

Wednesday, January 30.

Marriage Bill. Read a third time & passed. Road-master and Pound keepers Bill, Read third time.

The Attorney General moved, that, that part of the Journals of the House relating to the Printing of the Petition of W. Forsyth, be expunged.—After some discussion the motion was negatived.

Dover Bill, second reading; in committee; Mr. Hornor in the Chair, bill reported and ordered for third reading.

Religious Societies Relief Bill; second reading; in committee—Mr. Walsh in the Chair.

Mr. Rolph said that this measure had been introduced in a previous Session, by the Hon. Member from Lanark, (Mr. Morris,) but as that Hon. Gent. was not here at the commencement of the present Session, he had thought it his duty to bring it forward. Of all rights which the people were interested in, in almost all countries these were respected, and although this was the case in this Province it was only so to a certain extent; some things were wanting; true it was, that every man was at liberty to exercise his own conscientious opinions, and adopt that form of worship which appeared most suitable to himself, but then the means to do so were not in his power; he might exercise those opinions, and adopt that form of worship, but he could not hold a spot of ground for erecting a House to carry on that worship, or for the purpose of interring the dead who belonged to the same community of Christians as himself; he was sorry to say that this was the case of all Dissenters in this Province, and it might very properly, be considered as a strange state of Society, where any denomination of Christians were precluded from holding lands for such purposes. In cases when purchases of lands had been made, and places of worship erected, and burial grounds enclosed, the Heir at Law might hereafter claim the property, and convert these sacred places to his own use, or they might be sold under executions for debt. It could not be the desire of any one to see them converted to any other use; they should be secured in their possession; it would be inhuman to allow it to be in the power of any person to disturb the places where the bones of the dead were lying, and perhaps by ploughing up the fields which contained them, destroy "the short and simple annals of the poor." The Bill was so framed that it would not interfere with a great and important question which was agitated on another subject, its object was to provide for the security of such possessions as he had mentioned, and for those which might hereafter be acquired; Dissenters might be told that they had no right to the reserves, that they did not belong to the Established Church, but there could be no objection to their being secured in the possession he had alluded to; as it might however be found that they were entitled to share in the reserves he would be satisfied to name a small quantity of Land, say five acres for the purposes mentioned in the bill. Another point was as to the sects to be embraced in the bill; he had not confined it to any particular denominations, but would say that all who should share in its benefits, and to meet the wishes of his Hon. Colleague, he should have no objections, however differently he might think from him on the subject, that it should include Unitarians; he would let truth work its own way, therefore he had not named any particular sects in the Bill, but had left it open for all. The best way of showing the necessity for this Bill would be by asking the question, supposing it now actually stood on our Statute book, what would be said of that person who should propose its repeal; it would no doubt be considered as a monstrous proposition, and no one would be found to make it, without evincing the greatest effrontery against humanity. He moved the adoption of the Preamble.

Mr. Gordon; had always been in favor of the general principles of the bill, but it was his wish to see it pass in such a shape, as would ensure an effectual and certain relief. Last year when it was under discussion, and before the object was in contemplation which the Hon. Gent. had hinted at, a larger quantity of land had been proposed, and he (Mr. G.) had consented to it, he was still of opinion, too, that more than 5 Acres were necessary, to afford convenience for a Parsonage House, and for the purpose of cultivation for the use of the Ministers, many of whom depending as they necessarily did, on the contribution of their congregations, would require such accommodation. From the insinuations which had been thrown out, with respect to slicing the clergy Reserves, it appeared that it was intended to level the church of Eng. with the dust; but whatever was done by this bill for the relief of others, ought in his opinion to be a definite character; the particular sects intended to be benefited by it, and he had no objection to name every acknowledged sect of Christians, should be distinctly referred to, and not leave it, as matter of doubt, for any one who might claim the right it conferred, to prove that they were Christians.

