



JOURNAL

OF

THE LEGISLATIVE COUNCIL

OF

Prince Edward Island,

ANNO QUARTO VICTORIÆ REGINÆ.

FOURTH SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY.

1841.



BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward,
and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the
C. A. Fitz Roy. same, &c. &c. &c.

A P R O C L A M A T I O N.

WHEREAS the General Assembly of this Island stands prorogued to Tuesday, the Seventh day of July next.
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued
until Tuesday the Twenty-second day of September next—of which all persons concerned are required to take
notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this
Twenty-third day of June, in the year of our Lord One thousand eight hundred and forty, and in the
Fourth year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Colonial Secretary.

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward,
and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the
C. A. Fitz Roy. same, &c. &c. &c.

A P R O C L A M A T I O N.

WHEREAS the General Assembly of this Island stands prorogued to Tuesday, the Twenty-second day of Sep-
tember, instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until
Wednesday the Eleventh day of November next—of which all persons concerned are required to take notice, and
govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Sixteenth
day of September, in the year of our Lord One thousand eight hundred and Forty, and in the Fourth
year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Colonial Secretary.

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward,
and the Territories thereunto belonging. Chancellor, Vice Admiral and Ordinary of the
C. A. Fitz Roy. same, &c. &c. &c.

A P R O C L A M A T I O N .

WHEREAS the General Assembly of this Island stands prorogued to Wednesday, the Eleventh day of November,
instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until
Wednesday the Twenty-third day of December next—of which all persons concerned are required to take notice, and
govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Sixth
day of November, in the year of our Lord One thousand eight hundred and forty, and in the Fourth
year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Colonial Secretary.

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward,
and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of
C. A. Fitz Roy. the same, &c. &c. &c.

A P R O C L A M A T I O N .

WHEREAS the General Assembly of this Island stands prorogued to Wednesday, the Twenty-third day of
December, instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until
Tuesday the Twenty-sixth day of January next, then *to meet for the dispatch of business*—of which all persons
concerned are required to take notice, and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island, this Eighth
day of December, in the year of our Lord One thousand eight hundred and forty, and in
Fourth year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Colonial Secretary.

God save the Queen.

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND.

TUESDAY, 26th January, 1841.

The General Assembly having been, by Proclamation, prorogued to this day, the Legislative Council met:

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,
Mr. Worrell,
Mr. Macintosh,

The Hon. *Mr. Macdonald*,
Mr. Livett,
Mr. Dalrymple.

THE President acquainted the House, that by a Mandamus under the Royal Sign Manual, dated the 23d day of June, 1840, James Horsfield Peters, Esquire, the Solicitor General, is appointed a Member of this House, and desires to be admitted.

Ordered, That Mr. *Brecken* and Mr. *Worrell* be a Committee to attend the Solicitor General, and see him qualified.

The President also acquainted the House, that by a Mandamus under the Royal Sign Manual, dated the 23d day of June, 1840, John Myrie Holl, Esquire, is appointed a Member of this House, and desires to be admitted.

Ordered, That Mr. *Brecken* and Mr. *Worrell* be a Committee to attend Mr. Holl, and see him qualified.

The President also acquainted the House that His Excellency the Lieutenant Governor had provisionally appointed Charles Young, Esquire, a Member of the House of Assembly, by Warrant, bearing date the 19th day of December, 1840, a Member of this House, who desires to be admitted.

Ordered, That Mr. *Brecken* and Mr. *Worrell* be a Committee to attend Mr. Young, and see him qualified.

Mr. *Brecken*, from the Committee appointed to attend the Solicitor General, and see him qualified, reported, that they had, according to order, attended the Solicitor General, who took the Oaths in presence of the Lieutenant Governor.

The Honorable the Solicitor General was then introduced between Mr. *Brecken* and Mr. *Worrell*, and took his seat.

Mr. *Brecken*, from the Committee appointed to attend Mr. *Holl*, and see him qualified, reported, that they had, according to order, attended Mr. *Holl*, who took the Oaths in presence of the Lieutenant Governor.

The Honorable Mr. *Holl* was then introduced between Mr. *Brecken* and Mr. *Worrell*, and took his seat.

Mr. *Brecken*, from the Committee appointed to attend Mr. *Young*, and see him qualified, reported, that they had, according to order, attended Mr. *Young*, who took the Oaths in presence of the Lieutenant Governor.

The Honorable Mr. *Young* was then introduced between Mr. *Brecken* and Mr. *Worrell*, and took his seat.

The House adjourned during pleasure.

After some time, the House formed.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's commands to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased to open the Session with the following Speech:—

Mr. President, and Honorable Gentlemen of the Legislative Council;

Mr. Speaker, and Gentlemen of the House of Assembly;

In meeting you assembled in your Legislative capacity, I have the highest satisfaction in being enabled to congratulate you, and Her Majesty's loyal subjects in this Island, on the birth of an Heiress Presumptive to the Throne. This auspicious event, both in its immediate and prospective advantages, is so fraught with importance to the best and dearest interests of every British subject, that I am convinced it will call forth your warmest sentiments of devotion and loyalty towards our Most Gracious Sovereign, and of attachment towards Her Majesty's Royal Consort.

I avail myself of this opportunity, to remind you that the School Act will expire with the present Session. The advantages of a good Education must be obvious to every reflecting mind; for it is a well established fact, that wherever the means of Education are most widely diffused, and made accessible to all classes, the community is invariably found to be the most industrious, thriving, orderly, and obedient to the Laws. The provision hitherto made by the Legislature of this Island has been so liberal and praiseworthy, that I cannot entertain a doubt that you will see the propriety of still encouraging this great object, by the renewal of the present Act, or, if practicable, by some more efficient measure.

The interests of Agriculture are so intimately and inseparably connected with the future destinies of this Colony, and the welfare of the great majority of its inhabitants, whose labours Divine Providence has again been pleased to bless with a most abundant harvest, that I deem it my duty to point out the great benefit which may be derived from aiding the development of the resources of the soil by such Legislative assistance as it may be in your power to afford.

I am gratified in being enabled to inform you, that notwithstanding the unprecedented increase of the Revenue, which I had the pleasure of announcing to you at the commencement of last session—an increase of nearly one half over the Receipts of any former year—the Revenue for the past year exhibits an almost equally flattering prospect.

Mr. Speaker, and Gentlemen of the House of Assembly ;

I shall direct the Public Accounts, together with the Estimates for the current year, to be laid before you, in the confidence that you will vote such Supplies as will enable me to carry on the Government.

Mr. President, and Honorable Gentlemen of the Legislative Council ;

Mr. Speaker, and Gentlemen of the House of Assembly ;

I regret that the Bill for erecting a Lunatic Asylum has not received the Royal Assent. This Bill has been suspended until certain alterations are made in it, as specified in a Despatch from Her Majesty's Secretary of State for the Colonies, which I shall take an early opportunity of submitting to you. The necessity of establishing a place of public refuge for those of our fellow creatures, to whom, in his inscrutable wisdom, the Almighty, by depriving them of reason, has given peculiar claims to our care, is so apparent, that I feel satisfied you will cheerfully accede to the alterations proposed, and that I shall thus be enabled to carry into effect the liberal and benevolent intentions of Her Majesty's Government, by entering at once into contracts for the erection of the requisite Building.

There are other subjects and despatches which I shall bring under your consideration by Message, in the usual manner ; and I rely upon your framing such measures during the present Session as will be conducive to the general prosperity of the Island.

The House of Assembly having withdrawn, His Excellency was pleased to retire soon after.

Prayers were then read.

The President reported His Excellency's Speech—which being read by the Clerk,

Resolved, That an humble Address be presented to His Excellency the Lieutenant Governor, to return the thanks of this House for his Speech delivered this day.

Ordered, That *Mr. Worrell*, *Mr. Solicitor General* and *Mr. Holl* be a Committee to prepare a Draft pursuant to the above Resolution.

On motion, *Ordered*, that *Mr. Brecken*, *Mr. Dalrymple* and *Mr. Young* be a Committee to revise the Journals of the House each day.

On motion, *Ordered*, that *Mr. Goodman*, *Mr. Solicitor General* and *Mr. Young* be a Committee to examine into, and report upon such Laws as are near expiring.

On motion, *Ordered*, that the Journals of this House be printed daily, and that One hundred copies thereof be furnished.

On motion, *Ordered*, that *Patrick Furlong* be appointed Doorkeeper to this House, in the room of *Moses Hayes*, who is absent from this Island.

Adjourned until One o'clock to-morrow.

WEDNESDAY, 27th January, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Dalrymple*,

The Hon. Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

Mr. *Worrell*, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported a Draft thereof, which he read in his place.

Ordered, That the Report be received, and the said Draft was again read by the Clerk, and it was ordered that the House be forthwith put into a Committee of the whole to take the same into consideration.

The House was adjourned during pleasure, and put into a Committee on the said Address.

After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Address, and made several amendments thereto.

The amendments being twice read by the Clerk, were agreed to by the House.

Ordered, That the said Address, with the amendments, be engrossed, and read a third time to-morrow.

Resolved, That an humble Address be presented to Her Most Gracious Majesty, congratulating Her Majesty on the auspicious event of the Birth of an Heiress presumptive to the Crown of these Realms, as announced in the Speech of His Excellency the Lieutenant Governor, delivered at the opening of the present Session; and that the House of Assembly be requested, by Message, to join this House in such Address.

Ordered, That Mr. *Brecken*, Mr. *Worrell*, Mr. *Solicitor General*, and Mr. *Holl*, be a Committee on the part of this House to prepare the said Address.

Ordered, That the said Resolution be communicated by Message to the House of Assembly.

A Message from the House of Assembly, by the Hon. J. S. Macdonald.

In the House of Assembly,

Tuesday, 26th January, 1841.

Resolved, That a Committee of Five Members be appointed to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

Ordered, That the Hon. J. S. Macdonald, Mr. Palmer, Mr. D. Macdonald, Mr. Clark and Mr. Yeo do compose the said Committee.

Ordered, That the said Resolution be communicated by Message to the Legislative Council.

Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

Ordered, That *Mr. Brecken*, *Mr. Goodman* and *Mr. Young* do compose the said Committee.

Ordered, That the said Resolution be communicated by Message to the House of Assembly.

A Message from the House of Assembly, by the Hon. J. S. Macdonald.

In the House of Assembly,

Wednesday, 27th January, 1841.

Resolved, That this House do agree to a Joint Address to Her Majesty, congratulating Her Majesty on the auspicious event of the Birth of an Heiress presumptive to the Crown of these Realms.

Ordered, That the Honorable J. S. Macdonald, Mr. Montgomery, Mr. Thomson, Mr. Clark, Mr. D. Macdonald, Mr. Macintosh, Mr. J. Dingwell and Mr. Le Lacheur be a Committee to join the Committee of the Legislative Council, to prepare the said Address.

Ordered, That the said Resolution be communicated by Message to the Legislative Council.

Adjourned until One o'clock to-morrow.

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THURSDAY, 28th January, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macintosh,

The Hon. *Mr. Livett*,
Mr. Dalrymple,
Mr. Holl,
Mr. Young.

PRAYERS.

READ the proceedings of yesterday.

Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, in answer to His Excellency's Speech, was read a third time, and passed; whereupon the President signed the same, and it is as follows:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, Knight of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief, in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency ;

We the Members of Her Majesty's Legislative Council, in General Assembly convened, tender our thanks to your Excellency for your Speech at the opening of the present Session. We heartily join with your Excellency in your congratulations on the birth of an Heiress Presumptive to the British Throne—an event which has filled all hearts, throughout every portion of Her Majesty's Dominions, with confidence and joy, and called forth feelings of the warmest and most devoted loyalty to Her Majesty, and attachment to Her Royal Consort, and which has tended to alleviate the anxious solicitude of Her Majesty's devoted people, and afforded them a well-grounded hope of the continuation of those advantages which have ever been enjoyed by the whole Empire, under the rule of that illustrious family from which our most gracious Queen is descended.

We fully concur with your Excellency in the paramount importance of Education, founded on a sound and proper basis, and that, in whatever community such a system prevails, the result is always visible in the industry, order, and obedience to the laws, which that community invariably exhibits. We beg to assure your Excellency, that this important question shall receive our fullest consideration, and that we will readily unite in giving our support to such a measure as may be deemed best calculated to advance the cause of Education in the Colony.

The interests of Agriculture (as so justly observed by your Excellency) are intimately and inseparably connected with the future destinies of this Colony, and the welfare of the great majority of its inhabitants ; and as Legislative aid may be most beneficially applied in the development of the resources of the soil, we will cordially co-operate in any measure towards the attainment of that most desirable object ; at the same time, we recognise with gratitude the blessing which Divine Providence has again been pleased to vouchsafe to the labours of the Agricultural inhabitants of this fertile Island, in the late abundant harvest.

It is with peculiar satisfaction we learn from your Excellency that the Revenue still continues to exhibit such flattering prospects, notwithstanding the extraordinary increase of the preceding year.

It is a subject of regret with us, as well as with your Excellency, that the Bill for the erection of a Lunatic Asylum was so framed last Session as to preclude the Royal Assent being given to it ; we nevertheless trust that it will be amended by the Legislature this Session, in accordance with the Despatch which your Excellency informs us has been received on the subject, so as to enable your Excellency to carry out the benevolent and liberal views of Her Majesty's Government, by entering into Contracts for the erection of a Building, which humanity and the public welfare imperatively demand.

Your Excellency may rely on our best attention being given to such other matters as your Excellency may be pleased to lay before us, and on the adoption of every measure conducive to the general interests of this Island.

On motion, Ordered, that the said Address be presented to His Excellency by the whole House.

On motion, Ordered, that the Committee who prepared the Address, do wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address, who, returning, reported that His Excellency was pleased to appoint half-past One o'clock to-morrow for that purpose.

Adjourned until half-past Twelve o'clock to-morrow.

FRIDAY, 29th January, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
 Mr. *Worrell*,
 Mr. *Macintosh*,
 Mr. *Livett*,

The Hon. Mr. *Dalrymple*,
 Mr. *Solicitor General*,
 Mr. *Holl*,
 Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

At half past One o'clock, the House proceeded to Government House with their Address, in answer to His Excellency's Speech at the opening of the Session, and having returned, the President reported, that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:

Mr. President, and Honorable Gentlemen of the Legislative Council;

I thank you for this Address, and for the assurance of your hearty co-operation in such measures as may tend to promote the happiness and prosperity of this thriving Colony.

(Signed)

CHARLES A. FITZROY,

January 29th, 1841.

Lieut. Governor.

Adjourned until One o'clock to-morrow.

SATURDAY, 30th January, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
 Mr. *Goodman*,
 Mr. *Worrell*,
 Mr. *Dalrymple*,

The Hon. Mr. *Macnutt*,
 Mr. *Solicitor General*,
 Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

The Honorable Mr. Haviland, Colonial Secretary, informed the House, that he was commanded by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

MESSAGE.

C. A. FITZROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council copies of the following Despatches and Documents, viz:

No. 1. Despatch from Lord John Russell, No. 22, dated the 13th June, 1840, in answer to the Joint Address of the Legislative Council and House of Assembly, congratulating Her Majesty on Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

No. 2. Despatch from Lord John Russell, No. 23, dated 16th June, 1840, in answer to the Address of the Legislative Council, respecting the Acts for regulating the Gaols of this Island.

No. 3. Order of Her Majesty in Council, dated 15th June, 1840, confirming an Act passed by the Legislature of this Island, in the Session of 1838, for regulating the several Gaols in the Island, and establishing Prison Discipline therein; and an Act passed in the Session of 1839, to amend an Act for regulating the several Gaols in this Island, and establishing Prison Discipline therein.

No. 4. Order of Her Majesty in Council, dated 11th September, 1840, confirming Seventeen Acts passed by the Legislature of this Island, in the Session of 1840.

No. 5. Order of Her Majesty in Council, dated 3d October, 1840, confirming an Act passed by the Legislature of this Island, in the Session of 1840, to amend the Act enabling Married Women to convey Real Estate during their coverture.

No. 6. Despatch from Lord John Russell, No. 33, dated 13th October, 1840, pointing out various objections to the following Acts passed by the Legislature of this Island, in the Session of 1840, viz:—

“ An Act to amend an Act now in force for regulating Apprentices.”

“ An Act to authorize the appointment of Coroners in King’s and Prince Counties.”

“ An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity.”

Government House, January 30th, 1841.

Vide Appendices No. 1, to No. 6.

The said Message and Papers were read, and ordered to lie on the table.

Adjourned until Monday next, at One o’clock.

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MONDAY, 1st February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken,*

The Hon. *Mr. Macnutt,*

Mr. Goodman,

Mr. Solicitor General,

Mr. Worrell,

Mr. Holl,

Mr. Macdonald,

Mr. Young.

Mr. Dalrymple,

PRAYERS.

READ the proceedings of Saturday.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was commanded by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

FIRST MESSAGE.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, in reply to the Address of the House of Assembly to the Queen, with reference to the Bill to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island; and to repeal certain sections of an Act, intituled "An Act for levying an Assessment on all Lands in this Island"—rejected by the Council in the last Session of the Assembly, and further praying for a reconstruction of the Councils.

Government House, 1st February, 1841.

For Despatch, Vide Appendix No. 7.

The said Message and Despatch were read, and ordered to lie on the table.

SECOND MESSAGE.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor transmits to the Legislative Council the Copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, accompanied by copies of the Correspondence which has taken place between the Colonial Department and the Treasury, with reference to the Address of the House of Assembly, praying that the Steam Vessels employed in conveying the Mails between Pictou and Quebec, might be allowed to touch at Charlottetown.

The Lieutenant Governor submits to the Council an offer which has recently been made by the Owners of the Steam-boat *Pocahontas*, to run that Boat twice or three times a week between Charlottetown and Pictou; and as it is of great importance to secure a frequent communication with Pictou, during the Season in which the English Mails are conveyed by that route, the Lieutenant Governor trusts that the Legislative Council will give this offer their early and favorable consideration.

Government House, February 1, 1841.

Ordered, That the said Report do lie on the table.

The Despatch, Correspondence, &c. Vide Appendices Nos. 8 and 9.

The said Message and Papers were read, and ordered to lie on the table.

Adjourned until One o'clock to-morrow.

TUESDAY, 2d February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macnutt*,

The Hon. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READE the proceedings of yesterday.

The *President* informed the House, that Indisposition prevents Mr. *Livett* from attending in his place.

Ordered, That Mr. *Livett's* excuse be received.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to Her Most Gracious Majesty, congratulating Her Majesty upon the Birth of an Heiress Presumptive to the Crown of these realms—presented the draft of an Address, as prepared by the Joint Committee, which he read in his place, and was afterwards read by the Clerk, and is as follows:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign;

We your Majesty's loyal and devoted subjects, the Legislative Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, crave permission to approach your Majesty, with heartfelt sentiments of respect and congratulation, upon the Birth of a Princess and Heiress Presumptive to the Crown of these Realms; and we beg to assure your Majesty, that we deeply participate in those feelings of joy which this happy and auspicious event has so universally diffused amongst all classes of your Majesty's Faithful Subjects—an event of the highest importance to the present and future interests of the Empire.

Our gratitude is due to Divine Providence, for its protecting care, in preserving your Majesty in the hour of trial, and restoring your Majesty to health and strength.

We earnestly pray that Almighty God will continue to watch over your Majesty and your Royal Consort, and that your Illustrious Daughter may be preserved to You both in health and safety, and that She may be endowed with those virtues which have rendered your Majesty so dear to the hearts of your affectionate and loyal subjects.

On motion, the said Address was agreed to, and ordered to be engrossed.

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, congratulating Her Majesty upon the birth of an Heiress Presumptive to the Crown of these Realms.

Ordered, That Mr. *Brecken*, Mr. *Worrell*, Mr. *Solicitor General*, and Mr. *Holl* be a Committee on the part of this House to prepare the said Address.

Ordered, That the said Resolution be communicated by Message to the House of Assembly.

Adjourned until One o'clock to-morrow.

WEDNESDAY, 3d February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Dalrymple</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Macnutt</i> ,
Mr. <i>Worrell</i> ,	Mr. <i>Solicitor General</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Young</i> .
Mr. <i>Macintosh</i> ,	

PRAYERS.

READ the proceedings of yesterday.

The *President* informed the House that Indisposition prevents Mr. *Livett* from attending in his place.

Ordered, That Mr. *Livett's* excuse be received.

Ordered, That Mr. *Macdonald* have leave to absent himself until Wednesday next.

A Message from the House of Assembly, by the Hon. J. S. Macdonald.

In the House of Assembly,

Wednesday, 3d February, 1841.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, to prepare a Joint Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, congratulating Her Majesty upon the birth of an Heiress Presumptive to the Crown of these Realms.

Ordered, That the same Committee who prepared the Address to Her Majesty, be a Committee to prepare the said Address to His Excellency the Lieutenant Governor.

Ordered, That the said Resolution be communicated by Message to the Legislative Council.

Adjourned until Two o'clock to-morrow.

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THURSDAY, 4th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Macnutt*,

Mr. *Young*.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

FRIDAY, 5th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macintosh*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Macnutt*,

Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Wednesday last.

Ordered, That Mr. *Macnutt* have leave to absent himself until Monday, the 15th inst.
Adjourned until One o'clock to-morrow.

SATURDAY, 6th February, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macintosh*,

The Hon. Mr. *Dalrymple*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of both Houses, to Her Majesty, congratulating Her Majesty on the birth of an Heiress Presumptive to the Crown of these Realms—presented the draft of an Address, as prepared by the Joint Committee, which he read in his place, and was afterwards read by the Clerk, and is as follows:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, Knight of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief, in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The Legislative Council and House of Assembly having unanimously agreed to a Joint Address of Congratulation to Her Most Gracious Majesty, on the auspicious and happy event of the Birth of a Princess Royal and Heiress Presumptive to the Crown of these Realms, most respectfully solicit your Excellency to forward the same, for the purpose of being laid at the foot of the Throne.

The Council and Assembly, on this occasion, beg to renew to your Excellency, individually, those expressions of confidence and esteem to which they have, on all occasions heretofore, felt themselves bound to give utterance since your Excellency's assumption of the Government of this Colony.

On motion, the said Address was agreed to, and ordered to be engrossed.

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to wait upon His Excellency with the said Address.

Ordered, That the same Committee who prepared the Address, be a Committee on the part of this House, to wait upon His Excellency with the same.

Ordered, That the said Resolution be communicated by Message to the House of Assembly.

Adjourned until Monday next, at One o'clock.

.....

MONDAY, 8th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macintosh*,

The Hon. Mr. *Livett*,

Mr. *Dalrymple*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Saturday.

Mr. *Young*, from the Committee appointed to examine into and report upon the Expiring Laws, made a report, which he read in his place, and is as follows:

Your Committee having examined the Laws of the Island, to ascertain those which are about to expire during the present Session of the Legislature, beg leave to report as follow:—that

The Act 3 W. 4, cap. 6, intituled “An Act to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King George the Fourth, for regulating the measurement of Ton Timber, Boards, and all other kinds of Lumber,” has either expired, or will expire some time during the present Session. Your Committee would beg leave to remark, that in future it would be advisable to continue the practice of publishing the dates with the Acts when they are passed, as in looking over the first volume of the Laws they have found it extremely inconvenient from the want of such dates being inserted, to discover the day of the date on which an Act may really expire. And they would respectfully recommend that in future the dates on which the Acts do pass and become Law, be continued to be published as at present.

That the Act 5 W. 4, cap. 2, intituled “An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment,” will expire on the last day of the present Session.

That the Act 6 W. 4, cap. 11, intituled “An Act to provide for the conveyance of the Mails by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose,” will also expire on the last day of the present Session.

That the Act 7 W. 4, cap. 14, intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County, will expire on the 20th day of April next.

That the Act 7 W. 4, cap. 20, intituled "An Act for the encouragement and support of District and other Schools, and to repeal the Act formerly passed for that purpose," will also expire on the last day of the present Session.

That the Act 3 Victoria, cap. 3, intituled "An Act further to continue for One year, and to further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island," will expire on the 6th day of May next.

That the Act 3 Victoria, cap. 11, intituled "An Act to continue for One year an Act, intituled 'An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island,'" will expire on the 29th day of April next.

And that the Act 3 Victoria, cap. 14, intituled "An Act to suspend for a limited period certain parts of an Act made and passed in the Fourth year of the Reign of His late Majesty, intituled 'An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duties of Surveyors, and to repeal a certain Act therein mentioned,'" will likewise expire on the last day of the present Session.

And that the Act 7 W. 4, cap. 5, intituled "An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island," will likewise expire on the last day of the present Session.

Ordered, That the said Report do lie on the table.

A Message from the House of Assembly, by Mr. Thomson, with a Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Ordered, That the said Bill be read a second time on Wednesday next.

A Message from the House of Assembly, by the Hon. J. S. Macdonald.

In the House of Assembly,
Monday, 8th February, 1841.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Address, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty, congratulating Her Majesty upon the birth of an Heiress Prèsumptive to the Crown of these Realms.

Ordered, That the same Committee who prepared the Address, be a Committee on the part of this House to wait on His Excellency with the same.

Ordered, That the said Resolution be communicated by Message to the Legislative Council.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, 9th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Holl*,

Mr. *Worrell*,

Mr. *Young*.

Mr. *Dalrymple*,

PRAYERS.

READ the proceedings of yesterday.

The Honorable Mr. Haviland, Colonial Secretary, informed the House, that he was commanded by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

MESSAGE.

C. A. FITZROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonial Department, with reference to the Salary received by him, as Her Majesty's Representative in this Colony.

