

the Imperial Government in opposition to those of the majority of the House of Assembly.

PRINCE EDWARD  
ISLAND.

I therefore trust that no weight will be given by your Lordship to this part of their representation, to induce you to depart from the course pursued in the neighbouring colonies, when by any contingency a new appointment of chief justice may be rendered necessary.

27 April 1841,  
6 Resolutions.  
Vide Encl. 1, p. 16.

Under date of Tuesday, April 27, there are six Resolutions; the first of these states the opinion of the House of Assembly, "That it has been the fashion of interested individuals to exaggerate the value of the soil of this island," which statement they affirm to be substantiated by the evidence of certain individuals named in this Resolution. I have not had access to this evidence, but from my knowledge of the parties examined, I am enabled to state that, although they are all tenants, they have each of them, from their perseverance and industry in cultivating their respective farms, acquired a very substantial competency, and that it is not a great many years since they emigrated to this colony, in comparatively indigent circumstances. The report of Captain Holland, in 1765, is quite inapplicable to the present state of the colony. The fifth Resolution complains of the influence which has prevented this colony from obtaining a court of escheat, and refers to a proclamation of Lord Falkland's, of the 15th April last, in a late number of a Nova Scotia newspaper.

The question of the establishment of a court of escheat in this colony has been so long set at rest, and recognized to be so by the House of Assembly, until they saw this proclamation, that I will not take up your Lordship's time by any comment upon it.

The Resolutions which I have omitted to refer to, contain reflections upon the connexion and proceedings of the Executive and Legislative Councils. With regard to the complaints of the proceedings of the Legislative Council, I have the honour to transmit the Resolutions of that body in reply thereto, and I should not do them justice if I did not express my conviction that their statements are fully borne out by facts. The overstrained efforts of the House of Assembly to show an undue family connexion in the Executive Council are so manifestly absurd, that they scarcely require serious refutation: of the gentlemen composing that board, the only existing near connexion is that which subsists between Mr. Brecken and Mr. Peake, the latter having married a sister of the former since his nomination to a seat in the Executive Council; and it is utterly impossible, in the limited community of this small colony, to select fit and responsible persons for such offices, who are not in some way connected.

Enclosure, No. 5.

With regard to the proprietary connexion and influence complained of in the Legislative Council, the House of Assembly have proved, on their own showing, that one-half of the members are wholly unconnected with proprietors, and Mr. Dalrymple is merely the receiver of an estate in Chancery appointed by the court; while, to show the little reliance to be placed on the statement designating Messrs. Livett, Macintosh and Holl as strangers, I may mention that Mr. Livett has been nine years in the colony, Mr. Macintosh six, and Mr. Holl five years, and that they are all gentlemen of independent means living in the country.

Appended to these Resolutions is the copy of an Address to the Throne, on the subject of the purchase of the lands stated by the House of Assembly to have been proposed in conference to the Legislative Council, as an amendment to an Address passed by the Council on the same subject, and in which they requested the House of Assembly to join them. As the Council have requested me to forward their Address, to be laid at the foot of the Throne, your Lordship will see the reasons assigned by the Council for refusing to join in that prepared by the House of Assembly.

I also transmit a printed copy of the Petition of the House of Assembly to the House of Commons, which is about to be forwarded to Mr. Hume.

Enclosure, No. 6.

I have, &c.

(signed)

Charles A. Fitzroy,  
Lieutenant-governor.