Mr. Rolph, in reply said, that he had not expressed any thing from which it could be gathered, that his wish was to level the church of England with the dust; he had made no such assertion; but he would object against attempts to raise an Ecclesiastical domination in the country. The Hon. Member should confine himself to the Bill before the committee, because if personalities were used, they might be retorted an hundred fold. It would be as well perhaps to leave out the word Parsonage in the Bill, as its insertion might be construed to the prejudice of other rights, he would not embarrass the bill with any thing that might affect a question, between the church of England and others, because at this moment he learnt from the newspapers that the Clergy Reserves would probably be sold, and before this was determined he would not hastily make provisions in such a bill as this, which might be considered in the light of an endowment; he would confine it merely to the right of holding lands for building a place of Worship and for a burial ground. As to the Clergy Reserves, he hoped the church of England stood on a firmer foundation than these reserves would afford.

Mr. Gordon, said that from the hints thrown out by the Hon. Gent., he felt authorized to make use of the expressions he had advanced, and this was his reason for having done so.

The Attorney General, said that in some respects, he observed the present bill differed from that of last Session, although he had no doubt the intentions of the Hon. mover of it,

were to effect the same object, and these differences could be easily removed by amendment. The word "Parsonage," was a technical term, and applied only to the church of England, and there could not be any necessity for introducing it into this Bill.

Capt. Matthews moved an amendment; that under the general term Christians, Unitarians, be included.

Mr. Perry would not object that the Bill should extend to Unitarians; but as he was no Theologian, he could not consent to include them under the term Christians.

Capt. Matthews, felt it as his duty on behalf of the sect to which he belonged to propose the amendment; he had been told last year that they could not pretend to be Christians, but he could prove that they were.—Amendment put and lost.

The Attorney General was in favor of the general principles of the Bill, and on a former occasion had given his support to the measure, when it was introduced by the Hon. Member from Lanark, for the relief of Presbyterians; he objected however to the general terms of the bill now before the committee, as it might hereafter create a question whether particular sects claiming the benefits of its provisions were Christians; this would lead to having recourse to Courts of Justice, to decide the question, which should be avoided, by at once naming the sects in the bill, he should propose an amendment to that effect, which would include every acknowledged sect of Christians in the Province as far as his knowledge of them extended, and if any other occurred to the recollection of Hon. Gentlemen, he would have no objection whatever to include them, but he considered it inexpedient to pass the bill without such an amendment. The amendment naming the sects was then adopted, the bill reported and ordered for third reading.

Mr. Morris' notice; bill to be brought in, authorising assessors to take returns of Religious denominations in the Province.

Mr. Perry—notice—for again placing Militia bill, on the order of the day.

Mr. Lefferty—notice—bill for relief of John Eastwood.

Mr. Rolph—notice—Town Representatives Wages Bill; to attach property in certain cases; (Adjourned.)

Thursday, 31st January.

Dover Bill, read third time; passed, and sent to the Legislative Council.

Religious Societies Relief Bill, read third time, passed, and sent to Legislative Council.

Petitions read, and referred.

Mul-dam Bill, brought in by Mr. Coleman. The object of the Bill is to enforce the erection of Dams in such a manner as to give access to Fish, up the streams. Read first time and ordered for second reading.

Bill for Storekeepers, and Inspectors of Tobacco, in the Western District; brought in by Mr. Wilkinson. After some discussion, as to a Rule of the House, it was decided by the Speaker that this being a private Bill, should have been introduced by Petition, advertised in the U. C. Gazette. The Bill was withdrawn, and Mr. Wilkinson subsequently gave notice of his intention to bring in a Public Bill, applying to all parts of the Province.

Saw Mill Bill, brought in by Mr. Coleman. The object of this Bill was to fix a toll, or share, to be taken by Saw Mills, when sawed on shares. It was objected, that Legislative interference on such a subject was unnecessary, and on the question being put for leave to bring the Bill in, it was lost.

Amherstburgh Market Bill, brought in by Mr. Gordon. He said, this was a private Bill, brought in upon Petition from the inhabitants, who had duly notified their intention by advertising, as required by the rules of the house—it complied with the prayer of their petition, by granting the establishment of a Market, on the same principles, as in other Towns of the Province.

Capt. Matthews, and Mr. Hamilton objected to the Bill, because it placed powers in the hands of the Magistrates, and gave them the right of exacting taxes.