The question which forms the subject of this Despatch is so peculiarly of a personal nature, that the Lieutenant Governor abstains from offering any observation in submitting it to the consideration of the Council.

Government House, 8th February, 1841.

For Despatch, Vide Appendix No. 10.

The said Message and Despatch were read, and ordered to lie on the table.

On motion, Ordered, that the said Message, with the Despatch accompanying the same, be committed to a Committee of the whole House on Thursday next.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Address, praying that His Excellency will be pleased to forward the Joint Address of both Houses, to Her Majesty, congratulating Her Majesty on the birth of an Heiress Presumptive to the Crown of these Realms—having returned, reported, that they had waited on His Excellency, who had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:

GENTLEMEN;

I shall have the highest satisfaction in transmitting this dutiful and loyal Address from the Legislative Council and Assembly, to be laid at the foot of the Throne.

I beg you will convey to both Houses my best thanks for the renewed expression of their confidence and esteem towards myself.

Ordered, That Mr. *Worrell* have leave to absent himself until Monday next.

Adjourned until One o'clock to-morrow.

WEDNESDAY, 10th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 11th February, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 12th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Macdonald*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Tuesday last.

The *President* informed the House that urgent business prevents Mr. *Goodman* from attending in his place.

Ordered, That Mr. *Goodman's* excuse be received.

The *President* informed the House that Indisposition prevents Mr. *Macintosh* from attending in his place.

Ordered, That Mr. *Macintosh's* excuse be received.

A Message from the House of Assembly, by Mr. Rae, with a Bill, intituled "An Act to provide right of access to one public Road, to individuals occupying Land from which there is no such access"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Ordered, That the said Bill be read a second time on Tuesday next.

Mr. Young, by leave, presented a Petition from the Inhabitants of Princetown and Royalty, and its vicinity, praying that this House will sanction the grant of the customary allowance to Schoolmasters, to Alexander Rae, A. M. a Teacher in that neighbourhood.

The said Petition was read, and ordered to lie on the table.

Pursuant to order, the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties," was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill." After some time, the House was resumed, and Mr. Holl reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, *Ordered*, that the Report of the Committee be agreed to.

Ordered, That Mr. Dalrymple, Mr. Holl and Mr. Young be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at half-past One o'clock.

The Order of the Day for the House in Committee, on the consideration of His Excellency's Message, with the copy of the Despatch from the Right Honorable Lord John Russell, in reference to the Salary received by the Lieutenant Governor of this Colony, being read—

Ordered, That it be discharged, and that the same do stand as the Order of the Day for Tuesday next, and that the Members of the House be summoned.

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 13th February, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Holl*,

Mr. *Macdonald*,

Mr. *Young*.

Mr. *Livett*,

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Palmer,
Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties"—and have appointed Mr. Palmer, the Hon. J. S. Macdonald, Mr. Clark, Mr. Montgomery, Mr. Longworth, and Mr. D. Macdonald, a Committee to manage the said Conference.

Thereupon the Managers went to the Conference, and being returned, they reported, that they had complied with the instructions given them by this House.

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season."

A Bill, intituled "An Act to regulate the letting of the Stalls in the Market House in Charlottetown, and for other purposes."

Read the said Bills a first time.

Adjourned until Monday next, at Twelve o'clock.

.....

MONDAY, 15th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

.....

TUESDAY, 16th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken,*
Mr. Goodman,
Mr. Dalrymple,
Mr. Holl,
Mr. Young.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 17th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Macdonald*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Solicitor General*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Saturday last.

Read a second time, the Bill, intituled “An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season.”

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

Ordered, That the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. D. Macdonald, with a Bill, intituled “An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled ‘An Act for levying an Assessment on all Lands in this Island’—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. Palmer.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, *Ordered*, that a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Thereupon the Managers went to the Conference, and being returned, they reported the substance of the Conference to the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled “An Act to prevent the running at large of

Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season." After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with certain amendments.

On motion, Ordered, that the Report of the Committee be received.

The said amendments were then read by the Clerk, and are as follow:

Folio 1, line 10—After the word " Bulls," insert " and of Horses, Mares or Geldings."

Same folio, last line—Strike out the words " Sundays excepted."

Folio 2, line 12—After the word " Bull," strike out the words " or Bulls," and insert " Horse, Mare
" or Gelding."

Same folio, line 18—Strike out the word " damages," and after the word " costs," in the same line, insert " over and above all damages which such Bull, Horse, Mare or Gelding
" may have done or committed."

Folio 3, line 3—After the word " person," insert " or persons."

Same folio, line 4—After the word " same," insert the following clause:—

" And be it further enacted, That an Act made and passed in the Seventh year of
" the Reign of His late Majesty King William the Fourth, intituled An Act to pre-
" vent the running at large of Horses within the Streets and Squares of Charlotte-
" town, in the Winter season," be, and the same is hereby suspended during the
continuance of this Act.

In the Title, line 4—After the word " Bulls," insert " Horses, Mares or Geldings."

The said Amendments being read a second time, were agreed to by the House.

Ordered, That the said Bill, with the amendments, be read a third time to-morrow.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled " An Act to authorize the appointment of Coroners in Prince and King's Counties." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made further progress therein, and they recommend that Daniel Hodgson, Esquire, the Coroner of the Island, be called upon to furnish the House with a return of the fees and emoluments of his office, since the date of his appointment. Mr. *Brecken* further reported, that he had been directed by the Committee to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be agreed to, and that the Committee have leave to sit again.

The Order of the Day for the House in Committee on the consideration of His Excellency the Lieutenant Governor's Message, with copy of the Despatch from the Right Honorable Lord John Russell, in reference to the Salary received by the Lieutenant Governor of this Colony, being read—Ordered, that it be discharged, and that the same do stand as the order of the day for Saturday next.

Adjourned until One o'clock to-morrow.

THURSDAY, 18th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Solicitor General</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Young</i> .
Mr. <i>Dalrymple</i> ,	

PRAYERS.

READ the proceedings of yesterday.

Mr. *Solicitor General*, by leave, presented a Bill relating to the Limitation of personal Actions.

The said Bill was read a first time.

On motion, the said Bill was read a second time.

Mr. *Solicitor General*, by leave, presented a Bill to amend the Act of the 7 Will. 4, cap. 30, intituled "An Act to repeal certain parts of an Act, intituled An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

The said Bill was read a first time.

On motion, the said Bill was read a second time.

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 19th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Dalrymple</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Solicitor General</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> .
Mr. <i>Livett</i> ,	

PRAYERS.

READ the proceedings of yesterday.

Pursuant to Order, the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season," was read a third time, with the amendments.

Resolved, That the said Bill, with the amendments, do now pass.

Ordered, That the said Bill, with the Amendments, be sent down to the House of Assembly for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with a certain amendment.

Ordered, That the Report of the Committee be received.

The said amendment was then read by the Clerk, and is as follows:

Folio 2, line 8—After the word "Coroner," insert the following Proviso:—"Provided always, that nothing herein contained shall extend, or be construed to extend, to diminish, or in any way interfere with any Salary now paid by the Imperial Government, to the officer holding such office of Coroner for the whole Island."

The said Amendment being read a second time, was agreed to by the House.

Ordered, That the said Amendment be engrossed, and that the Bill, with the amendment, be read a third time to-morrow.

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 20th February, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Hon. <i>Mr. Brecken,</i>	The Hon. <i>Mr. Macnutt,</i>
<i>Mr. Goodman,</i>	<i>Mr. Solicitor General,</i>
<i>Mr. Macdonald,</i>	<i>Mr. Holl,</i>
<i>Mr. Livett,</i>	<i>Mr. Young.</i>
<i>Mr. Dalrymple,</i>	

PRAYERS.

READ the proceedings of yesterday.

Pursuant to order, the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties," was read a third time, with the amendment.

Resolved, That the said Bill, with the amendment, do pass.

Ordered, That the said Bill, with the amendment, be sent down to the House of Assembly for their concurrence.

On motion, that the Bill, intituled "An Act to regulate the letting of the Stalls in the Market House, in Charlottetown, and for other purposes," be read a second time.

It was moved, as an amendment, that the said Bill be read a second time this day three months.

The Question being put on the amendment, it passed in the affirmative.

Pursuant to the Order of the Day, the House was adjourned during pleasure, and put into a Committee on the consideration of His Excellency the Lieutenant Governor's Message, with the copy of the Despatch from the Right Honorable Lord John Russell, in reference to the Salary received by the Lieutenant Governor of this Colony. After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had come to two Resolutions, which they recommend to the adoption of the House, and which he read in his place, and are as follow:

1. *Resolved*, unanimously, That this Committee concurs in the opinions expressed by the Right Honorables the Governor General and Lord John Russell as conveyed in the Despatch from Lord John Russell to His Excellency the Lieutenant Governor, dated the 16th day of November, 1840, that the present Salary of £1000 Sterling, received by the Lieutenant Governor of this Colony, is inadequate to enable him to maintain the dignity of his office as Her Majesty's Representative.

2. *Resolved*, unanimously, That it be recommended to the House to join the House of Assembly in any measure which will secure to his Excellency the Lieutenant Governor such an addition to his Salary as will enable him to maintain the dignity of his office as Her Majesty's Representative—provided such measure shall embody a clear and express declaration or condition that such additional Salary shall only be borne and paid by this Colony, so long as the present Civil List of the Colony shall be defrayed by the Imperial Government.

The question of concurrence having been severally put on the said Resolutions, they were unanimously agreed to by the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to amend an Act of the 7 Will. 4, cap. 30, intituled "An Act to repeal certain parts of an Act, intituled An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof." After some time, the House was resumed, and Mr. *Solicitor General* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the Bill be engrossed, and that the title be "An Act to amend an Act of the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to repeal certain parts of an Act, intituled An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

On motion, that the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island; and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled An Act for levying an Assessment on all Lands in this Island," be read a second time on Wednesday next. It was moved, as an amendment, that the said Bill be printed, and that one hundred copies thereof be furnished for the use of the Members of this House; and also, that the Printer be directed to furnish the same with as little delay as possible.

The Question being put on the amendment,

It passed in the affirmative.

On motion, Ordered, that the Bill relating to the limitation of personal Actions, be committed to a Committee of the whole House on Monday next.

On motion, Ordered, that the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled An Act for levying an Assessment on all Lands in this Island," be read a second time on Tuesday the Second of March next.

The *President* laid before the House the Report of the Visitor appointed under the Act of the General Assembly, for the encouragement and support of District and other Schools.

See Appendix No. 11.

Ordered, That the said Report do lie on the table.

On motion, Ordered, that the Bill, intituled "An Act to provide right of access to one public road, to individuals occupying Land from which there is no such access," be printed, and that one hundred copies thereof be furnished for the use of the Members of this House.

Ordered, That Mr. *Macdonald* have leave to absent himself until Monday the First day of March next.

Adjourned until Monday next, at One o'clock.

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MONDAY, 22d February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. <i>Mr. Goodman</i> ,	The Hon. <i>Mr. Macnutt</i> ,
<i>Mr. Macintosh</i> ,	<i>Mr. Holl</i> ,
<i>Mr. Dalrymple</i> ,	<i>Mr. Young</i> .

PRAYERS.

READ the proceedings of Saturday.

The *President* informed the House, that Indisposition prevents Mr. *Brecken* from attending in his place.

Ordered, That Mr. *Brecken's* excuse be received.

The Order of the day for the House in Committee on the Bill relating to the limitation of personal Actions, being read—

Ordered, That it be discharged, and that the same do stand as the Order of the Day for to-morrow.

Ordered, That Mr. *Holl* have leave to absent himself to-morrow.

Adjourned until One o'clock to-morrow.

TUESDAY, 23d February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macnutt*,

Mr. *Young*.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

WEDNESDAY, 24th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Dalrymple*,

The Hon. Mr. *Macnutt*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Monday last.

The *President* informed the House, that Indisposition prevents Mr. *Brecken* from attending in his place.

Ordered, That Mr. *Brecken*'s excuse be received.

Read a third time, as engrossed, the Bill, intituled "An Act to amend an Act of the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to repeal certain parts of an Act, intituled An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly for their concurrence.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill relating to the limitation of personal Actions. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, *Ordered*, that the Report of the Committee be agreed to.

Ordered, That the Bill be engrossed, and that the title be "An Act relating to the limitation of personal Actions."

A Message from the House of Assembly, by Mr. Thomson, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned."

A Bill, intituled "An Act to continue for a limited period an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island."

A Bill, intituled "An Act to prohibit the Burial of human bodies within the limits of the several Towns of this Island; and to establish Burial Grounds in the Common of Georgetown."

Also, with the following written Messages:

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season," and have appointed the Hon. J. S. Macdonald, Mr. Longworth, Mr. Forbes, and Mr. D. Macdonald a Committee to manage the said Conference.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the amendment made to the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties," and have appointed Mr. Palmer, Mr. Longworth, Mr. Rae, and the Hon. J. S. Macdonald, a Committee to manage the said Conference.

Read a first time, the following Bills, viz:—The Bill, intituled "An Act to enable the Government to ascertain the population of this Colony, and to obtain other Statistical information therein mentioned."

Also, a Bill, intituled "An Act to continue for a limited period, an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island."

And also, a Bill, intituled "An Act to prohibit the Burial of human bodies within the limits of the several Towns of this Island; and to establish Burial Grounds in the Common of Georgetown."

On motion, *Ordered*, that a Conference be agreed to, as is desired by the House of Assembly, on the subject matter of the amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season."

Ordered, That Mr. Dalrymple and Mr. Macnutt be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at half-past One o'clock.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, *Ordered*, that a Conference be agreed to, as is desired by the House of Assembly, on the amendment made to the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties.

Ordered, That Mr. *Holl* and Mr. *Young* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at One o'clock.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

Adjourned until Twelve o'clock to-morrow.

.....

THURSDAY, 25th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Goodman</i> ,	The Hon. Mr. <i>Dalrymple</i> ,
Mr. <i>Worrell</i> ,	Mr. <i>Macnutt</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Livett</i> ,	Mr. <i>Young</i> .

PRAYERS.

READ the proceedings of yesterday.

The *President* informed the House, that Indisposition prevents Mr. *Brecken* from attending in his place.

Ordered, That Mr. *Brecken's* excuse be received.

Read a second time, the Bill, intituled "An Act to continue for a limited period an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island."

Read a second time, the Bill, intituled "An Act to prohibit the Burial of Human Bodies within the limits of the several Towns of this Island; and to establish Burial Grounds in the Common of Georgetown."

Read a second time, the Bill, intituled "An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue for a limited period an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to continue and amend the Act for more effectually preventing the Spreading of Infectious

Distempers within this Island." After some time, the House was resumed, and Mr. Young reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

The time appointed for holding the Conference with the House of Assembly, on the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties," having arrived—

The Managers accordingly went to the Conference, and being returned, they reported the substance of the Conference to the House.

The time appointed for holding the Conference with the House of Assembly, on the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season," having arrived—

The Managers accordingly went to the Conference, and being returned, they reported the substance of the Conference to the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prohibit the Burial of Human Bodies within the limits of the several Towns of this Island; and to establish Burial Grounds in the Common of Georgetown." After some time, the House was resumed, and Mr. Worrell reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

The said amendments were then read, and are as follow:

Folio 1, line 17—After the word "Island," insert "except within the several Churches or Chapels now erected, or such as may be hereafter erected in any Town in this Island."

Same folio, line 24—After the word "Island," insert "except as before excepted."

Folio 3, line 19—After the word "presented," strike out the words following to the end of the clause, and insert "to the Administrator of the Government for the time being, in Council, who is hereby authorized to cause a Warrant to be drawn on the Treasurer of this Island for the amount of the said account, in favour of the person or persons entitled to receive the same."

Folio 4, line 2—Strike out from the word "Georgetown;" to the end of the Bill, and insert the following:—"A further tract of Land in the said Common, adjoining the tract now occupied by them, as a Burial Ground in the said Common, so that the same shall not in the whole exceed Two acres of Land, the length of which shall not exceed the breadth more than one half; which shall be laid off and admeasured by Her Majesty's Surveyor General for this Island, and a description thereof under the hand of the said Surveyor General, shall be recorded in the Registry Office of this Colony."

"And be it further enacted, That it shall and may be lawful for the Members of the Church of England and Ireland, as by Law established, to hold and possess as a Burial Ground in the Common of Georgetown, a further tract of Land in the said Common, adjoining the tract now occupied by them as a Burial Ground in the said Common, so that the same shall not in the whole exceed Two acres of Land, the length of which

“ shall not exceed the breadth more than one half—the same to be laid off and admeasured, and a description thereof recorded in the way and manner prescribed and directed in the Fourth section of this Act.”

“ And be it further enacted, That it shall and may be lawful for the Presbyterians to hold and possess as a Burial Ground in the Common of Georgetown, a further tract of Land in the said Common, adjoining the tract now occupied by them as a Burial Ground in the said Common, so that the same shall not in the whole exceed two acres of Land, the length of which shall not exceed the breadth more than one half—the same to be laid off and admeasured, and a description thereof recorded in the way and manner prescribed and directed in the Fourth Section of this Act.”

The said Amendments being read a second time, were agreed to by the House.

On motion, Ordered, that the said Amendments be engrossed, and that the Bill, with the amendments, be read a third time to-morrow.

Mr. Young, by leave, presented a Bill to continue an Act made and passed in the Seventh year of the Reign of His late Majesty, intituled “ An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen’s County.”

The said Bill was read a first time.

On motion, the said Bill was read a second time.

Adjourned until Twelve o’clock to-morrow.

FRIDAY, 26th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. Goodman,
Mr. Worrell,
Mr. Macintosh,
Mr. Livett,

The Hon. Mr. Dalrymple,
Mr. Macnutt,
Mr. Holl,
Mr. Young.

PRAYERS.

IN the absence of the *President*, Mr. Goodman, the senior Member present, took the Chair.

Read the proceedings of yesterday.

The Acting *President* informed the House, that Indisposition prevents Mr. Brecken from attending in his place.

Ordered, That Mr. Brecken’s excuse be received.

The Acting *President* informed the House that Indisposition prevents Mr. Solicitor General from attending in his place.

Ordered, That Mr. Solicitor General’s excuse be received.

Read a third time, as engrossed, the Bill, intituled “ An Act relating to the Limitation of personal Actions.”

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to continue an Act made and passed in the Seventh year of the Reign of His late Majesty, intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County." After some time, the House was resumed, and Mr. Young reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, *Ordered*, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the Title be "An Act to continue an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Term for Queen's County."

Mr. Young, by leave, presented a Bill to establish Criminal Sessions in Queen's County. The said Bill was read a first time.

On motion, the said Bill was read a second time.

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 27th February, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. Goodman,
Mr. Macintosh,
Mr. Dalrymple,

The Hon. Mr. Macnutt,
Mr. Holl,
Mr. Young.

PRAYERS.

THERE not being a Quorum,

Adjourned until Monday next, at Twelve o'clock.

MONDAY, 1st March, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. Attorney General, President;

The Hon. Mr. Goodman,
Mr. Worrell,
Mr. Livett,
Mr. Dalrymple,

The Hon. Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl,
Mr. Young.

PRAYERS.

READ the proceedings of Friday last.

The Honorable Mr. Haviland, Colonial Secretary, informed the House, that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

C. A. FITZROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copy of an Order of Her Majesty in Council, dated the 8th of December, 1840, leaving to their operation the several Acts therein enumerated, passed during the last Session of the Legislature.

Government House, 1st March, 1841.

The said Message and Order in Council were read, and ordered to lie on the table.

See Appendix No. 12.

Read a third time, as engrossed, the Bill, intituled "An Act to continue an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County."

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to prohibit the Burial of Human Bodies within the limits of the several Towns of this Island; and to establish Burial Grounds in the Common of Georgetown." After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Bill, and that they had further amended the same.

On motion, *Ordered*, that the Report of the Committee be received.

The said amendment was read by the Clerk, and is as follows:

"And be it further enacted, That the Surveyor General of this Island shall lay off and admeasure a tract of Land in the said Common of Georgetown, in such situation as he shall deem most eligible, not exceeding two acres, the length of which shall not exceed the breadth more than one half, as a general Burial Ground for all other denominations of Protestant Dissenters; and a description thereof shall be recorded in the way and manner prescribed and directed in the Fourth Section of this Act."

The said Amendment having been read a second time, was agreed to by the House.

Ordered, That the said Amendment be engrossed, and that the Bill, as further amended, be read a third time to-morrow.

On motion, *Ordered*, that this House do not insist on their amendment made to the Bill, intituled "An Act to authorize the appointment of Coroners in Prince and King's Counties."

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned." After some time, the House was resumed, and Mr. *Solicitor General* reported, that they had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, that the said Bill be read a third time,

It was moved, as an amendment, that the said Bill be recommitted.

The House divided on the motion of amendment:

CONTENTS.

The President,
Mr. Worrell,
Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl.

NON-CONTENTS.

Mr. Goodman,
Mr. Dalrymple,
Mr. Young.

And it passed in the affirmative.

The House was accordingly adjourned during pleasure, and put into a Committee on the further consideration of the said Bill. After some time, the House was resumed, and Mr. *Solicitor General* reported, that the Committee had gone into the further consideration of the said Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time.

Mr. *Young* moved the following amendment:

That the following words in the Schedule be struck out—“ Number of persons in each family, in connexion with the Church of Scotland,” and the words “ Number of persons in each family, being Presbyterians, in connexion with the Presbytery of Prince Edward Island;” and that the following be inserted—“ Number of persons in each family, being Presbyterians of every denomination.”

The House divided on the said Amendment:

CONTENTS.

Mr. Dalrymple,
Mr. Young.

NON-CONTENTS.

The President,
Mr. Goodman,
Mr. Worrell,
Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl.

And it passed in the negative.

Mr. *Solicitor General* moved the following amendment:

Strike out the following words in the Schedule—“ Number of persons whose passage was paid by Proprietors.”

The question being put on the said amendment,

It passed in the negative.

On motion of Mr. *Solicitor General*, the following amendment was agreed to:

In the Schedule, in the column—After the words “ whose passage was paid by Proprietors,” insert “ and date of their arrival in this Colony, and age of such person on his arrival.”

On motion, the said Bill, with the amendment, was read a third time.

Resolved, That the said Bill, with the amendment, do pass.

Ordered, That the said Bill, with the amendment, be sent down to the House of Assembly, for their concurrence.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, 2d March, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

The Hon. Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Solicitor General*,

Mr. *Macintosh*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Rae, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled “An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives.”

“An Act to further continue, and to amend the Act for regulating the Measurement of Ton Timber, Boards, and all other kinds of Lumber, and also declaring what shall be deemed Merchantable, and for appointing Officers to Survey the same.”

Read the said Bills a first time.

On motion, Ordered, That the Bill, intituled “An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives,” be read a second time on Thursday next.

Mr. *Young*, by leave, presented a Bill to amend the Act passed in the Sixth year of the Reign of King William the Fourth, intituled “An Act to amend the Law relating to the admission of Barristers, Attornies and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty, and Court of Probate in this Island.”

The said Bill was read a first time.

On motion, the said Bill was read a second time.

Pursuant to Order, the Bill, intituled “An Act to prohibit the Burial of Human Bodies within the limits of the several Towns of this Island; and to establish Burial Grounds in the Common of Georgetown,” was read a third time, with the amendments.

Resolved, That the said Bill, with the amendments, do pass.

Ordered, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

The Order of the Day, for the second reading of the Bill, intituled “An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled An Act for levying an Assessment on all Lands in this Island,” being read—

Ordered, That it be discharged, and that the same do stand as the Order of the Day for Thursday next, and that the Members of the House be summoned.

On motion, the House was adjourned, during pleasure, and put into a Committee on the Bill to establish Criminal Sessions in Queen's County. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the Bill be engrossed, and that the title be "An Act to establish Criminal Sessions in Queen's County."

Adjourned until Twelve o'clock to-morrow.

.....

WEDNESDAY, 3d March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

The Hon. Mr. *Macnutt*,

Mr. *Worrell*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

Mr. *Dalrymple*,

PRAYERS.

READ the proceedings of yesterday.

Read a third time, as engrossed, the Bill intituled "An Act to establish Criminal Sessions in Queen's County."

Adjourned until Two o'clock to-morrow.

.....

THURSDAY, 4th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

The Hon. Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Solicitor General*,

Mr. *Macintosh*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

The *President* informed the House, that Indisposition prevents Mr. *Brecken* from attending in his place.

Ordered, That Mr. *Brecken's* excuse be received.

The Order of the Day for the second reading of the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled "An Act for levying an Assessment on all Lands in this Island"—being read,

On motion, that the House do now go into the Order of the Day,

It was moved, as an amendment, that the Order of the Day be discharged, and that the said Bill be read a second time this day three months.

It was further moved, as an amendment to the amendment, that the order of the day be discharged, and that the same do stand as the order of the day for Wednesday, the 17th of March, instant.

The House divided on the latter amendment:

CONTENTS.

The President,
Mr. Goodman,
Mr. Macintosh,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Young.

NON-CONTENTS.

Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Solicitor General,
Mr. Holl.

And it passed in the affirmative.

On motion, Ordered, that the Members of the House be summoned for Wednesday, the Seventeenth day of March, instant.

The order of the day for the second reading of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives"—being read,

On motion, that the order of the day be discharged, and that the said Bill be read a second time this day Six months.

