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JOURNAL

AND

PROCEEDINGS

OF THE

HOUSE of ASSEMBLY.



PROCLAMATION.

BY HIS EXCELLENCY

Sir JOHN WENTWORTH, Baronet, L L. D.

Lieutenant-Governor, and Commander in Chief, in and over His Majesty's Province of NOVA-SCOTIA, and its Dependencies, &c. &c. &c.

WHEREAS the GENERAL ASSEMBLY of this Province stands Prorogued to THURSDAY the 15th Instant; and whereas the uncommon severity of the Weather will not only render it very difficult for the Members to attend from the distant Parts of the Province, but will probably prevent the arrival of Advices from England so early as usual.

I have therefore thought fit, further to prorogue the said GENERAL ASSEMBLY until TUESDAY the Sixth Day of JUNE next, then to meet at HALIFAX, for the Dispatch of Business, of which all Persons concerned are required to take Notice and govern themselves accordingly.

Given under my Hand and Seal at Arms, at Halifax, this 8th Day of March, 1797, in the 37th Year of his Majesty's Reign.

J WENTWORTH..

By His Excellency's Command,

B. WENTWORTH.

GOD SAVE THE KING.



JOURNAL

AND

PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY.

Of the Province of *Nova-Scotia*.

Tuesday, 6th June, 1797.

A Message from his Excellency the Lieutenant Governor by Mr. Secretary *Wentworth*.
Mr. Speaker,

His Excellency Commands this House to attend his Excellency, immediately in the Council Chamber.

Accordingly Mr. Speaker with the House went up to attend his Excellency and being returned.

Mr. Speaker reported, that the House had attended his Excellency in the Council Chamber, where his Excellency was pleased to make a Speech, of which Mr. Speaker said, he had, to prevent mistakes obtained a Copy ; which he read to the House and is as followeth, viz.

Mr. President and Gentlemen of the Council,

Mr. Speaker and Gentlemen of the Assembly,

IT affords me Pleasure to meet you in *General Assembly*, not only because it brings into active Operation the several Powers of our mixed and well tempered Government, but as it furnishes the constitutional Means of investigating the Wants and Resources of the Country and amplifying and securing the Happiness of His Majesty's Subjects in this Province.

While we deplore the destructive Effects, in various other Countries, of the severe but necessary War in which His Majesty is yet engaged, with a cruel and revengeful Enemy, we cannot be too thankful for the Protection we receive and the Exemptions we enjoy from its Ravages, throughout this Province.

To preserve these Blessings it is requisite we should be at all times prepared to resist with a determined and united Energy every Attempt which may be concerted to molest us ; and I trust that the military and naval Forces which the provident Care of our beloved Sovereign affords us, aided by the Spirit and Resolution of the People will prove sufficient to repel any Attack which the Enemy may have in Contemplation, and be able to make in this Quarter of His Majesty's Dominions.

You will see by the public Accounts that will be laid before you, the State of the Revenue,

venue, and the pleasing Progress made in the Reduction of the late very burthensome Debt of the Province, and you will adopt such Measures as may appear best calculated to continue and secure the permanent Credit of the country, the Extension of its Agriculture and Fisheries, as well as for the improving the Communications between the Country, and Metropolis, by making and repairing Roads and Bridges, and by such other Means as may be deemed expedient.

I shall have great Satisfaction in contributing to those important Ends, and you may rely on my ready Co-operation with you in every Act which may tend to the Honour and Interest of His Majesty's Government and the Protection and Prosperity of his People.

The Importance of the Season of the Year to the Farmer and Men of Business, and the Necessity of an unremitted Attention to the Means of Defence, will point out to You, the Propriety of hastening your Deliberations, and I flatter myself, that the Confidence we have in each other and the general Welfare of the Province will enable you soon to accomplish the necessary Affairs of the Session.

On Motion, *Ordered*, That Mr. *Sterns*, Mr. *Wallace*, and Mr. *Stuart*, be a Committee to prepare an Address in Answer to his Excellency's Speech.

Resolved, That no Petition of a private nature be received after Friday the 16th Instant.

Charles Morris, Junr. Esq; returned duly elected for the County of *Halifax*, and Mr. *Daniel Eaton*, returned duly elected for the Township of *Onslow*, severally took the usual Oaths and their Seats.

The Treasurer pursuant to Order, presented an Account of all Monies received by him into, and Payments made from the Provincial Treasury, from the 1st *March*, 1796, to the 31st *May*, 1797, inclusive.

Ordered, That the said Account, do lie on the Table to be perused by the Members of the House.

Ordered, That Mr. *M'Monagle*, Mr. *Sterns*, Mr. *Cochran*, Mr. *Wallace*, and Mr. *Stuart*, be a Committee of this House, for the examining the Public Accounts jointly with a Committee of his Majesty's Council, and reporting thereon; and that the Clerk do acquaint the Council therewith.

Then the House adjourned till To-morrow at One of the Clock.

Wednesday, 7th *June*, 1797.

A Message was received from the Council, informing the House, that they had appointed a Committee to join the Committee of this House to examine and report on the public Accounts, and that their Committee would be ready to meet the Committee of this House, on the said Business in the Committee Room of the Council on Friday next, at Ten of the Clock.

Ordered, That the Committee do attend accordingly.

Mr. *Sterns*, reported, from the Committee appointed yesterday, to draw up an Address to his Excellency the Lieutenant Governor, that the Committee had drawn up an Address accordingly; which they had directed him to report to the House, and he read

read the same in his place, and afterwards delivered it in at the Clerk's Table, where the same was read and is as follows :

TO HIS EXCELLENCY

SIR JOHN WENTWORTH, Baronet. L. L. D.

Lieutenant-Governor, and Commander in Chief, in, and over His Majesty's Province of *Nova-Scotia*, and its Dependencies, &c. &c. &c.

The ADDRESS of the House of Representatives in GENERAL ASSEMBLY:

May it please your Excellency.

WE His Majesty's loyal Subjects the Commons of *Nova-Scotia*, humbly thank your Excellency for your Speech, at the opening of the present Session of the *General-Assembly*. While We sincerely deplore the Situation of those Nations of Europe, engaged in the present contest with France, and her Allies, the Protection and Security this Province enjoys from the Calamities of a War, carried on by our Enemies, with a destructive and barbarous Cruelty; are Blessings, which we are fully sensible demand our most grateful Acknowledgements to the Supreme Disposer of all Events, and under him to our most Gracious Sovereign, whose provident and paternal Care, has furnished us with a military Force, both by Sea and Land; which we hope and trust, aided by the Loyalty, determined Spirit, and united Energy of his good People of this Province, will be sufficient to repel any Attack the Enemy may contemplate and make in this Quarter of his Majesty's Dominions.

The present State of the Revenues and Credit of the Province is such, as must give great Satisfaction to every Friend of this Country; to continue and secure it, will be the object of our most anxious Care.

The extension of our Agriculture, the Encouragement of our Fisheries, and the facilitating and improving the Communications between the different parts of the Province and the Capital, by Roads, Bridges and other Means, being of the first Importance to its Wealth and Prosperity, will occupy our deliberate Attention; in which, and in every other Measure conducive to the Honour and Interest of his Majesty's Government, and the Protection and Happiness of his People, we are fully convinced, from past Experience, we may safely rely on your Excellency's ready concurrence and Co-operation.

Motives of public Interest and private Convenience, will both conspire, to hasten our Deliberations, and the perfect Confidence which subsists between the different Branches of our happy Government, will, we trust, facilitate and enable us soon to accomplish the necessary Business of the present Session.

Resolved, That the said Address be presented to his Excellency, by the whole House.

Ordered, That the Clerk do wait on his Excellency, to know his pleasure, when He will be attended by this House.

Mr. Speaker, acquainted the House, that the Reverend Mr. *Weeks*, had signified to him by Letter, his wish to resign his Situation as Chaplain to this House, owing to his present remote Residence from the Town of *Halifax*, and the House having accordingly accepted of Mr. *Weeks*, resignation, thereupon,

On Motion, *Resolved*, that the Reverend *Robert Stanfer*, Rector of the Parish of St. Paul's, be the Chaplain to this House, in the Room of Mr. *Weeks*.

Ordered, That the Clerk do acquaint Mr. *Stanfer* of his Appointment, and desire his Attendance on this House accordingly.

The Clerk to the Commissioners of the Revenue, pursuant to Order, presented to the House, an Account of dutiable Articles imported in, exported from and supplied his

Majesty's Navy in the District of *Halifax*, between the 1st *January*, and the 31st *December* 1796.

Ordered, That the said Account do lie on the Table, to be perused by the Members of the House.

Then the House adjourned, till To-morrow, at Twelve of the Clock.

Thursday, 8th *June*, 1797.

PRAYERS.

The Clerk *reported* to the House, that his Excellency having been waited on pursuant to the Order of yesterday, to know when he would be pleased to be attended by this House; had been pleased to appoint this Day, at One of the Clock, at the Government House.

Ordered, That Mr. *Maclean*, Mr. *Pyke*, and Mr. *Sterns*, be a Committee to report what Laws are near expiring.

Mr. Speaker and the House attended his Excellency with their Address, pursuant to the Resolution of yesterday.

And being returned,

Mr. Speaker *reported*, That his Excellency was pleased to give this Answer.

Mr. Speaker, and Gentlemen of the Assembly,

I Return you my sincere Thanks for your obliging Address; Principles of such Zeal to our Gracious Sovereign, and Attachment to the Safety and Interests of his Majesty's faithful Subjects in this Province, are truly gratifying to me; and your kind Sentiments of my Attention to those Duties, are a Testimony of Success, which affords me great Satisfaction and Support, in pursuing the same Object.

Then the House adjourned, till To-morrow, at One of the Clock.

Friday, 9th *June*, 1797.

PRAYERS.

Mr. *Stuart*, pursuant to leave given, presented a Bill to alter the Times of holding the *Inferior Court and General Sessions of the Peace in the County of Sydney*; and the same was read, a first Time.

Resolved, That the Bill be read a second Time.

Then the House adjourned, till To-morrow, at One of the Clock.

Saturday, 10th *June*, 1797.

PRAYERS.

A Bill to alter the Times of holding the Inferior Court and General Sessions of the Peace in the County of Sydney, was read a second Time.

Resolved, That the Bill be committed to a Committee of the whole House.

Then the House adjourned till Monday at One of the Clock.

Monday, 12th *June*, 1797.

PRAYERS.

Mr. *Archibald*, pursuant to leave given presented a Bill to alter, and establish the Place

Place where the Courts of Justice for the District of *Colchester*, shall be in future held, and the same was read a first Time, and thereupon,

Mr. *M^r Elbinney*, moved that the Bill be dismissed, which being seconded and put and the House dividing thereon; there appeared for the Motion Nine, against it Thirteen. So it passed in the Negative.

Resolved, That the Bill be read a second Time.

Mr. *Sargent*, pursuant to leave given, presented a Bill, to regulate the Practice of Physick and Surgery, and the same, was read a first Time,

Resolved, That the Bill be read a second Time.

On Motion a Bill to alter and establish the Place, where the Courts of Justice for the District of *Colchester*, shall be in future held, was read a second Time; and thereupon,

Resolved, That the said Bill be referred to Mr. *Wallace*, Mr. *Hartshorne* and Mr. *Tonge*, and that they do examine into the Merits of the same, and report thereon to this House in the next Session.

Mr. *Sterns*, pursuant to leave given, presented a Bill, to prevent the Clandestine importation of India and other Foreign Manufactures and Merchandize, and Goods liable to Duties by the Laws of this Province, and the same was read a first Time,

Resolved, That the Bill be read a second Time.

Then the House adjourned till To-morrow at Eleven of the Clock.

Tuesday, 13th June, 1797.

PRAYERS.

A Petition of *William Haliburton*, in behalf of himself and others, was presented by Mr. *Dimock*, and read, setting forth; the Claim and Title they have to certain Lands in the Township of *Douglass*, and which Lands are comprehended in the Limits of the Grant to Col. *John Small*, and others, referred to in the Petition of *Hector Maclean*, and others, presented to the House the 10th March, 1796, and praying the interposition of the House in their favor.

On Motion, *resolved*, That the above Petition be referred to Mr. *M^r Monagle*, Mr. *Tonge*, and Mr. *Dimock*, the Committee appointed to examine into the Merits of the Petition of *Hector Maclean*, and others; and that they do report thereon,

Resolved, That Mr. *Campbell*, and Mr. *Morris*, be added to the above Committee.

A Bill to prevent the Clandestine Importation of India, and other Foreign Manufactures and Merchandize, and Goods liable to Duties by the Laws of this Province,

Also, a Bill to regulate the practice of Physick and Surgery, were severally read a second Time,

Resolved, That the said Bills be Committed to a committee of the whole House.

Mr. *Belcher*, pursuant to leave given, presented a Bill to amend the Act for the better Regulation of Elections; and the same, was read a first Time.

Mr. *Wallace*, pursuant to leave given, presented a Bill for appointing Commissioners to determine upon proper Situations in the Town of *Halifax*, and to purchase Lots of Ground if necessary, to erect a Public Building for the Accommodation of the *General Assembly*, *Court of Chancery*, *Supreme Court* and *Court of Admiralty*; and also a suitable Building for the Residence of His Majesty's Representative.

Resolved, That the above Bills be read a second Time.

Then the House adjourned till To-morrow at Eleven of the Clock.

Wednesday,

Wednesday, 14th June, 1797.

PRAYERS.

A Bill to amend the Act, for the better Regulation of Elections. Also

A Bill for appointing Commissioners to determine upon proper Situations in the Town of *Halifax*, and to purchase Lots of Ground if necessary, to erect a Public Building for the Accommodation of the *General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty*; and also a suitable Building for the Residence of his Majesty's Representative, were severally read a second Time.

Resolved, That the above Bills be committed to a Committee of the whole House.

On Motion of Mr. *Belcher*, ordered, That the Commissioners of the Revenue make report to the House, of the Returns that have been delivered in to them, under the Capitation Act since the last Session.

On Motion the House *resolved* itself into a Committee of the whole House, on the several Bills which stood committed.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had gone through the Bill for altering the Times appointed for holding the *Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney*, and had agreed to the same without Amendment. That they had also gone through the Bill to amend the Act for the better Regulation of Elections, and had agreed to the same with some Amendments, which they had directed him to report to the House; and he read the Report in his Place, and afterwards delivered the Bills with the Amendments, in, at the Clerk's Table. The Chairman also acquainted the House, that the Committee had Directed him to move for leave to sit again on the further Consideration of the Bills, to them referred; which Report the House agreed to.

