

Charlottetown Common.

Second Report of the Committee appointed to enquire into the right of persons claiming the Common of Charlottetown, 24th Sept. 1855.

Your Committee appointed to report upon the nature of the claim of persons holding the Common of this City, beg to lay before the Mayor and Common Council, a Message received from His Excellency Lieutenant Governor Daly, through the Colonial Secretary, conveyed by letter, dated 13th instant, as well as Minutes of Council on this important matter of the 26th Feby., 2d and 12th March, 1789; these documents are in reply to a note from the Chairman of your Committee, of 7th September, addressed to the Hon. Mr. Coles, Col. Secretary, requesting he would be pleased to inform your Committee, by what authority Lieutenant Governor Fanning granted the Common of Charlottetown? It appears from the accompanying replies, above alluded to, the Colonial Secretary deemed the enquiry of your Committee of such importance, as to lay it before His Excellency the Lieut. Governor, whom, your Committee understood the incumbents of the Common relied on for protection. The Colonial Secretary states, "His Excellency directed me to acquaint you for the information of the City Authorities, that there is nothing on record among the Despatches relative to the matter."

Your Committee trust the following explanations are sufficient to show the reason, why the expected reply from the Colonial Secretary was not advisable to wait for, before handing in their first Report, as it appeared necessary immediate steps should be taken, cautioning unwary persons against purchasing land in the Common, as they were aware a certain portion thereof was then advertised to be sold at public auction, to take place only about three days subsequent to handing in the information contained in our first Report.

Your Committee thought the facts there enumerated were sufficiently strong to prove to the City or any other authorities, that the occupants of the Common have held possession thereof only by the sufferance of the Colonial governments; that the grants, under plea of which they claim the Common, are grants of Pasture Lots in the Royalty, and that it is notorious, Lieut. Governor Fanning and his Council participated largely in the spoliation; under these circumstances, it ceases to be a matter of wonder, the thing has been kept quiet and that the matter has been hushed up from the public eye long; with the proof of the foregoing circumstances in their possession, they conceived it became their duty to report the same to the Corporation.

We beg to observe, it was from the evasive wording of the deceptive document, which the trespassers on the Common call a grant thereof, your Committee were induced to put the question thereon to the Colonial Secretary; they thought it extraordinary if in the administration of Lieut. Governor Patterson, the authority of an act of Parliament was deemed necessary to enable the Executive to lease the Common for ten years, that afterward, during Lieut. Governor Fanning's time, the consent of the first Estate of the Realm alone was sufficient to enable him to dispose of it for ever, but it appears the very ground work upon which the grantor granted, and the Grantees fix their claim are false, inasmuch as there appears to be no sanction from the Royal Power, to grant the Common of Charlottetown.

Your Committee recommend that this report and the accompanying documents received from the Colonial Secretary, be handed to John Lawson, Esquire, Recorder, and that he be requested to deliver in writing, his opinion to the Council on this important matter your Committee have been deputed to gather information on.

BENJ. DAVIES, Chairman,
DONALD M'ISAAC,
ARTHUR C. SIMS.

Colonial Secretary's Office
P. E. Island, 13th September, 1855.

Sir,
Having submitted to the Lieutenant Governor your letter of the 7th instant, asking information, respecting Grants, under which the Common of Charlottetown is held, His Excellency directs me to acquaint you, for the information of the City Authorities, that there is nothing on record among the Despatches relating to that matter; but I am to refer you to extracts from the Minutes of Council, under dates of the 26 February, and 2d and 12th March, 1787, on that subject, which herewith I have the honor to enclose. I am further to state, that no grant appears on record for the Common Lots, Numbers 25 and 33.

I have the honor to be,
Sir,
Your obt. Servt.
GEORGE COLES,
Col. Secretary.
BENJAMIN DAVIES, Esquire,
Chairman of Committee
of the City Council,
City of Charlottetown.

Extracts from Minutes of Executive Council.

COUNCIL CHAMBER,
26th February, 1789.

PRESENT:—His Excellency the Lieutenant Governor, Mr. Patterson, the Hon. Captain Burns, Mr. Townshend, Captain Gray, the Hon. Mr. Aplin.