It was moved, as an amendment, that the House do come to the following Resolution:

Resolved, That as a Bill, similar in its provisions to the Bill now before this House, sent up from the House of Assembly this present Session, intituled "An Act for the relief of certain American Loyalists, and Disbanded Provincial Troops, and their Representatives," was disagreed to by this House in the Session of the Year 1840, for the several objections stated in the Resolution passed by this House on that occasion, which objections remain still in full force, and it being also contrary to the Royal Instructions to re-enact any Law to which the Royal assent has once been refused, which was the case with a Bill similar in its enactments to the present Bill passed by the Legislature of this Colony in the Session of the year 1839. *Therefore Resolved,* that the Order of the Day for the second reading of the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," for this day, be discharged, and that the said Bill be read a second time this day Six months.

It was further moved, as an amendment to the amendment, that the House do come to the following Resolution:

And Whereas in and by the Royal Instructions, it is directed, that no Law to which the Royal Assent has once been refused, shall be re-enacted; and as the Bill, intituled “ An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives,” has received the disallowance of Her Majesty—*Resolved, Therefore*, that this House cannot take into its consideration the said Bill, for the above reasons—and that the second reading of the said Bill be postponed until this day three months.

The House divided on the latter amendment:

CONTENTS.

Mr. Goodman,
Mr. Macintosh,
Mr. Young.

NON-CONTENTS.

The President,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl.

And it passed in the negative.

The Question being put on the first amendment,

The House divided:

CONTENTS.

Mr. Goodman,
Mr. Macintosh,
Mr. Young.

NON-CONTENTS.

The President,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl.

And it passed in the negative.

The question being put on the original motion,

The House divided:

CONTENTS.

The President,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl.

NON-CONTENTS.

Mr. Macintosh,
Mr. Young.

And it passed in the affirmative.

FRIDAY, 5th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Goodman</i> ,	The Hon. Mr. <i>Macnutt</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Young</i> .
<i>Mr. Dalrymple</i> ,	

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

.....
SATURDAY, 6th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Goodman</i> ,	The Hon. Mr. <i>Dalrymple</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Solicitor General</i> ,
<i>Mr. Macdonald</i> ,	<i>Mr. Holl</i> ,
<i>Mr. Macintosh</i> ,	<i>Mr. Young</i> .

PRAYERS.

READ the proceedings of Thursday last.

On motion, Ordered, that the following clause be added to the Bill, intituled " An Act to establish Criminal Sessions in Queen's County, by way of rider:

" And whereas in and by the Seventh Section of the Act passed in the Fourth Year of the
 " Reign of King William the Fourth, Chapter Second, intituled An Act for the Summary
 " Trial of Common Assaults, it is enacted that the Justices appointed by virtue of the said
 " Act, if on investigating any Assaults, on the appearing of such person or persons so charg-
 " ed, shall find the party or parties deserving a higher or greater fine than is prescribed by
 " the said Act, it should and might be lawful, and they were thereby required to bind the
 " said Offender or Offenders, by Recognizance, to appear at Her Majesty's Supreme Court
 " of Judicature, at its then next sitting; and also, to bind the Prosecutor or Prosecutors, and
 " Witnesses, if necessary, to appear and prosecute. And whereas it is expedient that in
 " all such cases the said Justices should be empowered to refer the said cases to the Criminal
 " Sessions, to be established by virtue of this Act: Be it therefore enacted, by the authority
 " aforesaid, that such part of the said Seventh Section of the said Act, as is above referred
 " to, so far as regards Queen's County, be and the same is hereby suspended during the
 " continuance of this Act; and such Justices appointed under and by virtue of the said Act,
 " in Queen's County, are hereby required, that if upon investigating any Assault or Battery,

“ on the appearing of such person or persons so charged, shall find the party or parties
 “ deserving a higher or greater fine than is prescribed by the said Act, it shall and may be
 “ lawful, and they are hereby required to bind the said Offender or Offenders by the usual
 “ Recognizance, to appear at the said Criminal Sessions at their then next sitting; and also
 “ to bind the Prosecutor or Prosecutors, and Witnesses if necessary, to appear and prosecute at the said Criminal Sessions.”

The said Clause being thrice read, was agreed to by the House, and ordered to be made part of the Bill.

Resolved, That the said Bill, with the rider, do pass.

Ordered, That the said Bill be sent down to the House of Assembly, for their concurrence.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

C. A. FITZROY, Lieut. Governor.

The Lieutenant Governor is desirous that the Legislative Council at its rising to day, should adjourn until Monday the 15th day of March, instant.

Government House, 6th March, 1841.

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with the Bill intituled “ An Act to continue an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Term for Queen’s County,” passed, with certain amendments, to which they desire the concurrence of the Legislative Council.

And also,

Mr. President,

The House of Assembly have passed the Bill intituled “ An Act to amend an Act of the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to repeal certain parts of an Act, intituled An Act for the Limitation of Actions, and for avoiding Law Suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof,” without any amendment.

The amendments made by the House of Assembly to the Bill, intituled “ An Act to continue an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Term for Queen’s County,” were read a first time, and are as follow, viz:

Folio 1—Strike out the Tenth line, and insert “ And it is expedient to protect Suitors in the said Court
 “ from unnecessary delay and expense, by the discontinuance of their Actions, were the said
 “ Act allowed to expire before such Actions were terminated by due course of Law.”

Same folio, line 15—Strike out the word “ Ten,” and insert the word “ Two.”

Folio 2, line 3—Strike out the words “ or hereafter to be had or taken.”

In the Title—After the word “ continue,” in the first line, insert “ and amend.”

On motion, the said amendments were read a second time.

On motion, the House was adjourned, during pleasure, and put into a Committee on the said amendments. After some time, the House was resumed, and Mr. *Solicitor General* reported, that the Committee had gone through the said amendments, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said amendments were read a third time.

Resolved, That the said Bill, as amended, do pass.

Ordered, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendments.

Read a second time, the Bill intituled "An Act to further continue, and to amend the Act for regulating the measurement of Ton Timber, Boards, and all other kinds of Lumber, and also declaring what shall be deemed Merchantable, and for appointing Officers to survey the same."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time and passed.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

In accordance with His Excellency the Lieutenant Governor's Message, the House adjourned until Monday the 15th day of March instant, at Twelve o'clock.

.....

MONDAY, 15th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Dalrymple*,

The Hon. Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Saturday the Sixth of March instant.

The *President* informed the House, that Indisposition prevents Mr. *Macdonald* from attending in his place.

Ordered, That Mr. *Macdonald's* excuse be received.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to amend the Act passed in the Sixth year of the Reign of King William the Fourth,

intituled "An Act to amend the Law relating to the admission of Barristers, Attornies and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty, and Court of Probate in this Island." After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the Bill be engrossed, and that the Title be "An Act to amend an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled An Act to amend the Law relating to the admission of Barristers, Attornies and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island."

A Message from the House of Assembly, by Mr. *Rae*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled "An Act to prevent the carrying of Sticks, or other Weapons, during Elections."

A Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island."

Read the said Bills a first time.

On motion, Ordered, that One Hundred copies of the Bill intituled "An Act for the regulation of the Fishery Reserves of this Island," be printed for the use of the Members of this House.

On motion, Ordered, That the Bill, intituled "An Act to provide right of access to one Public Road, to individuals occupying Land from which there is no such access," be read a second time on Thursday next.

Adjourned until One o'clock to-morrow.

.....

TUESDAY, 16th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,
Mr. Goodman,

The Hon. *Mr. Dalrymple*,
Mr. Holl.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 17th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Dalrymple</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Solicitor General</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> .
Mr. <i>Livett</i> ,	

PRAYERS.

READ the proceedings of Monday last.

The Order of the Day, for the second reading of the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled An Act for levying an Assessment on all Lands in this Island," being read—

Ordered, That it be discharged, and that the same do stand as the Order of the Day for Saturday next.

A Message from the House of Assembly, by Mr. Thomson, with a Bill, intituled "An Act to prohibit the Interment of Human Bodies within the limits of the Town of Georgetown, and to establish Burial Grounds in the Common thereof"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

On motion, *Ordered*, that a further Conference be desired with the House of Assembly on the amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season."

Ordered, That Mr. *Brecken*, Mr. *Dalrymple* and Mr. *Young* be a Committee to manage this further Conference, to meet in the Committee Room to-morrow, at Two o'clock.

On motion, *Ordered*, That the Bill, intituled "An Act to prevent the carrying of Sticks, or other Weapons, during Elections," be read a second time this day three months.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prohibit the Interment of Human Bodies within the limits of the Town of Georgetown, and to establish Burial Grounds in the Common thereof." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

On motion, *Ordered*, that the Report of the Committee be received, and leave granted.

Adjourned until One o'clock to-morrow.

THURSDAY, 18th March, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Livett*,

The Hon. Mr. *Dalbrymple*,

Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READE the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Le Lacheur*, with a Bill, intituled "An Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force, regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

A Message from the House of Assembly, by the Hon. J. S. Macdonald.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any Season;" and have appointed the Hon. J. S. Macdonald, Mr. Clark, Mr. Longworth, Mr. Thomson, Mr. Montgomery and Mr. Rae, a Committee to manage the same.

Thereupon the names of the Managers being called over, they went to the Conference, and being returned, they reported, that they had complied with the instructions given them by this House.

The Order of the Day for the second reading of the Bill, intituled "An Act to provide Right of Access to one Public Road, to individuals occupying Land from which there is no such Access," being read—

On motion, that the same be discharged, and that the said Bill be read a second time this day six months.

It was moved, as an amendment, that the said Bill be now read a second time.

The House divided on the motion of amendment:

CONTENTS.

Mr. Brecken,
Mr. Goodman,
Mr. Young.

NON-CONTENTS.

The President,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Solicitor General,
Mr. Holl.

And it passed in the negative.

The question being put on the original motion,

The House divided:

CONTENTS.

The President,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Solicitor General,
Mr. Holl.

NON-CONTENTS.

Mr. Brecken,
Mr. Goodman,
Mr. Young.

And it passed in the affirmative.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to prohibit the Interment of Human Bodies within the limits of the Town of Georgetown, and to establish Burial Grounds in the Common thereof." After some time, the House was resumed, and *Mr. Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with certain amendments.

On motion, Ordered, that the Report of the Committee be received.

The said amendments were then read by the Clerk and are as follow:

Folio 7, line 8—Strike out from the word "adjoining" to the word "as," in the Tenth line of the same folio, and insert "to a tract of land now occupied by them."

Folio 8, line 7—After the word "Presbyterians," strike out the words "and the Members of the Church of England and Ireland."

The said Amendments being read a second time, were agreed to by the House.

Ordered, That the said Amendments be engrossed, and that the said Bill, with the amendments, be read a third time to-morrow.

Ordered, That *Mr. Goodman* have leave to absent himself to-morrow.

Adjourned until One o'clock to-morrow.

FRIDAY, 19th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Holl*.

Mr. *Young*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 20th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Solicitor General*,

Mr. *Worrell*,

Mr. *Holl*,

Mr. *Macdonald*,

Mr. *Young*.

Mr. *Livett*,

PRAYERS.

READ the proceedings of Thursday last.

The Order of the Day for the second reading of the Bill, intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled "An Act for levying an Assessment on all Lands in this Island"—being read,

The said Bill was accordingly read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had come to a certain Resolution, which they recommend to the adoption of the House; and the said Resolution was read, and is as follows:

WHEREAS a Bill, similar in its title and enactments to the Bill now before this House, intituled "An Act to authorize the Crown to Purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act passed in the Seventh year of the Reign of His late Majesty, intituled An Act for levying an Assessment on all Lands in this Island," was sent up from the House of Assembly

to this House, during the last Session of the General Assembly, which was rejected by this House, for the reasons stated in the several Resolutions adopted thereon by this House, and which are as follow:

Resolved, That it is the opinion of this Committee, that the Documents sent up from the House of Assembly, in accordance with the Message from the Council, desiring to be furnished with copies of the evidence or documents on which the Bill to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island'—and which Documents, with the said Bill, have been referred for the consideration of this Committee, are wholly irrelevant to the subject matter of the said Bill, the object of which appears to this Committee to be the reinvestment in the Crown, by voluntary sale, of the Lands in this Colony.

Resolved, That it is the opinion of this Committee, that any equitable arrangement, by voluntary sale, on the part of the Proprietors, by which the Crown can be re-invested with the said Lands, so as to enable the Crown to sell the same, at a reasonable rate, to actual occupiers, would tend greatly to increase the settlement of this Colony, and advance its prosperity, and would be considered as a boon, calling for the utmost extent of gratitude from its inhabitants.

Resolved, That although this Committee thus far recognise the principle of the Bill, they cannot concur in its details; and, in fact, they deem any enactment on the subject, not only premature, but inexpedient and unnecessary, until the consent of the Crown and the Proprietors to the measure contemplated by the said Bill shall be first obtained.

Resolved, That although this Committee cannot recommend the House to pass the said Bill, they would, however, suggest to the House the propriety of joining the House of Assembly in an Address to the Throne—should that House deem such a course of procedure advisable—praying Her Majesty to take the measure contemplated by the Bill into Her favorable consideration, and to grant the means for effecting the purchase of the said Lands, provided the Proprietors shall be found willing to dispose of the same.

And whereas this House, by the Third of the said Resolutions, declared that any enactment on the subject matter of the said Bill, was "not only premature, but inexpedient and unnecessary, until the consent of the Crown and the Proprietors to the measure contemplated by the said Bill should be first obtained;" at the same time, this House, in and by the last of the said Resolutions, expressed a readiness to join the House of Assembly in an Address to the Throne, to pray Her Majesty to take the measure contemplated by the said Bill into Her favorable consideration, and to grant the means from the Imperial Revenue necessary to effectuate the object of the said Bill—which suggestion was not concurred in by the House of Assembly—on the contrary, that House, as appears from their Journals, addressed Her Majesty, complaining of the rejection of the said Bill by this House, and transmitted therewith a copy of the said Bill, and praying that Her Majesty would be graciously pleased to recommend the adoption of such a principle, or a similar measure as that contained in the said Bill.

And whereas no recommendation for the adoption of such a principle, or of a similar measure as that contained in the said Bill, has been signified by Her Majesty, either to the Lieutenant Governor, the House of Assembly, or this House, in compliance with the prayer of the said Address of the House of Assembly—and although this Committee regrets, that in replying to the said Address, Her Majesty's Principal Secretary of State for the Colonies should have abstained from expressing, officially, any opinion on the said Bill—it is, nevertheless, to be inferred, that it is not the intention of Her Majesty's

Government to advance the sum necessary to effect the object contemplated by the said Bill: And whereas it appears to this Committee, that the reasons assigned for the rejection of a similar Bill in the last Session, apply with equal, if not greater effect, for adopting a similar course with regard to the Bill now before this Committee.

Therefore, Resolved, That the further consideration of the Bill be postponed until this day three months.

On motion, that the Report of the Committee be agreed to,

It was moved, as an amendment, that the House do come to the following Resolution:

Whereas, during the last Session of this House, it was unanimously Resolved, that any equitable arrangement, by voluntary sale, on the part of the Proprietors of Lands in this Colony, by which the Crown could be re-invested with the said Land, so as to enable the Crown to sell the same at a reasonable rate to actual occupiers, would tend greatly to increase the settlement of this Colony, and advance its prosperity, and would be considered as a boon, calling for the utmost extent of gratitude from its inhabitants: And whereas this House did thus far recognise the principle of the Bill, intituled “An Act to authorise the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain sections of an Act, intituled An Act for levying an Assessment on all Lands in this Island”—yet it stated it could not concur in its details: And whereas, in and by the Despatch of Lord John Russell, Her Majesty’s Secretary of State for the Colonies, bearing date the Twenty-second day of September last, His Lordship states—that Her Majesty learns with regret, that the question of lands in this Island continues to disturb the peace of the Colony, and that it now assumes the character of a public question, and as such must be treated—that it is Her Majesty’s desire to remove every just cause of complaint, in all parts of Her Dominions, and trusts that means may be found to determine a question which has, for so long a period, agitated the Colony: And whereas such Despatch implies that Her Majesty is desirous that such measures should be adopted as would create peace and prosperity among the people of this Colony: And whereas the passing of the said Bill, so entitled as aforesaid, with such necessary amendments as may be agreed on by this House, would satisfy the people of this Colony, and the purchasing of the lands by the Crown would suppress that agitation, which, it is to be lamented, prevails therein, and would relieve the Tenantry of this Island from those burdens of which they complain: And whereas it would be most desirable that such a happy result could be effected—Resolved, therefore, That this House do not agree to the Report of the Committee.

The House divided on the motion of amendment:

CONTENTS.

Mr. Goodman,
Mr. Macintosh,
Mr. Young.

NON-CONTENTS.

The President,
Mr. Brecken,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Solicitor General,
Mr. Holl.

And it passed in the negative.

The Question being put on the original motion,

The House divided:

CONTENTS.

The President,
Mr. Brecken,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Solicitor General,
Mr. Holl.

NON-CONTENTS.

Mr. Goodman,
Mr. Macintosh,
Mr. Young.

And it passed in the affirmative.

On motion, the following Resolution was unanimously agreed to:

Resolved, That a Committee be appointed to prepare an Address to Her Majesty, praying that Her Majesty will be pleased to order a negotiation to be entered into with the Proprietors of Lands in this Colony, with a view of obtaining from them, by voluntary sale, their right in such Lands; the same to be re-invested in the Crown, and to be disposed of in small tracts to actual occupants; and in the event of the Proprietors agreeing to make such sale, also praying that Her Majesty would be pleased to order the necessary funds for that purpose to be advanced from the Imperial Revenue, until the Imperial Government can be reimbursed from the sale of such Lands.

Ordered, That Mr. Macdonald, Mr. Solicitor General and Mr. Young be a Committee to prepare an Address to Her Majesty in conformity with the foregoing Resolution.

Ordered, That Mr. Goodman have leave to absent himself until Monday the Twenty-ninth instant.

Adjourned until One o'clock on Monday next.

.....
MONDAY, 22d March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken,*

Mr. Worrell,

Mr. Macdonald,

The Hon. *Mr. Dalrymple,*

Mr. Holl,

Mr. Young.

PRAYERS.

READ the proceedings of Saturday last.

Read a third time, as engrossed, the Bill, intituled "An Act to amend an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled An Act to amend the Law relating to the admission of Barristers, Attornies and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island."

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly for their concurrence.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

MESSAGE.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor transmits for the consideration of the Legislative Council, the copy of a Presentment of the Grand Jury of King's County, with reference to the difficulty and inconvenience arising from the refusal of persons to serve as Constables, who have been so nominated by the Court, and recommending that a summary mode be provided by Law to compel persons to serve, who may be appointed Constables by the Court.

Government House, 19th March, 1841.

The said Message and Paper were read, and ordered to lie on the table.

See Appendix No. 13.

On motion, *Ordered*, that the said Message, with the Document accompanying the same, be referred to a Special Committee to report thereon, by Bill, or otherwise.

Ordered, That Mr. Brecken, Mr. Solicitor General and Mr. Young do compose the said Committee.

Adjourned until Twelve o'clock to-morrow.

.....

TUESDAY, 23d March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macnutt*,

Mr. *Worrell*,

Mr. *Solicitor General*,

Mr. *Macdonald*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

Mr. *Dalrymple*,

PRAYERS.

READ the proceedings of yesterday.

The *President* laid before the House a communication which he had received from the Colonial Secretary, stating that His Excellency the Lieutenant Governor had been pleased to appoint *George Wright, jun. Esquire*, to be Usher of the Black Rod, and also Serjeant at Arms to this House, in the room of John C. Wright, Esq.

Read a third time, the Amendments made to the Bill, intituled “An Act to prohibit the Interment of Human Bodies within the limits of the Town of Georgetown, and to establish Burial Grounds in the Common thereof.”

Resolved, That the said Bill, with the amendments, do pass.

Ordered, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled “An Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force, regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein.” After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with certain amendments.

On motion, *Ordered*, that the Report of the Committee be received.

The said amendments were then read by the Clerk, and are as follow:

Folio 7—Strike out the third line, and all the words in the Fourth line to the word “and.”

Folio 10, line 1—After the word “aforesaid,” insert the words “except as hereinafter mentioned.”

Same folio, line 16—After the word “same,” insert the words “except as hereinafter mentioned.”

Folio 15, line 20—After the word “Inspector,” insert the words “or his Successor in office.”

Folio 16, line 1—After the word “Inspector,” insert the words “or his Successor in office.”

Folio 18, line 16—Strike out from the word “and,” inclusive, to the word “Act,” also inclusive, in the last line of the Nineteenth folio.

The said Amendments being read a second time, were agreed to by the House.

Ordered, That the said Amendments be engrossed, and that the said Bill, with the amendments, be read a third time to-morrow.

Adjourned until Twelve o'clock to-morrow.

.....

WEDNESDAY, 24th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Dalrymple*,

Mr. *Young*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 25th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Solicitor General*,

Mr. *Macintosh*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Tuesday last.

Pursuant to Order, the Bill, intituled "An Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force, regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein," was read a third time, with the Amendments.

Resolved, That the said Bill, with the amendments, do pass.

Ordered, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Mr. *Macdonald*, from the Committee appointed to prepare an Address to Her Majesty, praying that Her Majesty would be pleased to enter into a negotiation with the several Proprietors of Lands in this Colony, relative to the sale of such lands, reported the Draft of an Address, as prepared by the said Committee, which he read in his place.

On motion, *Ordered*, that the said Report be received, and the said Draft was again read by the Clerk, and it was ordered that the House be forthwith put into a Committee of the whole to take the same into consideration.

The House was adjourned, during pleasure, and put into a Committee on the said Address. After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Address, and that they had agreed to the same, without any amendment.

On motion, the said Address was agreed to, and ordered to be engrossed.

Mr. *Brecken*, from the Committee to whom was referred His Excellency the Lieutenant Governor's Message, with a copy of the Presentment of the Grand Jury of King's County, stating the inconvenience arising from persons refusing to serve as Constables, when appointed to that office, presented to the House a Bill, as prepared by the Committee, and the same was read a first time.

On motion, the said Bill was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Solicitor General* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

On motion, *Ordered*, that the Report of the Committee be received, and leave granted.

On motion, the following Resolution was unanimously agreed to:

Resolved, That a Committee be appointed to inquire into, and report upon the present practice of the Imperial Parliament, as regards the right or claim of the House of Lords to originate Bills containing Penalties or Forfeitures, and to appropriate the same, or to alter or vary penalty clauses or forfeitures, or the appropriations thereof, in Bills sent up to them by the House of Commons.

Ordered, That Mr. Brecken, Mr. Macdonald, Mr. Solicitor General and Mr. Young, be a Committee in conformity to the said Resolution.

A Message from the House of Assembly, by Mr. Thomson, with a Bill, intituled "An Act for the Regulation of Juries,"—to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

On motion, Resolved, that the *President* do transmit the said Bill to the Honorable the Chief Justice, and request his opinion thereon, for the information of this House.

Adjourned until Twelve o'clock to-morrow.

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FRIDAY, 26th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Holl*,

Mr. *Macintosh*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

On motion, the Address to Her Majesty, praying that Her Majesty will be pleased to enter into a negotiation with the several Proprietors of Lands in this Colony, was read a third time, as engrossed, and passed.

Whereupon the President signed the same, and it is as follows, viz:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign;

We your Majesty's dutiful and loyal subjects, the Legislative Council and _____ of Prince Edward Island, in Colonial Parliament assembled, beg leave to approach your Majesty's Throne and Person, and most humbly to represent:—

That the Lands of this Colony were originally granted in large tracts, of twenty thousand acres each to private individuals, the greater part of which still remains in the hands of the Descendants or Assignees of such Grantees, the majority of the actual settlers on such Lands holding as tenants, and not in fee simple.

That if by the purchase of these Lands from the Proprietors, they were again re-invested in the Crown, for the purpose of being regranted in small tracts to the tenantry and settlers thereon, it would be hailed by the inhabitants of this Island as the greatest boon which your Majesty could bestow upon them, and would, as your Petitioners conceive, be productive of great and permanent benefits to the Colony.

The Council and _____ are at the same time aware that this most desirable object cannot be attained without the advance, in the first instance, of a much larger sum of money than the Legislature of this Colony can command, nor without the free and voluntary consent of the several Proprietors to dispose of their Lands, being first obtained.

The Council and _____ therefore most humbly pray, that your Majesty will be graciously pleased to take the premises into your favorable consideration, and cause a negotiation to be entered into with the several Proprietors of Land in this Island, to ascertain the prices at which they would respectively agree to dispose of the whole of their Lands in this Island, together with the arrears of rent now due thereon, with a view to their being reinvested in the Crown, for the purpose aforesaid; and in the event of such proprietors being willing to accept a reasonable price for the same, then that your Majesty will be graciously pleased to order that the funds necessary for making such purchase be, in the first instance, advanced from the Imperial Revenue, until such advance can be reimbursed to it by the sale of such lands. The Council and _____ at the same time pledge themselves (in the event of such purchase being made), to make such Legislative enactments as will tend most speedily to effect a re-sale of the lands, and thereby reimburse the advances which the Imperial Government may have to make in purchasing the same.

Ordered, That the said Address be communicated to the House of Assembly at a Conference, and that their concurrence thereto be desired.

On motion, *Ordered*, that a Conference be desired with the House of Assembly on the general State of the Colony.

Resolved, That at such Conference the Committee of this House do request the House of Assembly to join this House in the said Address.

Ordered, That *Mr. Brecken*, *Mr. Macintosh*, and *Mr. Young*, be a Committee to manage the said Conference, to meet in the Committee Room instanter.

A Message from the House of Assembly, by *Mr. Rae*.