The Amendments to the Bill, above mentioned, were then read throughout a first and second Time, and upon the Question being severally put thereupon, agreed to by the House.

Ordered, That the Bills, with the Amendments be Engrossed.

Then the House adjourned till To-morrow at Eleven of the Clock.

Thursday, 15th June, 1797.

PRAYERS.

An engrossed Bill, to amend the Act, for the better Regulation of Elections, was read the Third Time,

Resolved, That the Bill do pass, and that the Title be an Act, in Amendment of an Act, passed in the Twenty Ninth Year of the Reign of his present Majesty, intituled an Act for the better Regulation of Elections.

An engrossed Bill for altering the Times appointed for holding the *Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney*, was read the Third Time.

Resolved, That the Bill do pass, and that the Title be an Act, in Amendment of an Act, passed in the Twenty Ninth Year of his present Majesty's Reign, intituled an Act, for altering the Times appointed for holding the *Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney*.

Ordered,

Ordered, That the Clerk do carry the said Bills to the Council, and desire their concurrence to the same.

A Petition of *Isaac Bonnell, Isaac Hatfield*, and others, Inhabitants of the Town Plot of *Digby*, was presented by *Mr. Howe*, and read, setting forth : That great Depredation and Waste, is daily committed on the Water-Street in the said Town, occasioned by the Sea washing away the same, to the great Injury of many of the Inhabitants, and Praying that a Law may be passed enabling the Justices of the Peace, for the County of *Annapolis*, in their General Sessions, to make such Regulations respecting the Highway Labour to be performed in the Town Plot of *Digby*, as they may conceive necessary, to Remedy the above Inconvenience.

A Petition of *John Taylor, Peter Dousett* and *Amable Dousett*, in behalf of themselves, and others, Inhabitants of the Township of *Clare*, was presented by *Mr. Moody*, and read ; setting forth, that the said Township, extends from the River *Sciffabou*, to Beaver River, a Distance of Thirty five Miles, through which they have opened a Road, at their own Expence, but are unable to complete the same, and Praying the aid of the House.

A Petition of *William Sutherland*, and *James Sutherland*, in behalf of themselves and others, Inhabitants of *Sheet Harbour*, was presented by *Mr. Morris*, and read ; setting forth, That the Petitioners suffer great Inconvenience for want of a Road from thence to *Halifax*, having at present, no other Communication by Land, than through the Woods, that from their indigent Circumstances, the Petitioners are unable to undertake the opening of Roads, further than their Statute Labour will accomplish ; and Praying the House will take their Case into Consideration, and grant such Relief in the Premises, as to them may seem fit.

Ordered, That the above Petitions do severally lie on the Table.

On Motion, the House *resolved* itself into a Committee of the whole House, on the Consideration of the several Bills, which stood committed.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made some Progress in the Business to them referred, and prayed leave to sit again on the further Consideration of the same ; which Report, the House agreed to.

The Commissioners of the Revenue, pursuant to Order, presented to the House a Statement of the Returns received by them, from the several Counties under the Capitation Act, since the last Session ; the same was read, and thereupon,

On Motion of *Mr. McMonagle*, *resolved*, That a Committee be appointed to examine the Returns made by the several Counties of the Capitation Tax, and Report to this House, whether the Provisions of the Act passed in the last Session, have been fully complied with, in the several Counties.

Ordered, That *Mr. Belcher, Mr. Tonge, Mr. Leonard, Mr. Sargent* and *Mr. Lushby*, be a Committee for the above Purpose.

Then the House adjourned till To-morrow at Eleven of the Clock.

Friday, 16th June, 1797.

PRAYERS.

A Petition of *Ebenezer Parker*, late Sheriff of the County of *Shelburne*, was presented by *Mr. Campbell*, and read ; setting forth, That in Consequence of an Order

from the late Governor *Parr*, the Petitioner took a Census of the Inhabitants of the said County in the Month of *February*, 1791. That from the great Extent of the County, the Badness of the Roads, and the Inclemency of the Weather, he was exposed to great Fatigue and Trouble, for which he never received any Compensation, and praying, that the House would be pleased to grant him the Sum of £20, as a Compensation for his Services, agreeable to an attested Account, annexed to the Petition.

A Petition of *Godfrey Schwartz*, *Samuel Mercer* and others, Inhabitants of the *Windsor* and *Hammond Plain Road*, was presented by Mr. *Schwartz*, and read, setting forth, That the Petitioners suffer great Inconvenience by the Operation of an Act, passed in the 33d Year of the Reign of his present Majesty, intitled an Act, to amend an Act, passed in the 32d Year of his Majesty's Reign. intitled *an Act, to prevent the Windsor and Hammond Plain Road, being injured by heavy loaded Carriages*; and praying Relief in the Premises.

A Petition of *Charles Hill*, Junr. Tide Waiter to the Impost and Excise Office *Halifax*, was presented by Mr. *Schwartz*, and read, setting forth, that the Petitioner had diligently and faithfully served as Waiter aforesaid, from the Month of *May* 1784, until *August* last past, when the Petitioner was rendered incapable of attending the Duty of his Office by Reason of a Complaint in One of his Legs, and of which he is not yet perfectly recovered, that in Consequence thereof, the Petitioner's Salary has been stopped since the Month of *September* last; and praying that the House would take his Case into Consideration, and grant him such Relief in the Premises, as to them may seem fit.

A Petition of *George Grant* of *Halifax*, Merchant, as Agent to the Contractor, for Victualling his Majesty's Ships of War, on the Coast of *America*, was presented by Mr. *Wallace*, and read, setting forth; That the Petitioner had been under the Necessity during the last Year, of importing Flour, Bread, Pease, Beans, Oatmeal, Raisons and Cheese, from *Great-Britain*, the *United States of America*, and the Province of *Quebec*, and that he had also been obliged to purchase Rum and Wine, in the Town of *Halifax*, for the Use of his Majesty's Navy, on all of which Articles, he has been compelled either to pay or secure the Duties by Law imposed; and praying, that the several Duties so paid or secured, on the respective Articles, particularly specified in a schedule annexed to the Petition, may be allowed the Petitioner; the said Articles, having been altogether appropriated to the Use of the Officers, and Seamen of his Majesty's Ships of War.

A Petition of Messrs. *Foreman* and *Grassie*, in behalf of Vice-Admiral *George Murray*, Esq; late Commander in Chief of his Majesty's Squadron on the Coast of *Norib-America*, *Henry Mowatt*, *George S. Church*, *John Oakes Hardy*, and *Charles Rowley*, Esquires, and the Honorable *Alexander F. Cochran*, Captains and Commanders of his Majesty's Ships of War belonging, to the said Squadron, was presented by Mr. *Macleane*, and read, setting forth; That since the last Session of the *House of Assembly*, a certain Quantity of Wine, and other dutiable Articles, had been purchased at *Halifax*, and sent on board his Majesty's Ships respectively commanded by the aforesaid Officers, for the Use of the Officers of the said Ships, on which Wine and other Articles the Duties had been paid or secured; and praying, that the same may be remitted.

The Petition of *Louis Blanchard*, and others, Inhabitants of the Township of *Yarmouth*, was presented by Mr. *Pool*, and read, setting forth, that by an Act passed in the last Session of the Assembly, the holding of the Courts for the District of *Yarmouth* and *Argyle*, was removed to *Tusket Village*, by which the Township of *Yarmouth*, is greatly inconvenienced; that the Township of *Yarmouth*, contains at the least, two Hundred and Sixty families, a number which greatly exceeds those in *Argyle*. That *Tusket Village*, is incapable of furnishing Accommodation to the Suitors and Persons necessarily

necessarily attendant upon the said Courts; and praying the House would take their Case into Consideration, and grant the Petitioners such Relief therein, as they may deem fit.

A Petition of *Lawrence Hartshorne & Co.* was presented by Mr. *Hartshorne*, and read, setting forth; that in the Month of November last past, they were requested by his Excellency the Lieutenant Governor, to charter and dispatch a Vessel for the Relief of the Passengers and Crew of the Ship *Barrington*, from *Leith*, in *Scotland*, bound to *New-York*, and which Ship was cast away upon the Island of *Sable*. That in effecting their Relief, an Expence of £37. 15. 11 $\frac{1}{2}$. had been incurred over and above the Amount the Articles saved from the Wreck sold for, as would appear by the Papers annexed to the Petition; and praying the House would take their Case into Consideration, and grant the Petitioners Relief in the Premises.

A Petition of *Robert Pagan*, and others, Inhabitants of the District of *Piñou*, was presented by Mr. *Morris*, and read, setting forth, That the Petitioners Labour under great Inconvenience, in communicating by Land with the Capital of the Province, for the Want of Roads. That the Inhabitants of the same District, had entered into a Subscription, and raised upwards of £.100 for the purpose of making and repairing Roads, but which Sum was very inadequate for the purpose; and praying the House, would take their Case into Consideration, and afford Relief in the Premises.

Ordered, That the said Petitions do severally lie on the Table.

A Message from the Council by Mr. *Gautier*.

Mr. Speaker,

The Council have agreed to the Bill, intituled an Act, in Amendment of an Act, passed in the Twenty ninth Year of his present Majesty's Reign, intituled an Act, for altering the Times appointed, for holding the Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney without any amendment.

And then the Messenger withdrew.

On Motion the House resolved itself into a Committee of the whole House, on the several Bills which stood committed.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again, on the Consideration of the same; which Report the House agreed to.

A Petition of *James Foreman* and *George Grassie*, Merchants, in Behalf of themselves and *James Elmslie*, Mariner, was presented by Mr. *Belcher*, and read, setting forth; that in the Month of *January* 1796, the Petitioners purchased a Brigantine built in this Province, called the *Princess Amelia*, that the House whereof the Petitioners compose a Part consists of *Brook Watson*, *William Goodall*, *John Turner*, and the Petitioners, and as the said *William Goodall* and *John Turner*, are the active Partners of the said House in *London*, the Petitioners concluded, upon the purchase of the said Brig, to take out the Register in the Names of the said *William Goodall* and *John Turner*; that the Petitioners after the Purchase of the said Brig, loaded her at *Halifax*, with a Cargo of Fish, the Produce of the Province on their own Account, and sent her to the *West-Indies*, under the Command of the said *James Elmslie*, who had also a certain Quantity on Board, as his private Adventure; that the said Brig, arrived in the *West-Indies*, with the said Fish, and returned in *August* last past to *Halifax*, with a Cargo the Proceeds thereof, consisting of Rum, Molasses, Coffee and Sugar, the Duties whereof, were secured and paid by the Petitioners, and the said *James Elmslie*.

That

That the Petitioners demanded an Exemption from the additional Duties on the said Cargo, but the said Duties were notwithstanding exacted upon the said Return Cargo, on Account of the Residence of the said *William Goodall* and *John Turner* in *London*, as aforesaid; and praying the House would take their Case into Consideration and grant the Petitioners, and the said *James Elmslie*, a Remission of the Additional Duty so paid by them as aforesaid.

A Petition of *John McLatchy* and others, Inhabitants of the Township of *Windsor*, was presented by Mr. *McVincagle*, and read, setting forth; that the Petitioners are great Part of their Time employed in carrying Hay, Oats and other Country Produce to the Market at *Halifax*, and more particularly during the Winter Season, when they are often put to great Inconvenience by heavy Falls of Snow drifting and filling up the Road; and praying the House would take the same into Consideration, and appoint a Person to superintend the Road to prevent the Inconvenience complained of, or such other Relief in the Premises, as they may deem fit.

Ordered, That the Petition do lie on the Table.

Resolved, That this House will on Monday next, the Nineteenth Instant *resolve* itself into a Committee of the whole House, to take into Consideration the several private Petitions before the House.

Mr. *Wallace* pursuant to leave given, presented a Bill to Enable the Lieutenant Governor to appoint Trustees for the Common of the Town Plot of Dartmouth on the Death or Removal of the Trustees holding the same; and the same was read a first time.

Resolved, That the Bill be read a second Time.

Then the House adjourned, till To-morrow, at Eleven of the Clock.

Saturday, 17th June, 1797.

PRAYERS.

A Bill to enable the Lieutenant Governor, to appoint Trustees for the Common of the Town Plot of Dartmouth, on the Death or Removal of the Trustees holding the same, was read a second Time,

Resolved, That the Bill be committed to a Committee of the whole House.

On Motion, the House *resolved* itself into a Committee of the whole House, on the several Bills, which stood committed.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again, on the Consideration of the same, which Report the House agreed to.

Then the House adjourned till Monday at Eleven of the Clock.

Monday, 19th June, 1797.

PRAYERS.

The Order of the Day being read.

On Motion of Mr. *Belcher*, *resolved*, that this House will To-morrow *resolve* itself into a Committee of the House to take into Consideration, the several private Petitions now before the House.

On

On Motion the House *resolved* itself into a Committee of the whole House, on the several Bills, which stood committed,

Mr. Speaker left the Chair,

Mr. Skinner took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bill to enable the Lieutenant-Governor to appoint Trustees for the Common of the Town of Dartmouth, on the Death or Removal of the Trustees holding the same; and had agreed to the same without any Amendment. That they had also gone through the Bill to prevent the *Clandestine Importation of India and Foreign Manufactures, and Merchandize, and Goods liable to Duties by the Laws of this Province*, and had agreed to the same with some Amendments, which they had directed him to Report to the House, and he read the Report in his Place, and afterwards delivered the Bill with the Amendments, in, at the Clerk's Table. The Chairman also acquainted the House, that the Committee had directed him to move for leave to sit again on the further Consideration of the Bills to them referred, which Report the House agreed to.

The Amendments to the Bill above mentioned, were read throughout a first and second Time, and upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Bills with the Amendments be engrossed.

A Message from the Council by Mr. Gautier,

Mr. Speaker,

The Council have agreed to the Bill intituled, *an Act in Amendment of an Act, passed in the 29th Year of the Reign of his present Majesty, intituled an Act, for the better Regulation of Elections with some Amendments, to which they desire the Concurrence of this House.*

~~And then the Messenger withdrew.~~

On Motion of Captain Moody, *resolved*, that this House will attend Divine Service at St. Paul's Church, on ~~Wednesday~~ ^{Thursday} next, at Eleven of the o'Clock; being the Day appointed by his Excellency the Lieutenant Governor, for a General Fast and Humiliation.

Then the House adjourned till To-morrow at Eleven of the Clock.

Tuesday, 20th June, 1797.