The Governor having acquainted the Board that it had been frequently represented to him by many of the principal inhabitants of Charlottetown and the Island at large, that it would be attended with very beneficial and salutary public purposes, if the tract of ground in this Royalty, heretofore appropriated as a Common, should be laid out into Pasture Lots, and Grants given of the same under certain limitations and restrictions,—it being now useless in its present waste and uncultivated state, and even considered as a nuisance and obstruction to the settlement of the Town.—And the Lieutenant Governor further observed, that it appeared to him highly important to the King's Service, and the convenience and advantage of His Majesty's future Governor, Lieutenant Governor or Commander in Chief of this Island, for the time being, that a certain portion of the said Common should be appropriated, and a Grant thereof made under the Great Seal of the Colony, for the use and accommodation of His Majesty's Governor, Lieutenant Governor or Commander in Chief for the time being, there not having been any reservation of any Land heretofore made, for the erecting of a Government House, for the habitation and residence of His Majesty's Governor.—He informed the Board, that he should call for their opinion on the subject, at their next meeting, and requested that they would take the same into consideration.—The Lieutenant Governor further proposed, that Captain Gray, a Member of this Board, and acting Surveyor General of the Island, should, against the next meeting, prepare a plan of the said Common, laid out into Lots and reservations as nearly as may be agreeable to what had hitherto been suggested in the Minutes of this day, that the same might be adopted, as the division to be made, if approved of, at the next meeting.

COUNCIL CHAMBER,
2d March 1789.

PRESENT:—His Excellency the Lieutenant Governor, The Hon. Colonel Desbrisay, &c., Mr. Patterson, Captain Burns, Mr. Townshend, Captain Gray, Mr. Aplin.

Agreeable to what the Lieutenant Governor suggested at the last meeting respecting the appropriating that part of the Royalty of Charlottetown heretofore considered as a Common, into Pasture Lots, and a reservation to the Governor for the time being, he then requested the opinion of the Board, whether the measures appeared to them eligible or not, and whether an equal portion of the Royalty heretofore reserved for Pasture Lots, beginning at the Three mile tree on the Princetown Road, and extending along said Road on both sides equally as near a square as may be for complement, should not be laid out and reserved as a Common, instead of that part of the Royalty heretofore considered as such.

The Board were unanimously of opinion, that the measure was eligible, and that the reserving the like quantity of acres for a Common as above mentioned on the Princetown Road was both expedient and proper.—It was therefore unanimously ordered, that the same should immediately take effect and be carried into execution accordingly.

The Surveyor General then reported to the Board, that he had made a rough plan of the Common, but that upon measuring a small portion of the ground, he was apprehensive it might not be correct, therefore he proposed referring the same to the next meeting of the Board, when the necessary measurements would be made, in order to make a correct plot of the same, which was agreed to accordingly.

COUNCIL CHAMBER,
12th March, 1789.

PRESENT:—His Excellency the Lieutenant Governor, Colonel Desbrisay, the Hon. Mr. Patterson, Captain Burns, Mr. Townshend, Captain Gray, Mr. Aplin.

The Surveyor General then reported to the Board, that he had made a correct plan agreeable to what he had proposed at the last meeting, which he laid before the Board, and the Board having inspected the same, fully approved thereof, and ordered it to be kept as a lasting evidence of the plan of the distribution of the tract of Land, of which it was the plot, and the divisions of the ground to be bounded accordingly.

It is positively asserted, says the *Cologne Gazette*, that Lord Westmoreland will not again return to Vienna as ambassador, but Lady Westmoreland has just arrived there from Prague.

The *New York Mirror* learns, that Santa Anna has made overtures for the purchase of Mr. Edwin Forrest's mansion near Yonkers, and Mr. Forrest has named the price of the place as \$100,000.

NEWS BY THE ENGLISH MAIL.

PROGRESS OF THE WAR.

On Saturday, the 8th of September, within a few days of the anniversary of the landing of the allied forces in the Crimea, and 316 days after the opening of the besieging batteries against Sebastopol, on the 17th of October, 1854, a final and victorious assault was made upon the southern part of the town. Before night the French flag waved in triumph upon the Malakhoff Tower, which had fallen before the indomitable courage and perseverance of the assailants, and within a few hours more the Russian garrison had evacuated the Karabelnaia suburb and the southern portion of the fortress, after blowing up the magazines and principal works, setting fire to the town in many places, and then endeavouring to withdraw by the bridge across the harbour from this terrific scene of devastation and defeat. So fell Sebastopol. The catastrophe surpasses in horrible interest all the preceding scenes of this gigantic contest. The columns of the allied armies, combined in a fourfold attack, struggled all day with equal valour, though with unequal success, against the principal points marked out for assault. The extreme right of the French attack was directed against the work called the Little Redan, which was at first carried by the impetuosity of our allies, though they were subsequently driven back by the fierce resistance of the Russians. The second and principal assault of the French army was against the Malakhoff, which was carried by storm, and determined by its fall the fate, not only of the day, but of the siege. A third attack was made by the British forces on the Great Redan, and although we learn that the salient angle of this formidable work was at one moment carried and occupied by our troops, it must be added, that they were subsequently driven out of it by the fire of the Russian batteries which command it, and this check in some degree diminishes the exultation which will be felt in this country at the triumphant termination of the siege. The French columns on the left also assailed, in the fourth place, the Central Battery, but failed to establish themselves in the work. We have no doubt, that every man who attacked the defences of Sebastopol on that eventful day fought with the same undaunted gallantry and the same determination to carry the place or to perish in the attempt; and, although the results of these several attacks were unequal, all were animated by the same spirit and contributed to the great result. The first prize of this glorious victory belongs of right to our gallant allies the French, since the Malakhoff Tower, the key of the main position, fell before the vigour of their assault; but, with that chivalrous feeling which is the noblest bond of men who have fought and conquered together, the names of all those who carried the rugged defences of Sebastopol deserve to stand side by side on one page, and no invidious distinctions shall sully or lessen their common renown.

