the support and relief of Confined Debtors : And  
A Bill to provide for the erection of Fences with Gates, &c.

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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**TUESDAY, 13th March, 1810.**

*The Chief Justice in the Chair.*

PRAYERS.

Read a Bill, from the Assembly, to grant and appropriate certain sums for Roads and Bridges.

Read the same Bill a second time.

Read a second and a third time, and passed, the Bill for the erection of Fences with Gates.

ORDERED, That Mr. Odell notify the same to the Assembly.

Read a second time, and amended, the Bill to revive and make perpetual the Act for the support and relief of Confined Debtors.

Read a third time, and passed, the same Bill as amended.

ORDERED, That Mr. Justice Saunders return the same to the Assembly for concurrence.

Read a second time, and amended, the Bill in addition to the Election Law.

Read the same a third time, and passed as amended.

ORDERED, That Mr. Justice Saunders return the same to the Assembly for concurrence.

Read a third time, and passed, the Bill to grant Money for Roads and Bridges.

ORDERED, That Mr. Odell notify the same to the Assembly.

Read a Bill, from the Assembly, for regulating the importation of certain articles into this Province.

Read



Read a second and a third time, and passed the same Bill.

**ORDERED**, That Mr. Odell notify the same to the Assembly.

Read a Bill, from the Assembly, to continue the establishment of County Schools.

Read the same a second and a third time and passed.

**ORDERED**, That Mr. Odell notify the same to the Assembly.

Message from the Assembly, that they agree to the amendments to the Bill in addition to the Election Law.

Message from the Assembly, requesting a Conference with the Council on the amendments to the Bill for relief of Confined Debtors.

**RESOLVED**, That the Council do agree to the Conference proposed; and that Mr. Odell and Judge Chipman be a Committee for the purpose.

**ORDERED**, That Judge Chipman notify the same to the Assembly.

Read a Resolution from the Assembly for increasing the pay of the Door-Keepers and Messengers.

**RESOLVED**, That the Council do agree to the same.

**ORDERED**, That Judge Saunders notify the same to the Assembly.

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

**RESOLVED**, That the Council do agree to the said address; and that Mr. Leonard be a Committee to attend with the Committee to be appointed by the House of Assembly to present the same.

Read a Bill, from the Assembly, to subject non-residents of this Province to a duty.

**RESOLVED**, That the further consideration of this Bill be put off for three months.

Message from the Assembly, that they agree to the amendments to the Bill for relief of Confined Debtors.

Read a Bill, from the Assembly, to appropriate a part of the Public Revenue for the services therein mentioned.

Read a second and third time, and passed the said Bill.

Ordered,

**ORDERED,** That Mr. Justice Chipman notify the same to the Assembly.

Read a first and second time, a Bill, from the Assembly, for the better security of the Town of Fredericton from Fire.

**RESOLVED,** That the further consideration of this Bill be put off for three months.

*Adjourned till To-morrow.*

*WEDNESDAY, 14th March, 1810.*

His Honor the President came to the Council Chamber and commanded the attendance of the House of Assembly ; who attended accordingly, and His Honor then gave his assent to the following Bills, viz :—

- A Bill to authorize the Sheriff or other Executive Officer serving Process at the Parish of Saint Martins to convey any Prisoners there arrested to the Gaol in the City of Saint John, by way of the public Road leading through a part of Kings' County.
- A Bill 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.
- A Bill to revive, continue, and amend an Act for the better securing the Navigation of Passamaquoddy Bay, within Deer Island.
- A Bill 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."
- A Bill for the better security of the Navigation of certain Harbours in the County of Northumberland.
- A 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.
- A Bill to provide for the more easy partition of Lands in Copercenary, Joint Tenancy, and Tenancy in Common.
- A Bill in addition to the Act to prevent the encumbering or filling up of Harbours.
- A Bill for better regulating the Militia in this Province.
- A Bill to continue 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.

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- A Bill to authorize 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.**
- A Bill in amendment to the Acts now in force for regulating Seamen.**
- A Bill to continue and amend an Act, intituled, " an Act for regulating Pilots."**
- A Bill to continue and amend an Act, intituled, " an Act for raising a Revenue in this Province."**
- A Bill for the preservation of Oysters in the Counties of Westmoreland and Northumberland.**
- A Bill to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.**
- A Bill for the more easy and speedy recovery of Small Debts.**
- A Bill in addition to 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.**
- A Bill to make perpetual an Act for the further and better support of the Poor in the City of Saint John.**
- A Bill for the further regulation of Fisheries, and for preventing their decay.**
- A Bill 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 payment of Rents, and preventing frauds by Tenants.**
- A Bill to prevent the destruction of Moose on the Island of Grandmanan.**
- A Bill to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.**
- A Bill to authorize the Justices of the Peace in their General Sessions to establish Ferries in their respective Counties.**
- A Bill to repeal an Act, intituled, " an Act to render Justices of the Peace more safe in the execution of their duty."**
- A Bill in addition to an Act for the more effectual prevention of Desertion from His Majesty's Forces.**
- A Bill to declare the qualifications of Church Wardens and Vestry Men in the several Parishes of this Province, and of the persons having voices in their Election.**
- A Bill to repeal an Act to make more effectual provision for repairing the Aboideau or Bridge across the Marsh Creek in the County of Saint John.**

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A Bill to revive and continue sundry Acts of the General Assembly that have expired.

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."

A Bill to provide for the erection of Fences with Gates across Highways leading through intervale Lands in Queens' County and the County of Sunbury, where the same may be found necessary.

A Bill for regulating the importation of certain articles into this Province.

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."

A Bill to appropriate a part of the Public Revenue for the services therein mentioned.

A Bill to grant and appropriate certain sums of money for Roads and Bridges.

A Bill in addition to an Act for regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province.

His Honor then closed the Session by the following Speech to both Houses :—

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

**T**HE 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 endeavour to give the utmost effect to the means intrusted to my administration for the public welfare."

The Chief Justice then, by the President's command, declared the General Assembly to be prorogued to the first Tuesday in June next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

*Province of New-Brunswick.*

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*SECOND SESSION OF THE FIFTH GENERAL ASSEMBLY.*

ANNO QUINQUAGESIMO SECUNDO GEORGII TERTII REGIS.

MARTIN HUNTER, ESQUIRE, PRESIDENT AND COMMANDER-IN-CHIEF.

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AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

*COUNCIL CHAMBER, Tuesday, 4th February, 1812.*

**T**HE General Assembly having been summoned to meet on this day, the Council met accordingly, and, by direction of His Honor the President,

*Adjourned till To-morrow.*

.....

*WEDNESDAY, 5th February, 1812.*

His Honor the President came to the Council Chamber, and commanded the attendance of the House of Assembly, who attended accordingly, when His Honor opened the Session by a Speech to both Houses. The

The House of Assembly having retired, and His Honor having withdrawn, the Chief Justice reported a copy of the President's Speech, which was read, as follows :—

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

“ **I**N addition to the ordinary provisions for the Public Service, which at this time require your meeting in General Assembly, I have now again to recommend to your most serious consideration, the importance of making such arrangements as may be requisite for our defence against the hostility with which we are threatened.

“ If our neighbours did but know their own true interests, it is indeed obvious that, instead of assuming from time to time a menacing aspect, they would long since have made common cause with Great Britain, as the only remaining bulwark against the progress of that military despotism, which has already desolated the greatest part of Europe, and continues to threaten the subversion of every independent State within the reach either of open invasion or treacherous delusion. But experience proves that nations, as well as individuals, may be misled to their own ruin, by the united influence of prejudice and passion. When therefore we see these combined against us, we have nothing further to ask, than how may we most effectually prepare for our security. By due preparations for resolute defence, we may contribute to prevent that hostility, which otherwise our supineness might invite. But if not, to be at all times so prepared as not to be taken by surprise, especially in these eventful days, is the first duty of every people possessing the happy Constitution which we inherit. In this view of our present situation, I cannot but anticipate your best efforts, not only to give every legal aid in your power for the more perfect regulation of our Militia, but also to provide, to the extent of your ability, for defraying a part of the expense that may be incurred in the defence of this Province, while the enormous weight of the national expense presses so heavily upon the Mother Country. By such a mark of zeal and public spirit, we may justify our confidence in that support, on which in all events we must rely.

“ His Majesty's order in Council giving the royal assent and approbation to the act, passed during the last Session, in addition to the Law for regulating Elections of Representatives in General Assembly in this Province, has been transmitted to me, and shall be laid before you.

“ *Gentlemen of the Assembly,*

“ A statement of the public accounts, with such other documents as may be requisite for your information, shall be laid before you. You will see that, in the improvements made on the Road from Fredericton to Saint John, an expense of about sixty pounds has been incurred, beyond the amount appropriated for that service; for which I doubt not your readiness to make provision.

“ *Gentlemen*

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

“ While we have cause to lament the continuance of that war of ambition and usurpation, which has desolated so many countries, I have the satisfaction to congratulate with you on the splendid achievements which also continue to add fresh lustre to His Majesty’s arms, and to sustain the national character in every part of the world.”

ORDERED, That Judge Chipman and Judge Winslow be a Committee to prepare an Address in answer to the Speech.

*Adjourned till one o’clock To-morrow.*

.....

*THURSDAY, 6th February, 1812.*

Met and Adjourned till To-morrow.

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FRIDAY, 7th February, 1812.

The Chief Justice in the Chair.

Judge Chipman, from the Committee appointed for that purpose, reported a draft of an Address in answer to the President’s Speech, which was read and approved, and is as follows :—

“ *To the Honorable Martin Hunter, Esquire, President of His Majesty’s Council and Commander-in-Chief of the Province of New-Brunswick, &c. &c. &c.*

“ THE HUMBLE ADDRESS OF HIS MAJESTY’S COUNCIL IN GENERAL ASSEMBLY.

“ SIR,

“ **I**N discharging the ordinary duties incumbent upon us in the present Session of the General Assembly, we feel with your Honor the importance, while we regret the necessity, of making such arrangements as may be requisite for our defence against the hostility with which we are threatened.

“ We are with you convinced that it is obviously the true policy of the American States, instead of the menacing aspect which they invariably assume, to unite their most strenuous efforts with those of Great Britain, now left alone, to check the progress of that military despotism, by which the greatest part of Europe has been already desolated; and which continues, either by open invasion or treacherous delusion, to threaten the subversion of every independent State which it is in its power by these means singly or united to assail. It is indeed to be lamented that prejudice and pas-

sion, which have been seen so frequently to mislead individuals to their ruin, have been also found to render nations blind to a sense of their true interests, until too late to save themselves from destruction. We find ourselves therefore, when threatened and surrounded with these dangers, irresistably called upon, agreeably to your recommendation, to make the most effectual provision in our power for our security. We are well aware that the hostility which our supineness might invite may be averted by seasonable preparations on our part for a resolute defence. But whatever may be the result of such prudent forecast, we acknowledge the truth and force of your suggestion, that the enjoyment of the inestimable blessings of our happy Constitution renders it a primary object of our duty to be at all times, and more especially at this eventful crisis, in a situation to repel every attack that can be made or meditated against us. We beg leave on this occasion most seriously to assure you, it is not without a well-grounded confidence that you rely, not only upon our zealous co-operation in rendering our Militia Laws an efficient system for the purposes contemplated by them, but upon our ready and cheerful concurrence in such measures as may be adopted, with a view, in any degree, to lessen the enormous weight of the national expense, which presses so severely upon the Parent State; being well persuaded, that such conduct, on our part, is best calculated to secure that support, on which we must eventually rely for our safety and defence.

“ We shall gratefully receive the communication of His Majesty’s Order in Council giving the royal assent and approbation to the Act, passed during the last Session, in addition to the Law for regulating Elections of Representatives in General Assembly in this Province.

“ It is with conscious pride as British subjects, that we reciprocate with you the satisfaction derived to us all, amidst the horrors and devastations of a war of unexampled ambition and usurpation, from the additional laurels with which His Majesty’s Arms have been invariably crowned, and the heroic valor and splendid achievements by which the national character is sustained and distinguished in every part of the World.”

ORDERED, That Mr. Odell wait upon His Honor the President, to know when he will receive the Address of the Council.

Mr. Odell reports, that His Honor will receive the Address of the Council this day, at one o’clock.

Adjourned to wait on the President, and to meet again in Council on Monday next.

MONDAY, 10th February, 1812.

The Chief Justice in the Chair.

The Chief Justice reports, that the Council had on Friday presented to the President their Address in answer to the Speech, to which His Honor was pleased to return the following Answer :—

“ *Gentlemen,*

“ Gentlemen,

I THANK you for this address, and look forward with confidence to the result of your deliberations on this important occasion.”

Message from the Assembly, with a Resolution sent up for concurrence, that the old set of the statutes at large be delivered to the joint committee of the Council and Assembly appointed to purchase Books, to be disposed of to defray the expenses of importing the new set.

RESOLVED, That the Council do agree to the same; and that Mr. Odell notify the same to the House of Assembly.

Adjourned till To-morrow.

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TUESDAY, 11th February, 1812.

Adjourned till To-morrow.

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WEDNESDAY, 12th February, 1812.

The Chief Justice in the Chair.

Read a Bill, sent up by the Assembly, to alter and amend an act, intituled, an act for regulating Marriage and Divorce, &c.

Read a Bill, brought in with leave by Mr. Chipman, to amend an act, intituled, an act for regulating Marriage and Divorce, &c.

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

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**THURSDAY, 13th February, 1812.**

*The Chief Justice in the Chair.*

On motion—Resolved, that the further consideration of the Bill sent up by the Assembly, to alter and amend an act for regulating Marriage and Divorce, be put off for three months.

Read

Read a second time, the Bill to amend an act, intituled, an act for regulating Marriage and Divorce.

ORDERED, To stand for a third reading to-morrow.

Read a Bill, from the Assembly, more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters.

ORDERED, To stand for a second reading to-morrow.

Read a Bill, from the Assembly, to continue for a limited time, an act for regulating, laying out, and repairing Highways, &c. And

A Bill for laying certain duties upon Goods imported into this Province by Non-Residents.

ORDERED, That these Bills stand for a second reading to-morrow.

Read a Bill, brought in with leave by Mr. Odell, to repeal an act, intituled, "an act for fixing permanently the Boundary Lines between the different grants in this Province."

ORDERED, That this Bill stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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*FRIDAY, 14th February, 1812.*

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill to amend an Act, intituled, an Act for regulating Marriage and Divorce, &c.

ORDERED, That Mr. Robinson carry the same to the Assembly for their concurrence.

Read a second time, the Bill more effectually to prevent the encumbering or filling up of Harbours.

ORDERED, That this Bill be committed to Mr. Leonard and Judge Chipman.

Read a second time, the Bill to continue for a limited time an act, intituled, "an act for regulating, laying out, and repairing Highways."

To stand for a third reading to-morrow.

Read a second time, the Bill for laying certain duties upon goods imported by Non-Residents.

Resolved,

RESOLVED, That the further consideration of this Bill be put off for three months.

Read a second time, and amended, the Bill to repeal the act for fixing permanently the Boundary Lines between the different grants in this Province.

To stand for a third reading on Monday next.

*Adjourned till Monday next.*

MONDAY, 17th February, 1812.

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill to continue an Act, intituled, an Act for regulating, laying out, and repairing Highways and Roads, &c.

ORDERED, That Mr. Robinson notify the same to the Assembly.

The Committee, appointed on the Bill more effectually to prevent the encumbering or filling up of Harbours, reported the same with amendments.

Read the said Bill, as amended, a second time.

ORDERED, to stand for a third reading on Thursday next.

Read a Bill, from the Assembly, to amend and continue for a limited time, an Act for better regulating the Militia in this Province: And

A Bill to authorize the Justices of the Peace, in the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews.

ORDERED, To stand for a second reading on Thursday next.

Read a third time, and passed, the Act to repeal the Act for fixing permanently the Boundary Lines between the different Grants in this Province.

ORDERED, That Mr. Sproule carry the same to the House of Assembly for concurrence.

*Adjourned till Thursday next.*

THURSDAY,

*THURSDAY, 20th February, 1812.*

*The Chief Justice in the Chair.*

Message from the Assembly, that they have concurred in passing the Bill to repeal an Act for fixing permanently the Boundary Lines between the different grants of this Province.

Read a Bill, from the Assembly, to continue and amend the Act for raising a Revenue in this Province, and the Act in amendment thereof.

Read the same a second time.

Read a third time, and passed, the said Bill.

ORDERED, That Mr. Justice Saunders inform the House of Assembly that the Council have concurred in passing this Bill.

Read a Bill, from the Assembly, to provide for the due notification to the several Town or Parish Officers in this Province, of their appointment to their several and respective Offices.

ORDERED, To stand for a second reading to-morrow.

Message from the Assembly, that they have agreed to the Act in amendment of the Act for regulating Marriage and Divorce, with an amendment.

Read a third time, and passed as amended, the Bill more effectually to prevent the encumbering or filling up of Harbours.

ORDERED, That Mr. Leonard carry the same back to the Assembly for concurrence.

Read the Bill to amend an Act, intituled, an Act for regulating Marriage and Divorce, as amended by the Assembly.

RESOLVED, That the Council do agree to the amendment of the said Bill.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Read a second time, the Bill to authorize the Justices of the Peace, for the Counties of York and Charlotte respectively, to regulate the Assize of Bread, &c.

ORDERED, To stand for a third reading to-morrow.

Read a second time, and amended, the Bill to amend and continue the Militia Law.

ORDERED, To stand for a third reading to-morrow.

*Adjourned till To-morrow.*

**FRIDAY,**

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**FRIDAY, 21st February, 1812.**

*The Chief Justice in the Chair.*

Read a Bill, from the Assembly, for erecting a Court House and Gaol in the County of Northumberland: And,

A Bill to restrain Persons from Marriage until their former Wives or Husbands be dead.

**ORDERED,** That these Bills stand for a second reading on Monday next.

Read a second time, the Bill to authorize the common Council of the City of Saint John to appoint Constables.

**ORDERED,** That this Bill be committed to Judge Chipman and Mr. Sproule.

Read a third time, and passed, the Bill to authorize the Justices of the Peace, for the Counties of York and Charlotte respectively, to regulate the Assize of Bread.

**ORDERED,** That Mr. Saunders communicate the same to the Assembly.

His Honor the President came to the Council Chamber and commanded the House of Assembly to attend; who attending accordingly, His Honor gave his assent to the following Bills:—

An Act to continue and amend the act for raising a Revenue in this Province, and the act in amendment thereof.

An Act to amend an act, intituled, “an act for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery, and Fornication.”

An Act to continue for a limited time, an act, intituled, “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.”

An Act to repeal an act passed in the thirty-first year of His Majesty's Reign, intituled, “an act for fixing permanently the Boundary Lines between the different Grants in this Province.”

His Honor the President having withdrawn, and the House of Assembly having retired,

Read a third time, and passed as amended, the Act to amend and continue for a limited time an Act for better regulating the Militia.

**ORDERED,** That Mr. Saunders return the same to the Assembly for concurrence.

Read

Read a second time, and amended, the Bill to provide for the due notification to the several Town or Parish Officers.

ORDERED, To stand for a third reading on Monday next.

*Adjourned till Monday next.*

MONDAY, 24th February, 1812.

*Mr. Leonard in the Chair.*

Read a Bill, from the Assembly, to authorize the Justices of the Peace for the County of Charlotte to levy an Assessment for paying off the County Debt, and for finishing and completing the County Gaol and Court-House lately erected in said County :  
And

A Bill to alter and amend an Act, intituled, "an Act for the further regulation of Fisheries, and for preventing their decay."

ORDERED, To stand for a second reading to-morrow.

Message from the Assembly, that they agree to the amendments to the Bill to amend and continue for a limited time the Militia Law.

Message from the Assembly, with sundry Resolutions of Appropriation.

ORDERED, To stand for a second reading to-morrow.

Read a Bill, brought in by Mr. Chipman, to amend an Act, intituled, an Act to provide for the more easy partition of Lands in Coparcenary, Joint Tenancy, &c.

ORDERED, To stand for a second reading to-morrow.

Message from the Assembly, with a Resolution, proposing a Joint Address of the Council and Assembly to His Majesty's Ministers, on the subject of the Executive Administration of the Government of this Province.

ORDERED, To be taken into consideration to-morrow.

ORDERED, That the several Orders for the day, entered on Friday last, be postponed till to-morrow.

*Adjourned till To-morrow.*

TUESDAY,

**TUESDAY, 25th February, 1812.**

*The Chief Justice in the Chair.*

Read a second time, the Bill to authorize the Justices of the Peace for the County of Charlotte, to levy an Assessment.

ORDERED, To be read a third time to-morrow.

Read a Bill, from the Assembly, to authorize the Justices of the Sessions of the Peace in the City and County of Saint John, to levy an additional Assessment for the purpose of finishing the Gaol of the said City and County, and to discharge the Debt already contracted in adding to the said Gaol.

ORDERED, To stand for a second reading to-morrow.

Read a second time, and amended, the Bill to amend an Act to provide for the more easy Partition of Lands.

ORDERED, To stand for a third reading to-morrow.

Read a second time, and amended, the Bill to alter and amend an Act for the further regulation of Fisheries.

To stand for a third reading to-morrow.

Took into consideration the Resolutions of Appropriation sent up by the Assembly.

ORDERED, To lie on the Table.

Read a Bill, brought in by the Chief Justice, for the better regulation of Licenses to Inns, Taverns, Ale-Houses, and Houses for selling strong Liquors by Retail.

Ordered, To stand for a second reading to-morrow.

Read a second time, the Bill for erecting a Court-House and Gaol in the County of Northumberland.

ORDERED, To stand for a third reading to-morrow.

Read a third time, and passed as amended, the Act to provide for the due notification to the several Town or Parish Officers, &c.

ORDERED, That Mr. Leonard return the same to the Assembly for concurrence.

Read a second time, the Bill to restrain persons from Marriage until their former Wives or Husbands be dead.

RESOLVED, That the further consideration of this Bill be put off for three months.

*Adjourned till To-morrow.*  
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**WEDNESDAY,**

*WEDNESDAY, 26th February, 1812.*

*The Chief Justice in the Chair.*

Read a third time, and passed, the Act for erecting a Court House and Gaol in Northumberland :

The Act to authorize the Justices of the Peace for the County of Charlotte to levy an Assessment :

The Act to alter the Act for the further regulation of Fisheries, as amended:

The Act to provide for the more easy Partition of Lands, as amended :

The Act to authorize the Common Council of the City of Saint John to appoint Constables, as amended.

**ORDERED**, That Mr. Saunders communicate the same to the Assembly.

Read a second time, the Bill to authorize the Justices of the Peace of St. John to levy an additional Assessment : And

The Bill for the better regulation of Licenses to Inns, Taverns, &c.

**ORDERED**, To stand for a third reading on Friday next.

Message from the Assembly requesting a Conference on the subject of the Bill to prevent the encumbering or filling up of Harbours.

**RESOLVED**, That the Council do agree to the Conference proposed ; and that Mr. Leonard and Mr. Chipman be a Committee to manage the same.

**ORDERED**, That Mr. Leonard communicate the same to the Assembly.

The Committee of Conference, upon the Bill more effectually to prevent the encumbering or filling up of Harbours, report sundry objections of the Assembly to the amendments made by the Council to the said Bill. Whereupon—

**RESOLVED**, That the Council do not adhere to those amendments ; and other amendments to the same Bill being moved and agreed to—

**RESOLVED**, That the same Bill, as now amended, do pass.

**ORDERED**, That the Committee of Conference return the same to the Committee of the Assembly.

Read a Bill, from the Assembly, to establish a Winter Road from Bates' Mill Pond through to the River Kennebeckacis, at or near the site of the Old Court House, in Kings' County : And

A Bill to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires within the said City.

Ordered



**ORDERED,** To stand for a second reading on Friday next.

*Adjourned till Friday next.*

.....

**FRIDAY, 28th February, 1812.**

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill to authorize the Justices of the Peace in the City and County of Saint John in their General Sessions, to levy an additional Assessment for the purpose of finishing the Gaol, &c.

