

APPENDIX

[E.]

(SEE PAGE 86.)

J. HARVEY, Lieutenant Governor.

The Lieutenant Governor lays before the House of Assembly copy of a Despatch, with inclosures, received from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, in reference to His Lordship's Despatch of the 10th August last, which is now under the consideration of the House.

Government House, March 8th, 1837.

No. 45.

DOWNING STREET, 29th December, 1836.

SIR,

With reference to my Despatch of the 10th August last, No. 35, in answer to the Address from the Assembly, praying for the establishment of a Court of Escheat in Prince Edward Island, I have the honor to enclose, for your information, a Letter which I have received from Mr. Waller, pointing out a misconception to which he apprehends that Despatch to be liable. Although I do not doubt that the Legislature of Prince Edward Island will correctly understand the measure which I have suggested for their consideration, yet, in order to obviate any possible mistake, I now transmit, in compliance with Mr. Waller's request, a copy of the Upper Canada Act of the 59th Geo. 3, cap. 7.

I have the honor to be, Sir,
Your most obdt. Servant,
(Signed)

GLENELG.

Colonel Sir John Harvey, &c. &c. &c.

[COPY.]

MY LORD,

On reference to your Lordship's Despatch, dated 10th August last, to Lieutenant Governor Sir John Harvey, your Lordship is pleased to describe the Provincial Act of Upper Canada, passed in 1825, as if it were applicable to "granted lands of every description" only, whereas, on reference to the 59th Geo. 3, cap. 7, referred to in the Act, it is clear, that the Act of 1825, was for the purpose of raising the assessment upon all granted lands, and almost every article of property, as Houses, Wharves, Mills, Cattle, &c. Now, I beg to call to your Lordship's notice the importance of this fact, to prevent an impression likely to arise in the minds of the anti-proprietary faction in the Island, that your Lordship is favorable to their views of an exclusive taxation upon one species of property, and that your Lordship founts that view upon these enactments. I trust, therefore, that your Lordship will see the expediency of transmitting, without loss of time, a copy of the Act 59th Geo. 3, cap. 7, to Sir John Harvey, that no unfair advantage may be taken of the Act of 1825.

I beg also, my Lord, to solicit your Lordship's notice, to an important difference in the situation of the two Provinces of Upper Canada and Prince Edward Island. A principal object in the Act of 1825, was to ascertain what lands were granted, and to whom, there having been no Register Office in Upper Canada, and a considerable quantity of ungranted Lands in the hands of the Crown; whereas, in Prince Edward Island, all the lands were granted long since, and every Grant registered, either in Nova Scotia or Prince Edward Island, consequently there has been no such difficulty in Prince Edward Island, in raising either Quit Rent or Land Assessment, as existed in Upper Canada.

I have, &c.

(Signed)

WM. WALLER.

Hon. Secretary to the P. E. Island Association.

12, Clements Inn, 21st December, 1836.

To the Right Honorable

His Majesty's Secretary of State for the Colonies.