PRAYERS:

An engrossed Bill, to enable the Lieutenant Governor, to appoint Trustees for the Common of the Town of Dartmouth, on the Death or Removal of the Trustees holding the same, was read the third Time,

Resolved, That the Bill do pass, and that the Title be, *an Act, to enable the Governor, Lieutenant Governor or Commander in Chief, for the Time being, to appoint Trustees for the Common of the Town of Dartmouth, on the Death or Removal of the Trustees holding the same*, and to vacate that Part of the Grant, for the Common aforesaid, which vests the Trust in the Heirs, Executors or Administrators of the Trustees, named in the said Grant, on the Death of such Trustees.

An engrossed Bill, to prevent the *Clandestine Importation of India and other Foreign Manufactures and Merchandize, and Goods liable to Duties by the Laws of this Province*, was read the third Time,

Resolved, That the Bill do pass, and that the Title be, *an Act to prevent the Clandestine Importation of India, and other Foreign Manufactures and Merchandize, and Goods liable to Duties by the Laws of this Province*,

Ordered, That the Clerk do carry the Bills to the Council, and desire their Concurrence to the same.

The House proceeded to take the Amendments made by the Council, to the Bill, intituled an Act, in Amendment of an Act, passed in the 29th Year of his present Majesty's Reign, intituled an Act, for the better Regulation of Elections, into Consideration; and the said Amendments being read throughout, a first and second Time, were upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them this House, hath agreed to the Amendments, made by them.

The Order of the Day being read, thereupon,

Mr. *Belcher*, moved, that the House do now resolve itself into a Committee of the whole House, on the several Bills which stood Committed, which being seconded and put, and the House dividing thereon, there appeared for the Motion Ten, against it Twelve.

So it passed in the Negative.

The House resolved itself into a Committee of the whole House, on private Petitions,

Mr. Speaker left the Chair,

Mr. *Skinner*, took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made some Progress in the Business to them referred, and that they prayed leave to sit again, on the further Consideration of the same; which Report the House agreed to.

Then the House adjourned till Thursday, at Eleven of the Clock, the Morrow being appointed by his Excellency the Lieutenant Governor, for a General Fast and Humiliation.

Thursday, 22d June, 1797.

PRAYERS.

On Motion of Mr. *Belcher* the House resolved itself into a Committee of the whole House on the several Bills, which stood committed.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made further progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same; which Report the House agreed to.

On Motion of Mr. *Belcher*, *Ordered*, That Mr. *Dewolf*, and Mr. *Stuart* be added to the Committee to whom the Petition of *William Halliburton*, and also the Petition of *Hector Maclean* and others is referred; and that the said Committee do report thereon to this House by Tuesday next.

On Motion the House resolved itself into a Committee of the whole House on private Petitions.

Mr. Speaker left the Chair.

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made further progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same; which Report the House agreed to.

Then the House adjourned, till To-morrow, at eleven of the Clock.

Friday 23d, June, 1797.

PRAYERS.

Mr. *Pyke* pursuant to leave given presented a Bill in Amendment of an Act, passed in

in the 35th Year of His Majesty's Reign, intituled *an Act, to amend and reduce into one Act the several Laws now in being, relating to a Militia in this Province*, and the same was read a first Time.

Resolved, That the Bill be read a second Time.

On Motion the House *resolved* itself into a Committee of the whole House on the several Bills which stood committed:

Mr. Speaker left the Chair,
Mr. Skinner took the Chair,
Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bill for appointing Commissioners to determine upon a proper situation, and to purchase Lots of Ground, if necessary, to erect a public Building for the Accommodation of the General Assembly, Court of Chancery &c. and had agreed to the same, with some Amendments, which they had directed him to Report to the House, and he read the Report in his place, and afterwards delivered the Bill, with the Amendment, in, at the Clerk's Table. The Chairman also acquainted the House, that the Committee had directed him to move for leave to sit again, on the further Consideration of the Bills to them referred, which Report the House agreed to.

The Amendments to the Bill were then read through a first and second Time, and upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed.

A Message from the Council by Mr. Gautier.

Mr. Speaker,

The Council have agreed to the Bill, intituled *an Act, to enable the Governor, Lieutenant Governor or Commander in Chief for the time being, to appoint Trustees for the Common of the Town of Dartmouth on the Death or Removal of the Trustees holding the same, to vacate that Part of the Grant for the Common aforesaid, which vests the Trust in the Heirs, Executors or Administrators of the Trustees named in the said Grant without any Amendment*.

And then the Messenger withdrew.

On Motion the House *resolved* itself into a Committee of the whole House on private Petitions.

Mr. Speaker left the Chair,
Mr. Skinner took the Chair,
Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same which Report the House agreed to.

An engrossed Bill for appointing Commissioners to determine upon a proper Situation in the Town of *Halifax*, and to purchase Lots of Ground if necessary to erect a public Building for the Accommodation of the *General Assembly, Court of Chancery, Supreme Court and Court of Admiralty*, and also a suitable building for the Residence of His Majesty's *Representative*, was read the third Time, and thereupon, Mr. *McMonagle* moved, that the Bill do not pass, which being seconded and put, and the House dividing there appeared for the Motion Seven, against it Twenty.

for the Motion Seven

Mr. *McMonagle*.
Mr. *Maclean*
Mr. *Northrup*.
Mr. *Lusby*.
Mr. *Eaton*.
Mr. *McElbinny*
Mr. *Dimock*

against the Motion Twenty

Mr. <i>Cocbran</i>	Mr. <i>Sargent</i>
Mr. <i>Schwartz</i>	Mr. <i>Pool</i>
Mr. <i>Moody</i>	Mr. <i>Dewolf</i>
Mr. <i>Skinner</i>	Mr. <i>Stuart</i>
Mr. <i>Pyke</i>	Mr. <i>Archibald</i>
Mr. <i>Wallace</i>	Mr. <i>Howe</i>
Mr. <i>Belcher</i>	Mr. <i>Leonard</i>
Mr. <i>Sterns</i>	Mr. <i>Morris</i>
Mr. <i>Campbell</i>	Mr. <i>Tonge</i>
Mr. <i>Hartshorne</i>	Mr. <i>Embrie</i>

So it passed in the Negative.

Resolved.

Resolved, That the Bill do pass, and that the Title be an *Act* for appointing Commissioners to determine upon a proper Situation in the Town of Halifax, and to purchase Lots of Ground if necessary, to erect a public Building for the Accommodation of the General Assembly, Supreme Court, and Court of Admiralty and public Offices, and for procuring Plans and Estimates for a Building hereafter to be erected for the Residence of the Governor, Lieutenant-Governor or Commander in Chief for the Time being.

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

Mr. *Sterns* pursuant to leave given, presented a Bill to alter and amend an Act passed in the 33d year of his present Majesty's Reign, intituled an *Act*, for granting to his Majesty certain Duties on Wine, Rum and all other Spirituous Liquors, &c. and the same was read a first Time.

Resolved, That the Bill be read a second Time.

Then the House adjourned, till To-morrow, at Twelve of the Clock.

Saturday, 24th June, 1797.

PRAYERS.

Mr. *McMonagle*, reported from the Committee, to whom the Petition of *Heſtor Maclean* and others, and also the Petition of *William Haliburton*, was referred, and read the Report in his Place, and afterwards delivered it in, at the Clerk's Table, where it was read, and is as follows: That it appears to the Committee, that the Facts stated in the Petition of *Heſtor Maclean*, and others, are fully substantiated, and that the Petitioners are entitled to Relief; which the Committee recommend should be given by passing an Act to remedy the Defects set forth to exist in the Petitioner's Title; and that on the Consideration of the Petition of *William Haliburton*, it appears to the Committee, that as it sets forth Claims and involves Questions, only cognizable in a Court of Justice, it is not a Subject for the Investigation of the Committee.

Ordered, That the Report do lie on the Table, to be perused by the Members of the House.

A Bill in Amendment of an Act, passed in the Thirty fifth Year of his Majesty's Reign, intituled an *Act*, to amend and reduce into one Act the several Laws now in being, relating to a Militia in this Province, also

A Bill to alter, and amend an Act, passed in the 33d Year of his present Majesty's Reign, intituled an *Act*, for granting to his Majesty certain Duties on Wine, Rum and other distilled Spirituous Liquors, &c. were severally read a second Time,

Resolved, That the said Bills be committed to a Committee of the whole House.

On Motion the House resolved itself into a Committee of the whole House on private Petitions.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same; which Report the House agreed to.

On Motion of Mr. *Tonge*, *Resolved*, That a Committee be appointed to take under Consideration the several Laws now in force, relating to Marriage and Divorce, and report what Amendments they may deem necessary to be made therein.

Ordered, That Mr. *Tonge*, Mr. *Campbell*, and Mr. *Sterns*, be a Committee for the above Purpose;

On Motion, the House *resolved* itself into a Committee of the whole House, on the several Bills, which stood committed.

Mr. Speaker left the Chair,

Mr. Pyke took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bill in Amendment of an Act passed in the Thirty fifth Year of his Majesty's Reign, intituled *an Act, to amend and reduce into one Act the several Laws now in being, relating to a Militia in this Province*; and had agreed to the same with some Amendments, which they had directed him to report to the House, and he read the Report in his Place, and afterwards delivered the Bill with the Amendments in at the Clerk's Table. The Chairman also acquainted the House, that the Committee had directed him to move for leave to sit again, on the Consideration of the Bills to them referred; which Report the House agreed to.

The Amendments to the Bill were read throughout, a first and second Time, and upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Bill with the Amendments be engrossed.

Then the House adjourned till Monday at Eleven of the Clock.

Monday, 26th June, 1797.

PRAYERS.

An engrossed Bill in Amendment of an Act, passed in the 35th Year of his Majesty's Reign, intituled *an Act, to amend and reduce into one Act the several Laws now in being relating to a Militia in this Province*, was read the Third Time,

Resolved, That the Bill do pass, and that the Title be, an Act in Amendment of an Act passed in the Thirty fifth Year of his Majesty's Reign, intituled *an Act, to amend and reduce in one Act, the several Acts now in being relating to a Militia in this Province*.

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

Mr. Maclean, *reported* from the Committee appointed to report, what Laws are near expiring, and presented a Bill to continue in Force the several Acts therein mentioned; and the same was read a first Time.

Resolved, That the Bill be now read a second Time, and the same was read a second Time accordingly,

Resolved, That the Bill be committed to a Committee of the whole House.

Mr. Belcher, *reported* from the Committee appointed to examine the several Returns made of the Capitation Tax under the Act passed in the last Session, and read the Report in his Place, and afterwards delivered it in, at the Clerk's Table, where it was read, and is as follows, viz.

That it appears to the Committee, that Returns agreeable to Law have been transmitted by the County of Hants, King's County, Cumberland County, Queen's County, Lunenburg County, and the District of Colchester respectively.

Ordered, That the Report do lie on the Table for the Information of the Members.

A Message from the Council by Mr. Gautier,

Mr. Speaker,

The Council have not agreed to the Bill intituled an Act, to prevent the clandestine Importation of India and other Foreign Manufactures and Merchandize, and Goods liable to Duties by the Laws of this Province.

The Council have agreed to the Bill, intituled *an Act, for appointing Commissioners, to determine upon a proper Situation in the Town of Halifax, and to purchase Lots of Ground if necessary, to erect a public Building for the Accomodation of the General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty, and public Offices, and for procuring*

curing Plans and Estimates for a Building hereafter to be erected for the Residence of the Governor, Lieutenant Governor or Commander in Chief for the Time being, with some Amendments, to which they desire the Concurrence of this House.

And then the Messenger withdrew.

The House proceeded to take the Amendments made by the Council to the above Bill into Consideration, and the said Amendments being read throughout a first and second Time, were upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them this House hath agreed to the Amendments made by them.

On Motion the House *resolved* itself into a Committee of the whole House, on the several Bills, which stood committed.

Mr. Speaker left the Chair,

Mr. Skinner took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bill, to alter and amend an Act passed in the Thirty third Year of his present Majesty's Reign, intituled an Act, for granting to his Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors, &c. and also through the Bill to continue in Force the several Acts therein mentioned; and had agreed to the same severally with Amendments which Report he read in his Place, and afterwards delivered the Bills, with the Amendments, in, at the Clerk's Table. The Chairman also acquainted the House, that the Committee had directed him to move for leave to sit again on the Consideration of the Bills to them referred, which the House agreed to.

The Amendments to the Bills respectively being read throughout a first and second Time, were upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Bills with the Amendments, be engrossed.

Mr. Sterns, pursuant to leave given, presented a Bill to prevent the clandestine Importation of India, and other foreign Manufactures, and Merchandize and Goods, liable to Duties by the Laws of this Province, and for the better securing the Trade thereof, and the same was read a first Time.

Resolved, That the Bill be now read a second Time, and the same was read accordingly.

Resolved, That the Bill be committed to a Committee of the whole House.

Then the House adjourned till To-morrow at Eleven of the Clock.

Tuesday, 27th June, 1797.

PRAYERS.

An engrossed Bill, to alter and amend an Act, passed in the 33d Year of his Majesty's Reign, intituled an Act, for granting to his Majesty certain Duties on Wine, Rum and other distilled Spirituous Liquors, &c. was read the third Time.

Resolved, That the Bill do pass, and that the Title be an Act, to amend, and continue an Act passed in the Thirty third Year of his Majesty's Reign intituled an Act, for granting to his Majesty certain Duties on Wine, Rum and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest and reducing the Principal of the public Debt of this Province.

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

On Motion the House *resolved* itself into a Committee of the whole House, on the several Bills which stood committed.

Mr. Speaker left the Chair,

Mr. Skinner took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had deferred the Consideration of the Bill, to regulate the practice of Physick and Surgery to the next Session. That the Committee had gone through the Bill to prevent the clandestine Importation of India and other Foreign Manufactures and Merchandize, and Goods liable to Duties

Duties by the Laws of this Province, and for the better securing the Trade thereof, and had agreed to the same, with an Amendment, which they had directed him to report to the House, and he read the Report in his place, and afterwards delivered the Bill with the Amendments in at the Clerk's Table.

The Amendment to the said Bill was read throughout a first and second Time, and upon the Question put thereupon, agreed to by the House.

Ordered, That the Bill with the Amendment be engrossed.

On Motion of Mr. *Belcher*, *resolved*, That a Committee be appointed to examine such Parts of the Accounts of the Collectors of Impost and Excise, as relate to the Sums by them respectively received on account of the Capitation Tax, and to report to the House how far those Accounts of the Collectors of Impost and Excise comport with the Returns from the Justices from the several Counties and Districts, and to report the Sums paid into the Treasury by the respective Officers of Impost and Excise, on Account of the said Tax, from the Year 1791, to the Year 1795, inclusive.

Ordered, That Mr. *Belcher*, Mr. *Tonge* and Mr. *Skinner*, be a Committee for the above Purpose.