**ORDERED,** That Mr. Robinson communicate the same to the Assembly.

Read a Bill, from the Assembly, supplementary to an Act, intituled, "an Act to continue and amend for a limited time, an Act for better regulating the Militia in this Province:" And

A Bill in further addition to an Act, intituled, "an Act for better extinguishing Fires that may happen within the City of Saint John."

**ORDERED,** That these Bills stand for a second reading to-morrow.

Read sundry Resolutions of Appropriation sent up by the Assembly.

**ORDERED,** To lie on the Table.

Read a third time, and passed, the Bill for the better regulation of Licenses to Inns, Taverns, &c.

**ORDERED,** That Mr. Robinson carry the same to the Assembly for concurrence.

Read a second time, and amended, the Bill to establish a Winter Road from Bates' Mill Pond to the Kennebeckacis.

Read a third time, and passed the said Bill, as amended.

Message from the Assembly requesting a Conference on the subject of the Bill to alter and amend the Act for the further regulation of Fisheries.

**RESOLVED,** That the Council do agree to the Conference proposed; and that Colonel Robinson and Judge Chipman be a Committee for the purpose.

**ORDERED,** That Mr. Odell communicate the same to the Assembly.

Message from the Assembly, that they agree to the amendments made by the Council

cil to the Bill to establish a Winter Road from Bates' Mill Pond to the Kennebeckacis.

**RESOLVED**, That the Council do agree to the preparing of a joint address as proposed by the Assembly, in their Resolution sent up on the 24th instant, on the subject of the Executive Administration of the Government of this Province.

**ORDERED**, That Mr. Odell and Mr. Chipman be a Committee, to meet the Committee of the House for that purpose; and that Mr. Odell notify the same to the Assembly.

Message from the Assembly, that they have appointed Mr. Agnew, Mr. Peters, and Mr. Humbert, a Committee, to meet the Committee of the Council in Conference on the Fishery Bill.

*Adjourned till To-morrow.*

.....  
**SATURDAY, 29th February, 1812.**

*The Chief Justice in the Chair.*

Read a second time, the Bill to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John to make regulations for the more effectual prevention of Fires, and amended the same.

**ORDERED**, to stand for a third reading on Monday next.

The Committee of Conference on the Fishery Bill, report, that the Committee of Assembly have stated it as the opinion of the House, that the amendment made by the Council at A, in the second section of the Bill, would be injurious to the Fisheries in the upper parts of the River. Whereupon—

**RESOLVED**, That the Council do not adhere to that amendment.

**ORDERED**, That the Committee of Conference communicate the same to the Committee of the Assembly.

Read a second time, the Bill in further addition to an Act, intituled, "an Act for better extinguishing Fires that may happen within the City of Saint John."

To stand for a third reading on Monday.

Read a second time, the Bill supplementary to the Bill to continue and amend the Act for better regulating the Militia.

**RESOLVED**, That the further consideration of this Bill be put off for three months.

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Took into consideration the several Resolutions of Appropriation sent up by the Assembly.

**RESOLVED**, That the Council do request a Conference with the House on the subject of these Resolutions.

**ORDERED**, That Mr. Saunders communicate this request to the Assembly.

Message from the Assembly requesting the concurrence of the Council in a Resolution, voting the sum of one hundred pounds sterling, and the thanks of the House, to Nathaniel Atchison, Esquire, for his past services.

**ORDERED**, That Mr. Odell inform the House of Assembly that the Council do agree to the same.

Read a Bill, from the Assembly, to make provision for repairing the Aboideau or Bridge across the Marsh Creek in the City and County of Saint John.

To stand for a second reading on Monday.

Message from the Assembly, that they agree to the amendments to the Fishery Bill; and to the Bill authorizing the Common Council of Saint John to appoint Constables.

Message from the Assembly, requesting the concurrence of the Council in the following Resolution :—

“ **RESOLVED**, That in case of actual hostilities with the United States of America, His Honor the President be authorized to draw from the Public Treasury by Warrants, by and with the advice of His Majesty's Council, the sum of ten thousand pounds, to be applied in aid of His Majesty's Government, towards the defence of the Province: And further Resolved, that if it should so happen that the full amount of that sum should not be in the Treasury, when the contemplated emergency may happen, that the President, by and with the advice of the Council as aforesaid, be authorized to raise by Loan whatever sum may happen to be deficient to be hereafter provided for.”

**RESOLVED**, That the Council do agree to the same.

**ORDERED**, That Mr. Robinson notify the same to the Assembly.

*Adjourned till Monday next.*

**MONDAY,**

*MONDAY, 2d March, 1812.*

*The Chief Justice in the Chair.*

Read a third time, and passed as amended, the Bill to authorize the Mayor, Aldermen, and Commonalty of Saint John to make regulations for the more effectual prevention of Fires within the said City: Also,

As amended, the Bill in further addition to an Act for better extinguishing Fires in the City of Saint John.

ORDERED, That Mr. Leonard return the same to the Assembly for concurrence.

Read a Bill, from the Assembly, in amendment of an Act, intituled, "an Act to regulate the Winter Roads in the Counties of York and Sunbury."

Read a second time, and amended, the same Bill.

ORDERED, To stand for a third reading to-morrow.

Read a second time, the Bill to make provision for repairing the Aboideau or Bridge across the Marsh Creek.

RESOLVED, That the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, to encourage the erection of a Passage Boat to be worked by Steam for facilitating the communication between the City of Saint John and Fredericton.

ORDERED, To stand for a second reading to-morrow.

Message from the Assembly, that they agree to the amendments to the Bill to authorize the Mayor, Aldermen, and Commonalty of the City of Saint John to make Regulations for the more effectual prevention of Fires; and to the Bill in further addition to the Act for better extinguishing Fires.

Message from the Assembly with sundry Resolutions of Appropriation.

RESOLVED, That the Council do agree to the same, excepting the last, granting eleven pounds seventeen shillings and two pence, to His Majesty's Attorney General for services rendered to the Province Treasurer and his Deputies.

ORDERED, That Mr. Saunders communicate the same to the Assembly.

The Committee appointed to prepare, with a Committee of the Assembly, a joint address on the subject of the Executive Administration of the Government in this Province, report a draft of an address prepared by the Committee of both Houses, which is read, and is as follows:—

“ TO

“ TO HIS ROYAL HIGHNESS THE PRINCE REGENT.

“ *The Joint and Humble Address of His Majesty’s Council and the House of Assembly of His Majesty’s Province of New-Brunswick, in General Assembly convened.*

“ MAY IT PLEASE YOUR ROYAL HIGHNESS—

“ **T**HE Council and Assembly of His Majesty’s Loyal Province of New-Brunswick, beg leave, with sentiments of the most profound respect, to approach Your Royal Highness, upon a subject deeply interesting to the welfare and prosperity of this Province.

“ They humbly request permission to state for the consideration of Your Royal Highness, that this Province, nearly a wilderness at the close of the war in the year 1783, was at that time, in pursuance of an invitation from His Majesty’s Government, resorted to as an Asylum by its present inhabitants ; for the most part His Majesty’s faithful subjects, who, for their loyalty to His Majesty, and attachment to the British Government, had been compelled to abandon their former places of residence in His Majesty’s Colonies, now forming a part of the United States of America, in order to secure to themselves a continuance of the enjoyment of the British Constitution and Laws.

“ That in the year 1784, His Majesty was most graciously pleased to erect this Province, till then a part of the Province of Nova Scotia, into a separate government, and to appoint General Carleton the Governor thereof ; whose Commission and the Royal Instructions accompanying the same, formed the Constitution, which those inhabitants considered as a Charter of British Privileges effectually secured to themselves and their posterity.

“ That His Majesty was most graciously pleased, at the same time, to appoint a Council for this Province, consisting of twelve persons especially selected by His Majesty for that office, and has been pleased, from time to time, as vacancies have occurred, to fill the same by others, in like manner nominated and appointed to that office by His Majesty’s special Mandamus in that behalf, directed to His Majesty’s Governors and Commanders in Chief of the Province.

“ That His Majesty, in and by the said Commission to the first Governor and Commander in Chief of this Province, under the Great Seal of Great Britain, was most graciously pleased to ordain and declare, ‘ That if, upon the death or absence of the said Governor, there should be no person upon the place, commissioned and appointed by His Majesty to be the Lieutenant Governor or Commander in Chief of his said Province, his royal will and pleasure was, that the eldest Councillor who should be, at the time of the death or absence of the said Governor, residing within his said Province, should take upon himself the administration of the said Government, and execute His Majesty’s said Commission and Instructions, and the several Powers and Authorities therein contained, in the same manner, and to all intents and purposes, as any other, His Majesty’s Governor or Commander-in-Chief, should or ought to do, in case of the said Governor’s absence, until his return, or in all cases until His Majesty’s further pleasure should be known therein.’

“ That, by the tenor and true meaning of the said Commission, the Inhabitants of this Province did conceive, that they and their posterity, would continue to be governed  
by

by Persons who should be especially selected, nominated, and appointed by His Majesty, as entitled to his Royal favour in that behalf, and consequently, to the affection and confidence of His Majesty's loyal subjects in this Province.

“ That upon the appointment of Lord Dorchester to be Governor General and Commander-in-Chief of this and of His Majesty's other British North American Provinces, in the year 1786, His Majesty was most graciously pleased, in and by his royal commission, under the Great Seal of Great Britain, to the said Governor General, further to ordain and declare, that, ‘ as it might happen in case of the death, absence, or removal of His Majesty's Lieutenant Governor of the said Province, the succession of the eldest Councillor to the Administration of the Government thereof, might not be for the good of His Majesty's service, and the welfare of His Majesty's said Province, His Majesty was graciously pleased to authorize and empower the said Governor General in case of such death, absence, or removal, if it should appear to him that it would not be expedient for the eldest Councillor in succession to administer the Government, to nominate and appoint by a Commission under the Great Seal of His Majesty's said Province of New Brunswick, the said Governor General being himself at the time of such appointment personally present in the said Province, any Member of His Majesty's Council for the said Province, whom the said Governor General should judge to be the most proper and fitting to be His Majesty's Lieutenant Governor thereof, until His Majesty's Royal pleasure thereupon should be known; and that the said Governor General should transmit to His Majesty, by the first opportunity, through one of His Majesty's principal Secretaries of State, his reasons for such appointment;’ thus guarding against any improvident succession to the Administration, even among those who had been selected by His Majesty as worthy of that confidence in a regular course of succession.

“ That the inhabitants of this Province being thus encouraged by a security in the enjoyment of the Constitution originally granted to them, in and by His Majesty's Royal Commission and Instructions to the Governors thereof, the said Province has grown and flourished beyond all former example, and has become a very valuable appendage to the British Empire; being reduced from a wilderness to a state of great actual and progressive cultivation; being next in point of importance to His Majesty's Province of Lower Canada, in the supply of Masts, Spars, and other timber for the Royal Navy, and for the use of His Majesty's Subjects in Great Britain and Ireland; and being, from its various concerns in ship-building, navigation, and the fisheries, no inconsiderable nursery for Seamen: an object at all times of so great national importance.

“ That His Majesty was most graciously pleased, in and by His Royal Instruction in that behalf given, on the 28th day of January, 1808, during the absence of General Carleton, before named, His Majesty's Lieutenant Governor and Commander-in-Chief of this Province, to nominate and appoint Major General Hunter to be the President of the Council of the said Province, and as such to take upon himself the Administration of the Government thereof; which appointment has merited and received the grateful acknowledgements of His Majesty's loyal Subjects in this Province, expressed by the unanimous voice of their Representatives in General Assembly; and from whose continuance in the Administration of this Government the highest satisfaction would be derived

derived to the Inhabitants, from the uniform experience they have had of his zeal for the honour of His Majesty's service, and for the safety and prosperity of the Province.

“ But, may it please Your Royal Highness to permit the Council and Assembly, on this occasion, with all humility, and with the deepest regret and concern, on behalf of His Majesty's loyal and faithful subjects the inhabitants of this Province, to express the sense they entertain of the consequences which they apprehend may flow from that part of the Royal Instruction last mentioned, by which, in the absence of General Hunter, *the Officer commanding His Majesty's Forces in this Province for the time being*, is to succeed him, as President of the Council, in the Administration of the Government; as, from such an arrangement, there may, in the vicissitudes of military service, and the ordinary casualties by death, within very short periods, be a succession of persons invested with the Administration of this Government, altogether unknown to His Majesty and His Ministers, and to whom, His Majesty's loyal subjects in this Province could not, with any degree of confidence, look up, for such an Administration of the Government, as they might safely rely upon, in case of the special appointment of any particular person thereto by His Majesty, or of its devolving upon any person, nominated and appointed by His Majesty, as worthy of succeeding eventually thereto, agreeably to the original Constitution of the Government of the Province.

“ Impelled by the foregoing considerations, the Council and Assembly, for themselves and their fellow subjects, the inhabitants of this Province, beg leave to lay this Address at the feet of Your Royal Highness; and most humbly to pray, that such part of the Royal Instruction last mentioned, as renders the succession to the Administration of this Government precarious and contingent, by limiting the same, in the absence of Major General Hunter, to the person who may happen to command any portion of His Majesty's Forces that may from time to time remain in the Province, without the approbation of His Majesty specially had of the person who may thus succeed thereto, may be revised, and such other Instruction given, instead thereof, as to Your Royal Highness in your wisdom shall seem meet.”

ORDERED, That the said Report be accepted.

Read report of the Committee of Conference on the Resolutions of Appropriation. Whereupon—

RESOLVED, That the objections of the Council to those Resolutions are thereby removed.

ORDERED, That Mr. Leonard communicate the same to the Assembly.

*Adjourned till To-morrow.*

*TUESDAY, 3d March, 1812.*

*The Chief Justice in the Chair.*

Read a third time, and passed, the Bill to alter and amend an Act to regulate Winter Roads, as amended.

ORDERED, That Mr. Robinson return the same to the Assembly for concurrence.

Read, as engrossed, the Joint Address prepared by the Committee of the Council and Assembly.

RESOLVED, That the Council do agree thereto, and that His Honor the President be requested to transmit the same, to be laid before His Royal Highness.

ORDERED, That Mr. Odell carry the same to the Assembly for concurrence.

Read a Bill, from the Assembly, more effectually to provide for the public registering of all Marriages solemnized within this Province.

ORDERED, That this Bill stand for a second reading to-morrow.

Message from the Assembly requesting a Conference with the Council, on the subject of the Resolution granting eleven pounds seventeen and two pence to the Attorney General.

RESOLVED, That the Council do agree to the Conference proposed; and that Mr. Odell and Judge Saunders be a Committee to manage the same.

ORDERED, That Mr. Saunders communicate the same to the Assembly.

RESOLVED, That the Council do request a Conference with the Assembly upon the subject of the Steam-Boat Bill.

ORDERED, That Mr. Winslow communicate the same to the Assembly.

Message from the Assembly, that they have appointed Mr. Robinson and Mr. Campbell to manage the Conference on the Resolution respecting the allowance to the Attorney General.

Upon the report of the Committee of Conference on the Resolution respecting the allowance to the Attorney General—

RESOLVED, That the Council will agree to the Resolution, provided the account exhibited, be stated so that the Guinea shall be rated at its legal value of one pound three and four pence.

ORDERED, That the Committee of Conference communicate the same to the Committee of the Assembly.

Message



Message from the Assembly, that they agree to the Conference requested on the Steam Boat Bill; and have appointed Mr. James Fraser, Mr. William Pagan, and Mr. Johnston, a Committee, to manage the same.

ORDERED, That Mr. Chipman and Mr. Leonard be a Committee to meet the Committee of the Assembly.

ORDERED, That Mr. Sproule communicate the same to the Assembly.

Message from the Assembly, that they agree to the amendments to the Winter Road Bill.

Message from the Assembly, that they agree to the joint address to His Royal Highness the Prince Regent; and in the request that His Honor the President will transmit the same.

*Adjourned till To-morrow.*

.....  
**WEDNESDAY, 4th March, 1812.**

*The Chief Justice in the Chair.*

Message from the Assembly with sundry Resolutions of Appropriations.

RESOLVED, That the Council do agree to the same; and that Mr. Robinson communicate the same to the Assembly.

Read a Bill, from the Assembly, to provide for opening and improving Roads, and erecting Bridges throughout the Province.

ORDERED, to stand for a second reading to-morrow.

Read report of the Committee of Conference on the Steam Boat Bill. Whereupon—

Read the said Bill a second time, and amended the same.

ORDERED, To stand for a third reading to-morrow.

Read a Bill, from the Assembly, to appropriate a sum of Money as an aid to His Majesty in the defence of the Province.

ORDERED, To stand for a second reading to-morrow.

Read a second time, the Bill more effectually to provide for the public registering of Marriages.

To stand for a third reading to-morrow.

*Adjourned till To-morrow.*

**THURSDAY,**

*THURSDAY, 5th March, 1812.*

*The Chief Justice in the Chair.*

**RESOLVED**, That the Council will request a Conference with the Assembly, on the Bill to provide for registering Marriages.

**ORDERED**, That Mr. Saunders communicate the same to the Assembly.

Message from the Assembly, that they agree to the Conference proposed by the Council on the Marriage Registry Bill; and have appointed Mr. Attorney General and Mr. Agnew a Committee to manage the same.

**ORDERED**, That Mr. Chipman be a Committee to meet the Committee of the Assembly.

Read a third time, and passed as amended, the Bill to encourage the erection of a Passage Boat to be worked by steam.

**ORDERED**, That Mr. Robinson return the same to the Assembly for concurrence.

Message from the Assembly, that they have agreed to the Bill in amendment of the Partition Law, with amendments.

Read the said Bill as amended: And

**RESOLVED**, That the Council do request a Conference with the Assembly, on the subject of these amendments.

**ORDERED**, That Mr. Robinson communicate the same to the Assembly.

Read a Bill, from the Assembly, in amendment of, and in addition to an Act against the Profanation of the Lord's Day.

**RESOLVED**, That the further consideration of this Bill be put off for three months.

Message from the Assembly, that they agree to the amendments to the Steam Boat Bill.

Upon Report of the Committee of Conference on the Bill to provide for the registering of Marriages—

Read a third time and passed the same Bill.

**ORDERED**, That Mr. Sproule notify the same to the Assembly.

Read and agreed to the Resolutions, sent up yesterday by the Assembly, for imposing duties on certain articles imported from the United States.

**ORDERED**, That Mr. Leonard notify the same to the Assembly.

Read

Read a second time, the Bill to appropriate a sum of Money, as an aid to His Majesty, in the defence of the Province.

Read a third time, and passed, the same Bill.

Read a third time, and passed, the Bill for opening and improving Roads and erecting Bridges.

ORDERED, That Mr. Saunders communicate the same to the Assembly.

Message from the Assembly, with a Resolution requesting His Honor the President, to direct a suitable Monument to be erected to the Memory of the late Major General Balfour.

RESOLVED, That the Council do agree to the same.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Message from the Assembly, that they agree to the Conference proposed on the amendments to the Partition Bill; and have appointed Mr. Attorney General and Mr. Street a Committee for the purpose.

ORDERED, That Mr. Chipman be a Committee to meet the Committee of the Assembly, and that he notify his appointment.

Upon Report of the Committee of Conference upon the amendments to the Partition Bill—

RESOLVED, That the Council do agree to those amendments.

ORDERED, That Mr. Chipman notify the same to the Assembly.

*Adjourned till To-morrow.*

.....  
*FRIDAY, 6th March, 1812.*

*The Chief Justice in the Chair.*

Read a Bill, from the Assembly, to provide for the payment of the Ordinary Services of the Province.

ORDERED, To be now read a second time.

Read a second time the said Bill.

Read a Bill, from the Assembly, supplementary to the Acts now in force for the public registering of Deeds &c.

ORDERED, To be now read a second time.

Read

Read a second time, and amended the same Bill.

Read a third time, and passed the same Bill, as amended.

ORDERED, That Judge Chipman return the same to the Assembly for concurrence.

Read a Bill, from the Assembly, to declare a Creek in the County of Sunbury commonly called Simonds' Creek a Public Highway.

Read the same Bill a second time.

RESOLVED, That the further consideration of this Bill be put off for three months.

Read a third time, and passed, the Bill to provide for the payment of the Ordinary Services.

Read a first, second, and third time, a Bill, from the Assembly, to impose a duty on certain articles imported into this Province, and passed the same.

ORDERED, That Mr. Robinson inform the House of Assembly that the Council have concurred in passing these Bills.

Message from the Assembly, that they agree to the amendments to the Bill supplementary to the Registry Act.

RESOLVED, That Mr. Odell and Mr. Chipman be a Committee, with such Committee as the House of Assembly shall appoint, to wait upon His Honor the President, and request that he will be pleased to transmit the joint address of the Council and Assembly, to be laid before His Royal Highness the Prince Regent.

Message from the Assembly, with a Resolution requesting His Honor the President will be pleased to direct a suitable monument to be erected in Christ's Church in Fredericton, to the memory of the late President Ludlow.

RESOLVED, That the Council do agree to the same.

ORDERED, That Mr. Saunders notify the same to the Assembly; and that Mr. Odell and Mr. Chipman be a Committee to join the Committee of the Assembly to present the Address.

*Adjourned till To-morrow.*

**SATURDAY,**

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*SATURDAY, 7th March, 1812.*

His Honor the President came to the Council Chamber, and commanded the attendance of the House of Assembly; who attended accordingly, when His Honor gave his assent to the following Bills, viz:—

- A Bill to appropriate a sum of Money as an aid to His Majesty in the defence of the Province.
- A Bill to impose a duty on certain articles imported into this Province.
- A Bill to provide for payment of the Ordinary Services of the Province.
- A Bill to Provide for opening and improving Roads, and erecting Bridges throughout the Province.
- A Bill to authorize the Justices of the Peace for the Counties of York and Charlotte respectively, to regulate the Assize of Bread in the Towns of Fredericton and Saint Andrews.
- A Bill to amend, and continue for a limited time, an Act, intituled, “an Act for better regulating the Militia in the Province.”
- A Bill for erecting a Court House and Gaol in the County of Northumberland.
- A Bill to authorize the Justices of the Peace for the County of Charlotte to levy an Assessment for paying off the County Debt, and for finishing and completing the County Gaol and Court House lately erected there.
- A Bill to authorize the Common Council of the City of Saint John to appoint Constables, for such Wards of the City as shall omit to choose the same.
- A Bill more effectually to prevent the encumbering or filling up of Harbours, and to authorize the appointment of Harbour Masters.
- A Bill to authorize the Justices of the Peace in the City and County of Saint John, in their General Sessions, to levy an additional Assessment for the purpose of finishing the Gaol of the said City and County, and to discharge the debt already contracted in adding to the said Gaol.
- A Bill to establish a Winter Road from Bates' Mill Road to the River Kennebeckacis, at or near the site of the old Court House in King's County.
- A Bill to alter and amend an Act, intituled, “an Act for the further regulation of fisheries, and for preventing their decay.
- A Bill authorizing the Mayor, Aldermen, and Commonalty of the City of Saint John to make regulations for the more effectual prevention of fires within the said City.
- A Bill in further addition to an Act, intituled, “an Act for better extinguishing Fires that may happen within the City of Saint John.”

A Bill in amendment of an Act, made and passed in the forty-fifth year of His Majesty's Reign, intituled, "an Act to regulate the Winter Roads in the Counties of York and Sunbury."

A Bill to amend an Act, intituled, "an Act to provide for the more easy partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common."

A Bill supplementary to the Acts now in force for the public Registering of Deeds, Conveyances, and Wills, and other encumbrances of, or that may affect, any Lands, Tenements, or Hereditaments within this Province, and for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower.

A Bill more effectually to provide for the public registering of all Marriages solemnized within this Province.

A Bill to encourage the erection of a Passage Boat, to be worked by steam, for facilitating the communication between the City of Saint John and Fredericton.

