

recommend such as they consider expedient to cancel, and that those remaining should be sent to the Sessions in the different Counties, to be paid by labour on the Roads; and that the House of Assembly do address His Excellency the Lieutenant-Governor, on the subject.

Mr. M'Kay, presented a Petition of Charles R. Hatheway, praying remuneration for services performed by him as Gauger of dutiable articles in the Parish of West Isles, in the year 1819.

Friday, 9th February.

Mr. Fraser, presented a Petition of the Emigrant Society, praying further aid towards the support of that Institution, and Mr. Stubs, a Petition of the Overseers of the Poor for the Parish of Saint Andrews, praying remuneration for money expended by them for the maintenance of several Emigrants in that Parish. Which were referred to the Committee of Supply.

A bill, "to repeal the Laws now in force for regulating Pilots, and to make further regulations relating to the same," and a bill, "for the better extinguishing Fires which may happen in the Towns of Fredericton and St. Andrews," were read a second time.

Mr. M'Kay, presented a Petition of Robert Ludgate, a settler on the Great Road between St. Andrews and St. John, praying pecuniary aid—referred to the Committee of Supply.

Mr. Simonds, from the Committee appointed to inquire and report, what sums of money heretofore granted, remain unpaid, and what will be the disposable funds of the Province, which have arisen, or are likely to arise, from the Revenue in the course of the current year, reported,

1st, That of the sum of £3000, granted in the year 1819, for Bounties on Fish, only £1155 has been paid by the Treasurer. The amount of this grant that remains unpaid, will be

£1845 0 0

2d, That of the sum of £1000, granted the same year for Bounties on Grain raised in the Province, £574 17 8 have been paid. Of this grant the balance unpaid is

425 2 4

3d, That sums were granted in the years 1819 and 1820, for the encouragement of Schools, amounting to £5790, of which sums only £3090, have been paid: which leaves of this grant unpaid

2700 0 0

4th, That £5000 were granted in 1820, for the improvement of the Bye Roads throughout the Province: the whole of which sum is unpaid

5000 0 0

5th, That of £5000 granted the same year for the improvement of the Great Roads, £1882 appears to have been paid: which leaves of this grant unpaid, the sum of

3118 0 0

6th, That no part of the sum granted for the improvement of the Navigation of the Rivers in this Province, in 1820, amounting to £1150, has yet been paid.

1150 0 0

7th, That the whole of the sum of £3000, granted last year for Bounties on Fish, yet remains unpaid.

3000 0 0

8th, That there still remains in the hands of the Treasurer, to be cancelled, Notes to the amount of

612 10 0

9th, That the amount of drawbacks due for merchandise exported out of the Province, is

3000 0 0

10th, That the sums borrowed by the Province Treasurer, agreeable to an Act passed in 1819, authorizing him to borrow the sum of £9000, to pay the demands on the Treasury, and which the Province is now paying interest for, amount to

2636 0 0

11th, That of the sums granted to the Adjutants of Militia, in the years 1819 and 1820, £246 remains unpaid.

246 0 0

Balance in Chest,

£23,732 14 4

£23,610 18 4

£121 16 0

These several sums amount to the sum of £23,732 14 4; which exceeds the whole amount of balance in the Chest, by £121 16 0; and consequently there are no disposable funds in the Treasury.

In this report, no notice is taken of the balances in the hands of any of the Deputy Treasurers, nor is any notice taken of bonds in the hands of the Attorney General for collection.

As the time when those balances will be paid, and when the said bonds will be recovered, is very uncertain, they cannot, in the opinion of your Committee, in any way affect the disposable funds of the Province for the current year.

Your Committee beg leave particularly to remark, that of the balance now in the Chest in Bonds and Notes, the sum of £7000, will not be due until the year 1822.

And they further suggest the probability, that the balance unpaid of the grant for Bounties on Fish, for the year 1819, will not be applied. All which your Committee respectfully submits to the attentive consideration of this Honourable House.

The House resolved itself into a committee of the whole House, on the further consideration of a bill, "to prohibit Foreigners selling by retail in the Port of Saint John."

Mr. Agnew, chairman of the Committee reported the Bill agreed to, which was ordered to be engrossed.

On motion of Mr. Smith, Resolved that an humble Address be presented to His Excellency the Lieutenant-Governor, praying that he will be pleased to inform the House of Assembly, if any and what steps have been taken for the recovery from T. Price, Esq. and his Sureties, the amount of their bonds for duties on rum, amounting to £1018 14.