Mr. Wilkinson knew the Magistrates of Amherstburgh to be worthy men—he should not object to the establishment of a Market there, although it was a rival town to Sandwich—he was anxious for the improvement of both places.

The Bill was ordered for a second reading.

Registry Bill, brought in by Mr. Gordon; provides for the regulation of the office of Register of Counties, and the erection of places of safe deposit for public records.—Read first time, and ordered for second reading on Tuesday.

On motion of the Attorney General, Messrs. VanKoughnet and Walsh, were appointed a committee to report on expiring Laws.

Mr. Fothergill—notice—Address to His Excellency the Lieutenant Governor, on subject of procuring Statutes at large, and forming a Digest of the Laws of the Province.

Mr. Walsh—notice—Bill, to enable Married Women more easily, to convey real Estate. Adjourned.

Friday, February 1st.

Petitions read and referred.

Bill to secure the rights of certain Persons in this Province; brought in by Mr. Bidwell. The subject of this Bill, he said was highly important and he had endeavored to give it full and deliberate attention. He was aware however that on examination it might not be found perfect in all its provisions, and he relied on the assistance of every Hon. Gent. to make it so. It was drawn up according to his present views, and as he thought in accordance with the liberal intentions of His Majesty's Government. He felt some difficulty in bringing it before the House, aware as he was of its importance, every Honble. Gentleman would have an opportunity of expressing his opinion on the subject, when the bill came more fully under consideration, and he should reserve to himself the right of altering his opinion, as to some of its provisions, if it should be found necessary.

The bill was read a first time, and ordered for a second reading on Tuesday; and on motion of Mr. Coleman, 500 copies were ordered to be printed.

St. George Relief Bill, and Northumberland Registry Bill, brought in by the Atty. General; read first time, and ordered for 2nd reading.

Bill for abolition of Imprisonment for debt; 2nd reading; Mr. Gordon in the Chair.

Bill reported, and ordered for third reading.—Adjourned.

Monday, February 4th.

Bill for abolishing Imprisonment for debt—read third time, passed, and sent to the Legislative Council.—Yeas 15—Nays 14.

Petitions read and referred.

Message, and Despatch on Alien Question;

House in committee of the whole; Mr. Wilkinson in the Chair.

Mr. Hamilton said that the Resolution he intended submitting on this occasion, needed no apology; to use the words of an old proverb "god wine needs no bush"—the instructions were such as would give general satisfaction, and he considered it unnecessary at present to enter into the merits of them; if they had been similar to those of last year, it might be necessary to do so. Without further observation he should therefore submit his Resolution.

Resolved.—That the thanks of this House are due to His Majesty for so favourably regarding the interests of his people in this Province upon their civil and political rights.

Mr. C. Jones said that last year the gentlemen who were now advocating an address of thanks for these instructions, had declared them to be a breach of the privileges of the house—no exception was now made to them, but if the communication of such instructions was a breach of privilege then, it was equally so now, and he was surprised at the charge which appeared to have been taken place—he however did not consider it a breach of privilege on either occasion; some parts of those now communicated, appeared to be inappreciable to some persons, and this might account for the readiness shown for voting an address of thanks. The resolution however was limited, and such as ought not to be entertained.

Mr. J. Jones thought that the resolution made an invidious distinction, as it related to this particular case, and to no one class of people; His Majesty's Government had never infringed the civil rights, or any other rights of the people; the resolution however admitted of a different construction; he considered neither the instructions of last year, or this as being unpalatable, although a different opinion had been expressed last year by some persons, who had felt disposed to consider them as a breach of the privileges of the house. He had the same opinion of the present instructions, as he had of those sent last year: they were communicated to the House as matter of information, and might be acted upon or not, as best accorded with the views of individual members—they were not to be considered as binding on the house. The present course however appeared to him as being unnecessary, and such as would cast a reproach on His Majesty's Government; it deviated from the usual practice of the house, and had never before in his recollection been adopted.