His Honor then closed the Session by the following Speech to both Houses :—

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

"**T**HE business before you being now finished, and your longer attendance here at present unnecessary, I gladly embrace the occasion, to testify the just and high sense which I entertain of your zeal for His Majesty's service, and for the safety and prosperity of this Province. You have fully justified the sanguine expectations with which, at this time, I met you in General Assembly. The proceedings of this Session will reflect a lasting honor upon the Legislature of New-Brunswick; nor can there be a doubt that they will be justly appreciated by His Majesty's Ministers, and by all those inhabitants of the country, who, from their loyalty to His Majesty and attachment to his Government, have an immediate interest in the success of your endeavors to secure and promote the public welfare."

The Chief Justice then, by the President's command, declared the General Assembly to be prorogued to the second Tuesday in June next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

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**THIRD SESSION OF THE FIFTH GENERAL ASSEMBLY.**

**ANNO QUINQUAGESIMO TERTIO GEORGH TERTII REGIS.**

**MAJOR GENERAL GEORGE TRACEY SMYTH, PRESIDENT AND COMMANDER-IN-CHIEF.**

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**AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.**

**COUNCIL CHAMBER, Tuesday, 12th January, 1818.**

The General Assembly having been prorogued to this day, the Council met, and, by command of His Honor the President,

*Adjourned till To-morrow.*

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**WEDNESDAY, 13th January, 1818.**

His Honor the President came to the Council Chamber, and, by Message, commanded the attendance of the House of Assembly.

The House attended accordingly, when the Chief Justice, by the President's command, directed them to return and choose a fit person to be their Speaker, in the room of Amos Botsford, Esquire, deceased, and to present the person so chosen to His Honor for his approbation to-morrow at twelve o'clock.

His Honor having retired—

*Adjourned till To-morrow.*

.....

THURSDAY, 14th January, 1813.

His Honor the President came to the Council Chamber, and commanded the attendance of the House of Assembly; who attended accordingly, and presented John Robinson, Esquire, as their Speaker elect; who being approved by the President, His Honor opened the Session by a speech to both Houses.

The House of Assembly having retired, and His Honor having withdrawn, the Chief Justice reported a copy of the President's Speech which was read as follows:—

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

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

*“ Gentlemen of the Assembly,*

“ Sundry expenses have been necessarily incurred towards the defence of the Province, of which a particular account, together with the Treasurer's Accounts, and such other papers as may be necessary for your information, shall be laid before you; and I have the fullest confidence in your zeal and readiness, as far as the means in your power will enable you, to make provision for the public exigencies. I have thought it expedient, for the present, to withhold the warrants for such of the appropriations for Roads, and some other services, as had not been drawn from the Treasury previous to the Declaration of War, excepting in some few instances where the services had been actually performed, or where they appeared to be indispensably necessary.

*“ Gentlemen,*



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

“ The Act passed the last Session, for granting an aid to His Majesty, towards the defence of the Province, has been laid before His Royal Highness the Prince Regent, who has expressed the most lively satisfaction in witnessing your readiness to contribute in aid of those exertions which His Royal Highness will make in defence of His Majesty's Provinces, and his confidence in your liberality and in the known courage and determined spirit of resistance of the loyal inhabitants of New-Brunswick. A copy of the Letter, written by command of His Royal Highness upon this occasion, shall be laid before you.

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

ORDERED, That Mr. Winslow and Mr. Odell be a Committee to prepare an Address in answer to the Speech.

*Adjourned till To-morrow.*

FRIDAY, 15th January, 1813.

*The Chief Justice in the Chair.*

The Committee appointed to prepare an Address in answer to the Speech, reported a draught which was read and approved, and is as follows:—

“ *To His Honor Major General George Stracey Smyth, President and Commander in Chief of the Province of New Brunswick, &c. &c. &c.*

“ THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

“ SIR,

“ **W**E thank your Honor for your Speech at the opening of this Session, and while we lament the infatuation of our neighbours, who mistaking their own true interests, have been induced, by declaring War, to lend their assistance to that spirit of tyranny and universal dominion which Great Britain has so long gloriously resisted, we feel the necessity imposed upon all classes of His Majesty's subjects in this Province, vigorously to exert themselves in discharge of their duty on this great occasion; and we shall heartily concur in such additions and amendments to the Militia Law, as may  
be

be requisite to enable your Honor, most effectually to employ the Force intrusted to your command, for the safety and preservation of this Colony.

“ We receive, with dutiful and grateful acknowledgements, the gracious expressions, of His Royal Highness the Prince Regent, of satisfaction in witnessing the readiness of the Legislature to contribute in aid of those exertions which His Royal Highness will make in defence of His Majesty’s Provinces, and of his confidence in the liberality and courage of the Inhabitants of New-Brunswick ; and we thank your Honor for directing a copy of the Letter, written by command of His Royal Highness on this occasion, to be laid before us.

“ We receive, with great satisfaction, your Honor’s congratulations, on the signal successes which have hitherto attended His Majesty’s Arms in repelling the attempts which have been made by the Enemy in the Canadas, in which contests the Militia have borne a conspicuous part ; and we confidently trust that, whenever the occasion may require, the brave and loyal Militia of this Province, under your Honor’s auspicious command, will emulate this noble example, and discharge their duty with equal zeal ; and we hope with equal success.”

ORDERED, That Mr. Odell wait upon His Honor the President, to know when he will receive the Address of the Council.

Mr. Odell reports, that His Honor will receive the Address of the Council on Monday next.

*Adjourned till Monday next.*

.....  
**MONDAY, 18th January, 1813.**

*Met, and Adjourned to wait on the President, and to meet again To-morrow.*

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TUESDAY, 19th January, 1813.

The Chief Justice in the Chair.

The Chief Justice reported, that the Council had yesterday presented their Address to the President, in answer to the Speech, to which His Honor had been pleased to return the following answer :—

“ *Gentlemen,*

“ **I** THANK you for this Address, and with pleasure, embrace the opportunity to testify my confidence in the warmth of your attachment to His Majesty’s Government, and zeal for the public welfare.”

Message

Message from His Honorable President, as follows :—

New-Brunswick.

“MESSAGE TO HIS MAJESTY'S COUNCIL.

“19th JANUARY, 1813.

“G. S. SMYTH.

“**T**HE President recommends to His Majesty's Council, the making of provision for impressing Horses, Carriages, and Boats for the use of the King's Troops, whenever it may be necessary for them to move; and also for billeting Soldiers on a march, and for conveying them across Ferries.

“He also recommends it to the Council, to extend to this Province a provision, which has been adopted in England, for receiving Soldiers, who may be sentenced to confinement by a Court Martial, into the County Gaols.

“G. S. S.”

Adjourned till Thursday next.

.....

THURSDAY, 21st January, 1813.

The Chief Justice in the Chair.

The Secretary communicated to the Council a Copy of Message from the President to the House of Assembly, as follows :—

New-Brunswick.

“MESSAGE TO THE HOUSE OF ASSEMBLY.

“21st JANUARY, 1813.

“G. S. SMYTH.

“**T**HE President informs the House of Assembly, that His Majesty's Ministers have declined employing the Sloop Brunswicker on the part of His Majesty's Government; and he therefore directs to be laid before the House an Estimate of the Expense which will be requisite to equip her properly for Sea; and submits it to the consideration of the House, whether it be expedient to continue her on service at the expense of the Province.

“G. S. S.”

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 2d January, 1813.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, for annexing small Settlements in the County of Charlotte, made without the limits of any Town or Parish, to the next and nearest adjacent Town or Parish to which any such Settlement may be.

ORDERED, That this Bill stand for a second reading to-morrow.

Adjourned till To-morrow.

SATURDAY, 23d January, 1813.

The Chief Justice in the Chair.

Read a second time, the Bill for annexing small Settlements in the County of Charlotte, made without the limits of any Town or Parish, to the next and nearest adjacent Town or Parish to which any such Settlement may be.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, for the more effectual prevention of Desertion from His Majesty's Navy.

To stand for a second reading on Monday.

Adjourned till Monday next.

MONDAY, 25th January, 1813.

The Chief Justice in the Chair.

Read a second time, the Bill for more effectual prevention of Desertion from His Majesty's Navy.

ORDERED, to be committed to Judge Chipman and Mr. Sproule.

Judge Chipman reports the said Bill with amendments, which are read, and the Bill, as amended—

ORDERED, To stand for a third reading to-morrow.

Adjourned till To-morrow.

TUESDAY,

TUESDAY, 26th January, 1813.

The Chief Justice in the Chair.

Read a third time, and passed as amended, the Bill for the better prevention of Desertion from His Majesty's Navy.

ORDERED, That Mr. Saunders return the same to the Assembly for concurrence.

Adjourned till To-morrow.

.....

WEDNESDAY, 27th January, 1813.

The Chief Justice in the Chair.

Message from the Assembly requesting a Conference with the Council on the Navy Deserter Bill.

RESOLVED, That the Council do agree to the Conference proposed; and that Mr. Odell and Mr. Chipman be a Committee to manage the same.

Read a Bill, from the Assembly, to enlarge the limits of the Parish of St. Stephen, in the County of Charlotte.

To stand for a second reading to-morrow.

Adjourned till To-morrow.

.....

THURSDAY, 28th January, 1813.

The Chief Justice in the Chair.

Read a second time, the Bill to enlarge the limits of the Parish of Saint Stephen.

ORDERED, To stand for a third reading to-morrow.

Message from the Assembly, that they have appointed Mr. Attorney General, Mr. Leonard, and Mr. Agnew, a Committee, to manage the Conference, on the part of the House, on the subject of the Navy Deserter Bill.

Adjourned till To-morrow.

FRIDAY.

FRIDAY, 29th January, 1813.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill to enlarge the limits of the Parish of Saint Stephen in the County of Charlotte.

ORDERED, That Mr. Sproule communicate the same to the Assembly.

Adjourned till Monday next.

MONDAY, 1st February, 1813.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to provide for the confinement of non-commissioned Officers and Soldiers of His Majesty's Forces under sentence of Courts Martial.

ORDERED, To stand for a second reading on Wednesday next.

Message from the Assembly requesting the concurrence of the Council in the following Resolution, viz :—

“RESOLVED, unanimously, that the sum of one hundred pounds be vested in the hands of His Honor the President, to be expended by such persons as His Honor shall be pleased to appoint, in procuring certain necessary articles of provisions and clothing, for the immediate relief of the wants of the native Indians of the Melicite Tribe, at the present inclement season of the year.”

RESOLVED, That the Council do concur with the same.

ORDERED, That Mr. Robinson communicate the same to the Assembly.

The Committee of Conference on the Navy Deserter Bill, reported, that they had met the Committee of the Assembly who had stated to them—

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

“The house object to the amendment proposed under No. 1, because they conceive the words ‘*slop clothes,*’ are definite, and, when applied to Seamen, as well understood as the term ‘*Soldiers necessaries,*’ when applied to a Soldier; and because the substitution of the words ‘*clothing or slops,*’ would (so far as regards the first of those words)

words) be going beyond the intention of the House in passing the Bill; and with respect to the second of those words, the adoption and use of it, disjoined from the word clothing, would, from its general import and signification, render that provision of the Law nugatory, or subject persons to a penalty who are wholly without the scope or design of the Bill.

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

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

“The House likewise object to the amendment proposed under No. 9, because the insertion of the words ‘*proprietor or occupant*’ in place of the words ‘*master or mistress,*’ in many instances might subject an innocent person to the penalty imposed by the Bill; as it frequently happens that the proprietor and occupant of a dwelling or out house are different persons, and the proposed amendment (the words being in the alternative) would give the prosecutor his option which to proceed against for the Penalty: and for the like reasons the House cannot assent to the amendment proposed under No. 15.

“The House conceive that the amendments proposed by the Council, under Nos. 11 and 12, are wholly unnecessary; and that the words ‘*in the night time,*’ as they stand in the section of the sentence alluded to by the Council, govern every subsequent member thereof, and that the sense and grammatical construction thereof will not be improved by the proposed transposition.

“The House object also to the amendments proposed under No. 14, because they are of opinion that the use of the present tense in the section of the sentence alluded to, is warranted by strict rules of grammar, and that adopting the future tense would weaken the strength and beauty of the language, if not render it incorrect.

“The officer must on oath declare that he has good cause to believe and does believe that a deserter *is* concealed, the magistrate or officer goes to the place where such deserter is concealed, and not where such deserter *shall be* concealed at some future period of time after the information given.

“The House cannot adopt the amendment proposed under Nos. 16 and 19, as they conceive it would be unconstitutional to keep a man, circumstanced as any person may be when apprehended under this Bill, in confinement without bail or mainprize for the space of thirty days, in order to give time for the production of evidence which the prosecutor ought to be prepared to produce forthwith.

“The House object to the amendment proposed under No. 17, for similar reasons as those expressed in their objection to the amendment proposed under No. 14.

“The House presume the Council will withdraw the amendment proposed under No. 18, when by a careful perusal of the Bill it will be found that the word ‘*when*’ has been misread for the word ‘*where.*’

“The

“The House cannot assent to the amendment proposed under No. 20, because the words, ‘*all keepers of Gaols,*’ are the precise words made use of by the Parliament of Great Britain in the mutiny Act; a standard the House holds in high estimation, and to which they are of opinion they may appeal with confidence.

“The amendments proposed under Nos. 22, and 23, the House conceive will be found to be erroneous, on reference to the first section of the first Act of the Province of New-Brunswick, by which it is provided, that a certain district of the Province shall ‘*be called known and distinguished*’ by the name of ‘*the City and County of Saint John.*’”

Adjourned till To-morrow.

.....

TUESDAY, 2d February, 1813.

The Chief Justice in the Chair.

RESOLVED, That to the statements made, on the part of the House of Assembly, in Conference on the Navy Deserter Bill, the Committee on the part of the Council are instructed to answer as follows:—

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

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

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

4th. The Council is persuaded that the House of Assembly, on re-considering the objection stated against the amendments Nos. 9 and 15, will perceive it to be unfounded. The Bill here inflicts no penalty, but simply authorizes the proper officer, in search of a Deserter, to enter any dwelling house or other building, notwithstanding the refusal of the respective Proprietor or Occupant.

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

“6th.

“6th. To the objection against the proposed amendments, No. 16 and 19, the Committee is instructed to answer,—That some limitation of time is in both places indispensably necessary ; but the Council will not insist on the limitation of thirty days.

“7th. The Council do not adhere to the amendment No. 20, in which the substitution of the words ‘*the Gaolers,*’ for ‘all Keepers of Gaols,’ was not intended.

“8th. The Council adhere to the amendments Nos. 22 and 23, because the Act referred to in the objection, ordains that the first County therein described shall be known and distinguished by the name of the City and County of Saint John.

“9th. The Council further find it their duty here to remark, that, on a deliberate review of this Bill, they perceive that the following additional amendments, which are evidently necessary, have escaped the notice of both Houses, and are, therefore, now proposed to the consideration of the House of Assembly, viz :—At A. Sect. I, insert ‘shall;’ at B. dele ‘such,’ and at C. insert ‘from any of His Majesty’s Ships of War;’ at D. Sect. II dele ‘any,’ and insert ‘the;’ at E, Sect. IV. dele the words ‘or their.’”

Read a Bill, from the Assembly, to repeal an Act, intituled, “an Act to encourage the erection of a Passage Boat, to be worked by steam, for facilitating the communication between the City of Saint John and Fredericton,” and to relieve the persons named in the same Act from the penalty of a Bond given by them to His Majesty, in pursuance of the provisions of the same Act: and

A Bill in amendment of, and in addition to an Act, intituled, “an Act for transferring to, and vesting in the Crown such Lands and Tenements of any Person or Body Politic, on which it may be judged suitable and necessary to erect fortifications, or which may be wanted for other uses of War and Defence, and for ascertaining the value, and making compensation for the same to the former owners.”

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

.....

WEDNESDAY, 3d February, 1813.

The Chief Justice in the Chair.

Read a second time, the Bill to provide for confinement of non-commissioned Officers and Soldiers, &c.

ORDERED, That this Bill be committed to Judge Saunders.

Read a second time, and amended, the Bill to repeal the Act to encourage the erection of a Boat to be worked by Steam.

ORDERED, To stand for a third reading to-morrow.

Read a second time, and amended, the Bill in amendment of, and in addition to an Act for transferring to, and vesting in the Crown such Lands and Tenements, &c.

To

To stand for a third reading to-morrow.

Adjourned till To-morrow.

THURSDAY, 4th February, 1813.

Read a third time, and passed as amended, the Bill to alter and extend the provisions of an Act, intituled, an Act to encourage the erection of a Boat to be worked by Steam, &c : And

The Bill in amendment of, and in addition to an Act, intituled, an Act for transferring to, and vesting in the Crown such Lands and Tenements of any Person or Body Politic, &c.

ORDERED, That Mr. Saunders return the same to the Assembly for concurrence.

Adjourned till To-morrow.

FRIDAY, 5th February 1813.

The Chief Justice in the Chair.

Message from the Assembly, that they concur with the Council in the amendments to the Steam Boat Bill ; and to the Bill for revesting in the Crown, Lands and Tenements, &c.

Adjourned till To-morrow.

SATURDAY, 6th February, 1813.

The Chief Justice in the Chair.

Resumed the consideration of the Bill to provide for the confinement of non-commissioned Officers and Soldiers, &c.

On motion—Resolved, That the further consideration of this Bill be put off for three months.

Adjourned till Monday next.

MONDAY,

MONDAY, 8th February, 1813.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to provide for the accommodation and billeting of His Majesty's Troops and the Militia when on a march.

ORDERED, To stand for a second reading To-morrow; and that the Members of the Board be all summoned to attend.

Read sundry Resolutions of appropriation sent up by the Assembly.

ORDERED, To lie on the Table.

Adjourned till To-morrow.

TUESDAY, 9th February, 1813.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, for laying a duty upon goods imported into this Province by non-residents: And

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

To stand for a second reading to-morrow.

Read a Bill, from the Assembly, for regulating the Militia: And

A Bill to provide for the issuing Treasury Notes in aid of the public service.

To stand for a second reading to-morrow.

RESOLVED, That the further consideration of the Bill for billeting Troops, be put off till to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 10th February, 1813.

The Chief Justice in the Chair.

Read a second time, the Bill for laying a duty upon goods imported into this Province by non-residents.

On motion that the further consideration of this Bill be put off for three months—
Resolved, in the negative.

ORDERED,

ORDERED, To be further considered to-morrow.

Read a second time, the Bill for laying additional duties on certain articles.

On motion—Resolved, that the same be now read a third time.

Read a third time, and passed, the same Bill.

ORDERED, That Mr. Leonard communicate the same to the Assembly.

Read a second time, the Bill to provide for the issuing Treasury Notes.

RESOLVED, That the further consideration of this Bill be put off for three months.

Read a second time, and amended, the Bill to provide for the accommodation and billeting of Troops, &c.

To stand for a third reading to-morrow.

Adjourned till To-morrow.

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**THURSDAY, 11th February, 1813.**

*The Chief Justice in the Chair.*

Read a third time, and passed as amended, the Bill to provide for the accommodation and billeting of Troops, &c.

Resumed the consideration of the Bill for laying a duty on goods imported by non-residents, and amended the same.

On motion—Resolved, that the same be now read a third time.

Read a third time, and passed the said Bill, as amended.

ORDERED, That Mr. Chipman communicate the same to the Assembly.

Took into consideration the Resolutions of Supply sent up by the Assembly.

RESOLVED, That the Council do request a Conference with the Assembly on the subject of these Resolutions.

ORDERED, That Mr. Chipman communicate the same to the Assembly.

Took into consideration the Militia Bill.

**RESOLVED,**

**RESOLVED**, That the Council do request a Conference with the Assembly on the subject of this Bill.

**ORDERED**, That Mr. Robinson communicate the same to the Assembly.

Message from the Assembly, that they agree to the Conference proposed on the Militia Bill ; and have appointed the Attorney General, Mr. Ward, and Mr. P. Fraser, a Committee, to manage the same.

Message from the Assembly, that they agree to the Conference proposed on the Resolutions of Supply ; and have appointed Mr. R. Pagan, Mr. Agnew, and Mr. Leonard, a Committee, to manage the same.

**RESOLVED**, That Judge Chipman and General Coffin, be a Committee, to meet the Committee of the Assembly, in Conference on the militia Bill ; and that they be instructed to state—

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

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

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

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

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

**ORDERED**, That Mr. Chipman notify this appointment to the Assembly.

**RESOLVED**, That Mr. Odell and Mr. Robinson be a Committee, to meet the Committee of the Assembly in Conference on the Resolutions of Supply ; and that they be instructed to state—

“ 1st. That the Council agree to all the Resolutions, excepting the Resolution granting an allowance to Charles I. Peters, Esq. as *Solicitor to the House of Assembly*.

|                                                                            |                                                                                 |    |       |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------|----|-------|
| "2d. To the following items in the account of Jacob S. Mott, No. 4, viz :— |                                                                                 |    |       |
| 1812.                                                                      |                                                                                 | £. | s. d. |
| April, 13.                                                                 | Advertising the whole of the Acts of Assembly by order of the Attorney General, | 10 | 0 : 0 |
| May, 2.                                                                    | Printing six quires Marriage Certificates, at 10s.                              | 3  | 0 : 0 |
| 12.                                                                        | 8 Royal Gazettes delivered the Attorney General, at 6d.                         | 0  | 4 : 0 |

"To the first of the Resolutions here specified, the Council object, because the office of Solicitor to either House in General Assembly is unknown and unprecedented, and, in the opinion of the Council, unnecessary. The Council however will not dissent to the allowance in question, if made expressly for services performed by Mr. Peters by direction of the Assembly.

"To the above mentioned Items in Mr. Mott's account, because these are charges for services not duly authorized."

ORDERED, That Mr. Robinson notify this appointment to the House of Assembly.

*Adjourned till To-morrow.*

FRIDAY, 12th February, 1813.

*The Chief Justice in the Chair.*

Message from the Assembly requesting a Conference on the subject of the amendments to the Billeting Bill.

RESOLVED, That the Council do agree to the Conference proposed ; and that Judge Saunders and Judge Chipman be a Committee to manage the same.

ORDERED, That Judge Saunders notify the same to the Assembly.

Read a Bill, from the Assembly, in further addition to an Act to regulate the Terms of the sittings of the Inferior Courts of Common Pleas in this Province.

To stand for a second reading to-morrow.

Message from the Assembly, that they have appointed the Attorney General, Mr. Ward, and Mr. Dunn, a Committee, to manage the Conference on the Billeting Bill.

Message from the Assembly requesting a Conference on the subject matter of the last Conference on the Militia Bill.

RESOLVED, That the Council do agree to the same ; and that Judge Chipman and General Coffin be a Committee for the purpose.

ORDERED, That General Coffin notify the same to the Assembly.

Message

Message from the Assembly, that they have appointed the Attorney General, Mr. Ward, and Mr. Dunn, a Committee, to manage the Conference on the subject of the amendments to the Billeting Bill.

*Adjourned till To-morrow.*

.....  
**SATURDAY, 13th February, 1813.**

*The Chief Justice in the Chair.*

The Committee of Conference, on the subject matter of the last Conference upon the militia Bill, report, that the Committee of the House had stated that the House will take into consideration, without any unnecessary delay, the important matters suggested, upon the former conference, by the Council, and had further requested that the Bill might be returned to the House. Whereupon—

ORDERED, That the Clerk return the militia Bill to the House of Assembly.

Message from the Assembly requesting a Conference on the subject of the Conference on the Resolutions of Supply; and informing the Council that they have appointed the Committee on the former Conference to manage the same.

RESOLVED, That the Council do agree to the same; and that Mr. Odell and Mr. Robinson be a Committee for the purpose.

ORDERED, That Mr. Robinson communicate the same to the Assembly.

Message from the President as follows:—

**“New-Brunswick.**

*“Message to His Majesty’s Council.*

“G. S. SMYTH.