Mr. Simonds brought in a bill, "to amend the Laws now in force relating to trespasses, and to make further regulations to prevent the same." Which was read a first and second time and ordered to be committed on the 13th.

Mr. Campbell brought in a bill, "to authorise the Justices of the Peace for the County of Charlotte, to levy an assessment to pay off the County debt." Which was read the first and second time and ordered to be committed on Wednesday next.

On motion, ordered that the Petitions of Henry Smith, Esquire, and Benjamin Atherton, complaining of an undue return for the County of York, be now read.

Which having been read—On motion of Mr. Chipman, Resolved that a Committee be appointed to search for precedents, as to the propriety of admitting evidence before the House, to shew that the vote of any Elector was not given as entered in the Poll Book, at any election, and to report thereon to the House.

Mr. Chipman, Mr. Wetmore, Mr. M'Kay, Mr. Peters, and Mr. Miles, were appointed a Committee for that purpose.

Mr. Campbell obtained leave to bring in a bill, "to revive and continue an Act passed in the 50th year of the Reign of King George the Third, intituled "An Act for the preservation of Moose on the Island of Grand Manan."

The House then adjourned till seven o'clock.

The House met pursuant to adjournment, and resolved itself into a Committee of the whole House, upon a bill "for the better extinguishing Fires that may happen in the Towns of Fredericton and St. Andrews."

Mr. Ritchie, chairman of the committee, reported the bill agreed to, which was ordered to be engrossed.

The House again resolved itself into a committee of the whole House, on a bill, "to repeal the Laws now in force for regulating Pilots, and to make further regulations relating to the same."

Mr. Clarke, brought in a bill, "to amend an Act, intituled "An Act against the Profanation of the Lord's day, commonly called Sunday, and for the suppression of Immorality." Which was read the first time.

Saturday, 10th February.

The order of the day being read, the House according thereto, resolved itself into a Committee of the whole House, on the consideration of supplies to be granted for the Public Service.

Mr. Agnew, chairman of the Committee, reported the following resolutions:—

That the sum of £25, be granted to the Chaplain of the Council in General Assembly.

To the Chaplain of the House of Assembly, the sum of £25.

To the Clerk of the Council in General Assembly, the sum of £50, and 20s. per diem during the present Session.

To the Clerk of the House of Assembly, the sum of £50, and 20s. per diem during the present Session.

To the Clerk Assistant of the House of Assembly, the sum of 20s. per diem during the present Session.

To the Serjeant at Arms attending the Council in General Assembly, the sum of 20s. per diem during the present Session.

To the Serjeant at Arms attending the House of Assembly, the sum of 20s. per diem during the present Session.

To the Doorkeepers and Messengers attending the Council and Assembly, the sum of 10s. per diem during the present Session.

To the Tide-Surveyor of the City of St. John, the sum of £100, for his services and expenses, from the 1st day of March 1820, to the 1st day of March 1821.

To Thomas Bonnor, Esq. the sum of £100 sterling, for his services, as Agent for the Province, for the year 1820.

To His Excellency the Lieutenant-Governor or Commander in Chief, for defraying the contingent expenses of the Province, a sum not exceeding £250, for the year 1821.

To the Adjutants of the Militia of the different Counties in this Province, a sum not exceeding £120, for the year 1821, agreeably to a Law of the Province.

To His Excellency the Lieutenant-Governor or Commander in Chief for the time being, the sum of £50 sterling, for the purpose of paying a Missionary to the Indians, for the year 1821.

To John Robinson, Esq. Treasurer of the Province, for his services from 1st day of March 1820, to the 1st day of March 1821, the sum of £600.

To Nathaniel Atcheson, Esq. Secretary to the Society of British North American Merchants, and Agent to some of His Majesty's North American Colonies, for his services, from February 1820, to February 1821, the sum of £100 sterling—to be remitted by the Committee of Correspondence.

Monday, 12th February.

An engrossed bill, "for the better extinguishing Fires which may happen in the Towns of Fredericton and St. Andrews." Passed and was sent to the Council for their concurrence.

Mr. Stubs, presented a Petition of the Trustees of the National School in St. Andrews, praying aid towards defraying expenses incurred in altering the School House in that Parish—referred to the Committee of Supply.

The order of the day being read the House according thereto resolved itself into a Committee of the whole House, on a bill, "to ascertain ratable Estates in this Province, and for other purposes therein mentioned."

Mr. Smith chairman of the Committee, reported progress and asked leave to sit again.