The Russians on their side unquestionably defended the place with the utmost determination, and on more than one point they had the advantage over the besiegers. But it was the courage of desperation, for this effort was their last. No sooner were the outer works taken, which laid the town and the port at the mercy of the allied forces, than the men-of-war and steamers in the harbour were all set on fire, blown up, sunk, or destroyed, either by the fire of the allied batteries or by the orders of the Russian authorities. Such was the fate of the Russian Black Sea fleet, on which the Imperial Government had expended incalculable sums of money and incessant labour—that fleet which two years ago threatened the very existence of the Turkish empire, but whose solitary naval achievement was the atrocious outrage upon a far inferior force at Sinope. Of the authors of that nefarious attack what remains? The emperor Nicholas sleeps in the vaults of St. Paul, no longer conscious of the chastisement his wicked ambition has brought down on his empire and his heirs. The admirals who commanded and the crews who fought on that occasion have most of them fallen

in the batteries of Sebastopol. The very ships for which Russia contended at the Conference of Vienna as essential to her dignity and power are torn plank from plank and scattered upon the waves. The dock-yard and arsenal were already, on Sunday, in possession of the allied troops; Prince Gortschakoff had, it seems, solicited an armistice, though we know not whether it was granted; but his troops were hurrying away with the utmost precipitation; and, considering the moral and physical results of such a defeat upon the remnant of his army, it may be doubted whether the Russian General can attempt to make any further stand on the north side of the harbour.

These great events terminate the siege of Sebastopol, properly so called, for the allied armies have achieved within the last three days the grand objects of their enterprise. They have wrested from the whole military power of Russia a fortress which she had converted into a place of extraordinary strength, and defended with innumerable hosts of her best troops. They have annihilated the naval power on which she relied to secure her supremacy in the Euxine, and to establish her authority from the shores of the Caucasus to the mouths of the Danube. But above all, they have shown the servile and credulous nations of the East, that the Powers now paramount in the world are not those of fanaticism and barbaric absolutism but those of liberty and civilization. In this struggle Sebastopol became at once the test of strength and the reward of victory. To reduce it by force of arms was to overthrow that colossal fabric of Russian influence which a century and a-half of rapine and intrigue had called into being, until it overawed the surrounding nations and threatened the independence of Europe. While the expedition to the Crimea offered the incalculable advantage of circumscribing within a few square miles of the enemy's territory all the horrors of war, and of staking the strength of four empires on a single point, the result of our victory is as boundless as the globe. It tells, the world that the alliance of England and of France has stood the test of warfare by the sufferings of the camp and the perils of the field. It assures mankind that their united policy can impose its will and execute its resolutions, even though the timid stand aloof, and though men of baser minds may abandon the cause of their country in her hour of need. We owe our success in no slight degree to the unwavering firmness with which the Emperor of the French has pursued this enterprise and adhered to the policy that dictated it. But we owe it no less to the clear and unanimous resolution of the people of England, whose mind was made up, that this thing was to be done. In the course of these events, which broke in so suddenly on our wonted avocations, we have had much to learn and much to bear. At times the tedium of suspended excitement became almost intolerable, and more than once the fainthearted or the factious lost confidence in the result. Yet what is the fact? What is it we have done? A year has not yet elapsed, since the allied armies set foot in the Crimea. Within that time, they have won three pitched battles, and twice assaulted a fortress of extraordinary magnitude. They have encompassed the works of the enemy with trenches extending over more than 30 miles of ground; they have armed these trenches with the heaviest ordnance, and kept up so incessant a fire, that not only an incalculable amount of projectiles has been consumed, but five or six siege trains have been worn out. They have created at Kamiesch, Eupatoria, and Yenikale three military stations which the Russians have not dared to assail, and Balaklava has become a populous mart. A railroad connects the harbour and the camp; an electric chain binds the Crimea to Europe, and conveys to us in a few hours the tidings of these triumphant successes. Upwards of 300,000 men encamped within the lines of the Tchernaya have been conveyed thither and are daily fed, clothed, and housed from the resources of Western Europe. All this has been effected in spite of the rigour of winter, the heat of summer, and the distance of 3,000 miles from our shores, and within one little year from the sailing of the expedition, the leading objects of the campaign

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