“THE President directs to be herewith laid before His Majesty’s Council an Estimate of the probable amount of expenses which, for the defence of the Province, may be unavoidably necessary to render effectual the services of the Militia in the course of the current year; and he recommends it to the Council to make provision for such part of these expenses as cannot be defrayed out of the balance remaining of the sum of ten thousand pounds granted at the last Session of the General Assembly.

“The President cannot but indulge the hope, that, on this most urgent occasion, every practicable means will be employed in aid of the exertions made by the Mother Country for the safety and protection of this Country.

“G. S. S.”

**RESOLVED**, That the Council will take this message into consideration on Monday next.

The Committee of Conference on the amendments to the Billeting Bill, report, that the Committee of the Assembly had stated—

“ That the House are willing to concur with the Council in the amendment proposed in the second section at B, although they are satisfied that the expression ‘ City and County’ is the most correct. But that the House cannot concur in either of the other proposed amendments for the following reasons, to wit :—

“ 1st. Tavern Keepers appear to be the only description of publicans who are by Law bound to provide for travellers ; and no persons of any other description can sell Spirituous or Strong Liquors of any kind to be drank in their Houses.

“ 2d. The fluctuation at this time in the prices of provisions, as well as the great difference in the prices in different parts of the Province, will not in the opinion of the House admit of the fixing a rate for the meals to be furnished to the Soldier, without doing injustice either to the Tavern Keeper or the Soldier.

“ 3d. The House deem it of the utmost importance at this present crisis, to provide shelter at all events for the lodging of His Majesty’s Troops, and the Militia, when on a march ; and in most cases it will be necessary to resort to private houses, for the want of a sufficient number of Taverns.

“ 4th. If the proposed amendment, as to the description of vessels to be impressed into the service, for the accommodation of the Troops on their March, should be concurred in, the object would be defeated, as the House are of opinion that in many cases, vessels or boats of a smaller burthen than five tons, would be the most useful for the purpose intended.

“ The Committee are directed further to state, that from an ardent desire to despatch the unfinished business without any delay, that can be possibly avoided, the House have proceeded to deliberate upon the amendments proposed to the Bill in question, although they were well aware that such amendments could not be made by the Council consistently with the usages of Parliament, without an interference with the privileges of the House, this being a Bill imposing a burthen upon the people.”

Whereupon—

**RESOLVED**, That although the Council still consider the billeting of Soldiers upon private houses to be an infringement upon the rights of the subject, yet under the present emergencies, and as the Bill is limited to one year, they will not insist upon the amendments objected to by the Assembly.

**ORDERED**, That Mr. Saunders communicate this Resolution to the Assembly.

Read a second time, and amended, the Bill in further addition to the Act to regulate the Terms of the Sittings of the Inferior Courts of Common Pleas.

Read



Read a third time, and passed as amended, the said Bill.

ORDERED, That Mr. Saunders return the same to the Assembly for concurrence.

*Adjourned till Monday next.*

.....

MONDAY, 15th February, 1813.

*Mr. Winslow in the Chair.*

The Committee of Conference, on the subject of the last Conference upon the Resolutions of Supply, report, that the Committee of the Assembly had stated—

“**T**HAT to the first objection of the Council the House cannot agree, as the Council by their proposal direct the mode of appropriation and prescribe the conditions on which they will give their assent thereto, which is altogether unparliamentary.

“That as to the other articles objected to, namely the three sums contained in the account of Jacob S. Mott, the King’s Printer, it appeared by a communication from the Attorney General (a Member of this House) before the Resolution passed, that the services for which the charges were made were performed by the command of His Honor Mr. President Hunter, communicated to the Printer by the Attorney General, who in obedience to the President’s directions prepared the abstract of several of the Laws for the press, and distributed the blank certificates of marriage throughout the Province, and wrote letters upon the subject to the Clergy of the Romish Church, enclosing to them the newspapers containing a copy of the Act for registering marriages. That as these services appeared, and still do appear to the House, to have been necessary and duly authorized, they therefore hope the Council will agree to these Appropriations.”

*Adjourned till To-morrow.*

.....

TUESDAY, 16th February, 1813.

*The Chief Justice in the Chair.*

The Council took into consideration the report of the Committee of Conference on the subject of the last Conference, respecting the Resolutions of Supply. Whereupon—

RESOLVED, That a Conference be requested with the Assembly, on the subject of the last Conference; and that the Committee on the former Conference, be appointed to manage the same.

ORDERED, That Mr. Odell communicate the same to the Assembly.

Message

Message from the Assembly, that they agree to the Conference proposed; and have appointed Mr. R. Pagan and Mr. Agnew, a Committee, to manage the same. Thereupon—

RESOLVED, That the Committee of Conference be instructed to state—

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

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

*Adjourned till To-morrow.*

**WEDNESDAY, 17th February, 1813.**

*The Chief Justice in the Chair.*

*Adjourned till To-morrow.*

**THURSDAY, 18th February, 1813.**

*The Chief Justice in the Chair.*

Read a Bill, from the Assembly, for regulating the Militia.

ORDERED, To stand for a second reading to-morrow.

Read sundry Resolutions of Appropriation sent up by the Assembly.

RESOLVED, That the same be agreed to.

ORDERED, That Mr. Robinson notify the same to the Assembly.

*Adjourned till To-morrow.*

**FRIDAY,**

**FRIDAY, 19th February, 1813.**

*The Chief Justice in the Chair.*

Read a Bill, from the Assembly, for the further increase of the Revenue of this Province.

Read a second and third time, and passed the said Bill.

**ORDERED,** That Mr. Robinson notify the same to the Assembly.

Read a Resolution, from the Assembly, for providing for the additional expense of the March of the Militia from Northumberland.

**RESOLVED,** That the Council do agree to the same.

**ORDERED,** That Mr. Robinson notify the same to the Assembly.

Read a second time, and amended the Militia Bill.

**ORDERED,** To stand for a third reading to-morrow.

Read a Resolution, sent up by the Assembly, for providing for the relief of the friendly Indians.

*Adjourned till To-morrow.*

**SATURDAY, 20th February, 1813.**

*The Chief Justice in the Chair.*

**RESOLVED,** That the Council do agree to the Resolution sent up yesterday, respecting the Indians.

**ORDERED,** That Mr. Saunders notify the same to the Assembly.

Read a third time, and passed as amended, the Militia Bill.

**ORDERED,** That Mr. Saunders notify the same to the Assembly.

Read a Bill, from the Assembly, to appropriate the Public Money.

Read a second and third time, and passed the same Bill.

**Ordered,**

ORDERED, That General Coffin notify the same to the Assembly.

*Adjourned till Monday next.*

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MONDAY, 22d February, 1813.

*Adjourned till To-morrow.*

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TUESDAY, 23d February, 1813.

Judge Winslow in the Chair.

Read a Bill, from the Assembly, to explain an Act, intituled, "an Act for regulating the Militia."

On the question, after a second and third reading—Resolved that this Bill do pass.

ORDERED, That Mr. Saunders inform the House of Assembly that the Council have concurred in passing this Bill.

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WEDNESDAY, 3d March, 1813.

The Council having been adjourned *de die in diem*, in consequence of the illness of His Honor the President, until this day, attended, in pursuance of a Message from His Honor, at the Government House; and the House of Assembly also attending, His Honor gave his assent to the following Bills:—

An Act for Regulating the Militia.

An Act to enlarge the limits of the Parish of Saint Stephen, in the County of Charlotte.

An Act in amendment of, and in addition to an Act, intituled, "an Act for transferring to, and vesting in the Crown, such Lands and Tenements of any Person or Body Politic, on which it may be judged suitable and necessary to erect Fortifications, or which may be wanted for other uses of War and Defence, and for ascertaining the value and making compensation for the same to the former owners."

An Act to alter and extend the provisions of an Act, intituled, "an Act to encourage the erection of a Passage Boat, to be worked by steam, for facilitating the communication

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nication between the City of Saint John and Fredericton," and to relieve the persons named in the same Act, from the Penalty of a Bond given by them to His Majesty, in pursuance of the provisions of the same Act.

An Act for laying additional Duties on certain articles imported into this Province.

An Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia when on their march.

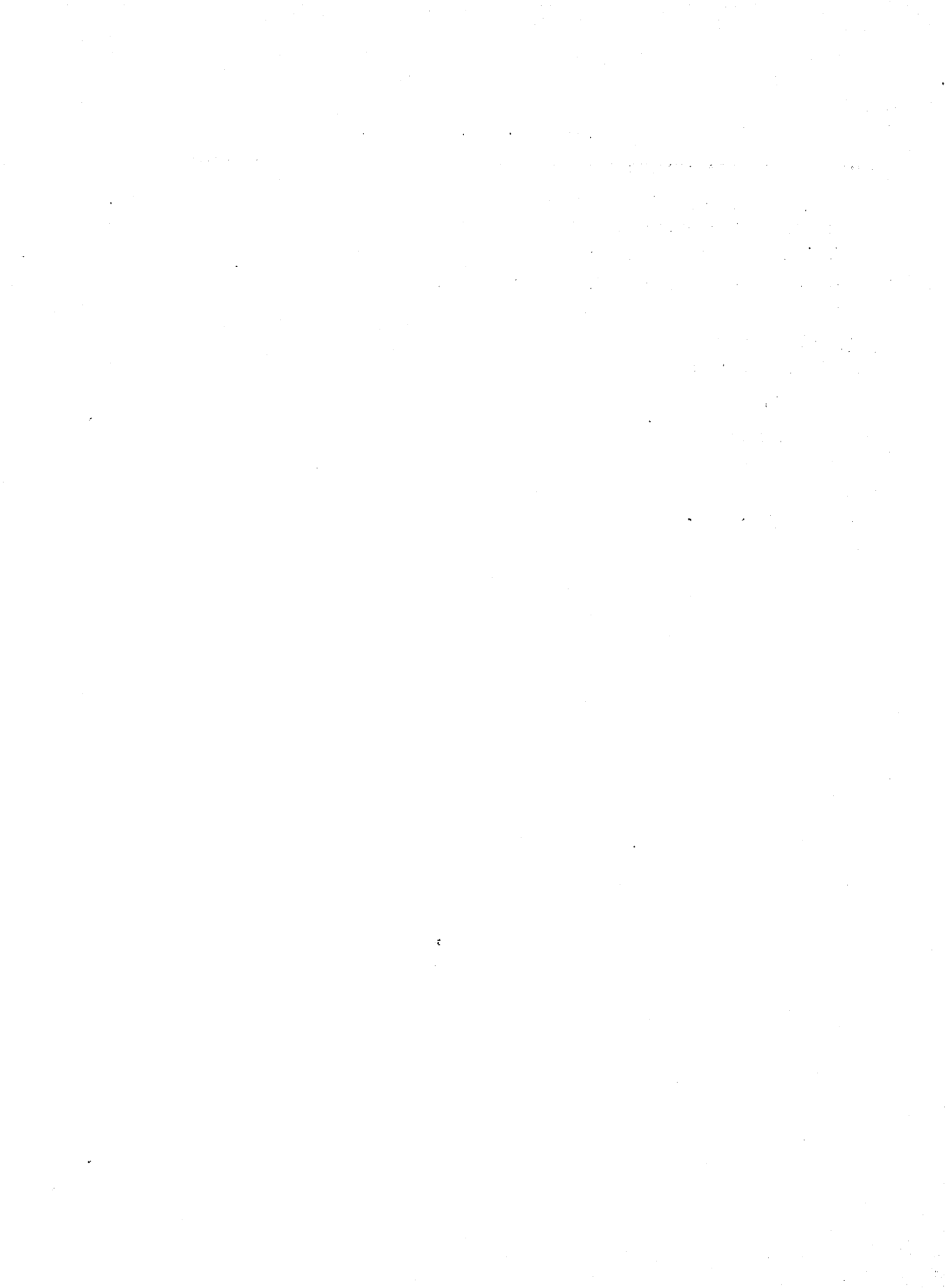
An Act for the further increase of the Revenue of this Province.

An Act to appropriate the Public Money.

An Act to explain an Act, intituled, "an Act for regulating the Militia."

After which the Secretary of the Province, by His Honor's command, declared the General Assembly to be prorogued to the first Tuesday in June next.

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# JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

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FOURTH SESSION OF THE FIFTH GENERAL ASSEMBLY.

ANNO QUINQUAGESIMO QUARTO GEORGII TERTII REGIS.

MAJOR GENERAL SIR THOMAS SAUMAREZ, PRESIDENT AND COMMANDER-IN-CHIEF.

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AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Tuesday, 11th January, 1814.*

**T**HE General Assembly having been prorogued to this day, His Honor the President came to the Council Chamber, and, by Message, commanded the attendance of the House of Assembly; who attended accordingly, and His Honor opened the Session by a Speech to both Houses.

The House of Assembly having retired, and His Honor having withdrawn, the Chief Justice reported a copy of the President's Speech, which was read as follows:—

DI

“Gentlemen

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

**A**S no change of importance in the condition of this Province has occurred since your last meeting in General Assembly, the principal objects which I have to recommend to your present deliberation, are the necessary provisions of Revenue, and Appropriation for the ensuing period, and a review of the Militia Law, which may perhaps, by some amendments, be rendered more efficient for the essential purposes of defence, for which we are so loudly called upon to be in a constant state of preparation.

“ The Royal approbation of the Act passed, with a suspending clause, in the last Session, (for the further increase of the Revenue of this Province,) has already been publicly notified. A copy of the Order of His Royal Highness the Prince Regent in Council, made for this gracious purpose in the name and on the behalf of His Majesty, shall be laid before you.

“ Such other subjects as I may have to propose for your consideration, shall, in the course of the Session, be communicated by Message.

*“ Gentlemen of the Assembly,*

“ I have directed the Treasurer’s Accounts, and such other documents as may be requisite for your further information, to be laid before you. From the state of the Treasury, I am happy to find the Revenue has, in the last, been more productive than in any former year.

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

“ While we lament the infatuation by which the Government of the United States has been led to take a course so directly the reverse of that which every *free people*, in a similar situation, ought to have pursued, we have reason to hope this frenzy will not be of long duration. It broke out in a Declaration of War against His Majesty, at a time when the sanguinary Usurper of France had become more than ever formidable in Europe, and his lust of universal dominion appeared to be no longer considered as a hopeless and romantic passion. In that moment, the unnatural ambition of his American partizans, was fired with a hope of sharing in his *expected* triumph over that country, which alone continued with effect to resist his destructive career—the country from which they were themselves descended! But a merciful Providence has since opened a prospect which may well animate the courage and the hopes of suffering nations. The glorious successes which have crowned the arms of His Majesty, and of his reviving Allies in Europe, and the disappointed efforts of unprovoked hostility in America, may with reason be considered as pledges of a consummation devoutly to be wished, in which the wise and good of every country, will rejoice to see a general restoration of peace and independence to those nations, which have so long suffered the horrors of revolution, oppression, and desolation.

“ In the mean time, whatever may be the course of approaching events, it will be

most



most sincerely my ambition to contribute, by every means in my power, to the security and prosperity of the Province committed to my administration."

ORDERED, That Mr. Odell and Mr. Robinson be a Committee to prepare an Address in answer to the President's Speech.

*Adjourned till twelve o'clock To-morrow.*

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WEDNESDAY, 12th January, 1814.

The Chief Justice in the Chair.

The Committee appointed to prepare an Address in answer to the President's Speech, reported the following draught:—

"To His Honor Major General Sir Thomas Saumarez, President and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

“THE HUMBLE ADDRESS OF HIS MAJESTY'S COUNCIL IN GENERAL ASSEMBLY.

“SIR,

“**W**E thank your Honor for your Speech at the opening of this Session, and we shall, with zeal and alacrity, pay every attention to the objects therein recommended, and to such others as you have to propose to our deliberation. In particular, we shall be happy to contribute our best endeavours to render our Militia Law more efficient for the essential purposes of defence, for which we are so loudly called upon to be in a constant state of preparation.

“We consider the Royal approbation of the Act, passed with a suspending clause in the last Session, ‘for the further increase of the Revenue of this Province,’ as a fresh instance of paternal favour to this loyal Colony.

“We fully participate in the sentiment expressed by your Honor, respecting the hostile course into which the Government of the United States has been led, so directly the reverse of that which every *free people*, in a similar situation, ought to have pursued, at the time when the sanguinary Usurper of France, had become more than ever formidable in Europe, and his lust of universal dominion appeared to be no longer considered as a hopeless and romantic passion: and however extravagant his own anticipations may have been of homage and submission in other Countries, he must himself have been surprised to find partizans in America, who could by any motive be induced to aid him in his destructive career. Yet the world has seen, and must have seen with astonishment, that, *in that moment*, the unnatural ambition of a prevailing party in America, has been fired with a hope of sharing in his fondly *expected* triumph over that Country, which then continued alone with effect to resist the Enemy of mankind—the Country from which they were themselves descended! But we join with your Honor, in the hope that this frenzy will not be of long duration, and in a due

due acknowledgement of that merciful Providence which has since opened a prospect so consoling to the wise and good of every Country, who will gladly hail the glorious successes which have crowned the arms of His Majesty and of his reviving Allies in Europe, and the disappointed efforts of unprovoked hostility in America, as pledges of a consummation devoutly to be wished, resulting in a general restoration of peace and independence to those Nations which have so long suffered the horrors of revolution, oppression, and desolation.

“In this cheering hope, we are also happy in the fullest confidence, that nothing in your Honor’s power, will be wanting to the security and prosperity of the Province committed to your administration.”

Which is approved.

ORDERED, That Mr. Odell wait upon the President, to know when he will receive the Address of the Council.

Adjourned till To-morrow.

THURSDAY, 13th January, 1814.

The Chief Justice in the Chair.

Mr. Odell reports, that His Honor will receive the address of the Council this day at two o’clock.

Adjourned to wait on the President, and to meet again in Council To-morrow.

.....

FRIDAY, 14th January, 1814.

The Chief Justice in the Chair.

The Chief Justice reported, that the Council had yesterday presented their Address to the President, to which His Honor had been pleased to return the following answer:—

“Gentlemen of the Council,

“I SINCERELY thank you for this address, and anticipate with much satisfaction the result to be expected from your well known zeal and ability in the discharge of the duties of that important station, to which His Majesty has appointed you in this Province.”

Adjourned till Monday next.

MONDAY,

MONDAY, 17th January, 1814.

Adjourned till Wednesday.

WEDNESDAY, 19th January, 1814.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to make perpetual several Acts of the General Assembly that are near expiring.

ORDERED, To be read a second time to-morrow.

Read a Bill, from the Assembly, for the regulation of Fees to be taken on the prosecution of certain Actions in the Supreme Court.

To stand for a second reading to-morrow.

Adjourned till To-morrow.

THURSDAY, 20th January, 1814.

The Chief Justice in the Chair.

Read a second time, the Bill to make perpetual several Acts of the General Assembly that are near expiring.

To stand for a third reading to-morrow.

Read a second time, the Bill for the regulation of Fees to be taken on the prosecution of certain Actions in the Supreme Court.

ORDERED, To be further considered to-morrow.

Adjourned till To-morrow.

FRIDAY, 21st January, 1814.

The Chief Justice in the Chair.

Read a third time, the Bill to render perpetual sundry Acts of the General Assembly that are near expiring.

Resolved,

RESOLVED, That this Bill do pass ; and that Colonel Robinson notify the same to the Assembly.

Resumed the consideration of the Bill for the regulation of Fees to be taken on the prosecution of certain Actions in the Supreme Court.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Adjourned till Monday next.

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MONDAY, 24th January, 1814.

Adjourned till To-morrow.

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**TUESDAY, 25th January, 1814.**

*The Chief Justice in the Chair.*

Read a Petition, brought in with leave, from the Governor and Trustees of the College of New-Brunswick ; and a Petition from the President and Directors of the Grammar School in Saint John.

**ORDERED**, To lie on the Table.

Read a Bill, from the Assembly, to continue several Acts of the General Assembly that are near expiring :

A Bill to make perpetual an Act to provide for the erection of Fences with Gates across Highways leading through Intervale Lands, &c. and

A Bill in addition to an Act, intituled, "an Act for regulating the exportation of Fish and Lumber."

**ORDERED**, To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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WEDNESDAY, 26th January, 1814.

The Chief Justice in the Chair.

Read a second time, the Bill to make perpetual an Act for the erection of Fences and Gates, &c. and amended the same. **Ordered**

ORDERED, To be read a third time to-morrow.

Read a second time, and amended, the Bill to continue several Acts of the General Assembly that are near expiring.

To stand for a third reading to-morrow.

Read a second time, the Bill in addition to the Act for regulating the exportation of Fish and Lumber.

To stand for a third reading to-morrow.

Adjourned till To-morrow.

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THURSDAY, 27th January, 1814.

The Chief Justice in the Chair.

On motion—Resolved, that the order for the third reading of the Bill to make perpetual an Act for the erection of Fences with Gates, &c. be discharged; and that the third reading of the said Bill be put off for three months.

Read a third time, and passed, the Bill in addition to an Act, intituled, “an Act for regulating the exportation of Fish and Lumber.”

Read a third time, and passed as amended, the Bill to continue several Acts of the General Assembly that are near expiring.

ORDERED, That Mr. Saunders communicate the same to the Assembly.

Read a Bill, from the Assembly, to continue an Act, intituled, “an Act to provide for the accommodation and billeting of His Majesty’s Troops and the Militia when on their march.”

To stand for a second reading to-morrow.

Adjourned till To-morrow.

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FRIDAY, 28th January, 1814.

The Chief Justice in the Chair.

Message from the Assembly, that they agree to the amendments to the Bill to continue

tinue several Acts of the General Assembly that are near expiring.

Adjourned till Monday next.

.....

MONDAY, 31st January, 1814.

Adjourned till To-morrow.

.....

TUESDAY, 1st February, 1814.

The Chief Justice in the Chair.

Read a second time, and amended, the Bill to continue the Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their march.

ORDERED, To stand for a third reading to-morrow.

Message from the Assembly, with the following Resolutions, viz :—

“**RESOLVED,** unanimously, that the sum of one hundred pounds be vested in the hands of His Honor the President, to be expended in procuring Sleighs and Sleds, and in any other way which His Honor may think fit, for the accommodation and comfort of the brave volunteer Seamen, now on their route through this Province to Canada.”

“**RESOLVED,** unanimously, that the further sum of two hundred pounds be vested in the hands of His Honor the President, to be expended in procuring Sleighs and Sleds, and in any other way His Honor may think fit, as well for the further accommodation and comfort of the volunteer Seamen, as for the like accommodation and comfort of the brave men of the King's Regiment on their route to Canada.”

To which they requested the concurrence of this Board.

RESOLVED, That the Council do agree to the same.

ORDERED, That General Coffin notify the same to the Assembly.

Message from His Honor the President as follows :—

New-Brunswick.

"MESSAGE TO HIS MAJESTY'S COUNCIL.

"31st JANUARY, 1814.

"THOMAS SAUMAREZ.

"**T**HE President deems it his duty, at this critical time, to express to His Majesty's Council his decided opinion, that in order to render the Militia Law efficient for the purposes of defence, a provision for an annual training of the several Battalions during six days *at least*, is indispensably necessary. He also considers it of great importance to have a provision for levying and collecting fines on delinquents in the discharge of Militia duties without the interference of the civil Magistrate; and also, an effectual provision for having such arms as he may be able to issue to the Militia safely kept and in good repair."

ORDERED, to be taken into consideration on Monday next.

Adjourned till To-morrow.

WEDNESDAY, 2d February, 1814.

The Chief Justice in the Chair.

Read a third time, and passed as amended, the Bill to continue an Act, intituled, "an Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia, when on their march."

ORDERED, That Mr. Saunders notify the same to the Assembly.

Read a Bill, from the Assembly, to alter an Act, intituled, "an Act to alter and amend an Act, intituled, 'an Act for the further regulation of Fisheries and for preventing their decay:'"

A Bill for the better regulations of Licenses to Inns, Taverns and Houses for selling strong liquors by retail: And

A Bill for the preservation of Partridges.

ORDERED, That these Bills stand for a second reading to-morrow.

Adjourned till To-morrow.

THURSDAY, 3d February, 1814.