On Motion of Mr. *Tonge*, *resolved*, That this House will To-morrow *resolve* itself into a Committee of the whole House, to consider of the State of the Capitation Tax.

An engrossed Bill to prevent the Clandestine Importation of India and other Foreign Manufactures, and Merchandizes, and Goods liable to Duties by the Laws of this Province, and for the better Securing the Trade thereof, was read the third Time.

Resolved, That the Bill do pass, and that the Title be an *Act to prevent the Clandestine Importation of India and other Foreign Manufactures, and Merchandizes and Goods, liable to Duties by the Laws of this Province, and for the better securing the Trade thereof.*

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

A Message from the Council by Mr. *Gautier*,
Mr. Speaker,

The Council have agreed to the Bill, intituled an Act, in Amendment of an Act; passed in the Thirty fifth Year of his Majesty's Reign, intituled an *Act, to amend and reduce into one Act the several Acts now in being, relating to a Militia in this Province*, without any Amendment.

And then the Messenger withdrew.

Then the House adjourned, till To morrow, at Ten of the Clock.

Wednesday, 28th June, 1797.

PRAYERS.

On Motion of Mr. *Belcher*, *resolved*, that a Committee be appointed to wait on his Excellency the Lieutenant Governor, to request he will be pleased to inform the House on what Terms and Conditions a certain Description of Black Persons, known by the Appellation of Maroons, have been sent from the Island of *Jamaica*, and received into this Province during the Recess of this House; and whether any, and what Provision has been made by the Legislature of the Island of *Jamaica*, or otherwise for the future Maintenance of the said Maroons; and that his Excellency will be pleased to Order Copies of all official Papers, Documents and Acts received relating to the same, to be laid before the House, that Measures may if necessary, be taken to prevent such Black Persons from eventually becoming chargeable to the County of *Halifax*, the Place of their present Residence.

Ordered, That Mr. *Belcher*, Mr. *Perkins*, Mr. *Dewolf*, Mr. *Hartshorne*, and Mr. *Wallace*, be a Committee for the above Purpose.

Ordered, That the Clerk do wait on his Excellency to know his Pleasure, when he will be attended by the Committee.

The Clerk reported to the House, that his Excellency having been waited on pursuant to the foregoing Resolution to know, when he would be attended by the Committee

mittee of this House, had been pleased to appoint To-morrow at Eleven of the Clock at the Government House.

The Order of the Day being read,

The House *resolved* itself into a Committee of the whole House on the Consideration of the State of the Capitation Tax.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made some Progress in the Business to them referred, and prayed leave to sit again, on the further Consideration of the same, which Report the House agreed to.

Mr. *McMonagle*, *reported* from the Committee appointed, to join a Committee of the Council, to examine the public Accounts, that the Committee had drawn up a special Report relating to the Capitation Tax; and he read the Report in his Place, and afterwards delivered it in, at the Clerk's Table, where it was again read, and is as follows, viz.

- Halifax County.* { No General Statement as directed by the *House of Assembly* last Sessions, nor any Accounts of Collection returned, nor has there any Payments been made, except £3. 2. 5, from the District of *Musquodoboit*.
- Lunenburg County.* { Account Current received, but no general Statement, the Money however has all been Collected, and remitted.
- Queen's County.* { General Statement received from *Liverpool*, with Account Current complete, and all the Money has been collected, and remitted to the Treasury.
- Shelburne County.* { The General Statement and Accounts for the Town only, have been received, and all the Money, that has been collected in *Shelburne*, or paid to the Collector of Impost and Excise, from any of the Out Districts, has been remitted by him to the Treasury.
No Statement has come from the District of *Yarmouth*, and *Argyle*. The Sum of £10. 2. 5. appears to have been lost by the Death of a Collector of the Tax.
- Annapolis County.* { No General Statement returned, but the Collector of Impost and Excise, has received from the District Collectors, and remitted to the Treasury since *March* last, the Sum of £56. 3. 3, and States no Balance to be remaining with him.
- Cumberland County.* { General Statement, and Account Current received, the Tax collected, and Balance remitted.
- Colchester District.* { General Statement and Account current received, Tax collected, and the Balance of Money, remitted.
- King's County.* { General Statement and Account Current received complete. A Balance remains in the Hands of the Collector of Impost and Excise, to be remitted £30. 10.
- Hants County.* { General Statement and Account current received, Balance in the Hands of the Collector of Impost and Excise £102, which has been paid into the Treasury, since the Treasurer's Accounts, were made up.
- Sydney County.* { No General Statement or Accounts received, but the Collector of Impost and Excise has remitted to the Treasury, since *March*, 1796, £48. 5.

Remittances made to the Treasury since Report of the Committee in March, 1796.

From Annapolis	-	-	£ 56.	3.	3.
Shelburne	-	-	99.	17.	5.
Coichefter	-	-	102.	15.	2.
King's-County	-	-	245.	0.	0.
Queen's-County	-	-	54.	13.	2.
Sydney	-	-	48.	5.	0.
Cumberland	-	-	47.	16.	10.
Hants	-	-	109.	14.	8.
Lunenburg	-	-	74.	17.	2.
Halifax County	-	-	3.	2.	5.
			<hr/>		
			£842.	5.	1.

Balances due, and supposed to be due on the Capitation Account, as follows:

From the Collector of King's-County	-	-	£30.	10.	0.
Halifax Town and County.	-	-			
Yarmouth, &c. in Shelburne County.	-	-			
Annapolis County.	-	-			
Sydney, Ditto.	-	-			

Ordered, That the said Report do lie on the Table to be perused by the Members.

Mr. Tonge, pursuant to leave given, presented a Bill to enable the Officers of his Majesty's Navy to obtain a Drawback of the Duties on Wines by them taken out of this Province, and consumed without the Limits thereof; and the same was read a first Time, Resolved, That the Bill be read a second Time.

A Message from the Council by Mr. Gautier.

Mr. Speaker,

The Council have agreed to the Bill, intituled an Act, to amend and continue an Act, passed in the 33d Year of his present Majesty's Reign, intituled an Act, for granting to his Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar for the Purpose of paying the Interest, and reducing the Principal of the public Debt of this Province; with some Amendments, to which they desire the Concurrence of this House.

And then the Messenger withdrew.

On Motion, resolved, that the said Bill with the Amendments as sent down from the Council, be rejected, it being the inherent right of this House, not to admit the Council to make any Amendment whatever, to a Money Bill.

Mr. Sterns, pursuant to leave given, presented a Bill, to amend and continue for one Year, an Act passed in the 33d Year of the present Majesty's Reign, intituled an Act, for granting to his Majesty, certain Duties on Wine, Rum and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest and reducing the Principal of the Public Debt of this Province; and the same was read a first Time.

On Motion, resolved, that the Bill be now read a second Time, and the same was read accordingly.

Resolved, That the Bill be now committed to a Committee of the whole House, and thereupon

The House resolved itself into a Committee of the whole House on the said Bill; Mr. Speaker left the Chair, Mr. Skinner took the Chair, Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had gone through the Bill to them referred, and had agreed to the same with an Amendment, which they had directed him to report to the House, and he read the Report in his place, and afterwards delivered the Bill with the Amendment in, at the Clerk's Table.

The Amendment to the Bill, was read throughout a first and second time, and upon the question put thereupon, agreed to by the House.

Ordered, That the Bill with the Amendment, be engrossed.

On Motion of Mr. Maclean, the House resolved itself into a Committee of the whole House, on the Consideration of the Report of the Committee, to whom the Petition of Hector Maclean, and others, and also the Petition of William Halliburton, was referred.

Mr. Speaker left the Chair,
Mr. Skinner took the Chair,
Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same; which Report the House agreed to.

Then the House adjourned, till To-morrow, at eleven of the Clock:

Thursday, 29th June, 1797.

PRAYERS.

A Bill to enable the Officers of his Majesty's Navy to obtain a Drawback of the Duties on Wines by them taken out of this Province, and consumed without the Limits thereof; was read a second Time, and thereupon Mr. *Sterns*, moved, that the Bill be rejected; which being seconded and put, and the House dividing thereon, there appeared for the Motion Eighteen, against it Fourteen.

For the Motion,		Against the Motion,	
Mr. Northup,	Mr. James,	Mr. Cochran,	Mr. Maclean,
Mr. Stuart,	Mr. Pol,	Mr. Wallace,	Mr. Hartsborne,
Mr. McMonagle,	Mr. McElbinney,	Mr. Skinner,	Mr. Belcher,
Mr. Collins,	Mr. Dimock,	Mr. Morris,	Mr. Schwartz,
Mr. Sargent,	Mr. Lusby,	Mr. Eaton,	Mr. Embrie,
Mr. Sterns,	Mr. Archibald,	Mr. Howe,	
Mr. Campbell,	Mr. Hart,	Mr. Tonge,	
Mr. Freeman,	Mr. Perkins,	Mr. Pyke,	
Mr. Dewolf,	Mr. Bolman.	Mr. Leonard.	

So it passed in the Affirmative.

An engrossed Bill to amend and continue for one Year, an Act, passed in the Thirty third Year of his present Majesty's Reign, intituled an Act, for granting to his Majesty certain Duties on Wine, Rum and all other distilled Spirituous Liquors, and Brown Sugar for the Purpose of paying the Interest, and reducing the Principal of the public Debt of this Province; was read the third Time,

Resolved, That the Bill do pass, and that the Title be an Act to amend and continue for one Year, an Act passed in the Thirtythird Year of his present Majesty's Reign, intituled an Act, for granting to his Majesty certain Duties on Wine, Rum and all other distilled Spirituous Liquors, and Brown Sugar for the Purpose of paying the Interest, and reducing the Principal of the public Debt of this Province.

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

Mr. *Belcher*, reported from the Committee appointed Yesterday to wait on his Excellency the Lieutenant Governor with the Resolution of this House on the subject of the Maroons; that his Excellency had been waited on accordingly, and was pleased to give an Answer in writing to the Committee, which he read in his Place, and afterwards delivered it in, at the Clerk's Table, where it was again read, and is as follows, viz.

“The Maroons were received into this Province conformable to his Majesty's Commands, with Instructions to me for their comfortable Support in all Things, and to enable me thereto, I was directed to draw Bills on the Right Honorable the Lords Commissioners of his Majesty's Treasury, totally and independant of this Province, which will not be encumbered with any Cost or Charge for these People. The Government of the Island of *Jamaica*, have also furnished a very considerable Sum of Money to be applied towards the Settlement and Maintenance of the Maroons who have behaved orderly, peaceably and quietly since their Arrival. It cannot but afford Pleasure to every serious and humane Mind to be informed, that Means of Instruction are liberally provided for the Children, and diligently exercised with great Success, as are also the most prudent Means for instructing all of them in the Christian Religion, whereto they pay a decent and interesting Attention, which affords great hopes of happy Success. I have not any Papers or Documents, which I have Permission to communicate on this Subject.”

J. WENTWORTH.

A Message from the Council by Mr. *Gautier*,
Mr. Speaker,

The Council have agreed to the Bill, intituled an Act, to amend and continue for one Year an Act passed in the 33d Year of his present Majesty's Reign, intituled *an Act, for granting to his Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors and Brown Sugar for the Purpose of paying the Interest, and reducing the Principal of the public Debt of this Province, without any Amendment.*

And then the Messenger withdrew.

An engrossed Bill to continue in Force the several Acts therein mentioned, was read the third Time.

Resolved, That the Bill do pass, and that the Title be, *an Act to continue in Force the several Acts therein mentioned.*

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

On Motion the House *resolved* itself into a Committee of the whole House, on the Report of the Committee to whom the Petition of *Hector Maclean*, and others; and also the Petition of *William Haliburton*, was referred.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same; which Report the House agreed to.

A Message from the Council by Mr. *Gautier*,
Mr. Speaker,

The Council have agreed to the Bill, intituled *an Act, to continue in Force the several Acts therein mentioned*, with an Amendment, to which they desire the Concurrence of this House.

And then the Messenger withdrew.

The House proceeded to take the Amendment made by the Council to the above Bill into Consideration, and the said Amendment being read throughout a first and second Time, was upon the Question put thereupon, agreed to by the House.

Ordered, That the Clerk do carry the Bill to the Council, and acquaint them this House hath agreed to the Amendment made by them.

Mr. *McMonagle*, *reported* from the Committee appointed, to join a Committee of the Council to examine the public Accounts, and read the Report in his Place, and afterwards delivered the same in, at the Clerk's Table, where it was again read, and is as follows viz :

Treasury.	{	That the Treasurer's Accounts have been received up to the 31st <i>May</i> , 1797, properly stated and Correct with Vouchers for all Charges and Discharges. The Balance in his Hands on that Day from the various Duties and Taxes paid into the Treasury is -	£4,266 11 1
Collectors of Impost & Excise Halifax District.	{	Their Accounts have been received up to the 31st <i>March</i> , 1797, properly stated and Correct. There remained in their Hands at that period for Collection subject however to Drawbacks, Securities to the Amount of	16,008 8 10
Lunenburg District.	{	Blank Returns have been received from the Collector there for the Year 1796. No dutiable Articles having been Imported.	
Liverpool District.	{	The Collector has transmitted his Accounts up to the 31st <i>March</i> , 1797, and he has remitted to the Treasury, since <i>March</i> 1796, from the Securities in his Hands at that period (amounting to £914 16 8) the Sum of £335. And there remained in his Hands on the 31st <i>March</i> , Securities to be collected and remitted, amounting to	1,247 15 0 Quarterly.