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the general State of the Colony, and have appointed *Mr. Rae*, *Mr. Macintosh*, *Mr. Palmer*, *Mr. Clark*, *Mr. Le Lacheur* and *Mr. Longworth*, a Committee to manage the said Conference.

Whereupon the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Ordered, That *Mr. Macdonald* have leave to absent himself to-morrow and Monday next.

Ordered, That *Mr. Worrell* have leave to absent himself to-morrow and Monday next.

Adjourned until One o'clock to-morrow.

SATURDAY, 27th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macnutt</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Solicitor General</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Livett</i> ,	Mr. <i>Young</i> .
Mr. <i>Dalrymple</i> ,	

PRAYERS.

READ the proceedings of yesterday.

Mr. *Brecken*, from the Committee appointed to inquire into, and report upon the present practice of the Imperial Parliament, as regards the right or claim of the House of Lords to originate Bills containing Penalties or Forfeitures, presented to the House a Report, which he read in his place, and is as follows, viz:

Your Committee appointed by this House, by Resolution, to inquire into the present practice of the Imperial Parliament, as regards the right or claim of the House of Lords in originating Bills containing Penalties or Forfeitures, or in altering or varying the same, having carefully examined several volumes of the late Journals of the House of Lords, do report as follows:

That the Bill, intituled ‘An Act for regulating Schools of Anatomy,’ passed in the Third year of the late King William the Fourth, per Lord’s Journals, Vol. 64, page 395, was amended by the Lords, by inserting the following clause:—

Pr. 12, L. 29—Leave out from “person” to “and,” in Press 13, line 17, and insert “offending against the provisions of this Act, in England or Ireland, shall be deemed and taken to be guilty of misdemeanor, and being duly convicted thereof, shall be punished by Imprisonment, for a term not exceeding three months, or by a fine not exceeding Fifty Pounds, at the discretion of the Court before which he shall be tried; and any person offending against the provisions of this Act in Scotland, shall, upon being duly convicted of such offence, be punished by imprisonment for a term not exceeding three months, or by a fine not exceeding Fifty Pounds, at the discretion of the Court before which he shall be tried.”

And which clause was agreed to by the Commons.

Also, that the Bill, intituled ‘An Act for the better regulation of Chimney Sweepers, and their Apprentices,’ passed in the Fifth year of the late King William the Fourth, per Lords Journals, Vol. 66, page 817 and 818, containing several clauses imposing Penalties, and directing their modes of recovery, which clause is as follows:—

Clause (F.)—And be it further enacted, by the authority aforesaid, That if any such Master or Mistress shall misuse, or evil treat his or her Apprentice, or if the said Apprentice shall have any just cause to complain of the forfeiture or breach of any of the covenants, provisos or agreements to be expressed and contained in such Indenture, made and written out according to the form in the Schedule hereunto annexed, on the part and behalf of such Master or Mistress, then and in such case such Master or Mistress being convicted thereof, in manner hereinafter mentioned, shall forfeit and pay for every such offence any sum not exceeding Ten Pounds, nor less than Forty Shillings.

L. Ult.—After “least,” insert “upon pain of forfeiture by the owner of such Chimney or Flue, of the sum of One hundred Pounds, to be recovered, with full costs of suit, by any person who shall sue for the same in any of His Majesty’s Courts of Record at Westminster.”

Also, that the Bill, intituled ‘An Act to amend the Law relating to Loan Societies in Ireland,’ passed in the Seventh year of the Reign of the late King William the Fourth, per Lord’s Journals, Vol. 68, page 734, contains the following amendment by the Lords, which imposes not only a penalty, but also appropriates it:—

L. 26—Leave out from “Borrower” to “and,” in press 15, line 15, and insert “from such Loan Fund Society; and in case any such Clerk, Officer or Servant shall offend herein, he shall be liable to a penalty of Twenty Pounds, to be recovered by the Treasurer or Clerk for the time being, in the same manner as is herein-before provided for the recovery of any Loan granted by such Society; the said penalty, when recovered, to be applied in aid of the funds of such Society.”

Pr. 15, L. penult.—Leave out “Trustee managing.” *Pr. 16, L. 1*—Leave out from “Society” to “shall,” in line 2, and insert “who shall offend herein;” and in line 2, leave out from “shall” to “sum,” in line 4, and insert “forfeit the;” and in line 4, leave out from “Pounds” to “and,” in press 17, line 25, and insert “to be recovered by the Treasurer or Clerk for the time being, in the same manner as is herein-before provided for the recovery of any Loan granted by such Society—the said penalty, when recovered, to be applied in aid of the Funds of the Society.”

And which was agreed to by the Commons.

Also, that the Bill, intituled “An Act for the regulation of Municipal Corporations, and Borough Towns in Ireland, per Lords Journals, Vol. 76, page 551, passed with amendments, which contain penalty clauses, as follow:—

Clause (F.)—And be it enacted, That if any such Mayor or Town Clerk shall neglect to perform the duties hereinbefore described, such Mayor or Town Clerk shall forfeit the sum of Twenty Pounds to Her Majesty, to be recovered by Action in any one of the Superior Courts at Dublin, or by Civil Bill, in any Court of Record having jurisdiction within such Borough respectively.

Clause (G.)—And be it enacted, That if any person or persons shall wilfully or maliciously pull down, deface, obliterate, injure, conceal, or destroy any such Boundary marks as aforesaid, such person or persons shall, for every such offence, forfeit and pay, in addition to the value of such Boundary mark or marks as aforesaid, any sum not exceeding Forty Shillings—to be recovered, paid and levied according to the provisions in this Act contained, relative to offences against this Act punishable upon summary conviction.

Which clauses were agreed to by the Commons, per Second Volume, page 669.

Also, that the Bill, intituled ‘An Act to abridge the holding of Benefices in Plurality, and to make better provision for the residence of the Clergy,’ passed in the Third year of the Reign of Her present Majesty, per Lord’s Journals, Liber 70, page 607, creates a grant of several Fees to an Officer therein named. The Clause is as follow:

And be it enacted, That every such Mortgagee shall execute a Counterpart of every such Mortgage, to be kept by the Incumbent for the time being; and a copy of every such Deed of Mortgage, shall be Registered in the office of the Registrar of the Bishop of the Diocese, after having been first examined by him with the original, which officer shall register the same, and be entitled to demand and receive the sum of Five Shillings, and no more, for such register; and every such Deed shall be referred to upon all necessary occasions, the person inspecting the same paying One Shilling for every such search; and the said Deed, or a copy thereof, certified under the hand of the Registrar, shall be allowed as legal evidence, in case any such Mortgage Deed shall happen to be lost or destroyed.

And which were agreed to by the Commons.

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Also, that the Bill, intituled 'An Act for the establishment of County and District Constables, by the authority of Justices of the Peace,' passed in the Third year of the Reign of Her present Majesty, per Lord's Journals, Vol. 71, page 631, contains five clauses imposing penalties, all of which were afterwards assented to by the Commons; one of which clauses, is as follows :

Clause B.—And be it enacted, That every Constable appointed under this Act, who shall be guilty of any neglect or violation of duty in his office of Constable, and shall be convicted thereof before any two Justices of the Peace for the County, shall be liable to a penalty of not more than Two Pounds; the amount of which penalty may be deducted from any Salary then due to such offender, or, in the discretion of the Justices by whom he shall be convicted, may be imprisoned, with or without hard labour, for any time not more than One calendar month.

Clause C.—And be it enacted, That no Constable appointed under this Act, shall be at liberty to resign his office, or to withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Chief Constable, or Superintendent, under whom he may be placed; or unless he shall give to such Chief Constable or Superintendent, One calendar month's notice of his intention; and every Constable who shall so resign or withdraw himself, without such leave or notice, shall be liable, on being convicted thereof, before any two Justices of the Peace for the County, to forfeit all arrears of pay then due to him, or to a penalty of not more than Five Pounds.

Your Committee further report, that in their searches they have found numerous instances of Penalties being originated in the House of Lords, but do not deem it requisite to report such instances specifically, conceiving the references above made to be sufficient.

On motion, Ordered, that the Report of the Committee be received.

On motion, the House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill to compel Constables to serve. After some time, the House was resumed, and Mr. *Solicitor General* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the title be "An Act to compel Constables to Serve."

Ordered, That Mr. *Solicitor General* have leave to absent himself for Ten days.

Ordered, That Mr. *Goodman* have leave to absent himself for one week.

Adjourned until Monday next, at Twelve o'clock.

MONDAY, 29th March, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,

The Hon. *Mr. Macnutt*,

Mr. Macintosh,

Mr. Holl,

Mr. Dalrymple,

Mr. Young.

PRAYERS.

READ the proceedings of Saturday.

Read a third time, as engrossed, the Bill, intituled "An Act to compel Constables to Serve."

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly, for their concurrence.

The *President* laid before the House a communication from the Honorable the Chief Justice, transmitting his opinion on the Bill, intituled "An Act for the regulation of Juries," as requested by this House—which was read.

See Appendix No. 14.

Adjourned until One o'clock to-morrow.

TUESDAY, 30th March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,

The Hon. *Mr. Macnutt*,

Mr. Dalrymple,

Mr. Young.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 31st March, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macnutt</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Young</i> .

PRAYERS.

READ the proceedings of Monday last.

The *President* informed the House that Indisposition prevents Mr. *Macintosh* from attending in his place.

Ordered, That Mr. *Macintosh's* excuse be received.

A Message from the House of Assembly, by the Hon. J. S. *Macdonald*, with the following Bills, agreed to, as amended by the Legislative Council, viz:

A Bill, intituled "An Act to prohibit the Interment of Human Bodies within the limits of the Town of Georgetown, and to establish Burial Grounds in the Common thereof."

A Bill, intituled "An Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force, regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein."

And also,

Mr. President,

The House of Assembly have agreed to the Amendment made by the Legislative Council, to the Bill, intituled "An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical Information therein mentioned," with an amendment, to which they desire the concurrence of the Legislative Council.

And also, with the following written Message:

Mr. President,

The House of Assembly desire a free Conference with the Legislative Council, on the amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season," and have appointed the same Committee who managed the last Conference thereon, a Committee to manage this free Conference.

On motion, the amendment proposed by the House of Assembly, to the amendment made by the Council, to the Bill, intituled "An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned," was read a first time, and is as follows:

In the Schedule—In the column, to follow that proposed to be amended by the Council, insert "number of persons who have re-paid the passage money to the Proprietors, or their Agents."

Adjourned until Two o'clock to-morrow.

THURSDAY, 1st April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macnutt</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Livett</i> ,	Mr. <i>Young</i> .

PRAYERS.

READ the proceedings of yesterday.

The *President* informed the House, that Indisposition prevents Mr. *Macintosh* from attending in his place.

Ordered, That Mr. *Macintosh's* excuse be received.

Read a second time, the amendment proposed by the House of Assembly to the amendment made by the Council, to the Bill, intituled "An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical Information therein mentioned."

On motion, the said amendment was read a third time.

Resolved, That this House do agree to the said amendment.

DISSENTIENT.

Mr. *Macdonald*,

Ordered, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to their amendment.

On motion, *Ordered*, that the Bill, intituled "An Act for the regulation of Juries," be read a second time on Saturday next.

Ordered, That Mr. *Macnutt* have leave to absent himself for one week.

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 2d April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Dalrymple</i> ,	

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 3d April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macdonald*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Thursday last.

The *President* informed the House, that Indisposition prevents Mr. *Macintosh* from attending in his place.

Ordered, That Mr. *Macintosh's* excuse be received.

The Order of the Day for the second reading of the Bill, intituled "An Act for the regulation of Juries," being read,

Ordered, That it be discharged, and that the same do stand as the Order of the Day for Thursday next.

On motion, *Ordered*, that a free Conference be agreed to, as is desired by the House of Assembly, on the amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season."

Ordered, That the same Committee who managed the last Conference thereon, be a Committee to manage this free Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference—and being returned, they reported the substance thereof to the House.

On motion, *Ordered*, that this House do adhere to their amendments made to the Bill, intituled "An Act to prevent the running at large of Neat Cattle in the Streets and Squares of Charlottetown, at certain seasons, and of Bulls at any season."

DISSENTIENT.

Mr. *Young*.

A Message from the House of Assembly, by Mr. *Le Lacheur*, with a Bill, intituled "An Act to amend the Act relating to Weights and Measures," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, *Ordered*, that a further free Conference be desired with the House of Assembly, on the subject matter of the last Conference.

Ordered, That the same Committee who managed the last free Conference, be a Committee to manage this further free Conference, to meet in the Committee Room on Tuesday next, at Two o'clock.

Ordered, That Mr. *Goodman* have leave to absent himself for one week.

Ordered, That Mr. *Brecken* have leave to absent himself on Monday next.

Adjourned until Monday next, at Twelve o'clock.

.....

MONDAY, 5th April, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Young*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

.....

TUESDAY, 6th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Saturday last.

Read a second time, the Bill, intituled "An Act to amend the Act relating to Weights and Measures."

On motion, the House was adjourned, during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

The said amendments were then read, and are as follow:

Folio 4, line 18—Strike out the words “ as also the Ninth Section.”

Same folio, line 20—Strike out the word “ are,” and insert the word “ is.”

Same folio, line 21—Strike out the word “ respectively.”

Folio 5, line 6—After the word “ shall,” insert the words “ except as in the Ninth Section of the above recited Act is provided.”

The said Amendments being read a second time, were agreed to by the House.

On motion, Ordered, that the said Amendments be engrossed, and that the said Bill, with the amendments, be read a third time to-morrow.

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled “ An Act relating to Schools, and for the encouragement of Education.”

A Bill, intituled “ An Act to suspend for a limited period an Act passed in the Fourth Year of His late Majesty’s Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes.”

Also, with the following written Message:

Mr. President,

The House of Assembly do agree to a further free Conference, as is desired by the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last free Conference, a Committee to manage this further free Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Read a first time, the Bill, intituled “ An Act relating to Schools, and for the encouragement of Education.”

Read a first time, the Bill, intituled “ An Act to suspend for a limited period an Act passed in the Fourth year of His late Majesty’s Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes.”

On motion, the following Resolution was agreed to:

Resolved, That the Hon. George Wright, Her Majesty’s Surveyor General of this Island, and William Cundall, Esq. two of the Commissioners for establishing the Boundary Lines of Townships, under the Act of the General Assembly of this Island, be summoned to give evidence at the Bar of this House, on Thursday, the 8th day of April instant, at Two o’clock, p. m., on a Bill passed by the House of Assembly, and now before this House, intituled “ An Act to suspend for a limited period, an Act passed in the Fourth year of His late Majesty’s Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes.”

On motion, the following Resolution was agreed to, viz:

Resolved, That the House of Assembly be requested to furnish this House with copies of the Examinations of the Surveyors taken by that House, or by a Committee thereof, on a Bill, intituled “ An Act to suspend for a limited period an Act passed in the Fourth Year of His late Majesty’s Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes,” passed by the House of Assembly, and now before this House.

Ordered, That the said Resolution be communicated by Message to the House of Assembly.

Resolved, That the Bill, intituled “ An Act relating to Schools, and for the encouragement of Education,” be Printed, and that the Printer be directed to furnish One hundred copies thereof with as little delay as possible, for the use of the Members of this House.

Adjourned until Twelve o’clock to-morrow.

.....

WEDNESDAY, 7th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

Pursuant to Order, the Bill, intituled “ An Act to amend the Act relating to Weights and Measures,” was read a third time, with the amendments.

Resolved, That the said Bill, with the amendments, do pass.

Ordered, That the said Bill, with the amendments, be sent down to the House of Assembly, for their concurrence.

Adjourned until Twelve o’clock to-morrow.

THURSDAY, 8th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Dalrymple</i> ,
Mr. <i>Worrell</i> ,	Mr. <i>Solicitor General</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Livett</i> ,	Mr. <i>Young</i> .

PRAYERS.

READ the proceedings of yesterday.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

MESSAGE.

C. A. FITZROY, Licut. Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to day, should adjourn to Monday the 12th instant.

Government House, 8th April, 1841.

The Order of the Day for the second reading of the Bill, intituled "An Act for the regulation of Juries," being read,

On motion, Ordered, that it be discharged, and that the said Bill be read a second time this day three months.

DISSENTIENT.

Mr. *Young*.

A Message from the House of Assembly, by Mr. Rae.

In the House of Assembly,
Wednesday, 7th April, 1841.

Resolved, That the Legislative Council be furnished with copies of the written Examinations of Alexander Anderson and James Stewart, Land Surveyors, before Special Committees of this House, with reference to the suspension of the Boundary Act.

For Examinations, See Appendix No. 15.

The Honorable George Wright, Her Majesty's Surveyor General, one of the Commissioners for establishing the Boundary Lines of Townships under the Act of the General Assembly of this Island, having appeared at the Bar, was examined touching the Bill now before this House, for suspending the operation of the above mentioned Act.

William Cundall, Esquire, one of the Commissioners for establishing the Boundary Lines of Townships under the Act of the General Assembly of this Island, having appeared at the Bar, was also examined touching the Bill now before this House, for the suspension of the above mentioned Act.

For Examinations, See Appendix No. 16.

Ordered, That Mr. *Holl* have leave to absent himself on Monday and Tuesday next.

In accordance with His Excellency the Lieutenant Governor's Message, the House adjourned until Monday the 12th instant, at Twelve o'clock.

MONDAY, 12th April, 1841.

The Council met, pursuant to adjournment;

PRESENT:

The HON. *Mr. Brecken,*
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,

The HON. *Mr. Dalrymple,*
Mr. Solicitor General,
Mr. Young.

PRAYERS.

IN the absence of the *President*, from Indisposition, *Mr. Brecken*, the senior Member present, took the Chair.

Read the proceedings of Thursday last.

Read a second time, the *Bill*, intituled "An Act relating to Schools, and for the encouragement of Education."

On motion, the *House* was adjourned, during pleasure, and put into a Committee on the said *Bill*. After some time, the *House* was resumed, and *Mr. Young* reported, that the Committee had made some progress therein, and they recommend that a Conference be desired with the *House of Assembly* on the subject matter thereof. *Mr. Young* further reported, that he was directed by the Committee to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be agreed to, and that the Committee have leave to sit again

Ordered, That *Mr. Dalrymple*, *Mr. Solicitor General*, and *Mr. Young*, be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, 13th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The HON. *Mr. Brecken,*
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,

The HON. *Mr. Livett,*
Mr. Dalrymple,
Mr. Solicitor General,
Mr. Young.

PRAYERS.

IN the absence of the *President*, from Indisposition, *Mr. Brecken*, the senior Member present, took the Chair.

Read the proceedings of yesterday.

Ordered, That *Mr. Goodman* have leave to absent himself for one week.

Mr. *Dalrymple*, by leave, presented a Petition from Robert Robertson, Teacher, in reference to the Bill now before this House, intituled "An Act relating to Schools, and for the encouragement of Education."

The said Petition was read, and ordered to lie on the table.

On motion, Ordered, that the said Petition be referred to a Committee of the whole, on the consideration of the said Bill.

Mr. *Macdonald*, by leave, presented a Bill against Forestallers and Reqraters, and the same was read a first time.

On motion, that the said Bill be read a second time.

The House divided:

CONTENTS.

The Acting President,

Mr. Worrell,

Mr. Macdonald,

Mr. Macintosh,

Mr. Livett,

Mr. Solicitor General.

NON-CONTENTS.

Mr. Dalrymple,

Mr. Young,

And it passed in the affirmative.

A Message from the House of Assembly, by Mr. D. Macdonald.

In the House of Assembly,

Saturday, 10th April, 1841.

Resolved, That a further Conference be desired with the Legislative Council, on the general State of the Colony.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference.

And also,

Mr. President,

The House of Assembly do agree to a Conference as is desired by the Legislative Council, on the Bill, intituled "An Act relating to Schools, and for the encouragement of Education," and have appointed Mr. Palmer, Mr. Thomson, Mr. Clark, Mr. Le Lacheur, Mr. Montgomery, and the Hon. J. S. Macdonald, a Committee to manage the said Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly, on the general State of the Colony.

Ordered, That Mr. *Macintosh*, Mr. *Livett*, and Mr. *Young* be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

The time appointed for holding a Conference with the House of Assembly, on the Bill, intituled "An Act relating to Schools, and for the encouragement of Education," having arrived, the names of the Managers being called over, they went to the Conference—and being returned, they reported that they had complied with the instructions given them by this House.

The time appointed for holding the further Conference with the House of Assembly, on the general State of the Colony, having arrived, the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had attended at the said Conference with the Committee of the House of Assembly, and that that Committee had informed them, that the House of Assembly had not "*exactly agreed*" to the Address, as sent down to them by this House, on the subject of the proposed purchase of the Lands of this Colony, and had handed to them a written paper, as their reasons on the subject, which paper being again read by the Clerk—

Resolved, That the same does not contain any reasons whatever for assenting to, or dissenting from the said Address, as sent down by this House to the House of Assembly, but on the contrary, appears to be another Address to Her Majesty, differing very materially from that agreed to by this House, and so sent down to the House of Assembly for their concurrence.

Resolved, That by the course adopted by the House of Assembly in this matter, this House is precluded from taking into consideration the said paper writing handed in by their Committee, to the Committee of this House, the same having been handed in as containing reasons of the House of Assembly, for not "*exactly agreeing*" to the Address proposed by this House: Whereas the same appears to be another Address to Her Majesty, differing materially from the one sent down to the House of Assembly for their concurrence; and which, to enable this House to consider in a proper and Parliamentary mode, should have been delivered in at the said Conference, as amendments proposed by the House of Assembly, to the Address sent down to them by this House for their concurrence.

On motion, Ordered, that a free Conference be desired with the House of Assembly on the general State of the Colony.

Ordered, That the same Committee who managed the last Conference thereon, be a Committee to manage this free Conference, to meet in the Committee Room instantly.

Ordered, That the Committee on the part of this House be instructed to state to the Committee of the House of Assembly, that the Council desire to know whether the House of Assembly have agreed to join in the Address to Her Majesty, sent down by the Council, on the subject of the purchase of the Lands of this Island, by the Imperial Government.

A Message from the House of Assembly, by Mr. Rae.

Mr. President,

The House of Assembly do agree to a free Conference, as is desired by the Legislative Council, on the general State of the Colony, and have appointed the same Committee who managed the last Conference thereon, a Committee to manage this free Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

A Message from the House of Assembly, by Mr. Rae.

Mr. President,

The House of Assembly desire a further free Conference with the Legislative Council, on the subject matter of the last free Conference, and have appointed the same Committee

who managed the last free Conference, a Committee to manage this further free Conference.

On motion, Ordered, that a further free Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last free Conference, be a Committee to manage this further free Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had met the Committee on the part of the House of Assembly, who handed them a paper writing, which was read by the Clerk, and is as follows:

The House of Assembly do agree to join the Legislative Council in the Address to the Queen, on the subject of purchasing the Lands of this Colony, as amended by this House, and as conveyed to the Legislative Council in Conference.

The House then came to the following Resolution:

Resolved, That no amendments to the Address sent down by this House, to the House of Assembly for their concurrence, have been conveyed to this House in Conference, as mentioned in the foregoing statement handed to the Committee of this House, by the Committee of the House of Assembly; on the contrary, what is called by the House of Assembly, amendments to the said Address, is a new and distinct Address, and in many material respects, entirely different from the Address sent down to them by this House; and that it is, and always hath been the usual Parliamentary course of procedure in this Colony, founded on the practice of the Imperial Parliament, where amendments are made by either House to any measure sent to them by the other House for their concurrence, to head the same, by stating them to be amendments proposed to the measure, whatever the same may be, and by desiring to strike out certain lines or words, and to insert other words instead thereof, or otherwise, as the case may seem to require, and to desire the concurrence of the other House, to such proposed amendments.

Mr. Solicitor General, by leave, presented a Bill to regulate and declare the qualifications of Jurors, and the same was read a first time.

On motion, the said Bill was read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House to-morrow.

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 14th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,
Mr. Worrell,
Mr. Macdonald,
Mr. Dalrymple,

The Hon. *Mr. Macnutt*,
Mr. Solicitor General,
Mr. Young.

PRAYERS.

IN the absence of the *President*, from Indisposition, *Mr. Brecken*, the senior Member present, took the Chair.

Read the proceedings of yesterday.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill to regulate and declare the qualifications of Jurors. After some time, the House was resumed, and *Mr. Solicitor General* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the title be "An Act to regulate and declare the qualifications of Jurors."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill against Forestallers and Regraters. After some time, the House was resumed, and *Mr. Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

On motion, that the Report of the Committee be agreed to, the House divided:

CONTENTS.

The Acting President,
Mr. Worrell,
Mr. Macdonald,
Mr. Macnutt,
Mr. Solicitor General,

NON-CONTENTS.

Mr. Dalrymple,
Mr. Young.

And it passed in the affirmative.

Ordered, That the said Bill be engrossed, and that the title be "An Act against Forestallers and Regraters."

A Message from the House of Assembly, by *Mr. Palmer*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill, intituled "An Act to continue an Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment."

A Bill, intituled "An Act further to continue for one year the Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

And also, a Bill, intituled " An Act further to continue for One year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island."

Also, with the following written Message:

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill, intituled " An Act relating to Schools, and for the Encouragement of Education," and have appointed the same Committee who managed the last Conference thereon, a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

Mr. *Macnutt*, by leave, presented a Petition from the Trustees of the Princetown Royalty District School, praying that this House will not sanction the grant of any allowance to Alexander Rae, Teacher, in that neighbourhood.

The said Petition was read, and ordered to lie on the table.

Read a first time, the following Bills, viz:

A Bill, intituled " An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment."