The Chief Justice in the Chair.

Message from the House of Assembly, with a Bill further to continue, for a limited time, an Act, intituled, an Act for regulating, laying out, and repairing Highways and Roads, &c. ; and a Bill, in amendment of an Act, intituled, an Act to repeal all the Acts now in force relating to trespasses, &c. Which were read, and

ORDERED, To stand for a second reading to-morrow.

Read a second time, and amended, the Bill for the better regulation of Licenses to Inns, Taverns, &c.

To stand for a third reading to-morrow.

Read a second time, and amended, the Bill for the preservation of Partridges.

To stand for a third reading to-morrow.

ORDERED, that the second reading of the Bill to alter an Act, intituled, an Act to alter and amend an Act for the further regulation of Fisheries, be postponed until Monday.

Read a Bill, from the Assembly, to alter an Act, intituled, "an Act for the further regulation of Fisheries, and preventing their decay."

To stand for a second reading on Monday next.

Adjourned till To-morrow.

FRIDAY, 4th February, 1814.

Mr. Odell in the Chair.

Message from the Assembly, that they agree to the amendments to the Bill to continue an Act to provide for the accommodation and billeting of His Majesty's Troops, &c.

Read a Bill, from the Assembly, to repeal an Act, intituled, "an Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Crannage," and for substituting other alterations and amendments of the same Act therein recited in lieu thereof.

To stand for a third reading on Monday.

Ordered,

ORDERED, That the second reading of the Bills to continue the Highway Law, and in amendment of the Trespass Law, be postponed until Monday.

Read a third time, and passed as amended, the Bill for the preservation of Partridges: And

The Bill for the better regulation of Licenses to Inns, &c.

ORDERED, That Mr. Saunders notify the same to the Assembly.

Adjourned till Monday.

MONDAY, 7th February, 1814.

Judge Winslow in the Chair.

Read a second time, the Bill to alter an Act, intituled, an Act to alter and amend an Act for the further regulation of Fisheries: And

The Bill to alter an Act, intituled, an Act for the further regulation of Fisheries.

On motion—Resolved, that the further consideration of these Bills be put off for three months.

Read a second time, and amended, the Bill further to continue the Highway Law.

To stand for a third reading to-morrow.

Read a second time, and amended, the Bill in amendment of the Trespass Law.

To stand for a third reading to-morrow.

Read a second time, the Bill to repeal the Law in alteration and amendment of an Act establishing rates for Wharfage and Cranage.

To stand for a third reading to-morrow.

Message from the Assembly, with a Bill for the indemnification of Commissioners of Sewers, and a Bill to continue and amend an Act for regulating the Militia, and an Act explanatory thereof.—Which were read.

ORDERED, To stand for a second reading to-morrow.

Message from the Assembly, that they agree to the amendments to the Bill for the preservation of Partridges; and the Bill for the better regulation of Licenses to Inn-Keepers, &c.

Message from His Honor the President, as follows:—

“New-Brunswick.”

"New-Brunswick".

"Message to His Majesty's Council.

"4th FEBRUARY, 1814.

"THOMAS SAUMAREZ.

THE President informs His Majesty's Council, that earnest application has been made to him by the Au-Pach Branch of the Milicete tribe of Indians, stating their anxious desire to have an allotment of land in the vicinity of this town, on which they might have a fixed residence, and be able, by employment as labourers in the neighbourhood to obtain a subsistence, and prevent, in future, such want and distress as they have of late years frequently suffered; and as there are no ungranted lands in this neighbourhood, these poor people have indulged a hope that some adequate allotment for their relief might be obtained by purchase, to be defrayed by a Grant from the Legislature. The President, therefore, recommends the case of these petitioners, as a subject of importance, to the serious consideration of the Council. "T. S."

Adjourned till To-morrow.

.....

TUESDAY, 8th February, 1814.

Judge Winslow in the Chair.

Read a third time, and passed as amended, the Bill to continue for a limited time the Highway Law.

Read a third time, and passed as amended, the Bill in amendment of an Act, intituled, an Act to repeal all the Acts now in force relating to trespasses, &c.

ORDERED, That Mr. Odell communicate the same to the Assembly.

Read a third time, and passed, the Bill to repeal an Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage.

ORDERED, That Mr. Odell notify the same to the Assembly.

ORDERED, That the second reading of the Militia Bill be postponed until to-morrow.

Read a second time, the Bill for the indemnification of Commissioners of Sewers.

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, to authorize the Rector, Church Wardens, and Vestry of Saint Andrews Church in the Parish of Saint Andrews, to convey to the King's

King's Majesty a certain piece of Glebe land of the Parish for the purpose of erecting Fortifications thereon.

To stand for a second reading to-morrow.

Adjourned till To-morrow.

WEDNESDAY, 9th February, 1814.

Mr. Odell in the Chair.

Message from the Assembly, that they agree to the amendments to the Bill in amendment of the Trespass Law.

Read a Bill, from the Assembly, in addition to an Act more effectually to provide for the Public Registry of all Marriages solemnized within this Province: And

A Bill to give full effect to, and to prevent the evasion of an Act, intituled, "an Act for the further increase of the Revenue of this Province."

To stand for a second reading to-morrow.

Read a third time, and passed, the Bill for the indemnification of Commissioners of Sewers.

Read a second time, the Bill to authorize the Rector, Church Wardens, and Vestry of Saint Andrews, to convey a piece of Glebe land, &c.

To stand for a third reading to-morrow.

The second reading of the Militia Bill is postponed till to-morrow.

Message from the Assembly requesting a Conference with the Council on the subject of the Road Bill.

RESOLVED, That the Council do agree to the same; and that Mr. Odell and Judge Saunders be a Committee for the purpose.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Adjourned till To-morrow.

THURSDAY,

THURSDAY, 10th February, 1814.

Mr. Odell in the Chair.

Read a third time, and passed, the Bill to authorize the Rector, Church Wardens, and Vestry of Saint Andrews, to convey a piece of Glebe land, &c.

ORDERED, That Mr. Saunders notify the same to the Assembly.

Read a second time, the Bill in addition to an Act more effectually to provide for the Public Registry of all Marriages, &c.

To stand for a third reading to-morrow.

Read a second time, the Bill to give full effect to, and to prevent the evasion of an Act for the further increase of the Revenue.

To stand for a third reading to-morrow.

Message from the Assembly, that they have appointed Mr. R. Pagan, Mr. Botsford, and Mr. Campbell, a committee, to manage, on the part of that House, the Conference on the subject of the Road Bill.

Read a second time, and amended, the Militia Bill.

To stand for a third reading to-morrow.

The Committee of Conference on the Road Bill, reported that they had met the Committee from the Assembly who had stated—

“That the House object to the amendments of the Council, because, by these amendments, the more equal distribution of labour upon the Inhabitants, according to the Estate they may possess, is done away; an improvement on the present law which the House think very important, and which is generally wished for through the Province. They therefore hope the Council will recede from their amendment.”

Read a Bill, from the Assembly, to empower and authorize the Justices of the County of Westmoreland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several Marshes, Low Lands, and Meadows within the said County.

To stand for a second reading to-morrow.

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 11th February, 1814.

Mr. Odell in the Chair.

RESOLVED, That the Council do request a Conference with the Assembly, on the subject of the last Conference on the Road Bill.

ORDERED, That General Coffin communicate this Resolution to the Assembly.

Message from the Assembly, that they agree to the Conference proposed; and have appointed the former Committee to manage the same.

ORDERED, That Mr. Odell and Mr. Saunders be a Committee, to meet the Committee of the Assembly, and that they be instructed to state—

“That the Council would gladly concur in passing a Bill, by which an equal distribution of labour upon the inhabitants, according to the estate they may possess, might be effectually provided for; but this object they conceive would not be attained by the present Bill: and they also deem it an indispensable prerequisite that a Law should first be made for ascertaining taxable property, with proper and adequate provisions for assessing all public rates and taxes, in due proportion upon such property. The Council therefore cannot under the present circumstances, recede from their amendment.”

Read a third time, and passed, the Bill in addition to the Marriage Registry Bill.

ORDERED, That Mr. Saunders communicate the same to the Assembly.

Read a third time, and passed as amended, the Militia Bill.

ORDERED, That Mr. Saunders return the same to the Assembly for concurrence.

Read a second time, the Bill to empower the Justices of the County of Westmoreland, to regulate the grazing of Marshes and Low Lands, &c.

To stand for a third reading on Monday.

The third reading of the Bill to give full effect to the Act for the further increase of the Revenue, is postponed till Monday.

Message from His Honor the President, as follows:—

“New-Brunswick.

“MESSAGE TO HIS MAJESTY’S COUNCIL.

“11th FEBRUARY, 1814.

“THOMAS SAUMAREZ.

“THE President recommends to His Majesty’s Council, the making provision for erecting

erecting two Log Houses on the Route from Fredericton to Saint Andrews, one to be placed at the river Magaguadavic, and the other about midway between that river and the Block House on the Oromocto, the whole expense of which is estimated not to exceed one hundred and fifty pounds.

“ T. S.”

Adjourned till Monday next.

.....

MONDAY, 14th February, 1814.

Mr. Odell in the Chair.

Read a third time, and passed, the Bill to empower the Justices of Westmoreland to regulate the grazing of the Marshes, &c.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Read a third time, and passed, the Bill to give full effect to, and to prevent the evasion of an Act, intituled, “an Act for the further increase of the Revenue.”

ORDERED, That Mr. Robinson notify the same to the Assembly.

Adjourned till To-morrow.

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**TUESDAY, 15th February, 1814.**

*Mr. Odell in the Chair.*

Message from the Assembly, requesting the Concurrence of the Council in the following Resolution, viz :—

“RESOLVED, That the Council be requested to appoint a Committee, to meet a Committee of this House for the purpose of preparing an Humble Petition to His Royal Highness the PRINCE REGENT, praying that when a negotiation for Peace shall take place between Great Britain and the United States of America, His Royal Highness will be graciously pleased to direct such measures to be adopted, as he may think proper, to alter the boundaries between those States and this Province, so that the important line of communication between this and the neighbouring Province of Lower Canada, by the River Saint John, may not be interrupted.”

RESOLVED, That the Council do agree to the same ; and that Mr. Odell and Mr. Robinson be a Committee for the purpose.

Ordered,

**ORDERED**, That Mr. Saunders communicate the same to the Assembly.

Read a Bill, from the Assembly, to continue for a limited time, an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

To stand for a second reading on Thursday next.

Read a Bill, from the Assembly, to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte.

To stand for a second reading on Thursday next.

Message from the Assembly, requesting a Conference with the Council on the subject of the Amendments to the Militia Bill.

**RESOLVED**, That the Council do agree to the same; and that Mr. Robinson and Mr. Saunders be a Committee for the purpose.

**ORDERED**, That Mr. Saunders communicate the same to the Assembly.

*Adjourned till Thursday next.*

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**THURSDAY, 17th February, 1814.**

*Mr. Odell in the Chair.*

Message from the Assembly, that they have appointed Mr. Botsford, Mr. Knapp, and Mr. Agnew, a Committee, to manage the Conference on the amendments to the Militia Bill.

Message from the Assembly, that they agree to the amendments to the Road Bill.

The Committee of Conference on the amendments to the Militia Bill, report, that the Committee from the House of Assembly had stated, that the House cannot concur in the proposed amendments, for the following reasons:—

“ 1st. That the ordering out the whole of the Militia to attend general or battalion musters, for six days, will, in the opinion of the House, be attended with serious inconveniences, as it will tend to withdraw the whole of the male inhabitants, between sixteen and fifty years of age, from their agricultural, and other pursuits, at a time when the Province is called upon to make every exertion for its support.

“ 2d. That the furnishing the Militia with provisions and the necessary camp equipage, during the six days general muster, will be attended with an expense which, in the opinion of the House, will, by no means, be counterbalanced by the benefits to result from such musters.

“3d. That many of the advantages which attend the general musters, will, in the opinion of the House, be derived from having the Militia exercised, by two or more companies together, at the discretion of the Commanding Officers of the battalions; and when, at the same time, the ease and accommodation of the inhabitants can be consulted.

“4th. That great delay will, in the opinion of the House, arise from the mode provided by one of the proposed amendments, for the levying and collecting of fines.

“5th. That in the opinion of the House, some of the proposed amendments, which impose additional burthens upon the people, and appropriate the public monies, could not be made by the Council consistently with the usage of Parliament, as they involve principles which are an infringement of the peculiar privileges of the House.”

*Adjourned till To-morrow.*

*FRIDAY, 18th February, 1814.*

*Judge Winslow in the Chair.*

**RESOLVED**, That the Council will request a Conference with the House of Assembly, on the subject of the last Conference on the Militia Bill.

**ORDERED**, That Mr. Odell communicate this Resolution to the Assembly.

Message from the Assembly, that they agree to the Conference proposed; and have appointed the Committee on the former Conference to manage the same.

**ORDERED**, That Mr. Robinson and Judge Saunders be a Committee, to manage this Conference on the part of the Council; and that Judge Saunders notify the same to the Assembly.

**RESOLVED**, That the Committee of Conference on the part of the Council, on the subject of the last Conference on the Militia Bill, be instructed to state—

“1st. That if the inconveniences which must attend the proposed annual training of the several battalions of Militia for six days, will, in the opinion of the Assembly, be so serious as to outweigh the urgent importance of the object aimed at in this Bill, namely, to render it efficient for the essential purposes of defence at this critical juncture, the Council would propose to the consideration of the House, a provision for enabling His Honor the President to appoint for each battalion three several periods, of twelve days each, to be attended by one third part of the battalion in succession, so that the whole may in turn have the benefit of a much more thorough instruction, and with less particular inconvenience. But in all cases, whenever the Militia are called out for training, the Council think it ought to be made an indispensable condition that they should be furnished with rations of provisions at the expense of the Province.

“2d.



“2d. The Council cannot recede from their proposed amendment respecting the levying and collecting of fines under the Bill in question.

“3d. The Council most explicitly disclaim even a wish, in the smallest degree, to infringe the peculiar privilege of the House of Assembly to grant and appropriate monies for the public service. They simply meant to suggest to that House, the making of such provision as might be adequate for that supply of provisions which they consider indispensably necessary for the Militia, when assembled for the purpose of being disciplined and trained for the defence of the Province.”

Message from the Assembly, with sundry Resolutions of Appropriation; which were read, and ordered to lie on the Table.

Read a second time, the Bill to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte: And

The Bill to continue for a limited time, an Act to provide for the more effectually repairing the Streets and Bridges in Saint John.

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, in addition to an Act, intituled, “an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes.”

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

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*SATURDAY, 19th February, 1814.*

*Judge Winslow in the Chair.*

Read a third time, and passed, the Bill to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte.

Read a third time, and passed, the Bill to continue the Act to provide for the more effectually repairing the Streets and Bridges in Saint John.

ORDERED, That Mr. Robinson communicate the same to the Assembly.

RESOLVED, That the Northumberland Parish Bill be referred to Mr. Sproule to examine and report thereon.

On motion—Leave is given to Judge Saunders to bring in a Bill to continue and amend the Act passed in the fifty-third year of His Majesty's Reign, for regulating the Militia.

*Adjourned till Monday next.*

*MONDAY,*

*MONDAY, 21st February, 1814.*

*Judge Winslow in the Chair.*

Read a third time, and passed, the Bill in addition to the Act for the better ascertaining and confirming the Boundaries of the several Counties, &c.

ORDERED, That General Coffin notify the same to the Assembly.

RESOLVED, That the Council do agree to the Resolutions of Appropriation, sent up by the Assembly on the 18th instant, excepting the Resolution granting the sum of fifty pounds towards the completion of the Church in the Parish of Sheffield; and the Resolution granting the sum one hundred pounds to assist the Methodist Society in Saint John, to discharge a debt incurred by building a Chapel.

ORDERED, That Mr. Justice Saunders communicate the same to the Assembly.

Message from the Assembly, with sundry Resolutions of Appropriation; which were read, and

ORDERED, To lie on the Table.

*Adjourned till To-morrow.*

.....

*TUESDAY, 22d February, 1814.*

*Judge Winslow in the Chair.*

Read a Bill, from the Assembly, to continue an Act for raising a Revenue in this Province, and the Act in amendment thereof: And

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

To stand for a second reading to-morrow.

Read a Bill, from the Assembly, supplementary to an Act, intituled, "an Act for regulating the Militia, and to continue and amend the same."

To stand for a second reading to-morrow.

RESOLVED, That the Council do request a Conference with the House of Assembly, on the subject of the Bill supplementary to an Act, intituled, "an Act for regulating the Militia, and to continue and amend the same."

ORDERED, That Mr. Robinson communicate the same to the Assembly.

Message

Message from the Assembly, that they agree to the Conference proposed ; and have appointed Mr. Agnew, Mr. M'Donald, and Mr. Dunn, a Committee, to manage the same.

*Adjourned till To-morrow.*

.....

**WEDNESDAY, 23d February, 1814.**

*Judge Winslow in the Chair.*

**RESOLVED,** That Mr. Odell and Judge Saunders be a Committee, to meet the Committee of the Assembly in conference on the Militia Bill, and that they be instructed to state—

“ That whatever time may be allotted for the annual training of the Militia, it must be a burthen on those who are enrolled, for which it is not supposed an adequate compensation can be afforded ; but, as it is not beyond the ability of the Province to afford them pay and provisions when thus called out, for the purpose of being prepared for actual service in the general defence, the Council cannot but hope that the Assembly will reconsider this subject, and in the present Bill adopt so much of the eighth clause of the Militia Law of 1810, as provides that all persons enrolled, except those above forty five years of age, shall assemble by Regiments, or Battalions, or Detachments thereof, one day in the year, or four days successively, if the Commander in Chief shall so order and direct, for the purpose of training and disciplining as aforesaid, the time and place of which general trainings shall be as the Commander in Chief shall direct and appoint ; and whenever the Commander in Chief shall deem it necessary to exercise or review any Regiment or Battalion as aforesaid more than one day in any one year as aforesaid, the non-commissioned Officers, Drummers, Fifers and Privates, shall be entitled to receive out of the Province Treasury the like pay and allowances for each day more than one as aforesaid, as is provided for the Militia when on actual service.”

**ORDERED,** That Judge Saunders notify this appointment to the Assembly.

Read the Resolutions of Appropriation sent up on the 21st instant.

**RESOLVED,** That the Council do agree to the same, observing, however, that the allowance to Samuel Buchanan appears, from its amount, to have been intended only for one year, whereas he is entitled to be paid for two.

**ORDERED,** That Judge Saunders communicate the same to the Assembly.

Read a second and a third time, and passed, the Bill to continue the Revenue Law :  
And

The

The Bill for laying additional duties on certain articles imported into this Province.  
**ORDERED**, That General Coffin notify the same to the Assembly.

*Adjourned till To-morrow.*

*THURSDAY, 24th February, 1814.*

*Judge Winslow in the Chair.*

Message from the Assembly, requesting a Conference with the Council on the subject of the proposition sent down by them on the Militia Bill.

**RESOLVED**, That the Council do agree to the same, and that Mr. Odell and Judge Saunders be a Committee for the purpose.

**ORDERED**, That Mr. Odell communicate the same to the Assembly.

Read a Bill, from the Assembly, for opening and improving Roads, and erecting Bridges throughout the Province.

Read a second and a third time, and passed the said Bill.

**ORDERED**, That Mr. Robinson notify the same to the Assembly.

Message from the Assembly, that they have appointed the Attorney General and Mr. Botsford, a Committee, to meet the Committee of the Council, to prepare an humble Petition to His Royal Highness the PRINCE REGENT, on the subject of the boundary line between the United States and this Province.

Message from the Assembly, that they have appointed Mr. Agnew, Mr. M'Donald, and Mr. Dunn, a Committee, to meet the Committee of the Council in Conference on the proposition on the Militia Bill.

The Committee of Conference on the Militia Bill, report that the Committee from the Assembly had stated, that the House of Assembly cannot accede to the propositions of the Council to amend the Militia Bill, as the House thinks them inexpedient and unnecessary. Whereupon—

**RESOLVED**, That the said Bill be amended, by striking out all that part of the Bill which relates to the ordinary training.

**ORDERED**, That the Bill stand for further consideration, as amended, to-morrow.

*Adjourned till To-morrow.*

**FRIDAY,**

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*FRIDAY, 25th February, 1814.*

*Judge Winslow in the Chair.*

Read a third time, and passed as amended, the Bill supplementary to the Act for regulating the Militia, &c.

ORDERED, That Judge Saunders notify the same to the Assembly.

Read a Bill, from the Assembly, to appropriate a part of the Public Revenue for the services therein mentioned.

Read a second and third time, and passed the same Bill.

ORDERED, That Judge Saunders notify the same to the Assembly.

*Adjourned till Monday next.*

.....

*MONDAY, 28th February, 1814.*

*Judge Winslow in the Chair.*

Read a Bill, from the Assembly, to authorize the Justices of the Peace for the County of Northumberland, to hold a special Session for the purpose of appointing Town or Parish Officers for the present year.

Read the same Bill a second time: And

ORDERED, that it stand for a third reading to-morrow.

Read a Bill, from the Assembly, to continue and amend an Act, intituled, "an Act for regulating the Militia."

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

.....

*TUESDAY, 1st March, 1814.*

*Judge Winslow in the Chair.*

Read a third time, and passed, the Bill to authorize the Justices of Northumberland to hold a special Session for the purpose of appointing Town or Parish Officers,

Ordered,

ORDERED, That Mr. Saunders notify the same to the Assembly.

On motion—Resolved, That the Council do request a Conference with the House of Assembly, on the subject of the Bill to continue and amend the Militia Law.

ORDERED, That Mr. Saunders notify the same to the Assembly.

Message from His Honor the President, as follows :—

**“ New-Brunswick.**

“ MESSAGE TO HIS MAJESTY'S COUNCIL.

“ 1st MARCH, 1814.

“ THOMAS SAUMAREZ.

“ **T**HE President directs to be laid before His Majesty's Council, an extract of a letter which he has received from His Excellency Sir John C. Sherbrooke.

“ ‘ I beg you will be so good as to communicate to the Legislature of New-Brunswick, how highly I feel gratified by its liberality and attention to the comfort of the seamen and soldiers ordered to Canada, of which I shall not fail to make the most favorable representation.’  
“ T. S.”

Message from the Assembly, that they agree to the Conference proposed ; and have appointed Mr. R. Pagan, Mr. Fraser, and Mr. Humbert, a Committee for the purpose.

RESOLVED, That Mr. Odell and Judge Saunders be a Committee, to meet the Committee of the Assembly.

ORDERED, That General Coffin notify the same to the Assembly.

RESOLVED, That the Committee of Conference on the subject of the Militia Bill, be instructed on the part of the Council to propose, that as the two Houses have not been able to agree on any amendments of the existing Law, the further discussion of that subject be deferred to a future opportunity, and, for the present, that the Act of 1813, be continued to the end of the next Session of the General Assembly.

Message from the Assembly, requesting a Conference on the subject of the last Conference on the Militia Bill.

RESOLVED, That the Council do agree thereto ; and appoint the former Committee to manage the same.

ORDERED, That Mr. Odell notify the same to the Assembly.

Message from the Assembly, that they have appointed the former Committee to meet the Committee of the Council in Conference.

The

The Committee of Conference on the subject of the last Conference, report, that the Committee from the Assembly had stated—

“That the House cannot consistently with its pledge to His Honor the President at the opening of the Session, agree to the proposal of the Council, to waive all discussion on the Militia Law, and merely continue the Act of 1813 to the end of the next Session: for by the rejection of the Bill now before the Council, many material benefits would be lost to the country, particularly the imposition of a fine upon aliens, and the recovery of fines before the Captains; the latter of which was adopted at the strong recommendation of the Council.

“The House therefore hope the Council will recede from their proposition, and agree to pass the Bill now before them.”

ORDERED, That the further consideration of the Militia Bill be postponed till to-morrow.

*Adjourned till To-morrow.*

WEDNESDAY, 2d March, 1814.