- Shelburne District.* { Quarterly Returns have been received from the Collector of that District up to the 31st *March*, 1797, and Account Current to 31st *December*, 1796, properly stated. And he has remitted since *March* 1796, from the Balance in his Hands and subsequent Collections up to *December*, 1796, £799. 7. 9. and since *December*, which is included in the Treasurer's present Accounts, the Sum of £165; therefore the Balance of Securities in his Hands on the 31st *March*, was - - - - - 413 12 9
- Yarmouth District.* { The Collector there has Transmitted two Quarterly Returns and Account Current, to 31st *March* last, and has Remitted to the Treasury, £11 0 7, which was the whole Sum collected in that Period.
- Annapolis District.* { Accounts have been received from the Collector of that District to 31st *December*, 1796. He has remitted to the Treasury between the 1st *March*, 1796, and the 31st *May* last £169 5 0; and since the first of this Month *June*, he has made a further Payment of £34 9 9, exclusive of Notes Lodged with the Treasurer amounting to £62 9 11, which are not yet paid. The Securities that remain in his Hands for collection, not specifically returned.
- Cumberland District.* { No Accounts from this District but the Collector has remitted to the Treasury since the 31st *May* last, £3 2 8, being all the Duties received there last Year.
- Colchester District.* { Accounts have been received from the Collector, there up to 31st *December*, 1796, by which it appears no Duties have been secured in that District last Year, except the small Sum of £2 3 3, which is remitted to the Treasury.
- King's County District.* { The Collector of this District, has Transmitted his Accounts up to the 31st *December*, 1796, when there was a Balance in his Hands of £57 5 0, which has since been remitted to the Treasury. No Securities appear to remain in his Hands at that Period.
- Hants District.* { Accounts from this District have been received up to the 31st *March*, 1797, properly stated. There appears to have been no Duties secured since 31st *December*, 1795. Except the sum of £.25 0 6 upon a British Importation, which is still outtanding. 25 0 6
- Sydney.* No Accounts or Remittances from thence.
- Capitation Tax.* { Paid into the Treasury since the Report of last Session, particulars already stated to the House.
- Sambro Light House.* { The Collectors Accounts have been received up to 31st *May*, last. The Net Collections since the 31st *December*, 1795, is £542 10 6
A Balance remains in his Hands of - - - - - 12 10 6
- Shelburne Light House.* { The Collectors Accounts have been received for five Quarters to 31st *March* last, and the Net Collections is only £43 8 3, which he has Remitted to the Treasury.

Transient Poor. { A Balance of £62 10, remains due to the Justices of the Sessions for the County of *Halifax*, of the Sum of £1,700, voted them in the Year 1792.

License Duty. { The Sum of £620 12 8, has been collected in *Halifax*, and Paid into the Treasury between the 10th *March*, 1796, and 20th *May*, 1797, and all expended upon the Roads, &c.

Governor's Contingencies. { The Sum Voted for that Service last Session, has all been expended, and a considerable Sum advanced by the late Secretary on Account.

The Committee take leave to state that the Commissioners of the Revenue, having conformable to the orders of the *House of Assembly* directed that no Interest should be Payable after the 31st *March* last, upon any Sums of the public Debt, that might then remain in the Treasury uncalled for.

The Committee agreeable thereto, have charged Interest to the 31st *March* only, in the General State of the Province; but submit to the Consideration of the House, whether it may not be expedient to allow interest, to be paid up to the 30th *June*; as it might have been attended with some inconvenience to the Publick, and to the Stockholders, to have the whole peremptorily discharged on the 31st *March*.

ALEXANDER BRYMER, }
S. S. BLOWERS. } Committee of Council.

JOHN McMONAGLE; }
JONATHAN STERNS, } Committee of the House of
MICHAEL WALLACE, } Assembly.
JOHN STUART, }
WILLIAM COCHRAN, }

Dr. A State of the Province of NOVA-SCOTIA,

Contra, Cr.

<p>1797. To amount of Debt due to Individuals not yet drawn out of the Treasury - £5928 15 6</p> <p>Three months Interest on do. to 31st March 1797. 88 18 6</p> <hr/> <p>6,017 14 0</p> <p>Demands on Government for Warrants uncalled for & Salaries to 30 June. -</p> <hr/> <p>1,312 16 8</p> <hr/> <p>7,330 10 8</p> <p>Balance 7,600 0 0</p> <hr/> <p>£14,930 10 8</p>	<p>1797:</p> <p>By Cash in the Hands of the Treasurer on the 31st May last. 4,266 11 1</p> <p>By Securities in the Hands of the Collectors of Import and Excise for the District of Halifax, on the 31st March last 16,008 8 10</p> <p>Deduct for Drawbacks, &c. 8008 8 10</p> <hr/> <p>By Balances unremitted and Securities in the Hands of Out Port Collectors 31st March 1797. 1686 9 1</p> <p>By Balance in the Hands of the Collector of Sambre Light Duties 31st May 12 10 6</p> <p>By Securities in the Hands of the Attorney General viz. Captain R. Murray's Bond on Interest 780 0 0</p> <p>Interest Due thereon, - 65 0 0</p> <p>George Deschamps Bond, on which there is a Balance Due of 120 0 0</p> <hr/> <p>965 0 0</p> <hr/> <p>£14,930 10 8</p>
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ALEXANDER BRYMER, } Committee of the Council.
S. S. BLOWERS,

JOHN McMONAGLE.
JON. STERNS,
MICH. WALLACE,
JOHN STUART,
WILLIAM COCHRAN, } Committee of the House of Assembly.

Ordered,

County of Sydney.	}	Paid into the Treasury by Report 29th <i>March</i> , 1796.			
		Do.	Since Do.	Do:	91 13 5½ 48 5 0
					139 18 5½
District of Colchester.	}	Paid into the Treasury by Report, 29th <i>March</i> , 1796.			
		Do.	Since Do.	Do.	139 12 11 102 15 2
					242 9 1
District of Pictou.	}	Paid into Treasury by Report 29th <i>March</i> , 1796,			
					13 12 6
		Since the Report of 1796, there are no Returns or Monies paid			
					13 12 6
Yarmouth and Argyle.	}	Paid into the Treasury by Report 29th <i>March</i> , 1796, viz. By <i>Renald McKinnon</i> , Esq; Collector of Impost and Excise.			
					53 6 6
		<i>Edward Brinley</i> , Esq;	Do. Do.	50 0 0	
					103 6 6
		Since the Report of 1796; no Returns or Monies paid into the Treasury.			

Ordered, That the Report do lie on the Table, to be perused by the Members.

Mr. *Wallace*, moved, That the Commissioners of the Revenue, do authorize the Treasurer to pay the present Stockholders of the Province Interest on the several Sums respectively due them up to this Day, and no longer, which being seconded and put, and the House dividing thereon, there appeared for the Motion, Sixteen, against it Eleven.

So it passed in the Affirmative.

Resolved, That the Clerk do carry the above Resolution to the Council, and desire their Concurrence to the same.

Mr. *Wallace*, pursuant to leave given, presented a Bill, to revive and amend an Act, passed in the Thirty third Year of his Majesty's Reign, for the Regulating and maintaining a Light House, at the Entrance of the Harbour of *Shelburne*, and the same was read a first Time,

Resolved, That the Bill be read a second Time.

On Motion the House resolved itself into a Committee of the whole House, on the Report of the Committee, to whom the Petition of *Hector Maclean* and others, and also the Petition of *William Halliburton*, was referred:

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made further Progress in the Business to them referred, and prayed leave to sit again on the Consideration of the same; which Report the House agreed to.

A Message from his Excellency the Lieutenant Governor, by Mr. Secretary *Wentworth*.

Mr. Speaker,

His Excellency commands this House to attend his Excellency immediately, in the Council Chamber,

Accordingly Mr. Speaker, with the House, went up to attend his Excellency.

And being returned,

Mr. Speaker reported, that the House had attended his Excellency, in the Council Chamber, where his Excellency was pleased to give his Assent to the Bill following. viz.

An Act to continue in Force the several Acts therein mentioned.

On Motion the House resolved itself into a Committee of the whole House on the Consideration of the state of the Capitation Tax.

Mr.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Business to them referred; and that the Committee had come to a Resolution thereupon which they had directed him to report to the House, and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows :

Resolved, That it appears to the Committee, that the County of *Halifax* (the District of *Colchester* excepted) is greatly in arrears; the County of *Sbelburne*, the County of *Sydney* and the Districts of *Piñou*, *Yarmouth*, and *Argyle*, are also in Arrear on the said Tax; and that the Custos Rotulorum, or Eldest Magistrate or the Committee of Justices, of each of those Counties and Districts, have neglected to put into Effect the several Laws of the Province, relating to the said Tax; the Committee therefore recommend, that the Commissioners of the Revenue, be directed by the House, to make application to his Majesty's Justices of the *Supreme Court*, to issue a Mandamus against every of such Custos Rotulorum, or Eldest Magistrate, and the Committee of Justices of the aforementioned Counties and Districts; agreeable to the Act of Assembly, for that purpose. The said Resolution was read a first and second Time, and upon the Question put thereupon, agreed to by the House.

A Message from the Council by Mr. *Gautier*.

The Council have agreed to the Resolution of this House for allowing Interest to the present Stockholders of the Province.

The Council have not agreed to, the Bill intituled an Act, to prevent the clandestine Importation of India, and other foreign Manufactures, and Merchandize, and Goods liable to Duties by the Laws of this Province, and for the better securing the Trade thereof. The Council have and subjoined to the Bill their Reasons, which among others have induced the Council to give their Dissent to the same, for the Information of the House.

And then the Messenger withdrew:

The said Reasons subjoined by the Council to their Message were read by the Clerk and are as follows ;

His Majesty's Council observing, that the Bill intituled an Act, to prevent the Clandestine Importation of India and other foreign Manufactures and Merchandizes, and Goods liable to Duties by the Laws of this Province, and for better securing the Trade thereof, sent up from the Assembly for their Concurrence to be the same (except some inconsiderable Alterations) with the Bill, they had a few Days ago received from the Assembly, and sent down not agreed to, had come to a Resolution to let the second Bill lie on their Table; but having understood, that the House was desirous to know the Reasons why the Council would not agree to the Bill, they have sent it down not agreed to, and have subjoined as a Measure of Conciliation not to be drawn into Precedent the following Reasons, which among others have induced them to give their Dissent to it.

First. They conceive the Bill if passed into a Law would militate with the Act of Parliament, which prohibits the Importation of any Goods or Commodities from the *United States*, except certain Articles, to be specially licenced by the Governor and Council; because it not only alters the Regulations of the Statute, but while it professes to complain of a Practice of importing India Goods from the *States of America*, of which the Council are ignorant, tends to authorize such Importations, if made conformable to Regulations substituted by the Bill.

Secondly. The Limitation of the Tonnage of Vessels to be employed in the American Trade is not only a Contravention of the Regulations established by the Acts of Navigation of the British Parliament; but would render liable to Forfeiture the Vessels and Merchandize of his Majesty's Subjects residing in other Parts of his Dominions, and trading between the United States and this Province agreeable to Acts of Parliament made for the Regulation of the Trade with the States. It would also greatly reduce in Value the Vessels under Sixty Tons Burthen, owned in this Province, and employed in the Trade with the States, and would render it impossible for the Settlers in many of the Harbours of this Province (which from the Shallowness of the Water will not admit of Vessels of Sixty Tons) to carry, as their Practice

is, their Fish to the States in small Vessels, and to bring from thence the necessary Supply of Bread Corn for the Winter.

Thirdly. The Clause which authorizes the Seizure of Vessels belonging to Foreigners found within three Leagues of the Coast of *Nova-Scotia*; is repugnant to the British Statute, for it allows of no Time for Departure, and might involve his Majesty in Disputes with the *United States*. His Majesty's Council are of opinion the Legislature of *Nova-Scotia* can have no Right to regulate the Foreign Trade of the Province, which always has been under the immediate Control and Management of the Mother country.

Fourthly. The Council think the Clause, which establish certain Ports of Entry and Clearance for the American Trade, and nominate certain seizing Officers without including the Officers of his Majesty's Customs; an improper Interference with the Regulations established by Act of Parliament, and highly injurious to several of the Principal Trading Towns in the Province, and to all the Settlements, which are to be excluded directly from the Trade.

Fifthly. The Council doubt the good Policy of the Bill altogether; they think the high Provincial Duty of Ten per Cent. and the other Restrictions under which the American Trade labours, the principal Cause of the Smuggling complained of; and therefore they esteem it a preferable Measure to lessen the Duties, thereby to render the Gains of the contraband Trader less, and to place the fair Trader on a better footing in the Market.

The *House of Assembly* cannot have more at heart the Discouragement of every Species of Smuggling practiced in the Province, than the Council have, and as the American Trade is put by Act of Parliament under the Control of the Governor and Council, the House may be assured, that every Caution will be used in licencing it, which in their Opinion shall appear calculated to suppress the Mischiefs complained of, and to further the Wishes of the Assembly; and thereupon,

On Motion of Mr. *Tonge*, *resolved*, That this House will To-morrow *resolve* itself into a Committee of the whole House, to take into Consideration the above Reasons subjoined by his Majesty's Council to their Message; and also the present State of the Trade of this Province.

Then the House adjourned, till To-morrow, at eleven of the Clock.

Saturday, 1st July, 1797.

PRAYERS.

A Bill to revive, and amend an Act, passed in the Thirty third Year of his Majesty's Reign, for the regulating and maintaining a Light House at the Entrance of the Harbour of *Shelburne*, was read a second Time,

Resolved, That the Bill be committed to a Committee of the whole House.

On Motion, the House *resolved* itself into a Committee of the whole House, on the said Bill.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bill, and had directed him to report the same to the House, without any Amendment, and he delivered the Bill in, at the Clerk's Table,

Ordered, That the Bill be engrossed.

On Motion, the House *resolved* itself into a Committee of the whole House, on the Report of the Committee, to whom the Petition of *Hector Maclean*, and others; and also the Petition of *William Haliburton*, was referred.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Business to them referred, and had come to a Resolution thereupon, which they had directed him to report to the House; and he read the same, in his Place, and afterwards delivered it in, at the Clerk's Table, where it was read, and is as follows.

Resolved,

Resolved, That it is the Opinion of this Committee, that the House should defer the further Consideration of the Report of the private Committee, to whom the Petition of *Heſtor Maclean*, and others, and alſo the Petition of *William Haliburton*, was referred; and that the Houſe direct the Petitioner *Heſtor Maclean*, and his Associates, to lay before the Houſe, a correſt Map or Plan of the Township of *Douglafs* in *Hant's* County, whereon the Metes and Bounds, Courſes and Diſtances, and Number of Acres, of each of the Lots or Tracts of Land, the Petitioners reſpectively at preſent are in the Poſſeſſion of, and which are now under their Cultivation, ſhall be particularly deſignated by Lines, Letters and Figures; and the Number of ſuch Lot or Tract, with the Petitioners Name ſo in Poſſeſſion thereof, ſhall be Written on the ſame; alſo that the ſaid *Heſtor Maclean*, and his Associates, be directed to annex to the ſaid Map or Plan, a Schedule containing the Name, Place and Profeſſion, Rank, Occupation, Trade or Craft of the ſaid Petitioners; ſpecifying whether they are Perſons originally included in the Grant referred to in their Petition or not; whether they have Families, and the Number compoſing each of ſuch Families, and what Portion of Land they were intitled to, under his Maſteſty's Inſtructions. And that the Courſes, Diſtances and Bounds of each Lot, be particularly expreſſed, taking ſome regular and eſtabliſhed Point, for an Offset or Place of beginning.

The ſaid Reſolution was read a firſt, and ſecond Time, and upon the Queſtion put thereupon, agreed to by the Houſe.