A Bill, intituled " An Act further to continue for One year the Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

A Bill, intituled " An Act further to continue for One year, and further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island."

On motion, the said Bills were severally read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled " An Act relating to Schools, and for the encouragement of Education." After some time, the House was resumed, and Mr. *Young* reported, that the Committee had made further progress therein, and they recommend that the said Bill be referred to a Special Committee to report thereon, with all convenient speed.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Macintosh*, Mr. *Dalbrymple*, Mr. *Solicitor General*, and Mr. *Young* be a Committee for that purpose.

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 15th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken,*
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Dalrymple,

The Hon. *Mr. Macnutt,*
Mr. Solicitor General,
Mr. Holl,
Mr. Young.

PRAYERS.

IN the absence of the *President*, from Indisposition, *Mr. Brecken*, the senior Member present, took the Chair.

Read the proceedings of yesterday.

The *Acting President* informed the House, that Indisposition prevents *Mr. Livett* from attending in his place.

Ordered, That *Mr. Livett's* excuse be received.

On motion, that the Bill, intituled "An Act against Forestallers and Regraters," be read a third time, as engrossed.

It was moved, as an amendment, that the said Bill be read a third time this day three months.

The House divided on the motion of amendment:

CONTENTS.

Mr. Dalrymple,
Mr. Young.

NON-CONTENTS.

The Acting President,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Macnutt,
Mr. Solicitor General.

And it passed in the negative.

The question being put on the original motion,

The House again divided, and it passed in the affirmative.

On motion, that the said Bill do pass, the question being put, the House divided, and it passed in the affirmative.

Ordered, That the said Bill be sent down to the House of Assembly for their concurrence.

Read a third time, as engrossed, the Bill, intituled "An Act to regulate and declare the qualifications of Jurors."

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly, for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island." After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time.

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue the Act for the more effectual Punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment." After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with a certain amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

The said amendment was read, and is as follows:

Folio 2, line 2—Strike out the word "One," and insert the word "Five."

The said Amendment being read a second time, was agreed to by the House.

On motion, Ordered, that the said Amendment be engrossed.

On motion, the said Bill, with the amendment, was read a third time.

Resolved, That the said Bill, with the amendment, do pass.

Ordered, That the said Bill, with the amendment, be sent down to the House of Assembly for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act further to continue for One year, and further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island." After some time, the House was resumed, and Mr. *Macnutt* reported, that the Committee had made some progress therein, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof; and further, that he was directed by the Committee to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Macintosh*, Mr. *Solicitor General* and Mr. *Young* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

A Message from the House of Assembly, by Mr. *Rae*.

Mr. President,

The House of Assembly do agree to a Conference as is desired by the Legislative Council, on the Bill, intituled "An Act further to continue for One year, and further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a

Revenue in this Island;" and have appointed Mr. Rae, Mr. Fraser, the Hon. J. S. Macdonald, Mr. Clark, Mr. D. Macdonald and Mr. J. Dingwell, a Committee to manage the said Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Mr. *Macdonald*, by leave, presented a Bill for regulating the Fisheries in the different Rivers, Coves and Creeks of this Island," and the same was read a first time.

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 16th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Livett,

The Hon. *Mr. Dalrymple*,
Mr. Macnutt,
Mr. Solicitor General,
Mr. Holl,
Mr. Young.

PRAYERS.

IN the absence of the *President*, from Indisposition, Mr. *Brecken*, the senior Member present, took the Chair.

Read the proceedings of yesterday.

Read a second time, the Bill, intituled "An Act for regulating the Fisheries in the different Rivers, Coves and Creeks of this Island."

On motion, Ordered, that the said Bill be committed to a Committee of the whole House to-morrow.

Mr. *Solicitor General*, from the Special Committee to whom was referred the Bill, intituled "An Act relating to Schools, and for the encouragement of Education," reported that the Committee had carefully gone through the Bill, and that they had made several amendments thereto.

On motion, Ordered, that the Report of the Committee be received.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Report. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

Adjourned until Eleven o'clock to-morrow.

SATURDAY, 17th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*,

Mr. *Macdonald*,

Mr. *Solicitor General*,

Mr. *Macintosh*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

On motion, Ordered, that a further free Conference be desired with the House of Assembly on the general State of the Colony.

Ordered, That Mr. *Brecken*, Mr. *Solicitor General* and Mr. *Young* be a Committee to manage this further free Conference, to meet in the Committee Room instanter.

A Message from the House of Assembly, by Mr. *Rae*.

Mr. President,

The House of Assembly do agree to a further free Conference, as is desired by the Legislative Council, on the general State of the Colony, and have appointed the same Committee who managed the last free Conference, a Committee to manage this further Conference.

On motion, Ordered, that the managers on the part of this House be instructed to state to the managers on the part of the House of Assembly, that the Legislative Council desire to know whether the House of Assembly have agreed to join in the Address passed by the Council, on the subject of the purchase of the Lands of this Island, by the Imperial Government, as sent down to the House of Assembly, as the Council do not deem the reply given by the managers, on the part of the House of Assembly, at the former free Conference, to be an answer expressing either assent or dissent.

Thereupon the names of the managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

The Order of the Day for the House in Committee on the Bill for regulating the Fisheries in the different Rivers, Coves or Creeks of this Island," being read—

On motion, that the House do now go into the Order of the Day, it was moved, as an amendment, that it be discharged, and that the same do stand as the order of the day for this day three months.

The question being put, the House divided, and it passed in the affirmative.

Mr. *Brecken* presented the draft of an Address to His Excellency the Lieutenant Governor, which he read in his place, and is as follows:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, Knight of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief, in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency ;

We Her Majesty's dutiful subjects, the Legislative Council of Prince Edward Island, in General Assembly convened, respectfully request that your Excellency will be pleased to inform this House whether any answer has been received to their Address to Her Majesty of the 24th April last, on the subject of the mode now practiced by the House of Assembly, of voting the Supplies to the Crown; and if any reply has been received, that your Excellency will be pleased to communicate the same to this House.

On motion, the said Address was agreed to, and ordered to be engrossed.

Ordered, That Mr. *Brecken* and Mr. *Macdonald* be a Committee to wait upon His Excellency with the said Address.

Mr. *Macdonald* presented the Draft of an Address to His Excellency the Lieutenant Governor, which he read in his place, and is as follows:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, Knight of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

We Her Majesty's dutiful subjects, the Legislative Council of Prince Edward Island, in General Assembly convened, respectfully request that your Excellency will be pleased to inform this House whether Her Majesty's Government has communicated to your Excellency any instructions on the subject of the Fishery Reserves in this Island, since the last Session; and if any have been received, that your Excellency will be pleased to communicate the same, or such part thereof as your Excellency may deem proper, to this House.

On motion, the said Address was agreed to, and ordered to be engrossed.

Ordered, That Mr. *Macdonald* and Mr. *Young* be a Committee to wait upon His Excellency with the said Address.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act relating to Schools, and for the encouragement of Education." After some time, the House was resumed, and Mr. *Young* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again on Monday next.

On motion, *Ordered*, that the Report of the Committee be received, and leave granted.

Adjourned until Monday next, at Twelve o'clock.

MONDAY, 19th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Macintosh*,

Mr. *Livett*,

The Hon. Mr. *Dalrymple*,

Mr. *Macnutt*,

Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of Saturday.

A Message from the House of Assembly, by Mr. Rae.

Mr. President,

The House of Assembly desire a further free Conference with the Legislative Council, on the general State of the Colony, and have appointed the same Committee who managed the last Conference, a Committee to manage this further free Conference.

On motion, Ordered, that a further free Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last free Conference, be a Committee to manage this further free Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported, that they had met the managers on the part of the House of Assembly, who handed them a paper writing, which was read by the Clerk, and is as follows:

The House of Assembly see no occasion to vary or modify in any particular, the answer already given by this House to the Legislative Council in Conference, relative to the proposed Joint Address to the Queen, on the subject of the purchase of the Lands of this Island, by the Imperial Government.

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with a Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty-one," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act relating to Schools, and for the encouragement of Education." After some time, the House was resumed, and Mr. Young

reported, that the Committee had gone through the Bill, and that they had made several amendments thereto; and further, that the Committee recommend that a Conference be desired with the House of Assembly on the subject matter of the said Bill.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Macintosh*, Mr. *Solicitor General*, Mr. *Holl* and Mr. *Young* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at half-past Two o'clock.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, 20th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macnutt*,

Mr. *Worrell*,

Mr. *Solicitor General*,

Mr. *Macdonald*,

Mr. *Holl*,

Mr. *Dalrymple*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

Ordered, That Mr. *Goodman* have leave to absent himself until Saturday next.

A Message from the House of Assembly, by Mr. *D. Macdonald*, with the following Bills, agreed to, as amended by the Legislative Council, viz:

A Bill, intituled "An Act to continue an Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment."

A Bill, intituled "An Act to amend the Act relating to Weights and Measures."

Also, with the following written Message:

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the Bill, intituled "An Act further to continue for One year, and further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island;" and have appointed the same Committee who managed the last Conference thereon, a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to this House.

Read a second time, the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty-one.

A Message from the House of Assembly, by Mr. D. Macdonald.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act relating to Schools, and for the encouragement of Education," and have appointed Mr. D. Macdonald, Mr. Clark, Mr. Montgomery, Hon. J. S. Macdonald, Mr. Hudson, Mr. Dalziel, Mr. Thomson, and Mr. Macneill, a Committee to manage this further Conference.

And the names of the managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

On motion, Ordered, that the Bill, intituled "An Act to suspend for a limited period an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes," be read a second time to-morrow.

On motion, Ordered, that the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," be read a second time to-morrow.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again to-morrow.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

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WEDNESDAY, 21st April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Worrell*,

Mr. *Macdonald*,

Mr. *Livett*,

Mr. *Dalrymple*,

The Hon. Mr. *Macnutt*,

Mr. *Solicitor General*,

Mr. *Holl*,

Mr. *Young*.

PRAYERS.

READ the proceedings of yesterday.

Mr. Brecken, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address, praying that His Excellency would be pleased to inform this House whether any reply had been received from Her Majesty's Government, to the Address of this House to Her Majesty, of the 24th April last, on the mode adopted by the House of Assembly in sending up the Appropriations, reported, that they had waited on His Excellency, who was pleased to say that he had not received any reply to the said Address.

Mr. Macdonald, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that his Excellency would be pleased to inform this House, whether any instructions had been received from Her Majesty's Government, relative to the Fishery Reserves in this Island, since the last Session, reported, that they had waited on His Excellency, who was pleased to say that he had not received any further instructions on the subject.

Mr. Brecken presented the draft of an Address to His Excellency the Lieutenant Governor, which he read in his place, and is as follows:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, Knight of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief, in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency ;

The Legislative Council at its last Session having voted an humble Address to Her Majesty, on the subject of the mode now practised by the House of Assembly, in embodying in one Bill the whole of the Supplies granted for the service of the current year, and no reply having been received thereto, most respectfully request that your Excellency will be pleased to exert your influence in the proper quarter, to obtain an early answer to the prayer of the said Address.

On motion, the said Address was agreed to, and ordered to be engrossed.

Ordered, That **Mr. Brecken** and **Mr. Macdonald** be a Committee to wait upon His Excellency with the said Address.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and **Mr. Holl** reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, *Ordered*, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by **Mr. D. Macdonald**.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference thereon, a Committee to manage this further Conference.

On motion, *Ordered*, that a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference thereon, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House..

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled “ An Act relating to Schools, and for the encouragement of Education.” After some time, the House was resumed, and Mr. *Young* reported, that the Committee had made further progress therein, and they recommend that a further Conference be desired with the House of Assembly on the subject matter thereof. And further, that he was directed to move that they may have leave to sit again.

On motion, *Ordered*, that the Report of the Committee be agreed to.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room instanter.

The Order of the Day for the second reading of the Bill, intituled “ An Act to suspend for a limited period an Act passed in the Fourth year of His late Majesty’s Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes,” being read—On motion, that it be discharged, and that the same do stand as the Order of the Day for this day three months.

The House divided:

CONTENTS.

The President,
Mr. Brecken,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Holl.

NON-CONTENT.

Mr. Young.

Mr. *Solicitor General*, with leave of the House, having previously retired, before the question was put.

And it passed in the affirmative.

A Message from the House of Assembly, by Mr. D. Macdonald.

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported, that they had complied with the instructions given them by this House.

Adjourned until Twelve o’clock to-morrow.

THURSDAY, 22d April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macnutt*,

Mr. *Worrell*,

Mr. *Solicitor General*,

Mr. *Macdonald*,

Mr. *Holl*,

Mr. *Livett*,

Mr. *Young*.

Mr. *Dalrymple*,

PRAYERS.

READ the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act further to continue for One year, and further amend an Act passed in the Seventh year of His late Majesty's Reign, for raising a Revenue in this Island." After some time, the House was resumed, and Mr. *Macnutt* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time, and passed.

Ordered, That the said Bill be sent down to the House of Assembly.

On motion, Ordered, that the Members of this House be summoned for to-morrow.

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 23d April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. <i>Mr. Brecken</i> ,	The Hon. <i>Mr. Dalrymple</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Macnutt</i> ,
<i>Mr. Macdonald</i> ,	<i>Mr. Solicitor General</i> ,
<i>Mr. Macintosh</i> ,	<i>Mr. Holl</i> ,
<i>Mr. Livett</i> ,	<i>Mr. Young</i> .

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. D. Macdonald.
Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

On motion, Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance of the Conference to the House.

Mr. *Brecken*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of this House, praying that His Excellency will be pleased to exert his influence in the proper quarter, to obtain an early reply to the Address of this House, to Her Majesty, of the 24th of April last, reported that they had waited on His Excellency, who was pleased to say, that he would comply with the request of the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made further puogress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act relating to Schools, and for the encouragement of Education." After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time.

On motion, that the said Bill do pass, the House divided:

CONTENTS.

Mr. Brecken,
Mr. Worrell,
Mr. Macintosh,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Solicitor General.
Mr. Young.

NON-CONTENT.

The President.
Mr. Macdonald,
Mr. Livett,
Mr. Holl.

And it passed in the affirmative.

DISSENTIENT.

1. BECAUSE, This Bill authorizes two thirds of the Inhabitants of any School District, to assess the remaining one third for the support of a School therein, "according to the number of their children and ability in circumstances"—of which ability, the said two thirds of the Inhabitants, by the said Bill, are to be the Judges—this power of assessment, we conceive, to combine a power of levying both a Property and Income Tax, and to be (particularly in the latter case) repugnant to the feelings and unsuited to the circumstances, of the people of this Colony; and also to be the introduction of a principle of direct taxation, novel in this Colony, and which may hereafter be drawn into a precedent for further carrying out such a principle for other purposes.

2. BECAUSE, This Bill enables two thirds of the Inhabitants of any District to assess the remaining one third, for the support of a Schoolmaster of the highest Class, although they may be desirous of employing one of the lowest Class, as more suited to their pecuniary means, and which is, in effect, putting it in the power of the richer and more influential Inhabitants of any District to compel the poorer Inhabitants to contribute to the support of a system of Education, opposed alike both to their wishes and circumstances.

3. BECAUSE, By this Bill, parents of female children may be assessed for such children, towards the support of District Schools, at which children of both sexes are to be taught, although such parents under the restraint of proper feelings and principles, may not permit their female children to attend such Schools; and because, even if the principle of assessment, in such cases, could be defended, yet inasmuch as parents of female children are liable under this Bill, to be assessed for the support of Schools, in which the Latin language and other higher branches of education may be taught, not in general deemed necessary for females, we conceive the provisions of the said Bill, in this respect, to be arbitrary and oppressive.

4. BECAUSE, This Bill reduces the present government allowance to Schoolmasters, the evident tendency of which, in our opinion, must be to lower the character of Schoolmasters in this Colony, and ultimately to introduce therein, persons of inferior attainments for such situations.

R. HODGSON,
 JOHN LIVETT,
 JOHN M. HOLL.

Further Dissentient.

BECAUSE, No guarantec is offered by this Bill that the principles of the Christian Religion (so far as may be practicable, without interfering with the peculiar tenets of any denomination of Christians) shall be recognised in the instruction of youth.

JOHN M. HOLL.

On motion, Ordered, that the Members of this House be summoned for to-morrow.

Adjourned until Eleven o'clock to-morrow.

SATURDAY, 24th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,

The Hon. *Mr. Macnutt*,

Mr. Worrell,

Mr. Solicitor General,

Mr. Macdonald,

Mr. Holl,

Mr. Macintosh,

Mr. Young.

Mr. Dalrymple,

PRAYERS.

READ the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

Pursuant to Order, the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. *Rae*, with a Bill intituled "An Act to suspend for a limited period, in regard to certain Townships, certain parts of an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes therein mentioned," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that the said Bill be read a second time on Monday next.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

The said amendments were then read, and are as follow:

Folio 8, line 2—Strike out from the word “pursuance” to the word “Fishery,” in folio 32, line 5. both inclusive, and insert—

“And be it further enacted, That in all cases where any person or persons, who at the time of the passing of this Act, shall be in the *bona fide* possession or occupation of any of the said Fishery Reserves, either by virtue of any Deed, Grant, Lease, or Agreement for Lease, or other Conveyance, from any original Grantee, his Heirs or Assigns, every such person or persons, their Heirs, Executors, Administrators or Assigns, shall be, and they are hereby confirmed in their several possessions and occupations as aforesaid—subject nevertheless to the right reserved for a free Fishery for all Her Majesty’s subjects, as hereinafter provided, under the following limitation and restriction (that is to say)—that no portion of the said Reserve which shall be occupied by any Building of any description, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, or on the front side or end nearest the Coast of any Building, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, or within the space of Sixty feet of any other side or end of any Building, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, as aforesaid, shall be liable to be occupied for the purpose of carrying on the said Fishery during the continuance of the term for which such person or persons shall be in such *bona fide* possession or occupation as aforesaid.”

“And whereas great mischief and inconvenience may result from permitting persons wrongfully in possession of parts of the said Reserves, to hold the same against the Proprietor, Lessor or Owner of the Lands adjacent to, and in the rear thereof, notwithstanding such persons may be liable to be ejected or removed from such Lands in rear thereof:—For the preventing of which, be it therefore enacted, That whenever any Proprietor, Lessor or Owner of Lands immediately in rear and adjacent to the said Fishery Reserves, shall, would or may be able to maintain an action against the Tenant or Tenants, Occupier or Occupiers of such Lands, for recovering the possession thereof, such Proprietor, Lessor or Owner shall also have a right to enter into or maintain an action against such or any Tenant or Tenants, Occupier or Occupiers, having or being in possession of any part or parts of the said Reserves, adjacent to and in front of such Lands, unless such Tenant or Tenants, Occupier or Occupiers, shall shew a good and legal right and title thereto, or to the possession thereof:—And in like manner, be it further enacted, That whenever any Rent shall be due and in arrear, for and in respect of any Lands adjacent to, and in the rear of the said Reserves, and the Lessor or Landlord thereof shall be entitled to distrain therefor on such Lands, it shall and may be lawful for such Lessor or Landlord to enter upon any part or parts of the said Reserve, and distrain thereon, for the purpose of satisfying such arrears of Rent, although by virtue of this Act, such may be only due and in arrear in respect of or chargeable on the Land adjacent to, and in rear of the part of the said Reserves upon which such entry may be so made, or distress taken: Provided, that the person or persons in possession of the part of the said Reserves, into which such Lessor or Landlord shall go, enter or distrain, be Tenant or Tenants, Occupier or Occupiers of the Land adjacent to and in rear thereof, and in respect of which such Rent shall have accrued due: And further provided always, that nothing in this clause contained shall extend, or be construed to extend, to give any right of action or suit against or in any way to enable or empower any Proprietor, Lessor or Owner, to disturb, injure or molest any person or persons in the possession of, or occupying any part of, the said Reserves for fishing purposes, according to and under the provisions of this Act, or to extend, or be construed to extend, to affect, change, alter, take away, or in anywise interfere with the right of Her Majesty, her Heirs and Successors, to the whole, or any part, of the said Reserves; but that as between Her Majesty, Her Heirs, Successors, and such Proprietors, Lessors or Owners, the right to the said Reserves shall stand and be in the same plight and condition as if this clause had not been enacted.”

“And be it further enacted, That where any Land that may be bounded by the sea coast of this Island has been granted or sold by the Crown, or on behalf of the Crown, or by the authority of the Act of the General Assembly, intituled “An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands, in pieces or parcels not exceeding Three hundred acres in one piece or parcel, without any allowance or deduction having been made for the said Reservation in the said Grants or Deeds, then, and in such case, such Grantee or Feoffee shall not be liable or subject to the said Reservation, but shall retain the same, and keep possession thereof, peaceably and quietly, the same as if this Act had not been made.”

“ And whereas it is not reasonable or just that the Freeholders and Tenantry of this Island should be harassed with frequent and expensive litigation, if it can be prevented; but it is nevertheless probable, that in consequence of the numerous disputes and controversies likely to occur, as to the extent of the said Fishery Reserves, they will be exposed to the same, unless the extent of the said Reserves be in some way defined and ascertained—For remedying of which, and for the preventing of harassing and ruinous litigation, be it therefore further enacted, That as soon as conveniently may be, after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief, by and with the advice of Her Majesty’s Executive Council, to appoint three fit and proper persons (of whom the Surveyor General of this Island for the time being shall be one), to be Commissioners for ascertaining and settling the extent of the said Fishery Reserves, in the manner hereinafter directed; which said Commissioners (being first duly sworn, before some Judge of the Supreme Court of this Island, well and faithfully to discharge the duties of their office, according to the best of their skill and judgment) shall within Twelve Months after their appointment, examine the Headlands or Entrances of the several harbours or inlets on the coasts of this Island, and define and settle the same, by declaring what respective headlands or points shall be considered and held to form the mouth or entrance of such harbours or inlets respectively: And the said Commissioners shall thereupon make a Report and Plan of their proceedings, under their hands, clearly pointing out and specifying the respective headlands or points so defined and settled by them as aforesaid, and shall file the same in the office of the Surveyor General of this Island—which Plan or Report, so filed as aforesaid, shall be received and taken as conclusive evidence of the proceedings of said Commissioners, in all the Courts of this Island; and that none of the said Fishery Reserves shall be held or construed to extend or come within the Mouth or Entrance of any harbour or inlet, on the coast of this Island, beyond such respective headlands or points so defined and settled as aforesaid: And in case of the death, absence or removal of any of the said Commissioners, before the whole duty of their office shall have been completed, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty’s Executive Council, to appoint another or others in the place of such Commissioner or Commissioners so dying or being absent, or removing. Provided always, that the power of the said Commissioners shall not extend to declare any of the Marshes or Sandhills, or any part thereof, on the coasts of this Island, to be within the said Fishery Reserves; but the same are hereby declared not to extend to the said Marshes or Sandhills, or any part thereof—anything in the Reservations contained in the said Grants from the Crown of the respective Townships or Islands belonging thereto, to the contrary thereof, in any wise notwithstanding.”

“ And be it further enacted, That as soon as may be, after the said Commissioners shall have made a Report and Plan of their proceedings as aforesaid, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty’s Executive Council, to appoint two or more persons, as Conservators of Fishery Reserves, in each of the Counties of this Island, who shall have full power and authority to enter into, examine, lay off and admeasure any parts of the said Reserves, in their respective Counties, in such form and manner as are hereinafter directed by this Act.”

“ And be it further enacted, That when and as often as any person or persons shall be desirous of obtaining any part or parts of any of the said Fishery Reserves, for the purpose of carrying on a free Fishery, he shall apply to one or more of the Conservators appointed for the County in which such Reserve is situated, (which application shall be made in writing, on or before the First day of *April*, in each and every year), and shall also make and subscribe the affidavit to this Act annexed, marked (A.) before the said Conservator, who is hereby empowered and required to administer the Oath and attest the same; whereupon the said Conservator is authorized and directed to proceed, without unnecessary delay, to examine the particular part of the said Fishery Reserve which the said applicant is desirous

of obtaining; and if the said Conservator shall be of opinion that the said situation, so applied for, be eligible for the purpose for which it is required, he shall thereupon lay off a proportion of the said Fishery Reserve, to the extent to which the said applicant may be entitled, as is herein-after provided; and shall grant a certificate, under his hand, stating the name of the person, if any, in the possession thereof, and describing the Boundaries, and the area thereof, and whether the same is in a cultivated or wilderness state—which certificate shall be furnished to the person or persons applying for the said Fishery Reserve, who is thereupon required to serve a copy of the same at the Dwelling House of the person in possession of the same, if any; and within ten days next after such service, it shall and may be lawful for the said person or persons, to whom the said certificate of the said Conservator is granted, to enter into possession, and occupy the said Fishery Reserve described in the said certificate, so long as it shall be required for the *bona fide* purpose of carrying on a free Fishery as aforesaid: and in such case the said Fishery Reserve shall be in a wilderness and unoccupied state, then it shall and may be lawful for the person or persons to whom the same has been allotted by the said Conservator, to enter into, take possession of, and occupy the same immediately upon the certificate from the said conservator being granted: Provided always, that if within four months next after granting such certificate, no possession or occupation shall have taken place by such person or persons obtaining the same, then the said certificate shall be void, and of no effect: Provided also, that in all cases where any person or persons shall consider himself or themselves aggrieved, by reason of any Station being selected and certified by any such Conservator, and which he or they shall consider ineligible or too extensive for the purposes required, then, and in such case, every such person shall have the right to appeal to the Supreme Court of Judicature, at any time within ten days after service of such Certificate, by giving to the said party applicant, notice in writing, of such his or their intention—which notice shall be in the form of the Schedule to this Act annexed, marked (B); and upon hearing evidence thereupon, the said Court is hereby authorized and empowered, in a summary way, either to confirm the said certificate, or vary or lessen the same, as to the said Court shall appear most conducive to the ends of justice, and in its discretion to give to either party such costs as the Court may award.”