*Judge Winslow in the Chair.*

Message from the Assembly, that they have agreed to the joint Address, prepared by the Committee of the Council and Assembly, to be laid before His Royal Highness the PRINCE REGENT.

On motion, that the Council do request a free Conference with the House of Assembly, on the subject of the last Conference on the Militia Bill, the Council divided—

CONTENT.

NON CONTENT.

Mr. Winslow.

Mr. Robinson.

Mr. Odell.

Judge Saunders.

Mr. Sproule.

General Coffin.

Whereupon—Resolved in the affirmative.

ORDERED, That General Coffin notify the same to the Assembly.

Message from the Assembly, that they agree to the Conference proposed; and have appointed Mr. Agnew, Mr. Botsford, and Mr. Pagan, a Committee to manage the same.

ORDERED, That Mr. Odell and Judge Saunders be a Committee on the part of the Council

Council; and that Judge Saunders notify this appointment to the Assembly.

ORDERED, That Judge Saunders inform the House of Assembly, that the Council agree to the Address prepared by the Committee of the Council and Assembly, and in the request to His Honor the President to transmit the same.

RESOLVED, That the Committee of Conference be instructed to state to the Committee of Conference on the part of the Assembly—

“That the Council are sincerely desirous to agree with the House of Assembly in such amendments of the Militia Law, as would fully redeem the pledges of the two Houses to His Honor the President at the opening of the Session, which were to adopt such amendments as would render the Law more efficient for the essential purposes of defence; for which important object, His Honor has since, by Message of the 31st of January to both Houses, deemed it his duty to express his opinion, that a provision for an annual training of the several battalions of Militia during six days at least, is indispensably necessary.

“That the Council, anxious to attain this object, but at the same time aware that it must unavoidably impose a heavy and unequal burthen on those who are enrolled in the Militia, have proposed to the Assembly to make provision for lightening this burthen, at least so far as to furnish the Militia with provisions while thus called out to be prepared for actual service, in case of necessity, for the general defence. This proposal, however, was not only rejected by the House of Assembly, but was considered as an infringement of their peculiar privileges.

“In such an imputation the Council could not acquiesce consistently with their duty, to guard against any innovations in the constitution of this Colonial Legislature. Yet, anxious to avoid at this time all particular discussions of that nature, they merely disclaimed the imputation, in the hope of finding the House of Assembly alike disposed to abstain from questions of privilege at a juncture like the present, and endeavour, as far as the circumstances of the Province would admit, to meet the wishes of His Honor the President, which can only be prompted by a sincere ambition to contribute every thing in his power, to the safety and welfare of the Colony committed to his Administration.

“After several fruitless conferences on this subject, the Council have, as a measure of conciliation, proposed that as the two Houses have not been able to agree on any amendments of the existing Law, the further discussion of that subject be for the present deferred, and that the Act of 1813, be continued to the end of the next Session of the General Assembly. This measure, though it was actually adopted on Friday last by the House, and was ordered to be, on their part, proposed to the Council for their concurrence, is now, on being proposed on the part of the Council, rejected by the House of Assembly, and a Bill sent up with provisions to which the Council cannot agree, since it is, in their opinion, much less efficient for the essential purposes of defence than the Act of 1813, for the amendment of which the Council still are anxious, but are fearful it cannot be obtained at present.

“It is stated on the part of the House of Assembly, that by simply continuing the

Act



Act of 1813, 'many material benefits would be lost to the Country, particularly the imposition of a fine upon aliens, and the recovery of fines before the Captains,' the latter of which is stated to have been 'adopted by the House of Assembly at the strong recommendation of the Council.' To this statement the Committee on the part of the Council is instructed to answer, that their recommendation was to provide for the recovery of fines, not before a Captain, to which they have serious objections, but before a board of officers. But if the House of Assembly continue to be of opinion that the proposed fine upon aliens, and the recovery of fines before a Captain would be an amendment of the Act of 1813, the Council will waive their objection on this head, and concur with the House of Assembly in continuing that Law, thus amended, to the end of the next Session of the General Assembly."

*Adjourned till To-morrow.*

.....

*THURSDAY, 3d March, 1814.*

*Judge Winslow in the Chair.*

Message from the Assembly, requesting the concurrence of the Council in the following Resolutions:—

"RESOLVED, That it is in the opinion of the House expedient that a Map of the Province, upon a reduced scale, should accompany the joint address of the Council and the House to His Royal Highness the PRINCE REGENT: and thereupon Resolved further, that an humble address be presented to His Honor the President, requesting that His Honor will direct His Majesty's Surveyor General to prepare a Map for the occasion, and that the same be transmitted with the address."

RESOLVED, That the Council do agree to this Resolution; and that Mr. Robinson inform the House of Assembly thereof.

The Committee of free Conference on the subject of the last conference, state that the Committee of the Assembly had stated to them—

"That the House are of opinion that the provisions of the Bill will greatly improve the state of the Militia, and render it more efficient for the essential purposes of defence; and in this they are the more confirmed from a persuasion that the provisions will be acceptable to His Honor the President.

"The House forbear making any observations at this juncture, upon the notice taken by the Council of what passed in this House, as their knowledge of the same could not have been derived through any source of Parliamentary communication.

"The House cannot, at this or at any time, forbear noticing any infringement or attempt to infringe their undoubted right and privilege of judging what are the burthens which

which their constituents can bear.

“That the House are constrained to declare it to be their determination to leave the Bill with the Council, still indulging a hope that upon reconsideration, the Council will consent to waive their objections, and concur with the House in passing the Bill in its present state.” Whereupon—

RESOLVED, That the House of Assembly when they state their persuasion “that that provisions of the Bill will be acceptable to His Honor the President,” seem to forget His Honor’s decided opinion on this head, as expressed in His Message of the 31st of January.

RESOLVED, That the House of Assembly are unwarranted in adverting to the notice taken by the Council of what passed in that House, on the ground that “their knowledge of the same could not have been derived through any source of Parliamentary communication.” The Council have taken no notice of the debates in that House, though they are open to the public audience, but simply of the result of their proceedings, as entered on their Journal; which the House of Assembly, it is presumed, will not think it warrantable to withhold from the knowledge of the Council, while they enjoy the undisputed right of inspecting the Journal of the Council whenever they may think it proper so to do.

That the House of Assembly, in claiming as an exclusive right the privilege of judging what are the burthens which their constituents can bear, are mistaken, unless it be restricted to pecuniary burthens only.

On the question that it be resolved as follows—

“That as the House of Assembly think themselves ‘constrained to declare it to be their determination to leave the Bill with the Council, still indulging a hope that upon reconsideration, the Council will consent to waive their objections, and concur with the House in passing the Bill in its present state,’ the Council conceive they have no other alternative left, than either to *wave* for the present, objections which they cannot *relinquish*, or to leave the Province at this eventful crisis without a Militia Law. Therefore, protesting against this being ever cited as a precedent hereafter, Resolved, on a third reading of this Bill, that the same do pass.”—The Council divided—

CONTENT.

Mr. Winslow.  
Mr. Odell.  
Mr. Robinson.

NOT CONTENT.

Mr. Saunders.  
Mr. Sproule.  
Mr. Coffin.

Thereupon determined in the negative.

Message from the Assembly, that they have appointed Mr. Attorney General, Mr. Botsford, and Mr. Street, a Committee, with such Committee as the Council shall appoint, to wait upon His Honor the President, and request that His Honor will be pleased

sed to transmit the joint Address of the Council and Assembly to be laid before His Royal Highness the PRINCE REGENT.

ORDERED, That Mr. Odell and Judge Saunders be a Committee for this purpose; and that Mr. Odell notify this appointment to the Assembly.

The further consideration of the Militia Bill postponed until to-morrow.

*Adjourned till To-morrow.*

FRIDAY, 4th March, 1814.

*Judge Winslow in the Chair.*

Resumed the consideration of the Militia Bill. Whereupon—

On motion that the following amendments be made—

“ At A. in the second section, insert ‘or Companies, as he in his discretion may think best;’ at B. dele ‘two,’ and insert ‘six;’ dele the third section”—

The Council divided—

CONTENT.

Mr. Winslow.  
Mr. Odell.  
Mr. Saunders.  
Mr. Sproule.  
Mr. Coffin.

NOT CONTENT.

Mr. Robinson.

RESOLVED, That the said amendments be adopted; and that the said Bill so amended, be now read a third time.

Read a third time, as amended, the Militia Bill; and on the question whether the said Bill as amended, do pass, the Council divided as before.—

CONTENT.

Mr. Winslow.  
Mr. Odell.  
Mr. Saunders.  
Mr. Sproule.  
Mr. Coffin.

NOT CONTENT.

Mr. Robinson.

Thereupon—Resolved, that the Bill, as amended, do pass.

Ordered,

ORDERED, That Mr. Saunders return the same to the Assembly for concurrence.

Message from the Assembly, requesting a Conference with the Council on the subject of the amendments to the Militia Bill.

RESOLVED, That the Council do agree to the Conference proposed; and that Mr. Odell and Mr. Saunders be a Committee for the purpose.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Message from the Assembly, that they have appointed Mr. Attorney General, Mr. Street, and Mr. M'Donald, a Committee of Conference on the part of the House.

*Adjourned till To-morrow.*

.....

*SATURDAY, 5th March, 1814.*

*Mr. Odell in the Chair.*

The Committee of Conference on the amendments to the Militia Bill, report, that the Committee of Conference on the part of the Assembly had stated—

“ That although the House are always desirous to listen with all possible attention to the amendments proposed by the Council to Bills which the House have passed, they cannot consent to concur in the present proposed amendment, which leaves to the discretion of the Commander-in-Chief to call the Militia out (if His Honor may think it expedient) the whole number of six days, by battalions.

“ The House have the most perfect confidence in the judgment of the present Administrator of the Government, and of His Honor's disposition to promote, by every possible means, the interest of the Province, but it can hardly be necessary to observe to the Council, that it is altogether uncertain, while the present arrangements continue, who may have the execution of the Law. Besides, the House consider it their indispensable duty to reduce to all possible certainty the burthens which are to be imposed upon their constituents; and that in the present case it is highly expedient, that the people should be informed and assured by the Law, in what manner they are to be called upon to perform their Military duty; without which they might be exposed to be assembled and kept together in a way which both Houses have agreed in opinion would be too burthensome for the Country, and which might under particular circumstances operate greatly to the inconvenience of the people.

“ In making provision for drilling of the Militia for four of the six days by companies, the House studied how far they could alleviate the public burthen, while they prepared for the instruction of the Militia in a way well calculated in the opinion of the House, for rendering them efficient, and such as the House trusted would be acceptable to the Commander-in-Chief.

“ The

"The House are still confident that the representatives of the people are the constitutional judges of the extent of the burthens which their constituents can bear; but they are not disposed to press this point further at present than may be necessary to assert this their unalienable right and privilege.

"The Committee of Conference" also stated that they "are further instructed to return the Bill with the proposed amendments to the Committee of Conference on the part of the Council, in confidence, that upon reviewing the subject, the Council will consent to waive their amendments and concur with the House in passing the Bill."

RESOLVED, That Mr. Robinson, on the part of the Council, do request a free Conference with the Assembly on the subject of the last Conference on the amendments to the Militia Bill; and that Mr. Odell and Judge Saunders be a Committee to manage the same.

Message from the Assembly, that they agree to the free Conference proposed; and have appointed the former Committee to manage the same.

RESOLVED, That the Committee of Conference be instructed to state—

"That the Council are at all times, and especially in the present situation of the Province, sincerely desirous to concur, as far as they consistently can, in every measure proposed by the House of Assembly. In this conciliatory disposition they would now waive objections which they continue to think important, and, without further discussion, guarding only against any future inference of precedent prejudicial to the constitution of this Colonial Legislature, would agree to the present Bill; but, as the practice which has hitherto, perhaps inadvertently, been adopted by both Houses, not only of limiting the *time*, but also of prescribing the *manner* in which the Militia are to be trained, appears to the Council, upon a deliberate review of the subject, to be clearly unparliamentary, they deem it their indispensable duty, on the present occasion, to request that the House of Assembly will give to this suggestion the deliberate consideration which is due to every point of constitutional practice; and in this view, the Council hope the House of Assembly will concur in passing the present Bill with the first amendment proposed by the Council, and with an alteration of their second amendment; in lieu of which, they propose to limit the time of training to four days, as proposed by the Assembly in a former Bill, instead of six days; and the Council direct their Committee to return the Bill, thus amended, to the House of Assembly."

The Committee of free Conference report, that they had communicated to the Committee of the Assembly the instructions of the Council, and that the Committee of the Assembly have returned for answer—

"That the House having, with the same spirit of conciliation which appears to regulate the conduct of the Council, taken into their deliberate consideration the suggestion made by the Council through their Committee of free Conference, are decidedly of opinion, that the practice which has prevailed in this Province, of limiting the *time* and *manner* in which the Militia are to be trained, is consonant, not only to the usages of

the Sister Colonies, but of the Mother Country, as will be found by a reference to the Acts of Parliament and of the several Legislatures; and that the House cannot listen to a proposal to depart from such practice; and that the Committee were further instructed to deliver the said Bill, with the proposed amendments of the Council, to the Committee of free Conference on the part of the Council, acquainting them that the House cannot concur with the amendments, but still entertain a hope that the Council will not permit the Country to be deprived of the benefits of the provisions of the said Bill."

*Adjourned till Monday next.*

.....

**MONDAY, 7th March, 1814.**

*The Chief Justice in the Chair.*

Read again the report of the Committee of free Conference on the subject of the amendments to the Militia Bill, Whereupon—

**RESOLVED**, That the Council will not adhere to those amendments.

On the question—**Resolved**, that the said Bill do pass.

**ORDERED**, That Mr. Robinson notify the same to the Assembly.

His Honor the President came to the Council Chamber, and commanded the attendance of the House of Assembly; who attended accordingly when His Honor gave his assent to the following Bills:—

A Bill to continue an Act, intituled, "an Act for raising a Revenue in this Province, and the Acts in amendment thereof."

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

A Bill to give full effect to, and to prevent the evasion of an Act, intituled, "an Act for the further increase of the Revenue."

A Bill to appropriate a part of the Public Revenue for the services therein mentioned.

A Bill to provide for opening and improving Roads and erecting Bridges throughout the Province.

A Bill to make perpetual sundry Acts of the General Assembly that are near expiring.

A Bill in addition to an Act, intituled, "an Act for regulating the exportation of Fish and Lumber, and for repealing the Laws now in force regulating the same."

A Bill to continue several Acts of the General Assembly that are near expiring.

- A Bill to continue an Act, intituled, "an Act to provide for the accommodation and billeting of His Majesty's Troops and the Militia when on their march."
- A Bill for the preservation of Partridges.
- A Bill for the better regulation of Licenses to Inns, Taverns, and Houses for selling Strong Liquors by retail.
- A Bill further to continue for a limited time, an Act, intituled, "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."
- A Bill in amendment of an Act, intituled, "an Act to repeal all the Acts now in force relating to Trespasses, and for making new regulations to prevent the same."
- A Bill to repeal an Act, intituled, "an Act in alteration and amendment of an Act for establishing the rates to be taken for Wharfage and Cranage," and for substituting other alterations and amendments of the same Act, therein recited, in lieu thereof.
- A Bill for the indemnification of Commissioners of Sewers.
- A Bill to authorize the Rector, Church-Wardens, and Vestry of Saint Andrews Church, in the Parish of Saint Andrews, to convey to the King's Majesty a certain piece of Glebe Land of the Parish, for the purpose of erecting Military Fortifications thereon.
- A Bill in addition to an Act, intituled, "an Act more effectually to provide for the public registering of all Marriages solemnized within this Province."
- A Bill to empower and authorize the Justices of the County of Westmoreland, at their General Sessions of the Peace, to regulate the grazing and depasturing of the several Marshes, Low Lands, or Meadows, within the said County.
- A Bill to enlarge the limits of the Parishes of Saint Patrick and Saint George, in the County of Charlotte.
- A Bill to continue for a limited time, an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.
- A Bill in further addition to an Act, intituled, "an Act for the better ascertaining and confirming the boundaries of the several Counties within this Province, and for subdividing them into Towns or Parishes."
- A Bill to authorize the Justices of the Peace for the County of Northumberland to hold a Special Session, for the purpose of appointing Town or Parish Officers for the present year.
- A Bill to continue and amend an Act, intituled, "an Act for regulating the Militia."

His Honor then closed the Session by the following Speech to both Houses :—

*“ Gentlemen of the Council, and*

*“ Gentlemen of the Assembly,*

**I**N closing the present Session, I have only to express my hope that the several Bills now enacted, may be found in their operation, to answer the purposes of public benefit for which on your part, they must have been intended. To this it shall be my ambition to contribute as far as may be in my power ; nor can I entertain a doubt of your zeal and diligent attention, in your recess, to encourage and animate the people to that orderly observance of the Laws, which is at all times essential to the public prosperity, and to those cheerful exertions to which, at this time, they are called, in order to be duly prepared for any emergency that may threaten their future peace and preservation.”

The Chief Justice then, by the President's command, declared the General Assembly to be prorogued to the second Tuesday in June next.

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# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF THE

Province of New-Brunswick.

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FIFTH SESSION OF THE FIFTH GENERAL ASSEMBLY.

ANNO QUINQUAGESIMO SEXTO GEORGII TERTII REGIS.

MAJOR GENERAL GEORGE TRACEY SMYTH, PRESIDENT AND COMMANDER-IN-CHIEF.

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AT FREDERICTON, IN THE PROVINCE OF NEW-BRUNSWICK.

COUNCIL CHAMBER, *Thursday, 11th January, 1816.*

**T**HE General Assembly having been prorogued to this day, His Honor the President came to the Council Chamber, and, by Message, commanded the attendance of the House of Assembly; who attended accordingly, and His Honor opened the Session by a Speech to both Houses.

The House of Assembly having retired, and His Honor having withdrawn, the Chief Justice reported a copy of the President's Speech, which was read, as follows:—

*"Gentlemen of the Council, and*

*"Gentlemen of the Assembly,*

**"T**HE most important objects that I have to recommend to your deliberation (after what

what concerns the Revenue, and the ordinary exigencies of the Province) are the renewal of the Militia Law, the permanent establishment of Schools in the several Counties for the Instruction of Youth, the opening and amending of the Roads, and the improvement of the navigation of our principal Rivers.

“ I shall not dwell upon the evident importance of the establishment of such a Militia Law, as will enable the Loyalty of the Province to be brought forward in its defence upon any sudden emergency, however apparently unnecessary it may be to anticipate such a call in our present state of Peace.

“ The great advantages resulting to every Country, from those habits of temperance, industry and loyalty, in the people at large, which are generally the result of an early and well directed education, are so obvious, that I need not press this important subject on your consideration.

“ There are few things which will more essentially contribute to the speedy and permanent settlement of the Province than the establishment of good Roads; this object, therefore, will, I have no doubt, meet with your cordial support. In the mode, however, hitherto pursued, of appropriating monies for this purpose, there is reason to apprehend that the sums voted have not been so productive as they might have been under different arrangements, and I therefore recommend the adopting some general plan, which your wisdom and experience will point out, for giving greater effect to any future grants for this service.

“ With the establishment of Roads is intimately connected the improvement of the navigation of our Rivers, not only as it concerns the general convenience and advantage of the Inhabitants, but also as the means of facilitating and extending the Commerce of the Province.

“ *Gentlemen of the Assembly,*

“ The Treasurer’s account, and such other documents as may be necessary for your information, shall be laid before you. By these you will find that the flourishing state of our Commerce, and the consequent increase of the Revenue, have been such as to put into your hands ample means of laying a foundation for great and permanent improvements, in points intimately connected with the future prosperity of the Province.

“ *Gentlemen of the Council, and*

“ *Gentlemen of the Assembly.*

“ After a contest so long and arduous, so obstinate and sanguinary, as hardly to have a parallel, a contest in which the nation, to which it is our pride and happiness to belong, has borne a most distinguished part, Europe at length reposes in a secure and honorable Peace.

“ During the continuance of our long warfare, the successes of the Enemy have at times been such as to excite the most serious apprehensions; but a final stroke was given to his illegitimate power in the great and mighty battle of WATERLOO—a Battle fought by our matchless HERO, the DUKE of WELLINGTON, and in which most sanguinary contest, the bravery and discipline of the Army under his command, were eminent-

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ly conspicuous ; and while, with the deepest feeling of thankfulness, we acknowledge the signal mercies that have been vouchsafed to us, amidst surrounding desolation, let us not forget the brave men, by whose unexampled exertions, under DIVINE PROVIDENCE, the glory of the British Nation has been raised to such a brilliant height, and the best interest of mankind so nobly preserved.

“ It must be truly gratifying to every generous mind to witness the promptitude, with which the nation has stepped forward to relieve by their liberality, in the only way practicable, the sufferings of those brave men who have survived, and the families of those who fell in the Field of Battle. In so laudable an exertion of patriotism, I trust this loyal Province will not be surpassed by any part of the King’s dominions.

“ I sincerely congratulate you upon the increasing prosperity of the Province, which, while other Countries have been groaning under the distresses incident to war, has been wholly exempted from any one of those calamities ; and when we consider that, under the favor of DIVINE PROVIDENCE, it is to the British Constitution that we are principally indebted for the many advantages we now possess, it must confirm our steady and zealous attachment to that Sovereign, and that Country, which has extended to this Colony, a Constitution so nearly resembling the pre-eminent original.”

ORDERED, That Mr. Odell and Judge Saunders be a Committee to prepare an Address in answer to the President’s Speech.

*Adjourned till 12 o’clock To-morrow.*

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*FRIDAY, 12th January, 1816.*

*Adjourned till To-morrow.*

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SATURDAY, 13th January, 1816.

Adjourned till Monday next.

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MONDAY, 15th January, 1816.

The Chief Justice in the Chair.

The Committee appointed to prepare an Address in answer to the Speech, reported a draft, as follows :—

“ To His Honor Major General George Stracey Smyth, President and Commander in Chief of the Province of New-Brunswick, &c. &c. &c.

“ THE ADDRESS OF HIS MAJESTY’S COUNCIL IN GENERAL ASSEMBLY.

“ SIR,

“ **T**HE several objects recommended by your Honor, to our deliberation, in your Speech at the opening of this Session, cannot fail to engage our serious attention; and we shall cheerfully contribute our endeavours to the renewal of the militia Law, convinced as we are, that it is our indispensable duty, at all times to be prepared to the utmost of our ability for the defence of the Province. The advantages to be derived from an early and well directed education of the youth of the Country, are, indeed, so obvious, that the establishment of permanent schools in the several Counties, will meet with our hearty concurrence. And the improvement of the roads and of the navigation of our principal rivers, as the means of contributing to the speedy and permanent settlement of the Province, and of facilitating and extending its commerce, is a measure which will have our cordial support.

“ It is with great pleasure that we learn from your Honor, that after the long and arduous contest in which the country to which it is our pride and happiness to belong, has borne so distinguished a part, Europe at length reposes in secure and honorable peace. And while we participate with your Honor in feelings of thankfulness for the signal mercies that have been vouchsafed us, amidst surrounding desolation, we remember with pleasure that the page of history will record the **BATTLE** of **WATERLOO**, and the bravery and discipline of those by whose unexampled exertions, under Divine Providence, in that sanguinary conflict, the glory of the British Nation has been raised to such a brilliant height, and the best interests of mankind so nobly preserved.

“ The manner in which the nation has stepped forward for the relief of the sufferers in that memorable battle, must indeed be gratifying to every generous mind; and we trust, with your Honor, that in so laudable an exertion of patriotism, this Province will not be surpassed by any part of the King’s dominions.

“ We thank your Honor for your congratulations on the prosperity of the Province, which, while other countries suffered so severely from the distresses incident to war, has been wholly exempted from any of those calamities. And when we consider the many advantages we now possess, it cannot fail to confine our steady and zealous attachment to our Sovereign, and to that country from which, under the favor of Divine Providence, those advantages are derived.”

Which is approved.