Mr. Gordon said that the present was not the proper time for entering into the merits of the question, when the bill which had been introduced on the subject of naturalization was before a committee, an opportunity would be afforded him and all others, for giving their opinions, and the reasons which would influence their votes. As to the resolution now under consideration, it was in his opinion too limited, and relating as it did to one class of people, it might admit of the construction that their rights had before been neglected by His Majesty's Government, whereas it could not be denied that every desire had been shown to secure not only this, but every class of the people their rights, and the resolution went so long in this House, it showed the same feeling; it was given, at last from the necessity; it was felt of something being done. If the present instructions were not satisfactory to the country, Petitions to that effect signed by thousands, would now be lying on the table, as was the case last year.

Mr. J. Jones should propose an amendment which would make the Address of thanks more general, this he thought was the proper course to pursue, and one which had been adopted on all other occasions. By his proposed amendment the resolution would stand thus:—

Resolved.—That the thanks of this House are due to His Majesty, for the favourable manner in which His Majesty's Government has invariably regarded the interests of the inhabitants of this Province, respecting their civil rights, and upon other subjects.

Mr. Hamilton had no objection to the amendment; and while on this subject, he would take the opportunity of mentioning, that the thanks of the House were also due to an Hon. Member on his left (Mr. Randall,) for his exertions in this business; he would not however offer him empty praises, but should take another opportunity, of doing something of a solid kind for him.

Mr. Rolph would not consent, by one sweeping resolution, to deviate from the particular object embraced in the instructions; a temperate and conciliatory course had been adopted by His Majesty's Government, and called for an expression of thanks, besides he was not prepared to say that he concurred in every Act of His Majesty's Government; some had been proposed to them, not by this House, of which nothing was known; the House should therefore be cautious how it expressed more than was within its knowledge; the instructions now before the committee, were satisfactory, and he thought it would be quite enough to say "we thank you for this." The general expression of the amendment, was an overflow of gratitude; a Legislative extravagance, uncalled for, on this occasion; he would therefore confine the Address to the present subject, making the thanks as cordial as possible.

Mr. Hamilton, on reflection, found that he had allowed his feelings to get the better of his judgment when he assented to the amendment; the general expression of thanks would embrace all matters, and amongst others the establishment of the College, which did not meet with his concurrence; he should therefore vote against the amendment.

Capt. Matthews would vote against it too, and confine the address of thanks to the particular subject under discussion, and not have

anything to do with other matters, some of which the House was ignorant of.

Mr. J. Jones's amendment being put, the House divided.—Yeas—Messrs. Gordon, C. Jones, J. Jones, Burnham, Morris, VanKoughnet, Thompson (Y.) Cameron, Scollick, Ingersoll, Clarke, Beasley, Coleman—13.—Nays—Messrs. Matthews, McCall, Hornor, Fothergill, Wilkinson, Hamilton, Randall, Thomson (F.) Perry, Lefferty, White, Walsh, Baby, McBride, Wilson, Bidwell, Rolph, Peterson, Beardsley, Lyons—20.—Majority against the amendment 7.

Mr. Morris proposed that the resolution, be amended as follows:—"That the thanks of this House are due to His Majesty's Government, for their gracious intentions, invariably evinced in promoting the interests of the inhabitants of this Province respecting their civil rights, and upon other subjects."

Mr. Morris hoped this amendment would pass, as he believed no one would doubt the intentions of His Majesty's Government, on subjects relating to the rights of the people, although the results in some cases had not been approved of.

Capt. Matthews did not doubt the intentions of His Majesty's Government, but the word "invariably" might as well be substituted with "all"—and why has it not been introduced; because the Hon. Gentleman was opposed to the church of England; that was the reason. That Hon. Gentleman had proved that that church ought not to dominate in this Country; why did he not say Religious as well as Civil rights; he would ask him if he approved of the intentions, respecting the Clergy Reserves and the College.

Mr. Hamilton said that the amendment would be so general, that it would have no relation to the present subject.

Mr. Morris's amendment being put, the House divided; the Yeas and Nays being the same as before.

The Original Resolution, was then put, and carried. The committee rose, and reported the Resolution; and on motion of Mr. Wilkinson; Messrs. Rolph and Bidwell were appointed a committee to draft an address to His Majesty, pursuant thereto.