“ And be it enacted, That no person or persons shall be deemed to be carrying on a Fishery, under the meaning of this Act, unless such person or persons shall keep at least one good and sufficient Boat, of not less than fourteen feet keel, properly equipped, and manned with at least three able-bodied men, and shall keep the same exclusively employed, for and during the space of Ninety days, between the First day of *May*, and the First day of *October*, in carrying on the Fishery; and that no person or persons shall occupy more than twenty feet of the front of the said reserved Lands for every male person.”

“ Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any of Her Majesty’s subjects engaged in fishing Mackerel, Herrings or Alewives, from drying his or their Nets, or from curing the fish so taken on any part of the said reserved Land, not being previously occupied for the purpose of carrying on the Fishery.”

“ And be it further enacted, That nothing in this Act contained shall be construed to prohibit or prevent any person or persons, who shall carry on a Fishery under the provisions of this Act, and who shall erect any Building or Buildings for that purpose on said Reserves, from removing such Building or Buildings, or from disposing, by himself or themselves, or his or their Heirs, Executors, Administrators or Assigns, of the said Building or Buildings, to any other person or persons who may continue to carry on said Fishery, as contemplated by this Act: Provided always, that if any such person or persons shall cease to carry on such a Fishery, between the First day of *May*, and the First day of *November*, in any year, or shall neglect to dispose of or remove such Building or Buildings, during the period aforesaid, then he or they shall forfeit the title of possession to such Premises, and the Buildings erected thereon, and the same may be occupied by any other person or persons, who shall, in the manner hereinbefore directed, have obtained the same for the purposes of the Fishery.”

“ And be it further enacted, That if any person or persons shall knowingly or wilfully make a false affidavit or oath, in any case wherein affidavits or oaths are required to be made or taken, under and by virtue of this Act, such person or persons, on due conviction thereof, shall be subject to the pains and penalties imposed by law upon persons guilty of wilful and corrupt perjury.”

SCHEDULE (A.)

“ I A. B. of in the County of do make Oath and say, that I am a British subject, and am desirous of embarking in the Fishing Trade of this Island, and intend to prosecute the same to such extent as I conceive will entitle me, under the provisions of the Act intituled *An Act for the regulation of the Fishery Reserves in this Island*, to a certain piece of Fishery Reserve Land, situate at on Township Number or Island, in the County of and fronting on and that I wish to obtain possession of the said piece of Land, for the *bona fide* purpose of carrying on the business of the Fishery, and such uses as are immediately connected therewith, and for no other use or purpose whatsoever.

Sworn at the }
 day of before me, }
 A. B. Conservator.”

SCHEDULE (B.)

“ Take notice, that I do appeal against the order made by the Conservator of Fishery Reserves, made in your favour, for a portion of the land in my occupation, situate on Township Number in the County of for that [*here insert the reasons of appeal*], and that it is my intention to move the Supreme Court, at its next sitting in the said County, to hear and determine the said appeal according to Law.

Dated this day of 184
 To Mr. C. D.

The said Amendments being read a second time, were agreed to by the House.

Ordered, That the said Amendments be engrossed.

On motion, Ordered, that the Members of this House be summoned for Monday next.

Adjourned until Eleven o'clock on Monday next.

MONDAY, 26th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. <i>Mr. Brecken</i> ,	The Hon. <i>Mr. Dalrymple</i> ,
<i>Mr. Goodman</i> ,	<i>Mr. Macnutt</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Solicitor General</i> ,
<i>Mr. Macdonald</i> ,	<i>Mr. Holl</i> ,
<i>Mr. Macintosh</i> ,	<i>Mr. Young</i> .
<i>Mr. Livett</i> ,	

PRAYERS.

READ the proceedings of Saturday.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

MESSAGE.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, dated the 3d of April, instant, in answer to the Joint Address of the Legislative Council and House of Assembly, congratulating Her Majesty upon the Birth of a Princess Royal.

Government House, 26th April, 1841.

The said Message and Despatch were read, and ordered to lie on the table.

See Appendix No. 17.

Read a third time, the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," with the amendments.

On motion, that the said Bill, with the amendments, do pass, the House divided:

CONTENTS.

The President,
Mr. Brecken,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Solicitor General.
Mr. Holl.

NON-CONTENT.

Mr. Young.

And it passed in the affirmative.

Ordered, That the said Bill, with the amendments, be sent down to the House of Assembly for their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof; and further, that he was directed to move that they may have leave to sit again.

On motion, *Ordered*, that the Report of the Committee be agreed to.

Ordered, That Mr. *Brecken*, Mr. *Macnutt*, Mr. *Solicitor General* and Mr. *Young* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

A Message from the House of Assembly, by Mr. *Rae*.

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and forty-one," and have appointed Mr. *Rae*, Mr. *Clark*, Mr. *Le Lacheur*, Mr. *Fraser*, Mr. *Palmer*, Hon. *J. S. Macdonald*, Mr. *Montgomery*, and Mr. *M'Lean* a Committee to manage the said Conference.

And the names of the managers being called over, they went to the Conference, and being returned, they reported, that they had complied with the instructions given them by this House.

The Order of the Day for the second reading of the Bill intituled "An Act to suspend for a limited period, in respect to certain Townships, certain parts of an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes," being read—

Ordered, That it be discharged, and that the same do stand as the Order of the Day for to-morrow.

On motion, the following Resolutions were agreed to:—

Resolved, That this House feels compelled to express their regret and disappointment at the refusal of the House of Assembly to join in the Address voted by this House to Her Majesty, on the subject of the purchase, by the Imperial Government, of the Lands of this Colony.

Resolved, That the said Address be forwarded to Her Majesty, as the Address of this House alone.

Resolved, That a Committee be appointed to prepare an Address to the Lieutenant Governor, praying His Excellency to forward the said Address, to be laid at the foot of the Throne.

Ordered, That Mr. *Brecken*, Mr. *Macdonald*, and Mr. *Holl* be a Committee for that purpose.

On motion, *Ordered*, that the Members of this House be summoned for to-morrow, at Twelve o'clock.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, 27th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. Attorney General, President;	
The Hon. Mr. Brecken, <i>Mr. Goodman,</i> <i>Mr. Worrell,</i> <i>Mr. Macdonald,</i> <i>Mr. Macintosh,</i> <i>Mr. Livett,</i>	The Hon. Mr. Dalrymple, <i>Mr. Macnutt,</i> <i>Mr. Solicitor General,</i> <i>Mr. Holl,</i> <i>Mr. Young.</i>

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Rae.

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference, a Committee to manage this further Conference.

Ordered, that a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Conference, to meet in the Committee Room instanter.

Ordered, That a Message be sent down to the House of Assembly, acquainting them therewith.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:

MESSAGE.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor transmits to the Legislative Council, the copy of a Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, conveying Her Majesty's answer to the Address of the Legislative Council of last Session, complaining of the system pursued by the House of Assembly, in appropriating the Supplies granted to the Crown.

Government House, 27th April, 1841.

The said Message and Despatch were read, and ordered to lie on the table.

See Appendix No. 18.

On motion, Ordered, that the Members of the House be summoned for to-morrow, at Twelve o'clock.

Adjourned until Eleven o'clock to-morrow.

.....

WEDNESDAY, 28th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macnutt*,

Mr. *Goodman*,

Mr. *Solicitor General*,

Mr. *Worrell*,

Mr. *Holl*,

Mr. *Macdonald*,

Mr. *Young*.

Mr. *Dalrymple*,

PRAYERS.

READ the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

The Order of the Day, for the second reading of the Bill intituled "An Act to suspend for a limited period, in respect to certain Townships, certain parts of an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and for other purposes," being read—

Ordered, That it be discharged, and that the same do stand as the Order of the Day for to-morrow.

On motion, the House was adjourned during pleasure, and put into a Committee on the State of the Colony. After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

On motion, Ordered, That the Members of the House be summoned for to-morrow, at Ten o'clock.

Adjourned until Ten o'clock to-morrow.

.....

THURSDAY, 29th April, 1841.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Macnutt*,

Mr. *Worrell*,

Mr. *Solicitor General*,

Mr. *Macdonald*,

Mr. *Holl*,

Mr. *Macintosh*,

Mr. *Young*.

Mr. *Livett*,

PRAYERS.

READ the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty-one." After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

On motion, Ordered, that the Report of the Committee be agreed to.

On motion, the said Bill was read a third time.

Resolved, That the said Bill do pass.

Ordered, That the said Bill be sent down to the House of Assembly.

By leave of the House the following Resolution was inserted on the Journals, as expressing the reasons of the Members who have signed the same, for giving their assent to the said Bill:—

WHEREAS in the Appropriation Bill passed by the House of Assembly, and now before this House, the sum of £30 is voted to each Member of the House of Assembly, and £60 to the Speaker, for his pay during the present Session, independent of travelling expenses, and which sums will amount in the aggregate to between £700 and £800: And whereas in our opinion the system of permitting Members of the House of Assembly to appropriate to themselves so large a sum for their pay, is calculated to lower the character and respectability of that body, by inducing unfit and unqualified persons, who may be actuated less by the desire of being useful to the country, than by the prospect of emolument, to obtain seats: And whereas we feel deeply sensible of the ill consequences attending the allowance of pay to the Members of the Assembly, especially on considering the fact that the respective Assemblies of the neighbouring Provinces of Nova Scotia and New Brunswick, each of which, with an infinitely greater

amount of business to transact, met about the same time as the Assembly of this Island, and, having despatched that business, have been some weeks since prorogued: We cannot resist the conclusion, that the present Session, during which only Fourteen Bills have been passed, has been protracted far beyond what the business of the country required, and thereby not only does the appropriation to the Members themselves amount to a most unreasonable sum, but the other expenses attending the sitting of the House have been swelled to an enormous amount.

But because no notice has heretofore been given of an intention to object to the pay of the Members of the House of Assembly, and as the withholding any portion thereof without such notice might occasion inconvenience to some of them, we have been induced to give our assent to this item in the present Bill, at the same time expressing our strong disapprobation of the system; and our determination to resist so unnecessarily large an expenditure of the public money for the future.

CHARLES WORRELL,
DONALD MACDONALD,
WILLIAM MACINTOSH,
JOHN LIVETT,
P. S. MACNUTT,
JAMES H. PETERS,
JOHN M. HOLL.

The House took into consideration the Expenses of the present Session, and allowed the same as follows:

The Rev. L. C. Jenkins, Chaplain to this House,	-	-	£40	0	0
John C. Wright, Esq. late Usher of the Black Rod, and Serjeant at Arms, 49 days, at 10s. per diem,	-	-	24	10	0
George Wright, jun. Esq. present Usher of the Black Rod, and Serjeant at Arms, 32 days, at 10s.	-	-	16	0	0
Clerk of Legislative Council, including his Account for Stationary,	-	-	181	5	6
John Rider, Messenger, including his Account for sundry disbursements,	-	-	71	2	6
Patrick Furlong, Doorkeeper,	-	-	30	15	0
Charles Binns, Esq. being the amount of his bill for his opinion on the subject of the Fishery Reserves, last Session,	-	-	5	16	8

Ordered, That the Clerk be directed to prepare an Index to the Journals of this House of the present Session, and that he be allowed the sum of £7 10s. for preparing the same.

Mr. Brecken presented the following Address to his Excellency the Lieutenant Governor:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, Knight of the Royal Hanoverian Guelphic Order, Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The Legislative Council having voted an humble Address to Her Majesty, praying that Her Majesty will be pleased to cause a negotiation to be entered into with the Proprietors of Land in this Colony, respectfully request that your Excellency will be pleased to forward the same, for the purpose of being laid at the foot of the Throne.

On motion, the said Address was agreed to, and ordered to be engrossed.

Ordered, That Mr. Brecken, Mr. Macdonald, Mr. Macintosh, Mr. Holl and Mr. Young be a Committee to wait upon His Excellency with the said Address.

On motion, the following Resolutions were agreed to:—

Resolved, That the mode adopted by the House of Assembly, in disagreeing to the amendments made by the Legislative Council, to the Bill intituled ‘ An Act for the regulation of the Fishery Reserves in this Island,’ by rejecting the Bill, without previously desiring a Conference with the Council, to signify their disagreement to the said amendments, is contrary to Parliamentary practice, the regular course being, under such circumstances, to desire a conference with the Council, and therein to state that they had disagreed to the amendments made by the Council to the said Bill, and then to have returned the Bill to the Committee of the Council, to afford the Council an opportunity of considering whether they would adhere to their amendments, and if not, whether they would agree to the Bill in its original form, as sent up by the House of Assembly.

Resolved, That the course pursued by the House of Assembly in this matter, is not only wholly unparliamentary, but an infringement upon the rights and privileges of the Council, and goes to preclude the Council from ever venturing to make amendments to any Bill, originating in the House of Assembly; and, if persisted in by the Assembly, must have the effect of obliging the Council either to agree to measures, the details of which might be highly objectionable, or to reject them altogether; when, by altering and amending such measures, they may be made beneficial to the Colony.

Mr. Brecken, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, praying that His Excellency would be pleased to forward the Address of this House to Her Majesty, on the subject of the purchase of the Lands of this Colony, reported that they had waited on his Excellency, who was pleased to say that he would attend to the request of the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the State of the Colony. After some time, the House was resumed, and Mr. Macdonald reported, that the Committee had come to certain Resolutions, which he read in his place, and were afterwards read by the Clerk, and are as follow, viz:—

WHEREAS the House of Assembly in the Session of 1840, passed certain Resolutions, reflecting upon the proceedings of the Legislative Council, particularly in the Second and Third of the said Resolutions, which are as follow :

2. *RESOLVED*, That it is the opinion of this Committee, that on many occasions, in past times, and more especially for the last eight years, the majority of the House of Assembly, on different occasions, have represented the injustice done to the Agriculturists, by the Grantees of Townships, and that in every instance, except in 1803, their representations have been opposed by a majority of the Council.

3. *RESOLVED* That the change which in 1839 was made in the construction of the Legislative Council, has been productive of additional evil: and that, as no prosperity nor peace can be expected in this Island till an amelioration on the tenure of Land be effected, and no House of Assembly, elected by the unbiassed suffrages of the people, can refrain from endeavouring to effect that most important object; so, whoever looks to the individuals composing the Council, must see that on this important subject the majority of them have an interest contrary to and subversive of the general interests of the inhabitants of the Colony, by their being proprietors, land agents, connections of such land agents, or persons, in the opinion of this Committee, warmly biassed in favour of the proprietors, and that the House of Assembly cannot, in consequence thereof, have any confidence in the Legislative Council, so long as it shall remain so constructed.

And whereas the Legislative Council in reply to the said Resolutions of the Assembly, stated—

That it was a matter of notoriety, gathered from the Public Prints and other sources, that the said majority of the House of Assembly had attained their present position in that House, by deluding the Tenantry of this Colony into a belief, that, if elected as their Representatives, they would relieve them from the payment of Rents, and obtain for them Grants from the Crown, confirming them in their several possessions; and that this system of delusion had been practised by the leaders of the said majority, for several years past, whereby the Tenantry had been encouraged to withhold the payment of their Rents, until, in numerous instances, they had incurred arrears which their utmost exertions never could enable

them to discharge; and that the leaders of the said majority, finding that they could not carry out their delusive promises, attempted to relieve themselves from the just odium of their Constituents, by representing the Legislative Council and the Executive Government as inimical to the interests of the People, an imputation no less unjust than untrue, the sympathies of both the Legislative Council and the Executive Government having been invariably evinced in favour of the true interests of the People of this Colony, at the same time that they had endeavoured to awaken the Tenantry to the ruin which would inevitably follow their fatal delusion.

AND WHEREAS the House of Assembly, in another series of Resolutions passed on the 22d and 23d instant, declared that the said Resolution of the Legislative Council, "is in all its bearings highly insulting."

RESOLVED, That the Legislative Council disclaim all intention of acting discourteously in any manner towards the House of Assembly, by the said Resolution, otherwise than by a desire to defend themselves from the unjust and unfounded charges made against them by the House of Assembly.

RESOLVED, That the House of Assembly in the said series of their Resolutions, have entirely failed to impugn the correctness of the facts stated in the said Resolution of the Council, by attempting to shift from themselves to a former House of Assembly, the odium of encouraging the Tenantry of this Colony, to withhold the payment of their Rents, for that in no proceedings of any former House of Assembly, can the slightest encouragement be found to induce the Tenantry to believe that they could by any measure, relieve them from the payment of their Rents, but that the whole odium and responsibility of such encouragement are solely chargeable upon the leaders of the majority of the present House of Assembly, and that the Address to the King, which is contained in the Journals of the Assembly of 1829, to which the present majority of the House of Assembly refer, to bear them out in such attempt, had no tendency to induce the Tenantry to withhold the payment of their Rents, the simple object of that Address, having been merely to relieve the Tenantry from the payment of a large arrear of Quit Rent due to the Crown, and at that time, threatened to be enforced.

Resolved, That the imputation contained in the Eleventh of the said series of Resolutions, passed by the House of Assembly, charging the Legislative Council to be "operated on by self interest," to the prejudice of the interests of the Agriculturists of this Colony, is grossly untrue, inasmuch as the Legislative Council have, on all occasions, earnestly advocated those measures which tended to the true interests of the people, and have only rejected those wild and unconstitutional measures which attacked the sacred rights of property, or invaded the prerogative of the Crown; whilst on the other hand, the Legislative Council have originated many Bills, particularly during the present Session, most useful to the community, which have been rejected by the House of Assembly, viz: "A Bill relating to the Limitation of Personal Actions," rendering the Law similar to that prevailing in England, and in the neighbouring Colonies. "A Bill to regulate and declare the qualifications of Jurors," which by the existing Laws are totally undefined. "A Bill to compel Constables to serve," the necessity of which was suggested in a Presentment of a Grand Jury of King's County, and recommended to both Houses, by Message from the Lieutenant Governor, "A Bill to amend the Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled An Act to amend the Law relating to the Admission of Barristers, Attornies and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island"—the object of which Bill was to promote the respectability of the Bar, in unison with the Acts and regulations on that subject in the neighbouring Colonies. "A Bill against Forestallers and Regraters," similar to the Laws prevailing in all populous places, for the prevention of such abuses, and which is much called for, in consequence of complaints made by the inhabitants of the capital of this Colony. "A Bill to establish Criminal Sessions in Queen's County"—a measure recommended by the Chief Justice, which was intended for, and would have relieved the Supreme Court of Queen's County from the trial of Petty offences, the delay consequent upon which is productive of the greatest injustice and inconvenience to all Civil suitors in that Court, whose causes are deferred from term to term, to afford time for the trial of those offences.

And in further proof of the desire of the Legislative Council to meet the views of the House of Assembly, the Council, in giving their reasons for rejecting the Bill passed by the House of Assembly, on the subject of the purchase of the Lands, in the Session of 1840, expressed their readiness to join the

House of Assembly, in an Address to the Throne, praying Her Majesty to take the measure contemplated by the Bill into Her favorable consideration, and to grant the means for effecting the purchase of the said Lands, provided the Proprietors should be found willing to dispose of the same; and when in this present Session, the House of Assembly sent up to the Council a similar Bill, the Council upon again rejecting it, prepared an Address to the Throne, praying Her Majesty to order a negotiation to be entered into with the Proprietors, to ascertain the prices at which they would respectively agree to dispose of the whole of their Lands in this Island, together with the arrears of Rent now due thereon, with a view to their being re-invested in the Crown, for the purpose of being re-granted in small tracts to the Tenantry and Settlers thereon; and in the event of the Proprietors being willing to accept a reasonable price for the same, that Her Majesty would be graciously pleased to order that the funds necessary for making such purchase, should be in the first instance advanced from the Imperial Revenue—and sent the same down to the House of Assembly, with a request that the Assembly would join them in the said Address; but to the great surprise and disappointment of the Council, the House of Assembly refused their concurrence thereto, because it did not go to the extreme and unconstitutional length of praying that a particular price should be fixed for the lands, and the Proprietors thereof arbitrarily compelled to receive it, although they must have been well aware, that such an extravagant request could not receive the sanction of the Imperial Government, thereby evincing the insincerity of their professions, and shewing in the plainest manner, a manifest disposition to keep up a system of agitation, for the sole purpose of retaining their own popularity, at the expense of the deluded tenantry.

Resolved, That the construction of the Legislative Council, differs materially from that of the year 1834, alluded to in the Twelfth of the said series of Resolutions, passed by the House of Assembly, inasmuch as it is asserted in the Address of the Assembly, of the year 1834, to the King, (miscalled a Resolution,) that out of the nine Members composing the Council, six of them held situations of emolument at the pleasure of the Crown, whilst of the present Legislative Council, composed of twelve Members, three only hold offices under the Crown, and but two of which are offices of emolument, and there are only two Proprietors, and two agents of Proprietors in the Legislative Council, one of the latter, having been appointed subsequent to the Session of 1840.

Resolved, That the complaint against the Legislative Council, for the rejection of the Bill, intituled “An Act to provide right of access to one Public Road, to individuals occupying Land, from which there is no such access,” is wholly unfounded, the provisions of that Bill, being based on the most absurd and inequitable principles, inasmuch as it went to compel not only the Proprietors, but also the Heirs and Assigns of Proprietors, who at a remote period, had disposed of wilderness lands in the rear of farms now under cultivation, at merely nominal prices, to bear the expense of making roads to communicate with such wilderness lands, and which expense, in numerous cases, would far exceed the original sum paid for the land itself.

Resolved, That although the majority of the House of Assembly, have thought fit in their Resolutions passed this Session, by absurd deductions of what they term “connection,” said by them to exist between some of the Members of the Legislative Council individually named, and by charges of “ignorance” against others, also individually named, as to the true “history of this Colony, and of the toil, labours, hardships and privations of its Inhabitants,” to draw inferences from such supposed “connection” and “ignorance,” false in themselves, and personally offensive to those Members of the Council, thus affording a sufficient excuse to the Council, if so inclined, for adopting a similar course; yet the Council do not deem those charges worthy of any very grave refutation, because it is notorious, that by far the greater majority of the Members of the Assembly, are ignorant and illiterate men, having but a trifling stake in the country, and possessed of no influence whatever in society, beyond that based on their advocacy of the question of Escheat, by which alone, they have been enabled to attain their present position as Representatives, and on the keeping alive of which question their continuance as Representatives depends; while the fact of the greater portion of them being Tenants, and in many instances, largely in arrear of Rent, clearly shows that they are interested not only in keeping up the excitement, on which their ephemeral influence depends, but that they have a direct personal interest in the success of any attack on the property of their Landlords, and who are therefore in no way scrupulous in creating charges against, and imputing unworthy motives to the Council, who have endeavoured to control and check their extravagant and unconstitutional proceedings.

And whereas the House of Assembly, in the Third of certain other Resolutions passed on the 27th instant, state that the Council have *repeatedly* rejected several Bills passed by the House of Assembly, among others, one for relieving Tenants from bearing the entire burthen of Land Assessment; and the Bill for the relief of the American Loyalists and Disbanded Soldiers; and have by their amendments to the Fishery Reserves Bill, for this and the two previous Sessions, gone contrary to the evident meaning of Lord Glenelg's Despatch: And whereas the first mentioned Bill was sent up from the Assembly *but once*, and that in the Session of 1840, and the provisions of the said Bill went to make void the covenants contained in the Leases in this Colony, which are generally of long duration, by releasing the Tenant from the payment of the present, and all *future land assessment*, which, as the land becomes more valuable, might be assessed at a sum far exceeding the rent reserved by the Landlord: And the Bill for the relief of the American Loyalists and Disbanded Soldiers, was rejected by this House, in the Session of 1840, in consequence of a Despatch from the Secretary of State for the Colonies, laid before this House, by His Excellency the Lieutenant Governor, and again in the present Session on the same grounds, and the course adopted by this House in this respect, was further approved by another Despatch from the Secretary of State for the Colonies, laid before this House by His Excellency the Lieutenant Governor, a few days subsequently to the rejection of the said Bill in this Session: And the Bill for the regulation of the Fishery Reserves of this Island, in the Sessions of 1839, 1840, and this present Session, was amended in this House, and with said amendments sent down to the House of Assembly for their concurrence, but which amendments were in each Session by them disagreed to, and the Bill itself thrown out, without previously desiring a Conference with this House, to signify their disagreement to such amendments, contrary to Parliamentary practice, the regular course being, under such circumstances, to have desired a Conference with this House, and therein to have stated that they had disagreed to the said amendments, and then to have returned the Bill to the Committee of this House, in order to afford this House an opportunity of considering whether they would adhere to their amendments, or whether they would agree to the Bill in its original form, as sent up by the House of Assembly: *Therefore, Resolved*, That in the rejection of the two first mentioned Bills, this House exercised a proper and sound discretion; and with regard to the Fishery Reserves' Bill, this House was precluded from exercising any discretion whatever by the unparliamentary proceeding adopted by the House of Assembly; and as to that part of the Resolution which expresses a doubt whether the Legislative Council would concur "in any Address making any close approach to any real redress of grievances:"

Resolved, That the Resolution itself clearly shows how impossible it would be to concur in an address framed in accordance with such Resolution, implying as it does, that the address and representations of the House of Assembly are exaggerated, a course of proceeding to which this House can never be parties, it being in their opinion highly derogatory to any Legislative body to misstate or exaggerate facts, in making representations to the Imperial Government, which should contain nothing but absolute truth.