ORDERED, That Mr. Saunders wait upon His Honor the President, to know when he will receive the Address of the Council.

Mr. Saunders reported, that His Honor will receive the Address in the Council Chamber, on Thursday next, at one o’clock.

Adjourned till To-morrow.

TUESDAY,

TUESDAY, 16th January, 1816.

Adjourned till To-morrow.

WEDNESDAY, 17th January, 1816.

Adjourned till To-morrow.

THURSDAY, 18th January, 1816.

The Chief Justice the Chair.

The Chief Justice reported, that the Council had this day presented their Address in answer to the President's Speech, to which His Honor had returned the following Answer :—

“ Gentlemen,

“I THANK you for this Address, and I have the fullest confidence in your zealous endeavours to promote the interests of the Province, to which I shall be happy to contribute whatever may be in my power.”

Read a Petition, presented by Judge Chipman, from the President and Directors of the Grammar School of Saint John, praying further aid to enable them to discharge the duties of their trust.

Read also a Petition of the Roman Catholics residing in the City of Saint John, praying for aid to enable them to complete a building for a place of Worship.

ORDERED, That these Petitions lie on the Table.

Adjourned till 12 o'clock Tomorrow.

FRIDAY, 19th January, 1816.

The Chief Justice in the Chair.

Read a Petition from the Mayor, Aldermen, and Commonalty of Saint John, praying for a Law to establish a nightly watch :

A Petition for a Law to increase the number of Constables : And

A Petition for a Law to increase the number of Firemen in the City of Saint John.

ORDERED, To lie on the Table.

Adjourned till Monday next.

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MONDAY, 22d January, 1816.

The Chief Justice in the Chair.

Adjourned till To-morrow.

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TUESDAY, 23d January, 1816.

Adjourned till To-morrow.

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**WEDNESDAY, 24th January, 1816.**

*Adjourned till To-morrow.*

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THURSDAY, 25th January, 1816.

Mr. Odell in the Chair.

Message from the Assembly, requesting the concurrence of the Council in the following Resolution:—

“RESOLVED, in consideration of the general good conduct of the New-Brunswick Fencible Regiment, that the sum of two hundred pounds, be vested in the hands of His Honor the President, for the purpose of affording temporary relief to such of the non-commissioned officers and privates of the said regiment, about to be disbanded at this inclement season of the year, as may be found entitled to, and in need of the same.”

RESOLVED, That the Council do agree to the same.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Read

Read a Bill, brought in by Mr. Chipman, to provide for the punishment of Horse-stealing :

A Bill to explain an Act, intituled, an Act for erecting a Parish in the City of Saint John, &c. : And

A Bill to alter and amend an Act, intituled, an Act in addition to an Act, intituled, an Act for regulating Juries, &c.

ORDERED, That these Bills stand for a second reading to-morrow.

Read a Bill from the Assembly, to increase the number of Firemen in Saint John : And

A Bill to increase the number of Constables in the City of Saint John.

ORDERED, That these Bills stand for a second reading to-morrow.

Message from His Honor the President, as follows :—

“New-Brunswick.

“MESSAGE TO HIS MAJESTY’S COUNCIL.

“25th JANUARY, 1816.

“G. S. SMYTH.

“**T**HE President impressed with the idea of the utility of Circuit Courts, and Courts of Oyer and Terminer and Gaol Delivery, being held at some stated and convenient season in every year, in the several and respective Counties in the Province, and of the importance of lessening, so far as may be practicable, the expenses attending the trial of causes in the Circuit Courts, recommends to the consideration of His Majesty’s Council, the making of some suitable and permanent provision to defray the expenses of the Judges in attending those Courts, and the establishment of a competent salary for the Clerk of those Courts, in lieu of the travelling charges to which he is now entitled, in order that measures may be adopted for carrying into effect these salutary purposes without delay.

“G. S. S.”

Adjourned till twelve o’clock To-morrow.

FRIDAY, 26th January, 1816.

Mr. Odell in the Chair.

ORDERED, That the second reading of the several Bills, appointed for to-day, be put off till Monday next.

Adjourned till Monday next.

MONDAY,

MONDAY, 29th January, 1816.

Mr. Odell in the Chair.

Read a Bill, from the Assembly, in amendment of an Act for regulating the Fisheries in the County of Northumberland : And

A Bill to alter an Act, intituled, " an Act to alter and amend an Act for the further regulation of Fisheries, and for preventing their decay;" and also, to alter another Act for the further regulation of Fisheries, and for preventing their decay.

To stand for a second reading to-morrow.

Read a Bill, brought in by Judge Chipman, to enable the Mayor of Saint John to grant Licenses to certain persons and for certain purposes therein mentioned.

To stand for a second reading to-morrow.

Read a second time, and amended, the Bill to increase the number of Firemen in Saint John.

Read a second time, the Bill to increase the number of Constables in Saint John.

These Bills to stand for a third reading to-morrow.

The second reading of the Bill to provide for the punishment of Horse-stealing put off till to-morrow.

Read a second time, the Bill to alter and amend the Act in addition to the Act for regulating Juries.

To stand for a third reading to-morrow.

Read a second time, the Bill to explain the Act for erecting a Parish in the City of Saint John, &c.

To stand for a third reading to-morrow.

Adjourned till To-morrow.

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TUESDAY, 30th January, 1816.

The Chief Justice in the Chair.

Read a second time, the Bill to provide for the punishment of Horse-stealing.

To stand for a third reading to-morrow.

Read

Read a third time, and passed, the Bill to increase the number of Constables in Saint John.

ORDERED, That Mr. Chipman notify the same to the Assembly.

Read a third time, and passed as amended, the Bill to increase the number of Firemen in Saint John.

ORDERED, That Mr. Chipman return the same to the Assembly for concurrence.

Read a Bill, brought in by Judge Chipman, to explain and amend an Act, intituled, an Act relating to Wills, Legacies, Executors, &c.

ORDERED, To stand for a second reading to-morrow.

Read a third time, and passed, the Bill to amend the Act in addition to an Act for regulating Juries, &c. : And

The Bill to explain the Act for erecting a Parish in the City of Saint John, &c.

ORDERED, That Mr. Chipman carry these Bills to the Assembly for concurrence.

Read a second time, the Bill to enable the Mayor of Saint John to grant Licenses, &c.

To stand for a third reading to-morrow.

Read a second time, the Bill in amendment of an Act for regulating the Fisheries in the County of Northumberland.

To stand for a third reading to-morrow.

Read a second time, the Bill to alter the Fishery Law.

To stand for a third reading to-morrow.

Adjourned till To-morrow.

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**WEDNESDAY, 31st January, 1816.**

*The Chief Justice in the Chair.*

Message from the Assembly, that they agree to the amendment to the Bill to increase the number of Firemen in Saint John.

Read a third time, and passed, the Bill to provide for the punishment of Horse-stealing : And

The

The Bill to enable the Mayor of Saint John to grant Licenses.

ORDERED, That Mr. Saunders carry these Bills to the Assembly for concurrence.

Read a second time, the Bill to explain and amend an Act relating to Wills, Legacies, &c.

To stand for a third reading to-morrow.

Read a third time, and passed, the Bill to amend the Act for regulating the Fisheries in the County of Northumberland: And

The Bill to alter the Fishery Law.

ORDERED, That Mr. Saunders inform the House of Assembly that the Council have agreed to these Bills.

*Adjourned till To-morrow.*

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THURSDAY, 1st February, 1816.

Mr. Odell in the Chair.

Read a third time, and passed, the Bill to explain and amend an Act relating to Wills, Legacies, Executors, &c.

ORDERED, That Mr. Chipman carry this Bill to the Assembly for concurrence.

Read a Bill, from the Assembly, to organize and regulate the Militia of this Province.

To stand for a second reading to-morrow.

Read a Bill, from the Assembly, to ascertain rateable Estates in this Province, and for other purposes therein mentioned.

To stand for a second reading to-morrow.

Message from the Assembly, that they agree to the Bill to provide for the punishment of Horse-stealing.

Adjourned till To-morrow.

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FRIDAY, 2d February, 1816.

Mr. Odell in the Chair.

Read a Bill, from the Assembly, to give two additional terms in each year for the sittings

sittings of the Inferior Court of Common Pleas in Northumberland :

A Bill to constitute the Island of Grandmanan into a distinct Town or Parish :

A Bill to prevent the cutting or breaking down of the Bank of any River, Sea Bank, or Dike, &c.

A Bill to establish and provide for the support of a nightly Watch in the City of Saint John.

These Bills to stand for a second reading on Monday next.

Took again into consideration the Bill to ascertain rateable Estates.

To be further considered on Monday next.

Read a second time the Militia Bill.

To stand for a third reading on Monday next.

Adjourned till Monday next.

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MONDAY, 5th February, 1816.

Mr. Odell in the Chair.

Read a second time, the Bill to give two additional terms for the sittings of the Common Pleas in Northumberland :

The Bill to constitute the Island of Grandmanan into a distinct Town or Parish :

And

The Bill to prevent the cutting or breaking of Sea Banks or Dikes, &c.

ORDERED, To stand for a third reading to-morrow.

The second reading of the Bill to establish a nightly Watch in Saint John postponed till to-morrow.

ORDERED, That the second reading of the Bill, to ascertain rateable Estates stand over till to-morrow.

Message from the Assembly, that they have agreed to the Bill to explain the Act for erecting a Parish in the City of Saint John &c., with amendments ; which were read, and the further consideration of them postponed until to-morrow.

Read a third time, and passed, the Militia Law.

Ordered,

ORDERED, That Mr. Saunders inform the House of Assembly that the Council have agreed to the same Bill.

Adjourned till To-morrow.

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TUESDAY, 6th February, 1816.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill to give two additional terms for the sittings of the Inferior Court of Common Pleas in Northumberland :

The Bill to prevent the cutting or breaking of Sea Banks or Dikes : And

The Bill to constitute the Island of Grandmanan into a distinct Town or Parish.

ORDERED, That Mr. Odell inform the Assembly that the Council have agreed to these Bills.

RESOLVED, That the further consideration of the amendments to the Bill to explain the Act for erecting a Parish in Saint John &c., be put off until to-morrow.

On motion—Resolved, that the second reading of the Bill for establishing a nightly Watch in the City of Saint John, be further adjourned until to-morrow.

On motion—Resolved that the further consideration of the Bill to ascertain rateable Estates, be postponed until Friday next.

Read a Bill, from the Assembly, in addition to, and to explain an Act, intituled, “an Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber.”

To stand for a second reading on Thursday next.

Adjourned till To-morrow.

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WEDNESDAY, 7th February, 1816.

Mr. Odell in the Chair.

Read a second time, and amended, the Bill to establish a nightly Watch in Saint John.

To

To stand for a third reading to-morrow.

Resumed the consideration of the amendments to the Bill to explain the Act for erecting a Parish in Saint John, &c.

RESOLVED, That the Council do request a Conference with the Assembly, on the subject of these amendments.

ORDERED, That Mr. Chipman communicate this Resolution to the Assembly.

Read a Bill, from the Assembly, to continue and make perpetual two Acts of the General Assembly that are near expiring.

To stand for a second reading to-morrow.

Message from the Assembly, that they agree to the Conference proposed on the amendments to the Saint John Parish Bill; and have appointed Mr. Attorney General and Mr. James Fraser, a Committee, to manage the same.

RESOLVED, That Mr. Chipman be a Committee to manage the Conference on the part of the Council; and that he notify his appointment to the Assembly.

RESOLVED, That Mr. Chipman be instructed to propose to the Committee of Conference, the taking out of the words "as Glebes," in the amendments made by the House, and adding the third clause.

Adjourned till To-morrow.

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**THURSDAY, 8th February, 1816.**

*The Chief Justice in the Chair.*

Read a third time, and passed as amended, the Bill for establishing a nightly Watch in Saint John.

**ORDERED**, That Mr. Chipman return the same to the Assembly for concurrence.

Message from the Assembly, requesting a Conference on the subject of the last Conference on the amendments to the Saint John Parish Bill.

**RESOLVED**, That the Council do agree to the same; and that Judge Chipman be the Committee to manage the same.

**ORDERED**, That he notify his appointment to the Assembly.

Read a second time, and amended, the Bill to continue and make perpetual two Acts of the General Assembly. Read

Read a third time, and passed, the same Bill.

**ORDERED**, That Mr. Robinson return the same to the Assembly for concurrence.

Read a second time, and amended, the Bill in addition to, and to explain an Act, intituled, "an Act to explain and amend the Laws now in force for regulating the exportation of Fish and Lumber."

To stand for a third reading to-morrow.

Message from the Assembly, that they have appointed Mr. Attorney General and Mr. Fraser, to manage the Conference, on the part of the House, on the subject of the last Conference.

Message from the Assembly, that they agree to the amendments to the Bill to continue and make perpetual two Acts of the General Assembly.

Mr. Chipman, from the Committee of Conference, reports, that the Committee of the House had stated, that the House have agreed to the amendments proposed by the Council to be made to the Saint John Parish Bill, and that the same had been amended accordingly, and that the Committee had returned the Bill. Whereupon—

Read again the amendments to the said Bill, and agreed to the same.

**ORDERED**, That Mr. Saunders notify the same to the Assembly.

*Adjourned till To-morrow.*

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FRIDAY, 9th February, 1816.

The Chief Justice in the Chair.

Read a second time, and amended, the Bill to ascertain rateable Estates.

To stand for a third reading on Monday next.

Read a third time, and passed as amended, the Lumber Bill.

ORDERED, That Mr. Robinson return the same to the Assembly for concurrence.

Adjourned till Monday next.

MONDAY,

MONDAY, 12th February, 1816.

The Chief Justice the Chair.

Read a third time, and passed as amended, the Bill to ascertain rateable Estates.

ORDERED, That Judge Saunders return the same to the Assembly for concurrence.

Message from the Assembly, requesting a Conference with the Council on the subject of the amendments to the Saint John nightly Watch Bill.

RESOLVED, That the Council do agree to the Conference proposed ; and that Judge Chipman be a Committee to manage the same.

ORDERED, That he notify his appointment to the Assembly.

Read a Petition from William Hazen, Esquire, Province Treasurer, presented by Judge Chipman.

ORDERED, To lie on the Table.

Read a Bill, from the Assembly, to regulate the trade of this Province in Plaster of Paris or Gypsum, and to prevent contraband Trade.

To stand for a second reading to-morrow.

Message from the Assembly, that they have appointed Mr. Attorney General and Mr. Agnew, a Committee, to meet the Committee of the Council in Conference on the subject of the amendments to the Saint John nightly Watch Bill.

The Committee of Conference on the subject of the amendments to the Saint John nightly Watch Bill, report, that the Committee from the House of Assembly had stated—

“ That although it is at all times with extreme regret, that the House engage in discussions with the Council on questions relating to privileges, they cannot, consistently with their duty to their constituents, forbear to remonstrate whenever the undoubted rights and privileges of the House are infringed, as in the present instance they conceive them to be, by two of those amendments.

“ That the House do claim it as their undoubted right to be the sole judges of the extent and duration of the burthens to be imposed from time to time, upon the people ; and they cannot therefore help viewing the amendment which goes to limit the sum to be assessed upon any one person for one year, in support of the nightly Watch, to a sum not exceeding five pounds, providing at the same time for the excess of that sum, by a tax upon the funds of the Corporation of the City, a tax in no shape contemplated by the Bill ; and also the amendment restraining the existence of the Act to four years, thereby limiting the duration of the burthen, as altogether unparliamentary, and an infringement of the rights of the House.

“ That the House are by no means disposed to consider the exceptionable amendments as proceeding from a deliberate intention to interfere with their privileges, but originating in misapprehension, and they therefore entertain full confidence in the readiness of the Council to withdraw those amendments, that the House may signify their concurrence with the Council in the others, to which the House have no objections.”

Message from the Assembly, that they agree to the amendments to the Lumber Bill.

Adjourned till To-morrow.

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TUESDAY, 13th February, 1816.

The Chief Justice in the Chair.

RESOLVED, That the Council do request a Conference with the Assembly on the subject of the last Conference, respecting the amendments to the Saint John nightly Watch Bill.

ORDERED, That Judge Chipman communicate this Resolution to the Assembly.

Read a second time the Gypsum Bill.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Message from the Assembly, that they agree to the Conference proposed on the subject of the last Conference, respecting the amendments to the Saint John nightly Watch Bill; and have appointed the Attorney General and Mr. Agnew to manage the same.

RESOLVED, That Judge Chipman be the Committee on the part of the Council; and that he notify this appointment to the Assembly; and further

RESOLVED, That the Committee be instructed to state to the Committee of the Assembly—

“ That the Council have no wish nor inclination at any time, and that they had no intention in the present instance, in any manner, to infringe or interfere with the privileges of the House in Bills imposing any tax or burthens upon their constituents. That the Council do not conceive it necessary on this occasion to enter into any discussion of the nature or extent of those privileges, as they observe with great satisfaction that the House do not, merely on the ground of their being bills of this description, object to such amendments of them made by the Council as are consistent with
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the views, intentions, and meaning of the House, in the clauses to which such amendments are proposed; and that the amendments now objected to by the House appear to the Council to be principally of this latter description.

“ That the Council conceived the limitation, in the amendment to the second section of the Bill, of the sum to be assessed upon any one person for one year, to a sum not exceeding five pounds, to be merely declaratory of what was tacitly implied in the concomitant provisions in the same section of the Bill; because the Council could not suppose it to have been the intention of the House, in an indirect, and what the Council conceived would have been an improper manner, to enlarge the jurisdiction of the City Court of the City of Saint John to an indefinite extent; and because it has been, as the Council believe, the invariable practice in all Acts of Assembly authorizing an assessment of any tax upon the inhabitants in any part of the Province, in some manner to limit the amount of the sum to be raised under and by virtue of any such acts; and could it have been the intention of the House, either in this indirect manner to enlarge the jurisdiction of the City Court, or to leave the sum to be assessed upon that portion of the inhabitants of the City, in this regard contemplated in the Bill, without any limitation or controul, it would have been, in the opinion of the Council, a ground that would render it their duty altogether to reject the Bill.

“ That with regard to that part of the amendment which provides for the excess in that behalf mentioned, by what the House are pleased to call a tax upon the funds of the Corporation of the City, the Council conceived that consistently with the grounds set forth in the Petition of the Common Council of the City to the several Branches of the Legislature, upon which the Bill in question was founded, this part of the amendment merely explained rather than provided, the obvious means to be resorted to for such excess. The Council, however, have no objection to the striking out of this part of the amendment, if the House should continue to think it of any importance.

“ That with regard to the amendment restraining the existence of the Act to four years, the Council direct it to be distinctly stated, that in all cases, where the nature of the provisions in any Bill appears to them to be such as to require the test of some experience, before they become the subject of perpetual law, of which nature they conceive the provisions in the Bill in question to be, they shall feel it to be their indispensable duty to annex a clause providing such test; nor do they conceive that in so doing they infringe any of the privileges of the House. Be this, however, as it may, the Council have an undoubted right to reject any Bill that they may deem it inexpedient to pass. In the present instance, they conceived the Bill to be of too great importance to be rejected on the ground of this, or of any of the other objects of amendment, without disclosing to the House the nature of their objections to it.”

Adjourned till To-morrow.

WEDNESDAY,

WEDNESDAY, 14th February, 1816.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, in addition to an Act for erecting a Court House and Gaol, in the County of Northumberland.

To stand for a second reading to-morrow.

Message from the Assembly, requesting a Conference on the subject of the amendments to the Bill to ascertain rateable Estates.

RESOLVED, That the Council do agree to the Conference proposed, and that Judge Saunders be a Committee to manage the same, and that he communicate this Resolution to the Assembly.

Adjourned till To-morrow.

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THURSDAY, 15th February, 1816.

The Chief Justice in the Chair.

Read a second and a third time, and passed, the Bill in addition to an Act for erecting a Court House and Gaol, in the County of Northumberland.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Message from the Assembly, that they have appointed Mr. R. Pagan and Mr. Street, a Committee of Conference on the amendments to the Bill to ascertain rateable Estates.

Mr. Justice Saunders, from the Conference on the amendments to the Bill to ascertain rateable Estates, reports, that the Managers on the part of the Assembly had stated—

“ That the House are ready to agree to the first and sixth of those amendments, to wit, to strike out the words, ‘together with,’ and insert the words, ‘and of’ in the first Section, and to strike out the words, ‘next preceding,’ and insert the word, ‘sixth,’ in the eight section of the Bill; those being merely verbal or literal amendments, and such as appear to the House very proper.

“ That as to all the other amendments, if they were such as would be deemed expedient to be made, (which the House do not admit,) yet they go ‘to limit, qualify and alter’ the said Bill, and are of such a nature, as in the opinion of the House, strike directly at the root of their indubitable privilege ‘to originate all Bills imposing taxes or burthens upon their constituents, and to be the sole Judges of the extent and duration of those burthens.’ That the effect of the objectionable amendments is evident-

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ly to take the tax or burthens from one description of persons, and impose it upon another : as for instance, to relieve the owners of large and valuable tracts of unimproved land, which are constantly growing in value by the labors of the owners of small tracts of but little comparative value, from any part of the assessment, and thereby, necessarily to impose additional burthens upon those of the latter description.

“ This effect of the amendments will, the House are persuaded, be admitted by the Council, and if so, the single point remains to be decided, namely— Whether it is, or is not the privilege of the House ‘ to be sole Judges of the extent of the tax or burthen to be imposed’ or laid upon their constituents. That Parliamentary usage, and the constant practice of the Legislature of this Province having so fully and firmly established the claim of the House to this right, they indulge a hope that the Council will not resist it.

“ That the Bill was prepared and passed with great deliberation, and after the fullest discussions of the subject, and with an ardent desire to equalize, as nearly as practicable, the public burthens according to the circumstances of the people.

“ That such a Law has been long in contemplation, and in the general expectations of the Province, and as it is limited in its duration to the short term of four years, the House hope and trust that the Council will not persist in the amendments which are objected to, as they must be fully convinced it is utterly impossible for the House to yield the privilege claimed by them, which is equally undubitable with the right of the Council to reject this, or any other Bill passed by the House, if the Council deem it expedient so to do.”

Adjourned till To-morrow.

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FRIDAY, 16th February, 1816.

The Chief Justice in the Chair.

RESOLVED, That the Council do request a Conference with the Assembly, on the subject of the last Conference, on the amendments to the Bill to ascertain rateable Estates.

ORDERED, That Mr. Justice Saunders communicate this Resolution to the Assembly.

Adjourned till Monday next.

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**MONDAY, 19th February, 1816.**

*The Chief Justice in the Chair.*

Message from the Assembly, that they agree to the Conference proposed on the subject of the last Conference, on the amendments to the Bill to ascertain rateable Estate

tate ; and have appointed the former Committee to manage the same.

**RESOLVED**, That Mr. Justice Chipman be a Committee on the part of the Council ; and that he notify his appointment to the House.

**RESOLVED**, That the Committee of Conference, on the subject of the last Conference, be instructed to state to the managers on the part of the House, in answer to their communication upon the subject—

“ That the Council are fully aware of the importance, if not necessity of making a Law for the purposes contemplated in the present Bill, and that after so much pains taken in its formation, and its obviating, in so great a degree, the difficulties and inconveniences that have been hitherto experienced, it was with extreme reluctance that the Council felt themselves constrained to make any amendments that could in any degree hazard its being passed; more especially as it is so limited in its duration ; and although some of its provisions might be considered as inadequate for the purposes intended by them, and others, objectionable, yet the experience to be had from its operations, it might be hoped, would lead ultimately to the formation of such a Law as would comport with the views and wishes of all parties. The Council deprecate the idea of calling in question or infringing at any time any of the constitutional privileges of the House, and are therefore willing in this instance, without further discussion, to take it for granted that the present may be a Bill of the description contended for on the part of the House ; but even under this view of the subject, the adoption of the amendments objected to by the House, appeared to the Council essential and indispensable, to prevent the rejection of the Bill. The amendments proposed to the first and second sections of the Bill, which are objected to by the House, are founded upon different, though as the Council conceive, fundamental principles, which ought not to be departed from. The amendment to the former is indeed of such a nature that the Council cannot waive it. If therefore the House should continue to be of opinion that any Bill for the purposes contemplated in the present, must contain a clause similar to that now under consideration, unqualified with the proposed amendment, the Council fear that all efforts to relieve the Province from the difficulties experienced under the existing Law will prove unavailable and fruitless, a result which the Council would most deeply lament. The amendments to the second, and consequently to the eleventh section of the Bill, are founded upon a different principle, namely, that property while it remains altogether unimproved and unproductive, is not in any just or equitable view of the subject a proper object of taxation. The Council, however, most sincerely desirous that this Bill should not be lost, are willing to submit to its operation in this regard, during the short period for which it is passed ; being persuaded that upon a more deliberate view of the subject, and the lessons that will be in the mean time suggested by experience, a similar provision will not on any future occasion be contended for.