The address being read.

Mr. Walsh thought that there was some appearance of a desire to entrap the House by the present course of proceeding. Addresses of thanks were usually in a plain and simple style; but this appeared to him to be out of the ordinary course.

Mr. Gordon said that on former occasions he had witnessed a departure from those ordinary rules of proceeding so necessary to be observed by the House; but he had never seen so wide a departure from them as on this occasion; he was not naturally suspicious, but he could not avoid expressing his opinion that this appeared to him as a most deliberate intention to draw from Hon. Members an expression of opinion, on a question of the greatest importance, at a time when it was uncalled for—he hoped the House would see the propriety of withholding its sanction from such a mode of proceeding; it was an unworthy attempt to get members to contradict former opinions, taking them by surprise, without affording them the opportunity of deliberation; he would send back this document, so improperly brought in by the learned Gentlemen of the committee, as it was at variance with the resolution, on which the address should have been drafted.

Capt. Matthews thought that the former conduct of some Hon. Members deserved censure and he would express it. The address now reported by the committee was perfectly in order, and agreed with the resolution, as it referred to the Message, and the petition against the Bills of last year.

Mr. C. Jones would not go into the merits of the question, but if Hon. Gentlemen would reflect they would be convinced of the impropriety of taking the House by surprise, by such a mode of proceeding; it appeared as a stratagem to procure from the House, the condemnation of its own measures, taking them by surprise, without affording them the opportunity of deliberation; he would send back this document, so improperly brought in by the learned Gentlemen of the committee, as it was at variance with the resolution, on which the address should have been drafted.

Mr. Bidwell was happy that the resolution after all was approved by the Hon. Gentlemen; as the committee however of which he was a Member had been accused of stratagem, and a desire to take the House by surprise, he felt called upon to vindicate himself from a charge so seriously made, and which could easily be refuted. The Hon. Member who introduced the subject, had, when giving his notice, expressed his intention of returning thanks to His Majesty, on this occasion.—The despatch relating to the bills of last Session, had been the subject of consideration before the committee, who had adopted a resolution. This resolution in the hands of the select committee was only a brief, and they formed their address in accordance to the wishes of the committee of the whole.—This the address did, and as to its containing a condemnation of former opinions, he would only say that those opinions were a sacrifice made to the necessity of the case at the time; such a sacrifice had been made for fear of losing any bill; such had been his own sentiments, and he had stated last year, that although the instructions were not in accordance with his views of the subject, he was satisfied to make some sacrifice, of his own opinion, for the sake of seeing an important question set at rest; now others as well as himself, might rejoice at the opportunity afforded them of expressing their opinions without any such sacrifice. The voice of the community would be with them in doing so, and they would be thanked for their conduct. The spirit of the address was in accordance with the resolution, and echoed the sense of the people in thanking His Majesty for reserving his Assent to these bills.

Mr. J. Jones had been several years in the House, but had never seen so incorrect a mode of proceeding sanctioned; he would refer to the experience of the Speaker, whether a special committee could depart so widely from a resolution referred to them.—What was the resolution referred to in this instance to a special committee, pursuant to which they were instructed to draft an address? It was "to thank His Majesty for so favorably regarding the interests of his people in this Province upon their civil and political rights." Was the committee by this

instructed to introduce any other matter, relating to the bills of last year, or had the most distant allusion been made to such a subject when in committee of the whole? Certainly not; and yet the special committee had exceeded their instructions, in departing from the Resolution; he hoped the House would reflect, before admitting the propriety of such a proceeding.

Mr. Fothergill thought the committee had not departed from the Resolution; and here he would ask the question, supposing the Bills of last Session had received the Royal Assent, would the thanks of the House be given, for that assent.

Mr. Morris; as a question of order, thought the address was irregular, if the House intended to have expressed its thanks, for withholding the Assent, a resolution to that effect should have been proposed, and if adopted, could have been acted upon, but without this the address he thought was not in accordance with the Resolution.

Mr. Gordon agreed in this opinion; that subject however had not been mentioned or discussed at all.