On motion, Ordered, that the Report of the Committee be agreed to.

DISSENTIENT—*Mr. Young*.

Resolved, That the said Resolutions be printed in the Royal Gazette and Colonial Herald, Newspapers, and that they be continued so long as the Resolutions of the House of Assembly shall be continued in those Papers; and that the Printer to this House be directed to furnish Four hundred copies thereof.

On motion, the following Resolution was agreed to:

WHEREAS the House of Assembly have passed several Resolutions, one of which in particular, attributes improper and unworthy motives to this House, with regard to various parts of its proceedings this Session, and also, unjustly reflects upon individual members thereof; and it appearing that the House of Assembly, not content with circulating these misrepresentations in this Colony, intend, through the

medium of some Agent of their own, elected by them for this purpose, in the House of Commons of Great Britain, to represent the said Resolutions, as containing a true statement of the Public affairs of this Colony.

Therefore, Resolved, That a Committee be appointed to correspond during the recess of this House, with Her Majesty's principal Secretary of State for the Colonies, through His Excellency the Lieutenant Governor, and also to correspond with any member or members of the Imperial Parliament, in order that Her Majesty's Government and the Imperial Parliament may be truly informed of the state of the Public affairs of this Colony, and the character of this House, vindicated from the misrepresentations of the House of Assembly; said Committee to have power of access to the records and Papers of this House, and to report their proceedings to this House in its next Session.

The Order of the Day for the second reading of the Bill intituled "An Act to suspend for a limited period, in regard to certain Townships, certain parts of an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes," being read—

On motion, that the said Bill be read a second time, it was moved, as an amendment, that the said Bill be read a second time this day three months.

The House divided on the motion of amendment:

CONTENTS.

The President,
Mr. Brecken,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt,
Mr. Holl.

NON-CONTENT.

Mr. Goodman,
Mr. Young.

Mr. Solicitor General having, by leave of the House, withdrawn before the question was put.

And it passed in the affirmative.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received His Excellency's command to desire the attendance of the House of Assembly immediately in the Council Chamber.

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased, in Her Majesty's name, to give his assent to the following Bills, viz:—

An Act to amend an Act of the 7th year of King William the Fourth, intituled An Act to repeal certain parts of an Act, intituled An Act for the limitation of Actions, and for avoiding Law Suits, so far as the same relates to Actions concerning Real Estate, and to make other provisions in lieu thereof.

An Act to authorize the appointment of Coroners in Prince and King's Counties.

An Act to further continue and to amend the Act for regulating the measurement of Ton Timber, Boards, and all other kinds of Lumber, and also declaring what shall be deemed Merchantable, and for appointing Officers to Survey the same.

An Act to prohibit the Interment of Human Bodies within the Limits of the Town of Georgetown, and to establish Burial Grounds in the Common thereof.

An Act for the appointment of Fish Inspectors, and to extend the provisions of the Act now in force regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein.

An Act to amend the Act relating to Weights and Measures.

An Act to continue an Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment.

An Act to enable the Government to ascertain the Population of this Colony, and to obtain other Statistical information therein mentioned.

After which, the Speaker of the House of Assembly addressed his Excellency as follows:—

May it please your Excellency;

“I have to present on behalf of Her Majesty’s faithful Commons, the several Bills of aid granted this Session to Her Majesty, and to request your Excellency’s assent to the same. The Bill for the encouragement of Education, will bring education within the reach of all classes of Her Majesty’s subjects in this Island. The Revenue Bill, we trust, will meet the expenditure; and the Bill of Appropriation has been framed with the greatest care to meet the exigencies of the Colony; and provision is also made for Paupers and Insane persons.”

An Act relating to Schools and for the encouragement of Education.

An Act further to continue for One Year the Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.

An Act to continue for a limited period, an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled “An Act for more effectually preventing the spreading of Infectious Distempers within this Island.”

An Act further to continue for One Year, and further amend an Act passed in the Seventh Year of His late Majesty’s Reign, for raising a Revenue in this Island.

An Act for appropriating certain Moneys therein mentioned, for the Service of the Year of our Lord One thousand eight hundred and forty-one.”

To each of which His Excellency was pleased, in Her Majesty’s name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses:

Mr. President, and Honorable Gentlemen of the Legislative Council;

Mr. Speaker, and Gentlemen of the House of Assembly;

I am at length enabled to release you from your Legislative duties, after this unusually long and protracted Session. I trust that the few measures which have been matured may prove advantageous to the interests of the Island.

Mr. Speaker, and Gentlemen of the House of Assembly ;

I thank you for the Supplies granted to Her Majesty, which shall be strictly applied to the various services for which they have been voted. At the same time, I must express my deep regret that the benevolent intentions of Our Most Gracious Sovereign in offering such liberal means for erecting "an Asylum for Insane persons, and other objects of Charity," have been frustrated by your refusal to comply with the terms of the Despatch from Her Majesty's Secretary of State for the Colonies, on that subject.

Mr. President, and Honorable Gentlemen of the Legislative Council ;

Mr. Speaker, and Gentlemen of the House of Assembly ;

Upon your return to your several Districts, I trust that you will impress upon the minds of those with whom you may have influence, that obedience to the Laws, and the preservation of the public peace and good order, are the first duties which every loyal subject owes to the Crown, and to the community in which he lives.

After which, the President of the Council said—

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Wednesday, the Seventh day of July next; and this General Assembly is accordingly prorogued until Wednesday the Seventh day of July next.

END OF THE FOURTH SESSION.

APPENDIX

TO THE

JOURNAL

OF

THE LEGISLATIVE COUNCIL

OF

Prince Edward Island,

FOR THE SESSION COMMENCING THE TWENTY-SIXTH DAY OF JANUARY,
AND ENDING THE TWENTY-NINTH DAY OF APRIL.

1841.



APPENDIX.

(SEE PAGE 12.)

[1]

No. 22.

COPY.

Downing Street, 13th June, 1840.

SIR—I have received your Despatch Number 10, of the 5th ultimo, transmitting an Address to the Queen from the Council and Assembly of Prince Edward Island, in congratulation of Her Majesty's Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

I have to inform you that I have duly laid that Address at the foot of the Throne.

Her Majesty commanded me on that occasion to instruct you to convey to the Legislative Council and Assembly of Prince Edward Island, the expression of Her warm acknowledgments for an Address conveying in such dutiful and affectionate terms the interest felt by the inhabitants of the Colony in Her union in Marriage with Prince Albert, of Saxe Cobourg and Gotha. Her Majesty views with satisfaction the gratification derived by the inhabitants of Prince Edward Island from this union, and it will always be a source of unfeigned happiness to Her to promote by all the means in Her power the welfare of that Colony.

Her Majesty has noticed with great satisfaction the sentiments exhibited by the Legislative Council and Assembly in their Address to yourself.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Sir Charles Fitz Roy, &c. &c. &c.

[2]

No. 23.

COPY.

Downing Street, 16th June, 1840.

SIR—I have the honor to acknowledge the receipt of your Despatch, Number 8, of the 6th of April last, transmitting a copy of an Address presented to you by the Legislative Council of Prince Edward Island, accompanied by a Report of the Committee of that House respecting the Acts Numbers 495 and 517, for regulating the Jails of the Island, and praying these Acts may receive the confirmation of Her Majesty in Council.

I have carefully examined these Documents, and I am willing to defer to the opinion of the local Legislature on this subject, and not to insist on the amendments proposed by the Inspectors of Prisons, as communicated in my Despatch of the 25th of November last. I would, however, recommend to the attention of the Council the propriety of confining all Female Prisoners in Charlottetown Prison, where there is a Matron; and further, that some provision should be made for regular religious instruction to all the Prisoners.

I enclose an Order passed by Her Majesty in Council, on the 15th instant, leaving the two Acts in question to their operation.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed)

J. RUSSELL.

Lieutenant Governor Fitz Roy, &c. &c.

APPENDIX.

[3]

At the Court at Buckingham Palace, the 15th day of June, 1840.

PRESENT:

The Queen's Most Excellent Majesty ;

Archbishop of Canterbury,
Lord President,
Lord Privy Seal,
Marquis of Normanby,
Lord Chamberlain,
Earl of Minto,
Lord John Russell,
Viscount Palmerston,

Viscount Melbourne,
Viscount Duncannon,
Viscount Morpeth,
Lord Holland,
Sir John Hobhouse,
Mr. Chancellor of the Exchequer,
Mr. Macaulay.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the Month of April, 1838, and April, 1839, pass two Acts, which have been transmitted, entitled as follows:—

No. 495.—An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein.

No. 517.—An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

W. L. BATHURST.

[4]

[COPY.]

At the Court at Windsor, the 11th September, 1840.

PRESENT:

The Queen's Most Excellent Majesty;
His Royal Highness Prince Albert;

Lord Chancellor,
Lord Privy Seal,
Lord Chamberlain,
Earl of Albermarle,
Earl of Minto,

Lord John Russell,
Viscount Melbourne,
Lord Holland.

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the Month of April, 1840, pass Seventeen Acts; which have been transmitted, intituled as follows, viz:—

APPENDIX

No. 522.—An Act to amend an Act, intituled ‘ An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.

No. 523.—An Act to explain and amend an Act, intituled ‘ An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.’

No. 525.—An Act to continue and amend an Act intituled ‘ An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.’

No. 526.—An Act to prohibit the Exportation of Oysters from this Island, for a limited period.

No. 527.—An Act to repeal an Act for regulating the Herring and Alewives’ Fisheries.

No. 528.—An Act to make further provision for the management of the Charlottetown Ferry.

No. 531.—An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown.

No. 533.—An Act to regulate the Floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island.

No. 534.—An Act to continue for a limited period ‘ An Act to prevent Hawkers and Pedlars travelling and selling in this Colony, without Licence.’

No. 535.—An Act to suspend for a limited period certain parts of an Act made and passed in the Fourth year of His late Majesty’s Reign, intituled ‘ An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.’

No. 537.—An Act to prevent the bringing persons convicted of Felonies and Misdemeanors to this Island, from the Island of Newfoundland, or elsewhere in America.

No. 538.—An Act to continue for a limited period the several Acts providing for the summary Trial of Common Assaults and Batteries.

No. 539.—An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks.

No. 544.—An Act to explain a certain part of an Act, intituled ‘ An Act for levying an Assessment on all Lands in this Island.’

No. 546.—An Act to continue the Act for regulating the manner of proceeding on Controverted Elections.

No. 547.—An Act to amend an Act made and passed in the First year of Her present Majesty’s Reign, intituled ‘ An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled ‘ An Act to consolidate and amend the Election Laws.’

No. 548.—An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar, and Clerk of the Executive Council.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty’s Most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation: Her Majesty was thereupon this day pleased, by and with the advise of Her Privy Council, to approve the said report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty’s Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

APPENDIX.

[5]

[COPY.]

At the Court at Claremont, the 3d October, 1841.

PRESENT:

The Queen's Most Excellent Majesty;
His Royal Highness Prince Albert;

Lord Chancellor,
Lord President,
Marquis of Normanby,
Lord Steward,
Lord Chamberlain,

Lord John Russell,
Viscount Palmerston,
Viscount Melbourne,
Viscount Morpeth.

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the Month of April, 1840, pass an Act, which has been transmitted, intituled as follows, viz:

No. 545.—An Act to amend the Act enabling Married Women to convey Real Estate during their Coverture.

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Act should be left to its operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

(Signed)

C. GREVILLE.

[6]

Downing Street, 13th October, 1840.

SIR,

Your Despatch of the 10th June last, No. 20, with the series of Acts, passed by the Legislature of Prince Edward Island, have been received at this Department, and having engaged the attention of Her Majesty's Government, I proceed to convey to you the result of their deliberations on this subject.

The Act numbered in the records of this Office, 530, intituled "An Act to amend the Act now in force regulating Apprentices," although obviously designed to remedy a real grievance, might, I fear, in its present state, give occasion to abuses still more serious. It is very fit that the children of destitute paupers should be taught some business, by which they can become useful members of society; and with this view it is fit that such children should be placed out as Apprentices, with persons who are at once willing to undertake, and proper to receive the charge of them. But in a country where there is a scanty population, and a great demand for manual labour, such apprenticeships—especially in the case of Children who have passed the age of puberty—will often be regarded by the Master, as a valuable interest, and great care should be taken to prevent their being contracted, without the consent, either of the parent or the child, except on an evident and well established necessity. Now, in this Act, I find no such precaution. On the contrary, a youth of fourteen may be apprenticed till the age of twenty-one, by any two Justices, on proof by a single witness, or by the certificate of eight householders, that the

APPENDIX.

parents of the proposed Apprentice, have been in the habit of soliciting alms, or of receiving alms, or allowances, from any charitable association; and that they had no other means for their necessary and permanent support. This is, in effect, to declare that every person who has been in the habit of receiving alms, must submit to the penalty of having their children apprenticed till the age of twenty-one, because it may be generally affirmed of all such persons, that they have no means of permanent support.

Independently of the individual distress, which the strict execution of such a law might occasion, it might also tend to increase the amount of pauperism. A young man, from his sixteenth to his twenty-first year, would usually contribute largely to the support of his parents, if permitted to labour on his own account.

Without his aid they might be compelled, however reluctantly, to prolong their demands on the funds of the charitable. Further, although the living on alms, systematically, may, in the case of able bodied people, be generally regarded, and as conclusive indication of dislike to labour, and of bad character. Yet, even in the case of able bodied, such assistance may sometimes be indispensable; and in other cases, it does not raise even the presumption of misconduct.

The habitual receipt of alms is not the proper criterion of culpable pauperism, nor is it desirable that the law should impede the judicious exercise of alms giving, whether public or private.

The receipt of alms in order to escape from the duty of honest industry, is the practice against which such laws should be directed, and even when such abuse arises, the object of the law should be to stimulate the activity of the pauper and his family, a result which the proposed apprenticeships would rather discourage and prevent. This Act will therefore require the revision of the Legislature, and in the mean time, Her Majesty's decision on it will be suspended.

The Act numbered in the records of this Office, 540, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties," is suspended for the signification of Her Majesty's pleasure.

It appears objectionable on two grounds, first, because it deprives the existing Coroner of part of the lawful emoluments of his office, without any compensation; and secondly, because the appointment of the new Coroner is given not to the Queen, nor even to the Lieutenant Governor, but to that officer, with the advice and consent of the Executive Council.

Slight as may be the importance of these objections, in the particular case, the precedents established by these enactments, and the principles involved in them, are of general application. This law must also therefore be remitted to the Legislature for amendment.

The Act No. 542, in the records of this Office, and intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same," places the Lunatic Asylum under the care of Ten Trustees, all of whom, with the exception of the Chief Justice, must be Members of the Legislature, and Six of whom must be Members of the House of Assembly, selected by that body. To these Trustees are committed various administrative powers. Her Majesty's Government cannot be parties to encroachments of this kind, on the rules which should separate from each other, the functions of the Executive Government and those of the Legislative bodies. Society at large is without any real and effective security for the right discharge of administrative duties, especially when connected with a pecuniary trust, when such duties and trusts are assumed by the Members of the popular branch of the Legislature.

The Royal Assent will, therefore, not be given to this Act, unless the management of this Asylum be transferred by a supplementary Act from the Legislative bodies to the Executive Government of the Island.

I subjoin a list of the Numbers and Titles of the various other Acts transmitted with your Despatch of the 10th June, which have been left to their operation by the accompanying order of Her Majesty in Council.

APPENDIX

Such of the Acts of the last Session as are neither noticed in the preceding remarks, nor comprised in the subjoined List, are under the consideration of other Departments of Her Majesty's Government, and until these reports shall have been made, Her Majesty's decision on them must be postponed.

I have the honor to be, Sir,

Your obedient humble servant,

(Signed)

J. RUSSELL.

Lieutenant Governor Sir C. A. Fitz Roy, &c. &c. &c.

(SEE PAGE 13.)

No. 7.

No. 30.

[COPY.]

Downing Street, 22d September, 1840.

SIR.

I have to acknowledge the receipt of your Despatch, No. 13, of the 5th of May, in which you transmit an Address of the House of Assembly of Prince Edward Island, to the Queen, praying Her Majesty to recommend the adoption, by the Colonial Legislature, of a Bill for the disposal of the Lands, similar in principle to that which was rejected last Session by the Legislative Council. I have also received the resolutions of the Assembly complaining of the construction of the Legislative and Executive Councils, together with the counter Resolutions of the Legislative Council to that complaint.

Having laid before the Queen the Address of the House of Assembly, Her Majesty has commanded me to instruct you to acquaint the House that she learns with regret that the question of the Lands in Prince Edward Island, continues to disturb the peace of the Colony. Although this question originates in motives of private interest, shared equally by Landlords and Tenants, it assumes, in effect, the character of a public question, and as such must be treated. It is Her Majesty's earnest desire to remove every just cause of complaint in all parts of Her Dominions; Her Majesty has been accordingly pleased to desire me to enter into communication with the resident Proprietors in this country, with a view to learn whether, by any further proposition on their part, means may be found to determine a question which has for so long a period agitated the Colony.

After a careful examination of the several Resolutions which accompanied your Despatch, it is my duty to declare that I do not see that adequate reasons exist for the immediate reconstruction of the Councils. The material charge against these Bodies, is, that they have an interest inimical to the general interests of the Inhabitants, in consequence of their alleged connection with the Proprietors of the Lands. It is stated in answer to that charge, that of the Ten persons composing the Legislative Council, two only are Proprietors, whilst a third is agent for a Proprietor, the remainder being wholly unconnected with the Proprietors. In the Executive Council you inform me that there is no Proprietor at all in the Board, and only three Agents of Proprietors, holding less than three Townships. The allegations of undue weight in the Councils, in favour of the landed Proprietors, thus appears to me not to be sustained. On that ground, therefore, I would not desire that any alteration should be made in either of the Councils.

I have, &c.

(Signed)

J. RUSSELL.

Sir Charles A. Fitz Roy, Lieutenant Governor.

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(SEE PAGE 13.)

No. 8.

No. 29.

[COPY.]

Downing Street, 13th September, 1840.

SIR,

I have received your Despatch, No. 16, of the 5th May, forwarding an Address of the House of Assembly of Prince Edward Island, praying that the Steam Vessels employed in carrying the Mails between Pictou and Quebec, might be allowed to touch at Charlottetown.

I referred your Despatch for the consideration of the Lords Commissioners of the Treasury, who informed me that the Contractor for this service declined acceding to this proposal, but would be willing to provide a separate steamer for a moderate sum. Conceiving that the Assembly would be disposed to defray the expense out of the local revenue, I requested their Lordships to ascertain from Mr. Cunard the probable cost of that Vessel, and he has stated his readiness to provide one at the rate of £1800 per annum.

I enclose, herewith, copies of the correspondence which has passed between the Treasury and my department on the subject, in order that you may be enabled to bring the question under the consideration of the Legislature at its next meeting.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Lieutenant-Governor Sir C. A. Fitz Roy, &c. &c. &c.

Treasury Chambers, 24th June, 1840.

SIR,

I am commanded by the Lords Commissioners of Her Majesty's Treasury, to transmit to you, with reference to your letter of the 4th instant, in order that the same may be laid before Lord John Russell, copies of a letter from the Secretary to the Admiralty, dated the 17th instant; and of one from Mr. Cunard, contractor for the conveyance of the Mails between Pictou and Quebec, representing the inconvenience of the Steam Packet touching at Charlottetown Prince Edward Island.

I am, &c.

(Signed)

C. E. TREVELYAN.

James Stephens, Esq. &c. &c. &c.

Admiralty, 17th June, 1840.

SIR,

Having laid before my Lords Commissioners of the Admiralty, your letter of the 12th instant, transmitting the copy of a letter from Mr. Stephens, with the copy of a Despatch from the Lieutenant Governor of Prince Edward Island, recommending that the Mail Steamers between Pictou and Quebec, may be allowed to touch at Charlottetown; I am commanded by their Lordships to transmit to you, for the information of the Lords Commissioners of Her Majesty's Treasury, the enclosed copy of a letter from Mr. Cunard, the contractor for the conveyance of the Mails between Pictou and Quebec, stating that it is not of his power to comply with this recommendation, but that he could furnish a small Steam Boat to convey the Mails between Pictou and Charlottetown, twice a week, for a small sum.

I am, &c.

(Signed)

J. BARROW.

Robert Gordon, Esq. &c. &c. &c. Treasury.

APPENDIX.

201 Picadilly, 16th June, 1840.

SIR,

I have the honor to acknowledge the receipt of your letter of the 15th instant, with the documents that accompanied it. I should be most anxious to comply with the wishes of His Excellency the Lieutenant Governor of Prince Edward Island, and regret that it is not in my power in this instance to do so. The Steamship between Pictou and Quebec, will have ample occupation in conveying the Mails twice a Month between these places.

It is true that Prince Edward Island is the only Government left out in the recent arrangements, Newfoundland being now provided for; but if a Steamboat were established to run twice a week between Pictou and Charlottetown, to convey the English and Provincial Mails, it would suit the Post Office and serve the interest of the Island much better, than having the Quebec Steamboat to call at Charlottetown, the Island Mail for Quebec would always be put on board at Pictou.

I could forward a suitable Steamboat for this purpose for a small sum.

I have, &c.

(Signed)

S. CUNARD.

Downing Street, 26th June, 1840.

SIR,

I have laid before Lord John Russell your letter of the 24th instant, stating the objections to allowing the Steamboat, which is to convey the Mails between Pictou and Quebec, to touch at Prince Edward Island, and communicating the offer of Mr. Cunard to provide another Steamer, at a small cost, for the conveyance of the Mails to and from that Island. His Lordship directs me to request that you will move the Lords Commissioners of the Treasury to obtain from Mr. Cunard an estimate of the sum for which he would undertake this service, in order that a proposition may be made to the Legislature of the Island, to appropriate a portion of the local Revenue to this object.

I am, &c.

(Signed)

JAMES STEPHENS.

C. E. Trevelyan, Esq. &c. &c. &c.

Treasury Chambers, 25th July, 1840.

SIR,

With reference to your Letter of the 26th June last, I am commanded by the Lords Commissioners of Her Majesty's Treasury, to transmit herewith copy of a Letter from Mr. Cunard, containing an estimate for the conveyance, in a Steamer, of the Mails to and from Prince Edward Island, for the information of Lord John Russell.

I am, &c.

(Signed)

R. GORDON.

To James Stephen, Esq. &c. &c.

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201 Picadilly, 2d July, 1840.

SIR,

With reference to your letter of this date, I hereby offer to furnish a good and substantial Steamboat of not less than Seventy Horses power, to convey the Mails between Pictou and Prince Edward Island, twice in each month, during the season that the navigation is open in the River St. Lawrence, at the rate of Eighteen hundred Pounds per annum, to commence on the arrival of the first Steamship at Halifax, from Liverpool, at which time I will have a Steamer in readiness to convey the Mail from Pictou to Charlottetown, and to continue during the period of my contract for the conveyance of the Mails to North America.

I have, &c.

(Signed)

S. CUNARD.

Sir John Barrow, Bart. &c. &c. &c.

General Post Office, 17th September, 1840.

My Lords,

I have the honor to return the Dispatch from the Lieutenant Governor of Prince Edward Island, to the Colonial Office, with copy of an Address from the House of Assembly, praying that the Mail Steamers may call at Charlottetown in that Island, which was transmitted for my opinion in Mr. Gordon's letter of 11th of June last; and I beg to enclose copy of the report furnished by the Deputy Postmaster General of Canada, who was called upon for any observations he might have to make with respect to this application.

In this letter your Lordship will perceive there exists very strong objections to granting the boon which is desired, inasmuch as the proposed deviation from the proper course between Pictou and Quebec would cause, under any circumstances, a delay from 12 to 24 hours to the Canadian Mails; and, owing to there being no lights upon the coast, in the event of the packets arriving after sun set, a still longer detention would take place, as it would not be practicable to enter the harbour until daylight the next morning.

Under these circumstances, I cannot recommend your Lordships to comply with the request contained in this despatch.

I have, &c.

(Signed)

LICHFIELD.

The Lords of the Treasury.

General Post Office, Quebec, 24th July, 1840.

SIR,

I have the honor to acknowledge your letter of the 24th June, transmitting copy of a letter from the Under Secretary of State for the Colonies, to the Secretary of the Treasury, enclosing a Despatch from the Lieutenant Governor of Prince Edward Island, recommending that the Mail Steamers between Pictou and Quebec may call at Charlottetown, in that Island, in their voyages to and from Quebec, and desiring my report thereon, as soon as possible.

Immediately on the receipt of your letter I had a conversation on the subject to which it relates with Captain Douglas, who commands the Steam Packet *Unicorn*, now plying between Quebec and Nova Scotia, and who is perfectly acquainted with the navigation of the Gulf of St. Lawrence. Captain Douglas informs me that the House of Assembly of Prince Edward Island labour under an error in supposing (as stated in their Address to the Lieutenant Governor) that the port of Charlottetown lies not more than from fifteen to twenty miles off the direct route between Pictou and Quebec, but alleges that the actual deviation from the course up he should pursue, round the East end of Prince Edward Island,

APPENDIX

would lengthen his voyage considerably. Apart, however, from the reason just assigned, Captain Douglas says, that a more formidable obstacle to visiting Charlottetown exists in the fact of there being no lights on the coast, and the consequent impossibility of his entering the harbour should he arrive at the Island after daylight. I cannot abstain from adding, that Captain Douglas's arguments, more especially the last, appear to me to be very strong and convincing; considerable time, probably, on an average, from twelve to eighteen, or even twenty-four hours, would be consumed by him in visiting Charlottetown; and I really think, besides, that as Pictou is but about sixty miles from that place, the Island can very well avail itself of the post advantages connected with the Atlantic Steamers, by means of the ordinary Mail Boat which plies between Charlottetown and Pictou.