An engroſſed Bill, to revive and amend an Act, paſſed in the Thirty third Year of his Maſteſty's Reign, for the regulating and maintaining a Light Houſe, at the Entrance of the Harbour of *Shelburne*, was read the third Time.

Resolved, That the Bill do paſs, and that the Title, be an Act, to revive and amend an Act, paſſed in the Thirty third Year of his preſent Maſteſty's Reign, intituled an Act, in Amendment of, and in Addition to an Act, made in the Thirty third Year of the Reign of his late Maſteſty; intituled an Act, for maintaining a Light Houſe on *Sambro* Iſland, and in Addition to, and Amendment of an Act, paſſed in the Twenty eighth Year of his preſent Maſteſty's Reign, intituled an Act, for regulating and maintaining a Light Houſe, at the Entrance of the Harbour of *SHELburne*.

Ordered, That the Clerk do carry the Bill to the Council, and deſire their Concurrence to the ſame.

The Order of the Day being read.

The Houſe reſolved itſelf into a Committee of the whole Houſe, to take into Conſideration the Reaſons ſubjoined to the Meſſage, ſent down Yeſterday by his Maſteſty's Council, and alſo the preſent State of the Trade of the Province.

Mr. Speaker left the Chair,

Mr. *Pyke* took the Chair,

Mr. Speaker reſumed the Chair,

The Chairman reported from the Committee, that they had made ſome Progreſs in the Buſineſs to them referred, and that the Committee had come to a Reſolution thereupon, which they had directed him to report to the Houſe; and he read the Report in his Place, and afterwards delivered it in at the Clerk's Table. The Chairman alſo acquainted the Houſe, that the Committee had directed him to move for leave to ſit again, on the Buſineſs to them referred, which the Houſe agreed to.

The Reſolution paſſed by the Committee, was read by the Clerk, and is as follows.

Resolved, That it is the Opinion of this Committee, that a Committee ſhould be appointed by the Houſe, to prepare and Draft an Answer, to the Reaſons ſubjoined to the Meſſage ſent down Yeſterday by his Maſteſty's Council, that they had not agreed to the Bill, intituled an Act, to prevent the Clandeſtine Importation of India, and other Foreign Manufactures and Merchandize, and Goods liable to Duties by the Laws of this Province, and for the better ſecuring the Trade thereof. And that the ſaid Committee do report the Draft, on Monday next. The Reſolution was again read, and upon the Queſtion put thereupon, agreed to by the Houſe, and thereupon,

Ordered, That Mr. *Sterns*, Mr. *Tonge* and Mr. *Wallace*, be a Committee agreeable to the above Reſolution.

On Motion, the Houſe reſolved itſelf into a Committee of the whole Houſe, on private Petitions.

Mr. Speaker left the Chair,
Mr. Skinner, took the Chair,
Mr. Speaker took the Chair,

The Chairman reported from the Committee, that they had gone through the Business to them referred, and had come to several Resolutions thereupon, which they had directed him to report to the House, and he read the Report in his Place: And afterwards delivered it in at the Clerk's Table, where it was read, and is as follows.

The Petition of *Isaac Bonnel*, and *Isaac Hatfield*, in behalf of themselves, and other Inhabitants of the Town Plot of *Digby*, was read and considered; and thereupon,

Resolved, That it is the Opinion of this Committee, that a Committee should be appointed by the House to examine into the Merits of the said Petition, and report thereon to the House in their next Session.

The Petition of *Ebenezer Parker*, late Sheriff of the County of *Shelburne*, was read and considered, and thereupon,

Resolved, that it is the Opinion of this Committee, that the Sum of £20. should be paid to the Petitioner, agreeable to the Prayer of his Petition.

The Petition of *Godfrey Schwartz*, *Samuel Mercer* and others, Inhabitants of the *Windsor and Hamond Plain Road*, was read and considered, and thereupon,

Resolved, That it is the Opinion of this Committee, the said Petition should be rejected, it appearing to the Committee, that the Petitioners have been under a Mistake in supposing the Felloes of the Wheels were directed to be Nine Inches in Breadth, as by an Act, passed in the Thirty third Year of his present Majesty's Reign, the Felloes of the Wheels were directed to be only of the Breadth six Inches.

The Petition of *Charles Hill*, Junr. was read and considered, and thereupon *resolved* that it is the Opinion of this Committee, that the Petition should be rejected.

The Petition of *Louis Blanchard* and others, Inhabitants of the Township of *Yarmouth*, was read and considered, and thereupon,

Resolved, That it is the Opinion of this Committee, that a Committee should be appointed by the House, to examine into the Merits thereof, and report thereupon.

The Petition of *Lawrence Hartsborne*, and Co. was read and considered, and thereupon,

Resolved, That it is the Opinion of this Committee, that the Petitioners are intitled to Relief, but that it be recommended to the House to appoint a Committee for the Purpose of inspecting, and reporting on the Account and Vouchers referred to by the Petitioners.

The Petition of *John McLatchey* and others, was read, and thereupon,

Resolved, That it is the Opinion of this Committee, that the Consideration of the Petition be deferred to the next Session.

The Petition of *James Foreman*, and *George Grassie*, Merchants, in behalf of themselves, and *James Elmestie*, was read and considered, and thereupon,

Resolved, That it is the Opinion of this Committee that the Petition be rejected.

The Petition of *George Grant*, of *Halifax*, Merchant, as Agent to the Contractor for Victualling his Majesty's Ships of War on the Coast of *America*, was read and considered, and thereupon,

Resolved, That it is the Opinion of this Committee, that the Petition should be rejected, it not being in the Power of the Committee to dispense with the Laws, respecting the Exemption of the Duties on Rum, Wine and other Spirituous Liquors, issued as stated in the Petition; or the Ten per Cent. Duties on the Articles imported from the *United States of America*. *Resolved*, also, that the Exemptions prayed for on the Articles imported from *Great-Britain*, are already provided for by Law.

The Petition of Messrs. *Foreman* and *Grassie*, in behalf of Vice-Admiral *George Murray*, Esq; late Commander in Chief of his Majesty's Squadron on the Coast of North-America, &c. was read and considered, and thereupon,

Resolved, That it is the Opinion of this Committee, that the Petition should be rejected, it appearing to the Committee, that the Articles on which the Remission of the Duties is prayed for, had not been exported conformable to Law.

The Petition of *John Taylor, Peter Douset and Amiable Douset*. Also the Petition of *William Sutherland and James Sutherland*. And also the Petition of *Robert Pagan*, in behalf of himself and others; were severally read, and thereupon,

Resolved, That it is the Opinion of this Committee, that from the present high Price of Labour, added to the great Difficulty of procuring Labourers during the War, the House should defer the Consideration of the said Petitions, and all other Applications of the like Nature until the next Session.

The said Report and Resolutions were upon the Question severally put thereupon, agreed to by the House.

Ordered, That the Petition of *Isaac Bonnell and Isaac Hatfield* be referred to Mr. *Pool*, Mr. *Moody*, and Mr. *Millidge*, agreeable to the Resolution of the Committee.

Ordered, That the Petition of *Lawrence Hartshorne, and Co*, be referred to Mr. *Stuart*, Mr. *Cochran*, and Mr. *Perkins*, agreeable to the Resolution of the Committee.

Ordered, That the Clerk do carry the Resolution in favor of *Ebenezer Parker*, to the Council, and desire their Concurrence to the same.

On Motion, *resolved*, that this House will To-morrow *resolve* itself into a Committee of the whole House to consider of a Supply to be granted for the Support of his Majesty's Government.

Then the House adjourned till Monday at One of the Clock.

Monday, 3d July, 1797.

PRAYERS.

Mr. Secretary *Wentworth*, by Order of his Excellency the Lieutenant Governor delivered to the House an Estimate of the Charge towards the Support of the Government of *Nova-Scotia*, and other Expences from the first Day of *July*, 1797, to the 30th *June*, 1798.

Ordered, That the Estimate do lie on the Table, to be perused by the Members.

The Order of the Day being read.

The House *resolved* itself into a Committee of the whole House, to consider of a Supply to be granted for the Support of his Majesty's Government.

Mr. Speaker left the Chair,

Mr. *Skinner* took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had made some Progress in the Business to them referred, and prayed leave to sit again on the further Consideration of the same, which Report the House agreed to.

Then the House adjourned, till To-morrow, at Ten of the Clock.

Tuesday, 4th July, 1797.

PRAYERS,

Mr. *Perkins*, *reported* from the Committee, to whom the Accounts and Vouchers annexed to the Petition of *Lawrence Hartshorne, and Co*. was referred, that the Committee had examined the same, found them Correct, and that the Sum of £37 15 11, appears to be justly due to the Petitioners agreeable to the Prayer of their Petition, and thereupon.

On Motion, *resolved*, that Payment of the above Sum of £37 15 11, be provided for in the Act to be passed for appropriating the Supplies granted in this Session of the *General Assembly*.

On Motion of Mr. *Pool*, the Resolution of the Committee of the whole House respecting the Petition of *Louis Blanchard* and others, Inhabitants of the Township of *Yarmouth*, was read, and thereupon.

Resolved, That the said Petition be referred to a select Committee to be appointed by Ballot, and that they do examine into the Merits of the same, and report thereon to the House in the next Session.

The House then proceeded to the Ballotting for the said Committee, and the follow-

following Members were accordingly drawn, viz. Mr. James, Mr. McElbirney, Mr. Bolman, Mr. Lusby and Mr. Eaton.

On Motion, the House resolved itself into a committee of the whole House on the further Consideration of a Supply to be granted for the Support of his Majesty's Government.

Mr. Speaker left the Chair,
Mr. Skinner took the Chair,
Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had made further progress in the Business to them referred, and prayed for leave to sit again on the Consideration of the same, which Report the House agreed to.

Mr. Wallace presented to the House an Account of *William Lacolor*, Painter. An Account of *John Anderson*, Mason. And also an Account of *Michael Perkins*, Carpenter, for sundry Work done by them respectively on the Government House and Buildings, and thereupon.

On Motion of Mr. Belcher, Ordered, that the said Accounts be referred to Mr. Wallace, Mr. Sargent and Mr. Dewolf, and that they do examine into the justness of of the same, and report thereon to the House.

Then the House Adjourned till To-morrow at Eleven of the o'Clock.

Wednesday, 5th July, 1797.

PRAYERS,

Mr. Sterns, reported from the Committee appointed on Saturday to draw up an Answer to the Reasons subjoined by his Majesty's Council to their Message on Friday last, that the Committee had drawn up an Answer accordingly, and he read the same in his Place and afterwards delivered it in at the Clerk's Table, where it was read, and thereupon.

On Motion the House resolved itself into a Committee of the whole House on the Consideration of the said Answer, and also the present State of the Trade of this Province.

Mr. Speaker left the Chair,
Mr. Skinner took the Chair,
Mr. Speaker resumed the Chair,

The Chairman reported from the Committee, that they had gone through the Business to them referred, and had agreed to the Answer to the Reasons subjoined by his Majesty's Council to their Message, as reported by the Committee with several Amendments; which they had directed him to report to the House, and he afterwards delivered the same in, at the Clerk's Table, where they were read a first and second Time, and upon the Question severally put thereupon, agreed to by the House.

Ordered, That the said Answer to the Reasons abovementioned, with the Amendments, as reported from the Committee be engrossed.

Then the House adjourned till To-morrow at Eleven of the Clock.

Thursday, 6th July, 1797.

PRAYERS,

Mr. Skinner, reported, from the Auditors appointed by the House in the last Session to examine the Accounts of *Renold McKinnan*, and *Charles McNeil*, Esquires, late Collectors of Impost and Excise for the County of *Shelburne*; and read the Report in his Place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows.

That the Auditors notified the said *Renold McKinnan*, with the Resolution of the House who appeared before them; but could not produce to the Auditors any Papers, Accounts or Vouchers, to enable them to proceed in the said Business; and that *Charles McNeil*, is Resident in the *United States of America*, and has left no Attorney other Person in this Country who can give any Information respecting his Accounts.

Ordered, That the said Report do lie on the Table, to be perused by the Members.

The Answer to the Reasons subjoined by his Majesty's Council to their Message on Friday last, being engrossed, was read by the Clerk, and is as follows.

His Majesty's Council having explained to the *House of Assembly* the reasons of their rejecting a Bill intituled an Act, to prevent the clandestine Importation of India and other Foreign Manufactures, and Merchandize and Goods liable to Duties by the Laws of this Province, and for the better securing the Trade thereof. In answer.

The House beg leave to assure his Majesty's Council that they are equally sensible of the irregularity of the Mode of proceeding adopted on that Occasion by that Body, and equally averse to a Measure being drawn into a Precedent which commences the Discussion of a Subject after Decision has taken place; willing however to accord in any Measure, which has the Appearance of Conciliation, and desirous of availing themselves of the only Mode now left for a Communication of Opinions on a Subject so important to the Interests of this Province: and being fully convinced of the Necessity that most, if not all the Provisions in that Bill should be passed into a Law; they take the Liberty of stating some Facts of which his Majesty's Council profess not to be informed, and of discussing the Reasons, upon which that Measure was on their part grounded.

On their First reason, the House take the Liberty to observe, that their Bill does not as they conceive, tend to alter the Regulations of the Act of Parliament referred to, as none of those it proposes, are contrary to, or inconsistent with the said Act. They are Guards which the peculiar local Situation of this Country, well known to the Members of this House render necessary to secure the Provincial Duties granted to his Majesty; and which instead of being repugnant to, operate as cumulative Provisions to enforce the said Act of Parliament. As to the Allegation that the Bill tends to authorize the Importation of India Goods; the House are exceedingly at a loss to discover, how an Act that prohibits the Importation of any Articles from the United States of America in Vessels of less than 60 Tons Burthen, can be construed to legalize the Importation of India Goods in Vessels of that Tonnage. As to the Existence of the Practice of importing India Goods of which his Majesty's Council profess to be ignorant. The House States, that they are well informed, that within four Years last past, there have been in the County of *Halifax* only, eight Seizures made of or on Account of India Goods imported from the *United States*, which have been prosecuted to Condemnation in the *Supreme Court*, *Court of Common Pleas*, and *Court of Admiralty* besides many more for other Causes, all of which one excepted, were made by Officers holding Commissions under the Laws of this Province, of this Fact his Majesty's Council can be informed by some of its own Members, To wit, by one of the Judges of the *Supreme Court*, the Judge of the *Court of Vice Admiralty*, and the first Justice of the *Common Pleas*, before whom those Prosecutions were had; and by his Majesty's Attorney General, who hath prosecuted all of them, either for his Majesty, or for the Informers; beside those there are six Seizures now under Prosecution, most of which are for the same Causes. The House further States as Information received from their own Members, that the greatest Part of the Settlements on the whole Coast of the Province are with very little Interruption from the Officers of his Majesty's Customs, continually and almost wholly supplied with India Goods, Articles liable to Duty by the Laws of this Province, and with all other Articles of Merchandize from the *United States*; either by small Vessels owned in this Province, or by Fishing Vessels belonging to the said States, to the Ruin of the Trade with the parent State and her Colonies; as our Merchants are unable to form any probable Estimate of the Quantity of Goods they may safely import from *Great Britain*, or the British Plantations. They are also deprived of the Productions they have contracted to receive for any Supplies by them entrusted to the Planters on the Coast, as those Planters generally barter them for those Articles so clandestinely and illegally imported.