Mr. Fraser, presented a Petition of the Overseers of the Poor of the Parish of Fredericton, praying for pecuniary aid to reimburse them for expenses actually incurred by them in support of disbanded Soldiers, Emigrants, and other transient Poor—referred to the Committee of Supply.

A bill, "to amend an Act, intituled "An Act against the Profanation of the Lord's day, commonly called Sunday."—Was read the second time and committed to a committee of the whole House.—The chairman of the committee, reported progress and asked leave to sit again.

Mr. Allen presented a Petition of Isaac Clarke and others, praying aid towards completing the Methodist Chapel, situate in the immediate neighbourhood of Mr. John Nevers, in the Parish of St. Mary, County of York—referred to the Committee of Supply.

Mr. Ritchie, presented a Petition of the Minister, Trustees, Members, and others, of the Baptist Church in the City of St. John, praying for aid towards discharging a debt incurred in building that Church—referred to the committee of Supply.

Mr. Chipman, from the Committee appointed to search for precedents, as to the propriety of admitting evidence before the House, to shew that the vote of any Elector

was not given as entered in the Poll Book, at any election, and to report thereon to the House—reported that they have made search in the Journals of the House of Commons in England, and find,

That in the Bedford case, in the year 1715, the question being put, whether "The Counsel for the sitting Member be admitted to examine Edward Kemp, to prove that William Reynolds voted otherwise than he is set down upon the Sheriff's Poll, it passed in the negative."

That in the Southwark case, in the year 1735, the question being put, "That the Counsel for the Petitioner be admitted to examine persons who voted at the last election of Members to serve in Parliament for the Borough of Southwark, to prove that they voted otherwise than they were set down to do upon the Bailiff's Poll," it passed in the negative *nemine contradicente*.

That in the Oxford case, in the year 1755, the question being put, that Counsel be admitted to produce one of the Check Books kept by an Inspector of the Poll, together with parole evidence, in order to prove that one of the electors voted for a freehold lying different from that which is entered in the original Poll Book, and that the said elector then declared the freehold for which he voted, to be in the occupation of a different person from that which is also entered in the Poll Book, the House divided, and it passed in the negative.

The Committee also find it stated in a late treatise on the law and practice of election, that in the Bedford case, before a Committee of the House of Commons, in the year 1784, a question arose as to the admissibility of evidence to shew the Poll Clerk's mistake in having put down one vote for the sitting member, which in fact was given to the Petitioner; and the Check Books of each Candidate's inspector agreeing together and corresponding with parole evidence of the fact, in contradiction to the Clerk's Poll Book; and it appearing also in evidence, that application had been made during the Poll to rectify the mistake, which the Sheriff had declined doing, the Committee held that the Book ought to have been rectified, and that the Petitioner should have been returned, and the return was amended accordingly. But in the same case where there had been a mistake, as was alleged, in the taking down of another vote, the Inspector's book agreeing with the Poll Book, and no application having been made expressly during the Poll to rectify the mistake, the Committee would not let in such evidence. In the same case, the return being amended upon the decision of the first Committee, by substituting Lord Ongley instead of Mr. St. John; on the return this question was again agitated, and the Committee received parole evidence, that Ayres the voter, had voted for Lord Ossory and Mr. St. John, though his vote was taken down by the Poll Clerk for Lord Ossory only. The Voter himself, after other parole evidence, was admitted to prove how he had given his vote, though by the former Committee he had been rejected. Both Check Books in this case confirmed the Poll Book. In the same Committee a resolution being proposed, "That the Counsel be admitted to produce evidence to correct mistakes upon the Poll Book, altho' no such evidence was tendered to the Sheriff," either at the time of election, or as soon after as it was discovered, it passed in the negative.

The above are all the cases in point which the Committee have met with in the Books to which they have had access, and are respectfully submitted to the House.

Dy. Assistant Commissary General's Office, Fredericton, 29th January, 1821.

IF the undermentioned PENSIONERS, or any of them, are residing in this Province, they are requested to make personal application at this, or the Commissariat Office at St. John, in order that they may be identified prior to an application being made for an authority for paying them:—

John Hazen, Fencibles. James Barnard, do. Timothy M'Carty, do. Thomas Mall, do. John Samples, 7th Vet. Bat. James Anderty, 7th Foot. John Smith, N. S. Fen. Fred'k. Dumper, 104th Ft. Richard Smith, do. do. James Fraser, 71st Ft. Thomas Hogg, 23d Ft. John Boyle, 98th Ft. Patrick Dargan, do. do. Wm. Hamilton, 28th Ft.