Mr. Perry contended that the address was in accordance with the Resolution; it accorded with the wishes of the people. An Executive bugbear was got up to suppress the expression of public opinion, and he could prove it, but it had failed (name it from several parts of the House)—he would name it then—the answer to the Durham Address proved—it held out threats of exclusion against all who should sign Petitions against the Bills of last year.

Mr. Fothergill knew that the people had been told that if they signed such Petitions they would be excluded; it prevented some signing; but in spite of all 5 out of 6 hundred had signed it. This was at the Quarter Sessions; and Henry Ruttan was the person who had told the people so.

Mr. Burnham, had supposed that the Hon. Gent. in speaking of the Gr. Sessions might have alluded to him as he was present at the time. Mr. Ruttan's name being mentioned removed this impression.

The motion for returning the address to the committee, to renew it according to the Resolution was put and lost.

The address was then read a second time, ordered to be engrossed, and read a third time this day.

[Some matter relating more immediately to the question of the Bill, now before the House, introduced by Mr. Bidwell, for Naturalizing certain persons, was touched upon by some members, during the above discussion; we have not noted it here, as it will more properly come in place, when the Bill itself is under consideration.]

Eastern Boundary line of the Province—House in Committee, Mr. J. Jones in the Chair.

Mr. Fothergill introduced resolutions; he should not now enter at large upon the subject to which they related, which was highly important; his intention was only to have the resolutions presented to the attention of the House, and members would have an opportunity at another stage of fully expressing their opinions, he would state generally that this was no party measure; the responsibility rested entirely with himself, as he had not consulted with any person on the subject; it was one which in his opinion claimed the serious consideration of the House—at the present critical moment, when he was informed on good authority that three agents from Lower Canada were to proceed to England, on the subject of the late Legislative differences in that Province. The people of Lower Canada he believed were not so much averse to an Union of the Provinces as they formerly were, and public opinion he had every reason to think, had undergone a great change on that question, in this Province, much as it had formerly been against it. The first resolution relating in general terms to the boundaries of countries, being adopted, the committee rose, reported progress, and obtained leave to set again tomorrow.

[The Resolutions propose an address praying that Montreal may be included in Upper Canada; or that an Union of the two Provinces may take place—or that all the British North American Colonies may be united, under the Government of a Vice Royalty.]

Bill for division of the London District—reported by the committee to whom was referred the Petition of inhabitants, on that subject. Read first time and ordered for second reading.

Mr. Beardsley moved, that a committee be appointed, to inquire into the constitutionality of the arrest, imprisonment, trial, and banishment of Robert Gourlay, from this Province, with power to send for persons and papers, and to report. And that the 32 Rules of the House (requiring one day's previous notice of all intended motions) be dispensed with to enable him to make this motion.

It was objected by Messrs. C. Jones, Gordon and J. Jones, that the motion should not be seconded to the Rule in cases of urgent necessity had been dispensed with, but no such necessity had been shown on the present occasion—it was taking the house unawares. Mr. Beardsley admitted that he had not given the usual notice from motives of policy, but had thought it better to introduce his motion in this way.

The motion was carried.

Mr. J. Jones—Notice of Bill—for improving the navigation of the River St. Lawrence. The address to His Majesty was read a third time, passed, and signed. And a notice of Mr. Rolph, Messrs. Randall and Hornor were appointed a Committee to draft an address to His Excellency the Lt. Governor, praying that it may be transmitted to the principal Secretary of State for the Colonies, to be presented to His Majesty.

The address to His Excellency, was accordingly reported—read a first and second time, ordered to be engrossed and read a third time this day. On taking the names of members present—the Speaker declared the House Adjourned for want of a Quorum.

ADDRESS TO HIS EXCELLENCY.

To His Excellency Sir Peregrine Maitland, K. C. B. Lieut. Governor of the Province of Upper Canada, Major General Commanding His Majesty's Forces therein, &c. &c. &c.

May it Please Your Excellency, We, His Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, beg leave to acquaint your Excellency, that this House has passed an Address\* to His Majesty, thanking Him for the gracious manner in which he has exercised his Royal prerogative upon the Bills respecting the civil and

\* This Address was published in our last

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