The House cannot accord in the Position laid down by his Majesty's Council in their second Reason, To wit, That their Bill is in any Instance a Contravention of the Acts of Navigation, the Navigation Acts certainly do not in Terms enact, that all Vessels built and registered according to those Acts shall be qualified to Trade to every Part of the World generally, or to the *United States of America*, in particular; equally true it is, that they do not give that right by Implication, if they did, the Navigation Act of 1786, would have repealed that Part of the Statute of the 24th Geo. 2d, Chap. 41, which prohibits the Exportation of Tobacco in Vessels of less than 70 Tons Burthen, and others to the like Effect. That by the Regulations of the Bill the Property of others than his Majesty's Subjects resident in this Province may be forfeited; this House conceive is no Objection to it; as every one of our Revenue Laws impose certain Rules, Regulations and Duties on the Owners and Masters of Ships coming into this Province, to whatever Place or Persons they may belong, and punish the Infraction of them with Fines and Forfeitures, and those Acts

have never been thought a stretch of the Powers of our Provincial Legislature. The House conceive that the Ideas of his Majesty's Council, that there are Harbours in this Province, where any Trade is carried on, which are from their Shallowness unfit to admit Vessels of 60 Tons Burthen, is ill founded in Fact.

The House is also convinced that the Proprietors of small Vessels under 60 Tons Burthen would be much benefited by their being restrained from trading to the *United States*, and that the regulation proposed would be a proper one if it had their Benefit only in view; but were not that the case, Restraints of this Nature are justified both upon Principle, and the Practice of the Parent State, where it is deemed necessary for the Purpose of securing the Revenue. The House further submit to the Consideration of the Council, whether it is probable any vessel hath ever been built in this Province for the Purpose of carrying on a Trade generally prohibited by Act of Parliament, and only to be permitted in Cases of Emergency and public Distress. The House differ most materially from his Majesty's Council in their Idea, that it would be a hardship upon the Owners of small Vessels, that they would by this Bill be precluded from exporting their Fish to the *United States of America*; As it is conceived that any Trade or commercial Intercourse, further than it may be legalized by the Licence of the Governor or Commander in Chief for the Time being, is against the general Policy and Colonial System of our Parent Country, and was not intended to be authorized by the Act of Parliament, enabling the Governor to give such Licence in Case of Emergency and to prevent Distress. And although the House feel no Disposition to Question the Wisdom or Policy of authorizing under Circumstances of Emergency the Importation of certain Articles from the *United States of America*, by Licence from his Excellency the Lieutenant Governor; yet they take leave to State, that the Trade which is now carried on under cover of the General Licence, is highly injurious to the commerce of *Great-Britain*, to the Interests of this Province; and tends directly and necessarily to bring most Parts of it into the dependant Situation of a Colony to the neighbouring States.

The Third reason given by his Majesty's Council for their rejecting the Bill is certainly founded on a misreading of the 4th Section. The Seizure of Foreign Vessels is not authorized for their being found within three Leagues of the Coast, but for being so found hovering with dutiable Articles on board; so far from being repugnant the Bill is precisely consonant to many Acts of Parliament, particularly an Act passed in the 4th Year of his present Majesty, Chap. 15th; Section, 25th and 35th, in both which Forfeiture of Ship and Goods is made the Consequence of hovering within two Leagues of the Coast; equally unfounded on Constitutional Principles; they conceive is the Position, that the Legislature of *Nova-Scotia*, cannot with the King's Consent and approbation regulate the foreign Trade of this Province. A suspending Clause to the Act therefore would have cured all Objections on the Ground of Right.

On the fourth Objection of his Majesty's Council to the Clauses of the Bill, to wit, that they establish certain Ports of entry, and of Clearance for the *American Trade*, and nominate certain seizing Officers, without including the Officers of his Majesty's Customs which are said to be an improper Interference with Regulations established by Act of Parliament, and highly injurious to several of the principal trading Towns in this Province. The House are to say. That they greatly lament, that the Council should not have observed what is most obvious in the Bill, to wit; That the only two Ports established in the Province are expressly named in the Bill as Ports of Entry, and there is not a syllable in the whole of it, which tends to curtail the Power of the Officers of his Majesty's Customs; a power is indeed vested in the Governor to appoint Officers to seize and prosecute for breaches of the Act, which the House think to be a Step both warranted and necessary. And as a Strong Proof of the Necessity of an Interference on the part of the Legislature, the House desire to state a Fact, of which it must be presumed His Majesty's Council are not informed, to wit, That on the whole Extent of Coast from *Annapolis Gut*, round the *Basin of Minas*, *Colchester Bay*, and *Cape Chignictou*, up to the Division Line of the Province; there is but one establishment of a single preventive Officer of the Customs, resident up one of the Rivers, where he cannot have any Knowledge of, or controul over the Trade, which is thus carried on without the smallest restraint, to the Populous Districts of *King's County*, *Hants County*, *Colchester* and *Cumberland County*; a Principal Part of which, the House are warranted to say, is chiefly supplied with all Articles of India, and other dry Goods; and also with Liquors, by Means of an illicit Trade with the

American States. The House further observe, that it is a Fact of which they have convincing Proof before them, that all the Seizures for illicit Trade from the *United States*, two excepted, which have been made for some Years past, and prosecuted by the Officers of the Customs, were originally made by Provincial Officers, from whom they have been taken by the Officers of the Customs. The Hardships his Majesty's Council apprehend to several of the principal Trading Towns in this Province from this Bill establishing only four Ports of Entry, certainly cannot happen. Because after Entry at the only two Ports in the Province or either of the other Places mentioned in the Bill; every Person can proceed with his Vessel to any other Place in the Province he shall think proper; He is only bound to enter in one of the four Places before he goes elsewhere. In this Regulation his Majesty's Council surely cannot discover any Tendency to prevent or excuse a Compliance with any Regulation established by Act of Parliament. As well might they discover such Tendency in our Provincial Laws, which require an Entry of Vessels laden with dutiable Articles at the Office of Impost and Excise.

The House cannot but suppose, that his Majesty's Council were not aware that their last Reason for rejecting the Bill of the House, to wit; That they doubt the policy of it, resolves itself in Point of Argument into this plain Proposition; that they doubt the Policy of stopping the Illicit Trade between this Province and the *United States* for the cause assigned by them for the smuggling, is certainly ill founded; there being only Pease and Beans and two manufactured Articles, to wit, Bread and Indian Meal, which are liable to the Duty of 10 per Cent. of the illegal Importation of which this House are assured there is no Ground of Complaint; it never was in their Contemplation; besides, the Materials which the two last mentioned Articles are made of, are admissible without Duty; there is therefore no Inducement for Clandestinely importing them, consequently the Remedy proposed by his Majesty's Council would be inefficient.

The House of assembly cannot for a Moment doubt the Readiness of his Majesty's Council to prevent every Species of Smuggling practiced in the Province, and are not unacquainted with the Powers given his Excellency the Governor with the Advice of the Council under the Act of Parliament before mentioned; but as the House have for several Years past been fully sensible that the evils complained of were daily increasing, they deemed it their duty to attempt the Remedy as proposed in the Bill sent up to the Council, for their Concurrence.

Resolved, That the said Answer be sent to his Majesty's Council by the Clerk of this House.

Ordered, That the Clerk do carry the same to the Council accordingly.

On Motion of Mr. *Belcher*, *resolved,* That a Committee be appointed to wait on his Excellency the Lieutenant Governor to request he will be pleased to direct the Commissioners of the Revenue to call upon *John Thomas*, Esq; Collector of Impost and Excise at *Liverpool*, to appear on or before the first Monday in *September* next, before them at *Halifax*, with a State of the Securities in his Hands for the Duties secured by him at the Port of *Liverpool*; and that he do immediately remit to the Treasurer of the Province the whole monies collected, and now in his Hands; and in Case of his Neglect or Refusal, that the said Commissioners direct the Attorney General to prosecute the said *John Thomas* and his Securities: also that the said Committee request his Excellency will be pleased to direct the Attorney General to prosecute *Renald McKinnon* and *Charles McNiel*; late Collectors of Impost and Excise for the County of *Shelburne*, or their respective Sureties, the said *Renald McKinnon*, and *Charles McNiel*, being public Defaulters.

Ordered, That Mr. *Belcher*, Mr. *Tonge*, and Mr. *Sterns*, be a Committee accordingly.

A Message from the Council by Mr. *Gautier*,
Mr. Speaker,

The Council have agreed to the Bill, intitled an Act, to revive and amend an Act passed in the 33d year of his present Majesty's Reign, intitled an Act in Amendment of, and in Addition to an Act, made in the 33d Year of the Reign of his late Majesty, intitled an Act for maintaining a Light House on *Sambro Island*, and in Addition to, and in Amendment of an Act, passed in the 28th Year of his present Majesty's Reign, intitled an Act, for regulating and maintaining a Light House at the Entrance of the harbour of *Shelburne*, with some Amendments, to which they desire the Concurrence of this House.

And then the Messenger withdrew.

On Motion, *resolved*, That the said Bill be Rejected, it being the inherent Right of this House not to admit the Council to make any Amendment whatever to a Money Bill.

On Motion the House *resolved* itself into a Committee of the whole House, to consider further of a Supply to be granted for the Support of his Majesty's Government.

Mr. Speaker left the Chair,

Mr. *Skinner*, took the Chair,

Mr. Speaker took the Chair,

The Chairman *reported* from the Committee, that they had made further Progress in the business to them referred, and prayed leave to sit again on the Consideration of the same, which Report the House agreed to.

Mr. *Sterns*, offered to the House a Petition, Signed by *Lawrence Hartshorne* and Co; *William Forsyth* and Co, and a Number of others, the principal Merchants of the Town of *Halifax*, the Substance of which he stated to the House; and thereupon. on Motion the said Petition was received, and read; setting forth.

That the Petitioners have been accustomed to make annually from *Great-Britain*, large Importations of British Manufactures and other Merchandize for the Consumption of the Inhabitants of this Province, upon which they have paid a Provincial Duty of two and a half per Cent. besides a particular Duty upon Teas and other specific Articles. That the Merchants of the *United States of America*, trading directly with the different Foreign Ports in Europe and in the *East-Indies*; avoid many Charges and expences, which the Petitioners trading wholly with *Great-Britain* are subject to; and are therefore able to undersell the Petitioners in all Articles of the Produce or Manufactures of those Countries. That from these Causes, as well as by evading the Provincial Duty above mentioned, there have been for several Years past great Quantities of *East-India* and other Goods fraudulently smuggled into the Province from the *United States*, more especially into the Western Ports and the Harbours in the *Bay of Fundy*; whereby the Demand of those Articles from the British Importer is diminished; the Trade with *Great-Britain* decreased; the British and provincial Merchant injured; and the Revenue of the Province greatly defrauded. That the Petitioners therefore confiding in the Wisdom of the House and their Disposition to encourage the fair Trade of the Province, and to discountenance and detect Smugglers; respectfully pray, that the House would take into Consideration so serious an Evil, and devise such remedy for it, as to the House shall seem fit.

Resolved, That a Copy of the Petition be sent to his Majesty's Council, by the Clerk of this House.

Ordered, That the Clerk do carry the said Petition to the Council accordingly.

Mr. *Sterns* pursuant to leave given, presented a Bill to explain and amend an Act, relating to partition of Lands in Coparcenary joint Tenancy, &c. and the same was read a first Time.

Mr. *Wallace*, pursuant to leave given, presented a Bill to revive and continue an Act for regulating and maintaining a Light House at the Entrance of the Harbour of *Skelburne*, and the same was read a first Time.

Resolved, That the said Bills be severally read a second Time.

Mr. *Wallace* reported from the Committee to whom the Accounts of *William Lawlor*, *John Anderson* and *Michael Perkins*, for work done on the Government House and Buildings were referred; and read the report in his place and afterwards delivered it in at the Clerks Table where it was read, and is as follows.

That it appears to the Committee, that there is due to *William Lawlor* for painting and papering, the sum of £68 8 4; Also a Balance due to *Michael Perkins*, for Carpenters Work of £84 4 9. And, also a Balance due to *John Anderson* for Mason's Work of £38. and further, that it appears to the Committee, that several sums of Money have been disbursed and paid by the late Secretary Mr. *Bulkeley* on Account of and for Materials and Repairs to the Government Buildings; the Amount of which cannot at present be exactly ascertained, but the Money so paid by him appears to have been taken from the Sums voted for Contingencies to his Excellency the Lieutenant

tenant Governor in the Year 1795 and 1796 ; and will exceed One Hundred and Fifty Pounds.

Ordered, That the said Report be referred to the Committee of Supply.

Then the House adjourned, till To-morrow, at eleven of the Clock:

Friday 7th, June, 1797.

PRAYERS.

A Bill to explain and amend an Act, relating to partition of Lands in Coparcenary, joint Tenancy, &c. And also,

A Bill to revive and continue an Act, for regulating and maintaining a Light House at the Entrance of the Harbour of Shelburne, were severally read a second Time.

Resolved, That the Bills be now committed to a Committee of the whole House, and thereupon the House *resolved* itself into a Committee of the whole House, on the said Bills accordingly.

Mr. Speaker left the Chair,

Mr. Skinner took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bills, and had directed him to report them severally to the House without any Amendment, and he afterwards delivered the Bills in at the Clerk's Table.

Ordered, That the Bills be engrossed.

Mr. Sterns pursuant to leave given, presented a Bill, to prevent the Clandestine and illegal Importation of Goods liable to Duties by the Laws of this Province, and the same was read a first Time.

Resolved, That the Bill be now read a second Time, and the same was read accordingly.

Resolved, That the Bill be now committed to a Committee of the whole House, and thereupon the House *resolved* itself into a Committee of the whole House on the said Bill accordingly.

Mr. Speaker left the Chair,

Mr. Skinner took the Chair,

Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Bill, and had directed him to report the same to the House without any amendment, and he afterwards delivered the Bill in at the Clerk's Table.