“ The Council therefore consent to withdraw the amendments to the second and eleventh Sections of the Bill.”

A Bill, sent up from the Assembly, to revive and make perpetual, and also to explain and amend two Acts of the General Assembly, for the more effectual prevention of Desertion from His Majesty's Forces.

*Adjourned till To-morrow.*

**TUESDAY,**

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**TUESDAY, 20th February, 1816.**

*The Chief Justice in the Chair.*

Read the Bill to revive and make perpetual, and also to explain and amend two Acts of the General Assembly, for the more effectual prevention of Desertion from His Majesty's Forces.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

*Adjourned till To-morrow.*

.....

**WEDNESDAY, 21st February, 1816.**

*Adjourned till To-morrow.*

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THURSDAY, 22d February, 1816.

Adjourned till To-morrow.

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**FRIDAY, 23d February, 1816.**

*Adjourned till Monday next.*

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**MONDAY, 26th February, 1816.**

*The Chief Justice in the Chair.*

Read a Bill, from the Assembly, for establishing a Grammar School in the Town of Saint Andrews, in the County of Charlotte.

To stand for a second reading to-morrow.

Read a Bill, from the Assembly, to regulate Assessments in this Province.

To be read a second time to-morrow.

*Adjourned till To-morrow.*

**TUESDAY,**

*TUESDAY, 27th February, 1816.*

*The Chief Justice in the Chair.*

Read a second time, the Saint Andrews Grammar School Bill.

To stand for a third reading to-morrow.

Read a second time, the Bill to regulate Assessments in this Province.

On motion that this Bill be amended, by striking out the following words in the first section : " And also upon all incomes arising from monies deposited or vested in any funds without the limits of this Province"—the Council divided—

CONTENT.

Mr. Odell.  
Mr. Chipman.  
Mr. Sproule.  
Mr. Coffin.

NOT CONTENT.

Mr. Chief Justice.  
Mr. Robinson.  
Mr. Saunders.

Thereupon—Resolved, That the Bill be amended accordingly.

To stand for a third reading to-morrow.

*Adjourned till To-morrow.*

.....

*WEDNESDAY, 28th February, 1816.*

*The Chief Justice in the Chair.*

Read a Bill, from the Assembly, to exclude ignorant and unskilful persons from the practice of Physic and Surgery.

To stand for a second reading to-morrow.

Message from the Assembly, with a Resolution for the purchase of the mansion house, outhouses and grounds, now occupied by His Honor the President, for a residence for the Governor or Commander in Chief of the Province for the time being. Which being read,

RESOLVED, That the Council do agree to the same.

ORDERED, That Judge Saunders notify the same to the Assembly.

Read a third time, and passed, the Saint Andrews Grammar School Bill.

Ordered,

**ORDERED**, That Judge Saunders notify the same to the Assembly.

Read a third time, and passed as amended, the Bill to regulate Assessments.

**ORDERED**, That Judge Saunders return the same to the Assembly for concurrence.

*Adjourned till To-morrow.*

*THURSDAY, 29th February, 1816.*

*Mr. Odell in the Chair.*

Read a second time, the Bill to exclude ignorant and unskilful persons from the practice of Physic and Surgery.

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, for the establishment, regulation, and improvement of the Great Roads of Communication through the Province.

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

*FRIDAY, 1st March, 1816.*

*Mr. Odell in the Chair.*

Read a third time, and passed, the Bill to exclude ignorant and unskilful persons from the practice of Physic and Surgery.

**ORDERED**, That Mr. Saunders communicate the same to the Assembly.

Read a second time, and amended the Great Road Bill.

To stand over for a third reading on Monday.

Read a Bill, from the Assembly, to promote and encourage the carrying trade of this Province, by regulating the exportation of Gypsum or Plaster of Paris.

To stand for a second reading on Monday.

*Adjourned till Monday next.*

*MONDAY, 4th March, 1816.*

*Mr. Odell in the Chair.*

Read a second time, the Bill to promote and encourage the carrying trade, &c.

On motion—Resolved, that the further consideration of this Bill be put off for three months.

Read a Bill, from the Assembly, to provide more effectually for a nightly Watch in the City of Saint John : And

A Bill to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of the Province.

Read the same Bills a second time, and

ORDERED, To stand for a third reading to-morrow.

Read sundry Resolutions of Appropriation sent up by the Assembly.

To be further considered to-morrow.

Read a third time, and passed as amended, the Great Road Law : and

RESOLVED, That the Council do request a Conference with the Assembly on the subject of this Bill ; and that Judge Saunders communicate the same to the Assembly.

Message from the Assembly, that they do agree to the Conference proposed, and have appointed Mr. Botsford, Mr. W. Pagan, and Mr. Campbell, a Committee to manage the same.

Read the following Bills sent up by the Assembly :—

A Bill to continue certain Acts of the General Assembly which are near expiring :

A Bill to establish Grammar Schools in several Counties of this Province :

A Bill to authorize the Justices of the General Sessions of the Peace for the County of York, to levy an assessment for building a County Court House :

A Bill for granting further aid in support of the College of New Brunswick, and of the Public Grammar School in the City of Saint John.

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

.....  
*TUESDAY, 5th March, 1816.*

*Mr. Odell in the Chair.*

RESOLVED, That Judge Saunders and General Coffin be a Committee to manage the Conference



Conference on the Great Road Bill, and that they notify their appointment to the Assembly : and

**RESOLVED**, That the Committee be instructed to state to the Managers on the part of the House, that the Council have agreed to the Great Road Bill, with amendments, and at the same time to offer for the consideration of the House, the following reasons in support of the amendments, viz :—

*Amendments from C. to E. inclusive.*

“The reasons for the deviation from the old road proposed by these amendments, are, that there is not any necessity of crossing the Little Magagaudavic, which is an object of great importance to travellers, as at present they often find great difficulty, and sometimes an absolute impracticability of getting over that river; that the high rocky hill between the two rivers is also shunned by this means; that the traveller, by this route, would have to cross but one river instead of two, and that at a place where there is a settler, who can render any assistance, and afford any accommodation that may be wanted.”

*Amendments from F. to I. inclusive.*

“By following the route proposed by these amendments, the distance from Fredericton to the bridge at Pennington’s Stream, is shorter by at least five miles, than by Kelly’s, and the ground from the Mactequack to the bridge is very good, and entirely free from hills; and the distance is but little more than seven miles, of which rather more than five miles are at present unsettled. But as the road will be so well protected in the winter, both from the drifts of snow and the cold winds, it cannot but be considered as a great advantage; for when it is once well broken it will continue passable the whole winter, and will enable those living in the vicinity of the bridge, and also all travellers coming from above, particularly those with loaded sleds, to get to Fredericton several weeks sooner than they could by crossing at Kelly’s; as the river near Cunningham’s seldom freezes over, so as to be travelled upon with safety, till after Christmas. As this road is shorter, and would be so well sheltered in the winter, there is great reason also to suppose, that it would in a great measure supersede the travelling on the river from Pennington’s by Cunningham’s, to the Mactequack, as there are several rapids in that distance, which not only render the travelling on it insecure, but sometimes occasion such large bodies of ice to be thrown up in places, as to make it impassable till late in the winter. There is also good reason for the opinion, that, both from the nature of the ground and distance, a road could be made to the bridge by this route for less than half what it would cost if carried by Kelly’s.

“By the route by Kelly’s the distance, as stated above, is increased not less than five miles, and there are several high hills, over which it will be impossible to make a road where loaded waggons or sleds can travel with any tolerable ease, unless at a very great expense; and roads thus made in this country, on the sides of such high hills, beside the disadvantage of increasing the distance by winding up their sides, are always liable to gully by the heavy rains in the spring and fall, and in the winter to be often rendered

dered dangerous, if not impassable, by the glare ice. After crossing from Kelly's which will be attended with more difficulty, particularly when the river is high, than at the Mactequack, the long high hill at Cunningham's must be ascended, after which there are several deep ravines between that hill and the bridge at Pennington's. The road here is principally over cleared land, and consequently becomes, after one or two heavy drifts of snow, very nearly, if not altogether impassable; whereas the road to the Mactequack being well protected, would remain good the whole winter.

"By re-crossing the river higher up than Wolverton's, as mentioned above, there is good high ground to the place of crossing, and then slack water for the ferry boat. The rapid water, in crossing to Mr. Fraser's lower farm, would be thus avoided, as also the low grounds on that side of the river. But what is still of far greater importance, the great inconvenience and difficulty of crossing the Meducticnicick in the spring, and after heavy rain, when it becomes very rapid, would by the route proposed be entirely removed."

*Amendments at K*

"It would be highly advantageous, not only to the public at large, but also to the settlers on the Nashwack, that the road from Moncton should be carried so far from the creek that the hills and the side hill road to Weade's may be avoided, which would enable the inhabitants to bring down their hay and other heavy articles to Fredericton with ease and convenience. It would also be highly beneficial to leave the road above Weade's open to the discretion of the supervisor, to make such alterations as he might find to be advantageous, as the present road is not only highly inconvenient, but often absolutely dangerous from the glare ice occasioned by the water from the mountain."

And that they return the Bill to the Assembly for concurrence.

Read a third time, and passed, the Bill for the purchase of a place for the residence of the Governor or Commander in Chief: and

The Saint John nightly Watch Bill.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Reconsidered the Resolutions of Appropriation sent up yesterday, and agreed to the same.

ORDERED, That Mr. Robinson notify the same to the Assembly.

Read a second time, and amended, the County Grammar School Bill.

Read the same a third time, and passed as amended.

ORDERED, That Judge Saunders return the same to the Assembly for concurrence.

Read a second time, the Bill to continue certain Acts of the General Assembly:

The Bill to authorize the Justices of York County to levy an assessment for a Court House: and

The Bill for granting further aid to the College of New Brunswick, and the Public Grammar School in the City of Saint John.

Read

Read a third time, and passed the same Bills.

ORDERED, That Judge Saunders notify the same to the Assembly.

*Adjourned till To-morrow.*

.....

WEDNESDAY, 6th March, 1816.

*Mr. Odell in the Chair.*

Message from the Assembly, requesting a Conference on the subject of the last Conference.

RESOLVED, That the Council do agree to the same, and that the former Committee do manage the same.

ORDERED, That Judge Saunders notify the same to the Assembly.

Read a copy of a Message from the President to the House of Assembly, communicated by the Secretary of the Province, on the subject of the Printing Press established at Fredericton.

Read sundry Resolutions of Appropriation sent up this day by the Assembly, which are agreed to.

ORDERED, That Mr. Robinson communicate the same to the Assembly.

Message from the Assembly, that they have appointed the former Committee to manage the Conference on the subject of the last Conference.

The Managers on the last Conference, report, that the Committee from the Assembly had stated to them—

“That the House have agreed to the amendments proposed at A. and B, being clerical improvements. That with respect to the other amendments proposed, the House cannot consent to concur with the Council.

“The House judging from the reason assigned by the Council for the proposed amendments, not agreed to by the House, that it was not the intention of the Council to interfere with the privileges of the House, in the altering of Bills that impose burthens upon the people, or are for the appropriation of the public monies, they are therefore not inclined to press this point further than may be necessary to assert their undoubted rights.

“The House regret that any difference in opinion, should have arisen as to the eligibility of the routes mentioned in the Bill, between the Council and the House; but

as the same has been established after due deliberation, and upon the fullest information that could be obtained upon the subject, the House indulge the hope that the Council, upon re-considering the subject, will consent to waive the amendments not agreed to, and concur with the House in passing the Bill.

“The Committee of Conference are therefore instructed to return the Bill, with the proposed amendments, to the Committee of Conference on the part of the Council.”

Whereupon—

*Adjourned till To-morrow.*

.....

THURSDAY, 7th March, 1816.

*Mr. Odell in the Chair.*

RESOLVED, That the Council do request a Conference with the Assembly, on the subject of the last Conference.

ORDERED, That Mr. Justice Saunders do communicate the same to the Assembly.

His Honor the President came to the Council Chamber, and gave his assent to the following Bills :—

A Bill to increase the number of Constables in the City of Saint John.

A Bill to increase the number of Firemen in Saint John.

A Bill in amendment of an Act, intituled, “an Act for regulating the Fisheries in the County of Northumberland.”

A Bill to alter an Act, intituled, “an Act for the further regulation of Fisheries, and for preventing their decay,” and also to alter another Act, intituled, “an Act to alter and amend an Act, intituled, ‘an Act for the further regulation of Fisheries and for preventing their decay.’”

A Bill to provide for the punishment of Horse-stealing.

A Bill for the organization and regulation of the Militia of this Province.

A Bill to provide for the purchase of a place for the residence and accommodation of the Governor or Commander in Chief of the Province.

A Bill to give two additional Terms in each year for the sittings of the Inferior Court of Common Pleas in the County of Northumberland.

A Bill to prevent the cutting or breaking down the Bank of any River, Sea Bank or Dike, and for the preservation of the same.

A Bill to constitute the Island of Grand Manan and its appurtenances, in the County of Charlotte, into a distinct Town or Parish.

A Bill to explain an Act, intituled, "an Act for erecting a Parish in the City of Saint John, and incorporating the Rectors, Church-Wardens and Vestries of the Church of England in the several Parishes in this Province."

A Bill to continue and make perpetual two Acts of the General Assembly that are near expiring.

A Bill in addition to, and to explain an Act, intituled, "an Act to explain and amend the Laws now in force, for regulating the exportation of Fish and Lumber."

Message from the Assembly, that they agree to this Conference proposed, and have appointed the former Committee to manage the same.

**RESOLVED**, That the former Committee do manage this Conference on the part of the Council.

**ORDERED**, That Judge Saunders notify the same to the Assembly.

**RESOLVED**, That the Committee of Conference be instructed to deliver to the Committee of the Assembly, in answer to the communication on the subject of the amendments to the Great Road Bill, the following Resolution:—

"**RESOLVED**, That the Council have an indisputable and constitutional right, to make such amendments and alterations, as they may think expedient and necessary, of such parts of the Bill now under consideration as do not affect those provisions in it, which can be constitutionally insisted upon by the Assembly, as their exclusive privilege to make.—That those parts of this Bill, to which the amendments, not agreed to by the Assembly, have been offered by the Council, are of that description, and ought therefore to have been the subject of a separate Bill.—That the Council see no reason to alter their opinion respecting the utility of those amendments, as the facts upon which they are stated to be grounded, are not controverted by the Assembly, nor the reasons adduced in support of them in any manner answered; but as at this very protracted period of the Session, it might be attended with great and serious public inconvenience, to risk the consequences which might ensue from a determined adherence to these amendments, for this reason, and for this reason only, the Council consent to withdraw the same, protesting at the same time against the drawing of this measure into a precedent upon any future occasion."

Read a Resolution, sent up for concurrence by the Assembly, for the appointment of Thomas Bonnor, Esquire, of Spring Gardens, London, to be agent for the Province, in Great Britain, in the room of E. G. Lutwyche, Esquire, deceased.

**RESOLVED**, That the Council do agree thereto.

Ordered,

ORDERED, That Mr. Robinson notify the same to the Assembly.

Read a Bill, from the Assembly, to encourage the establishment of Schools in this Province.

To stand for a second reading to-morrow.

*Adjourned till To-morrow.*

.....

*FRIDAY, 8th March, 1816.*

*The Chief Justice in the Chair.*

Read a second time, the Bill to encourage the establishment of Schools.

To stand for a third reading to-morrow.

Read a Bill, from the Assembly, for the encouragement of the Trade of this Province in Plaster of Paris, otherwise called Gypsum.

To stand for a second reading to-morrow.

Read sundry Resolutions of Appropriation sent up by the House of Assembly.

ORDERED, To lie on the Table.

*Adjourned till To-morrow.*

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SATURDAY, 9th March, 1816.

Mr. Odell in the Chair.

ORDERED, That the Clerk of the Council take the requisite steps for repairing the Council Chamber, before the next meeting of the Legislature—That the space within the railing be enlarged, by carrying it straight to the outer windows, (leaving the present projection at the gate,) enlarging the windows, procuring proper window curtains, a proper table, and suitable chairs, and that presses be made in the recesses, one for books and the other for hats and coats.

Read a second and a third time, and passed the Gypsum Bill.

ORDERED, That Mr. Saunders notify the same to the Assembly.

Read

Read a Bill, from the Assembly, to continue and amend 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.

On motion—Resolved that the further consideration of this Bill be put off for three months.

Read sundry Resolutions of Appropriation sent up from the Assembly.

ORDERED, To lie on the Table.

Adjourned till Monday next.

.....

MONDAY, 11th March, 1816.

The Chief Justice in the Chair.

Read a third time, and passed, the Bill to encourage the establishment of Schools in this Province.

ORDERED, That Mr. Odell notify the same to the Assembly.

His Honor the President came to the Council Chamber, and having commanded the attendance of the House of Assembly, gave his assent to the following Bills :—

A Bill in addition to an Act, intituled, “an Act for erecting a Court House and Gaol in the County of Northumberland.”

A Bill for establishing a Grammar School in the Town of Saint Andrews, in the County of Charlotte.

A Bill to exclude ignorant and unskilful persons from the practice of Physic and Surgery.

A Bill more effectually to provide for the support of a nightly Watch in the City of Saint John.

A Bill to authorize the Justices of the General Sessions of the Peace for the County of York, to levy an Assessment for building a County Court House.

A Bill to continue certain Acts of the General Assembly which are near expiring.

A Bill for granting further aid in support of the College of New-Brunswick, and of the Public Grammar School in the City of Saint John.

A Bill to establish Grammar Schools in several Counties of this Province.

A Bill for the regulation and improvement of the Great Roads of communication through the Province.

A Bill for the encouragement of the trade of this Province in Plaster of Paris, otherwise called Gypsum.

Adjourned till To-morrow.

.....

TUESDAY, 12th March, 1816.

The Chief Justice in the Chair.

Read the Resolutions of Supply sent up on the 8th instant, which are agreed to, excepting the sum of one hundred and fifty pounds for the Methodist Chapel in Saint John.

Read the Resolutions of Appropriation sent up on the 9th March, and agreed to the same, excepting the following :—

The sum of one hundred pounds, to enable the Society of Calvinistic Baptists in Fredericton, to discharge a debt incurred by them in the erection of their Meeting House in that Town.

The sum of fifty pounds, to enable the Society of Methodists in Fredericton, to discharge a debt by them contracted in the purchase and fitting up a Chapel in that Town.

The sum of one hundred pounds, for the purpose of assisting the Roman Catholics in the City of Saint John to finish their Chapel in the said City.

The sum of fifty pounds, to the Methodist Society on the Nashwack, to enable them to finish a Chapel, which they have erected by their individual subscriptions.

The sum of fifty pounds, for the purpose of assisting the Roman Catholic inhabitants of Madawaska towards completing their Church.

Read the Resolutions of Appropriation sent up this day, and agreed to the same, excepting fifty pounds for the Anabaptist Meeting House in Sheffield.

On motion—Resolved, that the Resolution granting to Charles I. Peters, Esquire, “the sum of fifty pounds, for his attendance during the present Session, and preparing Bills under the direction of the House of Assembly, and also ten shillings *per diem* to repay his expenses, the number of days to be certified by the Speaker,” be agreed to ; but, that it be not considered as a precedent for a similar appropriation upon any future occasion.

Adjourned till To-morrow.

WEDNESDAY,

WEDNESDAY, 13th March, 1816.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, further to continue an Act for regulating, laying out, and repairing Highways and Roads, &c : and

A Bill further to continue an Act, to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

Read the same Bills a second time, and amended the same Bills.

Read a third time, and passed the said Bills as amended.

ORDERED, That Mr. Robinson return the same to the Assembly for concurrence.

Adjourned till To-morrow.

.....

THURSDAY, 14th March, 1816.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to continue and amend the several Acts now in force for raising a Revenue in this Province.

Read a second and a third time, and passed the same Bill.

Read a Bill, from the Assembly, for opening and repairing Roads, and erecting Bridges throughout the Province, and improving the Navigation of the River Saint John and its Branches.

Read the same a second time.

ORDERED, To stand for a third reading to-morrow.

Message from the Assembly, that they agree to the amendments to the Bill further to continue the highway Law ; and the Bill further to continue the Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.

Read sundry Resolutions of Appropriation sent up by the Assembly, and agreed to the same.

ORDERED, That Judge Saunders notify the same to the Assembly.

Adjourned till To-morrow.

FRIDAY,

FRIDAY, 15th March, 1816.

The Chief Justice in the Chair.

Read a Bill, from the Assembly, to encourage the Fisheries of this Province : and

A Bill to enable the Minister and Elders, for the time being, of the Church in communion with the Kirk of Scotland, lately erected in the City of Saint John, to hold the same to them and their successors forever, and for other purposes in the same mentioned.

Read a third time, and passed, the Bill for opening and repairing Roads, and erecting Bridges throughout the Province.

Read a Bill, from the Assembly, to appropriate a part of the Public Revenue for the services therein mentioned.

Read a second and a third time, and passed the said Bill.

Read a Bill, from the Assembly, to erect into a separate Parish all the Lands in Queen's County, in the rear of the Parishes of Wickham and Waterborough.

Read the same a second and a third time, and passed.

Read a second and a third time, and passed the Fishery Bill : and The Kirk of Scotland Bill.

ORDERED, That Mr. Robinson inform the House of Assembly, that the Council have agreed to the above Bills, and the Revenue Bill.

Adjourned till To-morrow.

SATURDAY, 16th March, 1816.

His Honor the President came to the Council Chamber, and, having commanded the attendance of the House of Assembly, gave his assent to the following Bills :—

A Bill to encourage the establishment of Schools in this Province.

A Bill further to continue an Act, intituled, “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.”

A Bill further to continue an Act, intituled, “an Act to provide for the more effectually repairing the Streets and Bridges in the City and County of Saint John.”

A Bill to encourage the Fisheries of this Province.

A Bill to erect into a separate Parish all the Lands in Queen's County in the rear of the Parishes of Wickham and Waterborough.

A Bill to enable the Minister and Elders, for the time being, of the Church in communion with the Kirk of Scotland, lately erected in the City of Saint John, to hold the same to them and their successors forever, and for other purposes therein mentioned.

A Bill to appropriate a part of the Public Revenue for the services therein mentioned.

A Bill to provide for opening and repairing Roads, and erecting Bridges throughout the Province, and improving the Navigation of the River Saint John and its Branches.

A Bill to continue and amend the several Acts now in force for raising a Revenue in this Province.

His Honor then closed the Session by the following Speech to both Houses :—

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

HAVING given assent to the several Bills which have been passed by you this Session, it only remains for me to offer my best wishes, that the success of the measures provided for, may equal our most sanguine expectations.

“Your laborious exertions, through a long session, to enact salutary Laws, and your liberal grants for the encouragement of zeal and industry, throughout all classes of the community, merit the warmest gratitude from the public at large ; and I cannot refrain from expressing the satisfaction I feel in having been so fortunate as to suggest measures for your deliberation, which have been thought worthy of occupying a large proportion of your attention.”

The Chief Justice then, by the President's command, declared the General Assembly to be prorogued to the second Tuesday in June next.