Ordered, That the Bill be engrossed.

An engrossed Bill to explain, and amend an Act, relating to Partition of Lands in Coparcenary, joint Tenancy, &c. was read the third Time.

Resolved, That the Bill do pass, and that the Title be an Act to explain and amend an Act, passed in the seventh Year of his present Majesty's Reign, intitled an Act for Partition of Lands in Coparcenary, joint Tenancy and Tenancy in Common, and thereby for the more effectual collecting his Majesty's Quit Rents in the Colony of Nova-Scotia.

An engrossed Bill to revive and continue an Act for the regulating and maintaining a Light House at the Entrance of the Harbour of Shelburne, was read the third Time.

Resolved, That the Bill do pass, and that the title be an Act. to revive and continue an Act passed in the 33 Year of the Reign of his present Majesty, intitled an Act, in Amendment of, and in Addition to an Act, made in the 33d Year of the Reign of his late Majesty, intitled an Act for regulating and maintaining a Light House on Sambro-Island, and in Addition to, and Amendment of an Act, passed in the Twenty-Eight Year of his present Majesty's Reign, intitled an Act for regulating and maintaining a Light House at the Entrance of the Harbour of Shelburne.

Ordered, That the Clerk do carry the said Bills to the Council, and desire their Concurrence to the same.

On Motion the House *resolved* itself into a Committee of the whole House, to consider further of a Supply to be granted for the Support of his Majesty's Government:

Mr.

Mr. Speaker left the Chair,
 Mr. *Skinner* took the Chair,
 Mr. Speaker resumed the Chair,

The Chairman *reported* from the Committee, that they had gone through the Business to them referred, and that the Committee had come to several Resolutions thereupon, on which they had framed a Bill for applying certain Monies therein mentioned for the Service of the Year 1797, and for appropriating such Part of the Supplies granted in this Session of *General Assembly*, as are not already appropriated by any Laws or Acts of the Province, to be delivered to the House; and he read the Report in his Place, and afterwards delivered the Bill in at the Clerk's Table; where the Resolutions therein contained were read One by One, and thereupon.

Mr. *McMonagle*, *moved*, that the Resolution for granting a Sum not exceeding £250, for procuring a fit Person to make a Survey of the Water and Ground, between the River *Sbubenaccadie*, and the Harbour of *Halifax*, and to report the practicability and probable Expence of cutting a navigable Canal from the *Bason of Minas*, to the Harbour of *Halifax*; be not agreed to by the House, which being seconded and put, and the House dividing thereon, there appeared for the Motion, Ten, against it Thirteen.

For the Motion.

Mr. *McMonagle*,
 Mr. *Derwolf*,
 Mr. *James*,
 Mr. *Dimock*,
 Mr. *Tonge*,
 Mr. *Lusby*,
 Mr. *Pool*,

Mr. *Northrup*,
 Mr. *Freeman*,
 Mr. *Maclelan*,

Against the Motion.

Mr. *Skinner*,
 Mr. *Schwartz*,
 Mr. *Belcher*,
 Mr. *Wallace*,
 Mr. *Moody*,
 Mr. *Sterns*,
 Mr. *Harrisborne*,

Mr. *Embrie*,
 Mr. *McElbinney*,
 Mr. *Hosue*,
 Mr. *Cocbran*,
 Mr. *Perkins*,
 Mr. *Archibald*.

So it passed in the Negative.

The Resolutions *reported* from the Committee were upon the Question severally put thereupon, agreed to by the House.

On Motion the Bill for applying certain Monies therein mentioned for the Service of the Year 1797, and for appropriating such Part of the Supplies granted in this Session of the General Assembly as are not already appropriated by any Laws or Acts of the Province, was read the first Time.

Resolved, That the Bill be now read a second Time.

And the same was read accordingly,

Ordered, That the Bill be engrossed.

A Message from the Council by Mr. *Gautier*,

Mr. Speaker,

The Council have agreed to the Bill intituled an Act, to explain and amend an Act, passed in the seventh Year of his present Majesty's Reign, intituled an Act, for partition of Lands in Co-parcenary, joint Tenancy and Tenancy in Common and thereby for more effectually collecting his Majesty's Quit Rents in the Colony of Nova-Scotia, without any Amendment.

The Council have agreed to the Bill, intituled an Act to revive and continue an Act, passed in the 33d Year of his present Majesty's Reign, intituled an Act, in Amendment of, and Addition to an Act, made in the 33d Year of the Reign of his late Majesty, intituled an Act, for regulating and maintaining a Light House on Sambro Island, and in Addition to, and in Amendment of an Act, passed in the 28th Year of his Present Majesty's Reign, intituled an Act, for regulating and maintaining a Light-House at the Entrance of the Harbour of Shelburne, without any Amendment.

And then the Messenger withdrew.

An engrossed Bill to prevent the Clandestine and illegal Importation of Goods, liable to Duties by the Laws of the Province, was read the third Time.

Resolved, That the Bill do pass, and that the Title be an Act, to prevent the Clandestine and Illegal Importation of Goods liable to Duties by the Laws of the Province.

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

Then the House adjourned till To-morrow at Eleven of the Clock.

Saturday, 8th July, 1797.

PRAYERS.

An engrossed Bill for applying certain Monies therein mentioned for the Service of the Year 1797.

Year 1797, and for appropriating such Part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province, was read the third Time.

Resolved, That the Bill do pass, and that the Title be an Act for applying certain Monies therein mentioned for the Service of the Year of our Lord 1797, and for appropriating such Part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Ordered, That the Clerk do carry the Bill to the Council, and desire their Concurrence to the same.

Then the House adjourned till Monday at Eleven of the Clock.

Monday, 10th July, 1797.

PRAYERS.

Mr. *Belcher*, reported from the Committee appointed to wait on his Excellency the Lieutenant-Governor with the Resolution of the House of Thursday last, respecting *John Thomas*, Esq; Collector of Impost and Excise at *Liverpool*, and also *Ronald McKinnon* and *Charles McNeil*, Esqrs. late Collectors of Impost and Excise at *Skelburne*; that his Excellency had been waited on accordingly, and was pleased to say, he would comply with the Request of the House, agreeable to the said Resolution.

Mr. *Sterns*, reported from the Committee appointed on Saturday to draw up an Address to his Excellency the Lieutenant Governor, that the Committee had drawn up an Address accordingly, which they had directed him to Report to the House, and he read the same in his Place, and afterwards delivered it in at the Clerk's Table, where it was read, and is as follows :

TO HIS EXCELLENCY

SIR JOHN WENTWORTH, Baronet, L.L.D.

Lieutenant-Governor and Commander in Chief, in and over his Majesty's Province of NOVA-SCOTIA, and its Dependencies, &c. &c. &c.

The ADDRESS of the Commons of Nova Scotia in GENERAL ASSEMBLY.

May it please your Excellency,

The illicit Trade carried on from this Province to the *United States of America* under cover of the Permission given by your Excellency's Proclamation, which permits the Importation of certain Articles from thence under particular Circumstances, is a Practice the *House of Assembly* have for some time past observed with Regret. From its extent and serious Effects on the Revenues of the Province, and the Commerce with the Parent State and her Colonies, as well as its manifest Violation of the Acts of Parliament, the House conceived it necessary to attempt a Remedy, and accordingly prepared and passed a Bill for that purpose, a Copy of which is hereunto annexed. This Bill was returned by his Majesty's Council, not agreed to, accompanied with a written Message, stating the Reasons, which induced the Council to reject it. To those Reasons and the answer returned by this House, together with a Petition from the principal Merchants of the Province, the House beg leave respectfully to refer your Excellency for your further Information on this important subject, and humbly request, should your Excellency see fit to continue by Proclamation the licenced Trade between this Province and the *United States*, that you will be pleased to put the same under such Restrictions and Limitations, as may be most efficacious to prevent the Evils complained of.

Resolved, That the said Address be presented to his Excellency by a Committee of this House.

Ordered, That Mr. *Belcher*, Mr. *Howe* and Mr. *Perkins*, be a Committee for the above purpose.

Ordered, That the Clerk do wait on His Excellency, to know his pleasure, when he will receive the said Address.

A Message from the Council by Mr. *Gautier*.

Mr. Speaker.

The Council have agreed to the Bill, intituled an Act, for applying certain Monies therein mentioned for the Service of the Year of our Lord, 1797, and for appropriating such Part of the Supplies granted in this Session of General Assembly as are not already appropriated by the Laws or Acts of the Province, without any Amendment.

And then the Messenger withdrew.

The Clerk reported to the House, that his Excellency having been waited on pursuant to the Order of this Day, to know, when he would be pleased to receive their Address; had been pleased to appoint this Day at One of the Clock at the Government House.

On Motion of Mr. *McMonagle*, resolved, that a Committee be appointed to take under their Consideration the Map and Schedule directed to be laid before the House by *Heitor Maclean Esq*; and his Associates; and that the said Committee advertize in two of the public News Papers for three Months, calling on all Persons claiming Title to any of the Lands comprised within the Bounds expressed in the Grant to Lieutenant Colonel *John Small*, in Trust for the Officers, Non-Commissioned Officers, and Privates of the late 84th Regiment, to appear before the said Committee at a certain Day and Place, to shew Cause if any they have, why such Persons as are at present in the actual Possession of Part of the Lands in the Township of *Dougllass*, should not respectively be quieted in their Possession by an Act of the *General Assembly*; and that the said Committee do report to the House, at their next Session.

Ordered, That Mr. *Morris*, Mr. *Sterns*, and Mr. *Wallace*, be a Committee for the above Purpose.

Mr. *Belcher*, reported from the Committee appointed to wait on his Excellency with the Address of the House of this Day, that the Committee had waited on his Excellency accordingly, and that his Excellency was pleased to say, that he would take the said Address together with the several Papers annexed into his Consideration, and as far as the Acts of Parliament and Laws of this Province would enable him, endeavour to prevent the Evils complained of in the Address.

A Message from his Excellency the Lieutenant Governor, by Mr. Secretary *Wentworth*.

Mr. Speaker,

His Excellency commands this House to attend his Excellency immediately in the Council Chamber.

Accordingly Mr. Speaker with the House went up to attend his Excellency in the Council Chamber, where his Excellency was pleased to give his Assent to the several Bills following, viz.

An Act, for appointing Commissioners to determine upon a proper Situation in the Town of *Halifax*, and to purchase Lots of Ground, if necessary, to erect a public Building for the Accommodation of the *General Assembly*, *Court of Chancery*, *Supreme Court*, and *Court of Admiralty* and public Offices, and for procuring Plans and Estimates for a Building hereafter to be erected for the Residence of the Governor, Lieutenant-Governor or Commander in Chief for the Time being.

An Act in Amendment of an Act, passed in the Twenty ninth Year of his Majesty's Reign, intituled an Act, for altering the Times appointed for holding the *Court of Common Pleas and General Sessions of the Peace*, in the County of *Sydney*.

An Act in Amendment of an Act, passed in the Twenty ninth Year of the Reign of his present Majesty, intituled an Act, for the better Regularion of Elections.

An Act to enable the Governor, Lieutenant Governor or Commander in Chief for the Time being, to appoint Trustees for the Common of the Town of *Dartmouth*, on the Death or Removal of the Trustees holding the same, and to vacate that Part of the Grant for the Common aforesaid, which Vests the Trust in the Heirs, Executors or Administrators of the Trustees named in the said Grant, on the Death of such Trustees.

An Act to explain and amend an Act, passed in the seventh Year of his present Majesty's Reign, intituled an Act, for Partition of Lands in Coparcenary, joint Tenancy and Tenancy in Common, and thereby for the more effectual collecting his Majesty's Quit Rents in the Colony of *Nova Scotia*.

An Act in Amendment of an Act, passed in the Thirty fifth Year of his Majesty's Reign, intituled an Act, to amend and reduce into one Act, the several Laws now in being, relating to a Militia in this Province.

An Act to amend and continue for One Year, an Act passed in the Thirty third Year of his present Majesty's Reign, intituled an Act, for granting to his Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors and Brown Sugar, for the purpose of paying the Interest and reducing the Principal of the Public Debt of this Province.

An Act to revive and continue an Act, passed in the Thirty third Year of the Reign of his present Majesty, intituled an Act, in Amendment of, and in Addition to an Act, made in the Thirty third Year of his late Majesty, intituled an Act for regulating and maintaining a Light House on *Sambro Island*, and in Addition to and Amendment of an Act, passed in the Twenty eighth Year of his present Majesty's Reign, intituled an Act, for regulating and maintaining a Light House at the Entrance of the Harbour of *Shelburne*.

After which Mr. Speaker spake as follows:

May it please your Excellency,

His Majesty's faithful Subjects the Commons of *Nova-Scotia*, have granted such Supplies to his Majesty during this Session of *General Assembly*, as they Humbly conceive will be sufficient to defray the Annual Expences of this Government, and I am directed in their Name to pray your Excellency will be pleased to Assent to their Bill for appropriating those Supplies, and Mr. Speaker delivered the Bill to his Excellency.

His Excellency was pleased to give his Assent to the said Bill; following viz.

An Act for applying certain Monies therein mentioned, for the Service of the Year of our Lord one Thousand seven Hundred and Ninety seven; and for appropriating such Part of the Supplies granted in this Session of *General Assembly*, as are not already appropriated by the Laws or Acts of the Province.

After which his Excellency was pleased to make the following Speech, viz.

Mr. President, and Gentlemen of the Council,

Mr. Speaker and Gentlemen of the Assembly,

I thank you for the Diligence and Application used in the Dispatch of the Affairs of the Session, and for the Supplies you have granted to his Majesty; And I embrace with Pleasure the Opportunity now afforded me, of enabling you to return to the urgent Calls of your private Business.

I cannot however part with you without mentioning the great Satisfaction I derive from the ready and chearful Attendance of the Militia; which it has been judged requisite to call into actual Service at this busy Season of the Year. As their Zeal and Observance of Duty are attributable in a great Degree to the Principles of Loyalty inculcated, and the Examples set by those Gentlemen whose Abilities, property and Stations in the Province, have great Influence on the public Mind, I earnestly recommend to you, to promote and encourage the love of Order, Loyalty and Patriotism, which is so conducive to the Prosperity of the Community and Happiness of Individuals.

And afterwards, Mr. Secretary *Wentworth*, by his Excellency's Command said.

It is his Excellency's Will and Pleasure, that this *General Assembly*, be Prorogued to Thursday the Twentieth Day of *October* next, to be then here held, and this *General Assembly*, is accordingly prorogued to Thursday the Twentieth Day of *October* next.