The Lieutenant Governor of Prince Edward Island, in his letter, states, that his Island is the only Government omitted in the provision made by Her Majesty's Government, of inter-steam-communication. His Excellency appears to be under the impression that the Province of New Brunswick is to be visited by the Packets; but this, so far as I am informed, is not the fact. Pictou is in Nova Scotia, and New Brunswick has no advantage in the new arrangement beyond Prince Edward Island. Newfoundland is another Government in British North America, not visited by the Steam Packets.

I have, &c.

(Signed)

T. A. STAYNER,

D. P. M. G.

Lieutenant Colonel Maberly.

[9]

Pictou, 4th January, 1841.

The Hon. T. H. Haviland,
Colonial Secretary, Charlottetown, Prince Edward Island.

SIR,

The Proprietors of the Steamboat Pocahontas, respectfully beg leave to tender her services to the Government of Prince Edward Island, for the purpose of conveying the Mails between Pictou and Charlottetown, as follows, viz:

The Pocahontas will carry the Mails twice or three times in each week, for one, two or three years, on said route, from the opening of the navigation until its close, for Four hundred Pounds, Halifax currency, per annum, for two trips a week, or Five hundred and fifty Pounds, same currency, per annum, for three trips a week.

In case the tender for three trips a week should be preferred, it shall be optional with the Government of Prince Edward Island to direct one of said three trips to be run between Pictou and Georgetown. The Proprietors will, of course, bind themselves to keep the Boat, during her engagement, in an efficient state.

If a Contract for two trips be preferred, in that case, the Boat must not be long detained at Charlottetown—at no time over Six hours, between the hours of 6 a. m. and 6 p. m.; but if taken for three trips, the Master of the Boat will be directed to comply at all times with such instructions as he may receive at Charlottetown, respecting the time of his delay at and departure therefrom.

A definite reply to this Tender is solicited as early as possible in February; as, should it not be accepted, the Proprietors will, after that month, provide other employment for the Boat.

I have the honor to be, Sir,

For the Proprietors of the Pocahontas,

Your most obedient servant,

(Signed)

JAMES PRIMROSE, Agent.

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(SEE PAGE 19.)

No. 10.

Downing Street, 16th November, 1840.

SIR,

My attention has lately been called by the Governor General of British North America, to the amount of the Salary which you receive as Lieutenant Governor of Prince Edward Island, and to the necessity of augmenting it to enable you to defray the unavoidable expenses which your official station entails upon you.

On referring to the Records of this Department, I find that the Salary of the Lieutenant Governor was, in the year 1825, raised from £800 to £1000 sterling, per annum. At this amount it has remained to the present time; while the great increase which has since taken place in the population of the Island, must have subjected the head of the local society to a scale of expenditure far exceeding his official income, and which is likely to be still further enhanced, by the facilities afforded by Steam Navigation to persons desirous of settling in the Colony, or passing to other parts of North America. Under these circumstances, I agree with Lord Sydenham, that an addition ought to be made to your Salary; and I think that a net income of £2000 Sterling, without any Fees or travelling allowance, would not be more than is required to maintain the dignity of your office as Representative of the Sovereign.

As the Imperial Parliament would not consent to bear any additional expense, on account of Prince Edward Island, the necessary funds for this purpose can only be obtained from the Colonial Legislature. Considering that the Revenue and Commerce of the Island have greatly increased, and that it is now the only Colony in North America, with the exception of Bermuda, which does not pay for the expenses of its civil Government—although Her Majesty's Government, so far back as 1825, considered that the funds of the Colony were capable of bearing those charges—I am of opinion that the Legislature may be fairly called on to contribute such a sum as, in addition to the Parliamentary Grant, may enable the Lieutenant Governor to maintain the dignity of his office, without trenching on his private resources.

I have accordingly to convey to you Her Majesty's gracious permission to propose to the Colonial Legislature, at its next meeting, that the sum of £1000 Sterling, per annum, should in future be paid from the funds of the Island, towards the support of the Lieutenant Governor.

You are at liberty to communicate a copy of this Despatch to the Council and Assembly.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Lieutenant Governor Sir C. A. Fitz Roy, &c. &c. &c.

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[SEE PAGE 28.]

[No. 11.]

Report of the Visiter of the District Schools, for the year ending January 28th, 1841.

TO THE MEMBERS OF THE BOARD OF EDUCATION.

GENTLEMEN;

The importance of Education to Society, and its influence upon the destinies of man, are so well established and so universally admitted by persons of every station, party and persuasion, while so much has been said and written upon the subject by men distinguished alike for genius, acquirements, and enthusiastic devotion to the cause, that it will be considered superfluous in me to occupy any portion of the limited space assigned me, in attempting to elucidate a subject already rendered sufficiently clear, or to discuss a question which no one controverts.

But Education being a matter universally admitted and received, as undoubted and uncontrovertable, is often, for that very reason, never examined, and consequently never understood, either as regards its necessity and importance, the mode and the means of acquiring it, and the necessary provision for its diffusion and support.

In further considering this subject, I shall dwell but briefly upon the first point, viz. its importance and necessity, and confine my observations principally (as lying more immediately within my province) to the consideration of the mode, the means of acquiring Education, and the necessary provision for its diffusion and support, as applicable to the exigencies of the Island.

Before proceeding, however, I would merely remark, that if education be of necessity and importance to the individual, what must it be to the community of which he is a member? for all experience has shewn, how great an enemy ignorance is to morality, and that education is the best guarantee for the loyalty, order and submission of a people to the Laws. It is sufficient only to contrast those countries of the old world in which education has been most cultivated, with the condition of those where the instruction of the mass of the people has been neglected, or to compare the Northern States of America with the Southern, or as still more striking, with the Southern Republics; and prejudiced indeed must he be, or mentally blind, upon whose conviction the necessity of popular education to the welfare of every community is not indelibly impressed.

In directing your attention to the state of Education in the Colony, the principal considerations and inquiries which present themselves, are—first, to what extent the provision for its diffusion and support has been proportionate to the wants of the population; and, secondly, how far the system and practice thereof have been hitherto rendered efficient.

That the supply has not been commensurate with the requirements of the country is evident, when we contrast the number of children receiving the elements of Education on the Island, with the number of those within the educational age, who do not attend any school. According to the accompanying return, the number of our public Common Schools at this moment receiving Legislative aid, is in all Eighty-one, teaching three thousand and sixty children. Add to this the Central Academy, St. Andrew's College, and the National School, numbering together 65 pupils more; and the number of public and private schools together, not taking the benefit of the Act, will be found, so far as I can ascertain, not to exceed twenty-one; giving about 450 more, and making, altogether, an aggregate of 3575 of the youth of both sexes at this moment receiving the benefit of Education on the Island.

The number of children who do not attend any school may be easily ascertained, by looking at the population returns of the youth within the educational age. The juvenile educational age is from six to fourteen; so that every child between six and fourteen ought to be at school, to ensure universal juvenile education. The entire population of the Island at the last census taken in 1833, was found to be 32,298; of which 16,207 were under 16 years of age. Assuming the proportion between these last, and those

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within the educational age at about one-half, or eight thousand, and without taking into account the increase of population since 1833, we arrive at the conclusion that there are no fewer than 4425 children wholly neglected in their education; proving from data which I think will be found correct, that we are not even a half educated people.

In every scheme for the encouragement of Education, two objects should be kept steadily in view; first, the improvement of the system and practice of instruction; secondly, the establishment of Schools where they are wanted. But *whence* the requisite funds are to proceed for a scheme commensurate with the wants of the respective classes of the population, thinly scattered over an extent of country, and *how* they are to be applied, so as to satisfy the opinions and demands of all parties, are questions which involve many difficulties.

From the educational destitution shewn above, from the increasing wants of the population, and the inadequacy of the present system to meet those wants, I am persuaded (and I do not stand alone in holding this opinion) that urgent necessity exists for a more certain and permanent mode of supporting common schools; and unless the Legislature lend its aid to so important a measure, I see no sure prospect of instruction for the poor and new settlements; nor of any adequate remuneration for that laborious but ill required class of persons who are devoting their time and abilities to the improvement of the rising generation.

The principal defects of the present School system, which the duties of my office have afforded me opportunities of closely observing, and the difficulties and embarrassments with which our schools are encompassed; I shall endeavour briefly to point out, and moreover hazard an opinion as to the amendments requisite to render the system more beneficial and efficient, in the humble hope, that the following suggestions may prove in some degree serviceable to your Board, in devising and recommending a measure for the improvement and extension of Education on the Island—an object which your connection with and oversight of the Education of the country, and your consequent intimate acquaintance with its state, so eminently qualify you to accomplish.

The existing School Law is founded upon the principle of voluntary subscription, aided by Legislative grants; but every day's experience proves how feeble and limited this scheme is in its influence and effects; and I may be indulged with a short specification of the principal defects of the system, in order to test the suitability of the remedy I would propose. The principal defects inherent in the voluntary system are, that notwithstanding the liberal increase of bounty, which under each new Act is granted from the public chest, so far from extending the blessings of Education to the poor and thinly settled Districts of the Island, it has not even been adequate to the continuous support of Schools in settlements comparatively densely peopled and wealthy; and as a necessary consequence, men of talent and respectability have no inducement to devote themselves to the instruction of youth as a permanent profession, when the system offers neither adequate pecuniary remuneration nor permanency of employment. Joined to this, it possesses no power to stimulate the ignorant or careless to procure the blessings of education for their children, while it fails in affording any advantage to the poor man, however anxious, his means being often inadequate to pay for instruction, and his independence of spirit forbidding him to accept it as charity. As a consequence of this system, too, teachers, even in large and thriving settlements, are obliged to move about from house to house for board and accommodation, and being ever from home, and strangers, are too often driven to seek a temporary home in the haunts of dissipation and intemperance.

These are some of the principal defects of the voluntary system; and after bestowing serious attention upon the question, the conviction forces itself upon me, that the best remedy, the most efficient, simple and uniform mode of supporting common elementary schools, is by legal, general and equitable assessment. And I am moreover persuaded that the majority of persons who have seriously considered the matter have arrived at the same conclusion.

I would consider it unwarrantably presumptuous in me to propose a scheme of innovation upon an old and long established system, involving interests of such paramount importance to society, had I not had

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sufficient experience of its inefficiency, and my conviction of the necessity of a reform, strengthened by the opinion of enlightened friends, as well as by the practice in other countries with the progress of whose society we have kept pace in other respects.

I have no doubt of my views being opposed in different quarters—there are many among our population who, in spite of its defects, cling to the old system still, from nothing more than an indefinable terror of taxation.

I shall now consider a few of the more obvious advantages of the assessment scheme. The principle of assessment would make the burden fall equally upon all, by obliging every one to contribute towards the support of Education, while under the present system there are many who give nothing, and more who do not give as much as they ought; this mode would provide funds for adequately remunerating duly qualified teachers, and for providing necessary books, as well as for the erection of School-houses, where requisite, under such restrictions as would prevent them multiplying to an unnecessary degree. The careless and the indifferent, too, who neither send so many of their children to school as they ought, and are careless about the regular attendance of those they do send, would be found among the most solicitous to have the worth of their money, when they should find that whether they availed themselves of the opportunity of educating their children or not, they would have to pay as if they did.

This mode would also enable the poor man to send all his children to school, and he would acquire an equal right to all the advantages which the school could hold out, by paying as well as his richer neighbour, according to his ability. Finally, the paying of the teacher in produce, and the boarding from house to house, would be entirely abolished.

A general rate for the Island, or a rate for each County, thrown into a common fund, would, in my opinion, be the most equitable mode of provision and appropriation; this would provide the means of education for poor equally with rich settlements; this would equalize the burden and lighten the pressure where it could most easily be borne. The rate could be collected by a proper officer, whose duty it would be to pay their salaries at stated periods to the teachers.

But it is unnecessary for me to enter further into the details of this proposed scheme, which could be easily adjusted were the principle once adopted; nor to enumerate the various other minor defects which are engrafted on the present system—these have been already adverted to, from time to time, in my former Reports. But I cannot conclude these remarks, without expressing my hope that the friends of education, who may approve of my views on this all important subject—and I am convinced there are many such—will enlist their talents and their influence in the cause, and arouse and urge public attention to the obvious advantages of a system upon which I have left much unsaid, and which only my limited space precludes me from further considering, as well as some of the most plausible or cogent objections which might be offered to its introduction.

In conclusion, I trust that it will be admitted that this scheme—the advantages of which I have thus briefly and feebly pointed out—if adopted and carried out, will give a stability and permanency to our educational institutions, unattainable by the present system. By increasing the emolument and promoting the comfort and respectability of teachers, it will, of necessity, raise the standard and *status* of the teaching profession; it will introduce a body of well educated and reasonable and reasoning men, both from native and foreign sources, who will have far higher claims on the community than many of the present class, some of whom are unfit for their duties, and all of them inadequately rewarded for performing them. Indeed, the wonder is, that we have so many teachers of ability and respectability, amongst us; for it is scarcely to be expected, and, were it not for the overwhelmingly paramount interests concerned, I would say scarcely to be desired, that men of education, and talent and refinement, should devote their lives to a profession so poorly rewarded.

And here I cannot forbear drawing the attention of your Board to another consideration, which I trust will have its due weight with those whom no other argument will sway. Since commencing to pen these remarks, I find (and the coincidence is gratifying to me) that the Lieutenant Governor of Nova

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Scotia, in his speech at the opening of the Legislature of that Province, has recommended the amendment of their Educational System, and expresses his "belief that any Legislative Act in reference to it, to be satisfactory in its operation, must be based on the principle of general assessment." There is every probability of such an Act being passed, and the consequence will then be, unless we improve our system, to drain off our best teachers to the sister Province, where they will find a more eligible opening for their talents. It is to be trusted then, that these and other considerations will have their due influence with those whose province it is to ameliorate our institutions; for I hope I have rendered it sufficiently clear that the assessment scheme is the only one which will realize at once the two leading objects proposed above, which all emendators of education should keep in view, viz: the improvement of the system and practice of teaching, and the planting of Schools wherever they are wanted. And should we effect all this, to us would then belong the distinguished honor of being the first among these Provinces to carry out that great first principle of political morality established and acted upon by several of the European continental States, "that every Government is bound to take care that the whole body of the people shall be educated."

But in the event of the further continuance of the present imperfect and inadequate mode of voluntary contribution, I would beg to suggest one or two amendments, which would aid, in my opinion, in rendering it more ample and beneficial. Many flourishing districts in the Island, able to maintain a respectable school, may be found, whose inhabitants from various causes, are so much disunited as to be unable to agree in making choice of a teacher in whom they may all confide. This want of co-operation is frequently the cause of their having no School, or a very inferior one; and it frequently happens that the most flourishing school is suddenly broken up by the withdrawal of one or more of the subscribers, from unreasonable prejudice, or mere caprice; and this state must continue to produce its baneful and injurious effects, until a majority of the supporters of a school shall be legally empowered to assess, in just proportions, every family within the sphere of such school, that unwarrantably withholds its support.

There are also several small and isolated settlements, and some of them long settled too, the inhabitants of which cannot meet the requirements of the Act, as respects the requisite number of scholars, and some of them as regards the necessary provision; these places, from their peculiar geographical position, combined with other causes, have no immediate prospect of any accession to their population, and are at such a distance from other districts, as to preclude the possibility of participating in the benefits of their schools; I would suggest the propriety of making an exception in such cases, by allowing these settlements to draw a share of the bounty, provided they should satisfy a duly qualified teacher in respect to salary, and provide a public school-house, and raise a definite number of scholars (say 12 to 15) to prevent one mere family obtaining any part of the public money for the support of a private tutor. But should it be deemed inexpedient to make an exception in the case which I have adduced, it would prove of no small benefit to conterminous districts, poor and thinly settled, and unable each to support a teacher, to allow them to avail themselves alternately of the services of the same schoolmaster, as has sometimes been found necessary even in older countries.

I would also propose for your consideration the expediency of licensing an intermediate class of teachers, who, in addition to the qualifications requisite in teachers of the present lower class, should be found competent to teach Geography as well as Mensuration, Land Surveying and Navigation, branches of practical Mathematics, which are so beneficial to the inhabitants of a commercial and agricultural community; and of course to raise the Legislative allowance for such class, proportionably; this would be in fact restoring the second class of the late Act, which the present law has amalgamated with the first or lower class; this would be but an act of justice to many among our most efficient schoolmasters, who are now placed on a level with the fag-end of the profession; and it would raise their emoluments and *status*, and act as a stimulus to others, by holding out prospects of preferment which seldom fail in having a favourable influence upon the energies of teachers.

There are other points connected with the disabilities of teachers, particularly the disadvantages under which they labour, and the loss many of them incur, in consequence of the mode in which they are re-

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quired to draw their Legislative grant; as well as the increasing degree of inconvenience to which the Secretary of your Board is put, in his solicitude to prevent much trouble and expense to teachers, by forwarding their papers and certificates through the necessary stages. But having in a recent examination, before a Committee of the House of Assembly, expressed my opinion on this head, as to the necessary amendments, as well as to the changes necessary for the more complete organization of your Board, it will not be requisite to urge them in this place.

I should not consider my duty sufficiently discharged were I to forbear urging upon the attention of your Board, in the strongest manner, a matter of momentous interest to the community at large. No greater obstacle to the advancement of education exists, than the deficiency of suitable school books; not only the deficiency, but the heterogeneous mixture of books in Schools, with the almost total want of apparatus, as models, maps, &c. are circumstances which set all classification at defiance, and present a serious obstacle to the successful introduction of any improved mode of education. Books, not only of inferior character, but books also containing gross error, in matters of fact, and not unfrequently pernicious opinions on the subjects of morality and religion, are found in the hands of children, and fix such impressions on their tender and susceptible minds, as may never afterwards be entirely eradicated. How urgent then is the necessity that District Schools be bound by Law to the use of such Books as are or may be adopted and recommended by your Board, and to such only. The benefit would be further enhanced, were the Government, in the first instance, to advance the books to the teachers or trustees, to be repaid within a limited reasonable time.

It will now be expected by your Board that I should be enabled to communicate to what extent a uniform system of instruction has obtained in our schools, the accomplishment of which desideratum I considered to be implied in the duties of the office of Visiter. The necessity of establishing some uniform mode of imparting instruction, will, I think, be hardly contested, when it is seen how frequently children changing their residence or teacher, are retarded in their progress; having often to unlearn with a new teacher what it has cost time, trouble and expense to learn, and are again set to acquire, what a subsequent instructor may condemn as of no value. In turning to the most expedient means of accomplishing this end, I did not judge it necessary to adopt any particular system, far less did I attempt to originate a new one; but I concluded that general system to be the best, which is best suited to the age, the capacity, and the disposition of the pupil, which is most calculated for exciting and sustaining the attention, and for the gradual, yet speedy, development of the mental faculties and moral feelings of the children.

There can be no doubt that this intellectual culture must have been an object, either more or less, with intelligent teachers at all times, as far as their several abilities and opportunities enabled them; but it is equally certain that it was a principle, until of late years, not generally acted upon. The development of the mental powers was left to time, or accident, and the *rote* system only carried on, which was fitted to exercise the *memory* only, and not the *judgment*. Within the last half century, however, education has partaken of the onward march of improvement, and different systems have arisen, in most of which mental culture occupies a more or less prominent place.

The incorporation of what is most valuable in each of these would naturally result in the formation of such a one as I have endeavoured to define, and appeared to me to be what is intended in that which is called the training system. But finding that I was not sufficiently acquainted with its theoretical details, and still less with the practical ones, to be qualified to determine how far the attempt to establish that system had been successful, I proceeded to Halifax, N. S., in the summer of 1839, for the purpose of observing the nature and operation, and enquiring into the results of the training system carried on in the Acadian School of that town. This Institution has been turned into a Normal Seminary, for the education of children, as well as the training of teachers, under the superintendance of a gentleman lately from Britain. I was politely admitted to view this Seminary, and allowed every facility during my limited stay for observing the mode adopted both in communicating and receiving instruction. The exhi-

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bition of this system (the details of which would be unsuitable here) more than realized the original ideas I had partly formed as to the best mode of Education; and proved the Normal system to be a successful attempt at a simple, uniform and judicious incorporation of the chief excellencies of each system of instruction, whether native or foreign; and I have further to record my settled conviction, that any educational scheme, to be fully efficacious and successful in its operations and results, must make provision for affording a professional education to Schoolmasters. It would be only necessary, simply to open a Normal Class for the purpose, in one of our best Seminaries, where intending teachers would be speedily initiated in the theory and practice of their profession.

This previous training will at once insure the establishment of a general uniform mode of instruction; for experience has convinced me how faint, if not altogether hopeless, is the expectation of fully attaining that desirable end as at present circumstanced, when we consider, along with other disadvantages, the defective education of many of our teachers, and their diversity in point of attainments, habits and prejudices.

But in attempting to modify difficulties which could not be wholly overcome or removed, and to fix and carry out as far as practicable, this uniformity of mode on the principles above laid down, I consider it necessary to give an outline of the course I judged proper to pursue. I encouraged the teacher not to depend so much on any novelty or peculiarity of external arrangement, as upon his own endeavours to keep steadily in view those simple and obvious principles which nature herself must have dictated to every teacher previous to more artificial contrivances. I was careful not to trammel him by too minute a system of martinet regulations. Beyond general instructions I left a good deal to his own taste, judgment and discretion. This plan I found to work well, as it leaves a good teacher freedom and scope for accommodating himself to circumstances, and bringing into full play his own particular excellencies. Where a radical defect exists in the teacher's own education—where a right spirit and good sense are wanting, I found that no formal enactments, however precise, will render his school efficient.

When the teacher is, again, a man of energy and uprightness, he will carry on his work more heartily and successfully, if beyond the mere communication to him of your ends and principles, you leave him, as to the details of means and methods, pretty much at liberty.

I may no doubt differ in opinion with some enlightened friends of education as to the soundness of these views, and the fitness of these rules; but I can only adduce my own experience as well as the concurring testimony of many teachers, in proof of their efficacy to establish and sustain in wholesome operation (all obstacles being removed) a general uniform system of sound elementary instruction.

It remains now only to submit to your Board, a detailed view of the state of each particular District School, and the extent of improvement manifested throughout the preceding year. In describing these Schools in their several degrees of merit, I have endeavoured, with the freedom and impartiality which should belong to my office, to point out both their excellencies and defects. There are some of them capable of affording the very best description of elementary education; and I must acknowledge myself indebted to several of their teachers for many valuable hints. I must also observe, that I have generally remarked that the Schools in which the branches were most numerous were those in which all the branches were most effectually taught; which must happen from the circumstance that those who can teach best, naturally have the strongest promptings to teach all they know; and they know more than others, because they have a stronger sense of the requirements of their vocation.

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QUEEN'S COUNTY.

Charlottetown, WALTER PHELAN, Teacher. This is entitled to the name of the District School of Charlottetown, in consequence of its being the oldest established common School under the Act. It numbers 43 scholars on the Roll, 33 of whom appeared at the examination. These all learn the inferior branches. Several excelled particularly in spelling; none are much advanced in arithmetic or writing, although the improvement on the whole is as much as could be expected for the time.

Cape Bear, Lot 64, JOHN STEWART, Teacher. This School, numbering 31 scholars, has been recently opened in this place. This is quite a juvenile School, a large proportion of the children commenced learning the Alphabet with the present Teacher, and within Six months could read the scriptures with much facility. The judicious method followed by the teacher, and his attention to his charge, are apparent in the progress the scholars have in most cases made within so short a period, notwithstanding that the attendance on the Schools has here, as in too many instances in other settlements, been irregular. The School-house is new, and with some additions would be sufficient.

Belle Creek, Lot 62, WILLIAM LAMONT, Teacher. This School was opened in the month of July last, under the present teacher, and numbers 44 scholars. Although I found none here much advanced, the progress made from time to time appeared satisfactory. The greater number read the New Testament and Spelling Book. There are a few writers who have yet made little proficiency, and only two in the primary rules of Arithmetic. The school-house is of too small dimensions for the number of children usually attending.

The District School of Pinette, under the tuition of the Rev. JOHN M'LENNAN, numbers 30 scholars, average attendance. The course of instruction in this School embraces the ordinary and most useful branches of a general English Education, in addition to the Latin language. The successful results of Mr. M'Lennan's laborious avocation are evinced in the proficiency attained by those children whose attendance has been in any way regular; the pupils in the higher Latin class translate with facility the classics of that language, and display an accurate and extensive knowledge of the construction thereof. The beneficial effects of the judicious method followed out here of thoroughly grounding the learners in the rudiments of the respective branches, is also deserving of notice. Without this no real proficiency can be attained, and although in the first instance apparently retarding, seldom fails in rendering the subsequent progress of the scholar easy. The reading department particularly, has that primary importance assigned it in this School of which it is deserving, and great pains are taken to make the children acquire a correct pronunciation, tone, and accurate knowledge of orthography, in opposition to the practice of too many instructors of youth, who overlook these details as of minor consideration. The Rev. gentleman has now upwards of two years, at considerable sacrifice, devoted his time and attention almost gratuitously to the intellectual and moral improvement of the youth of this District of his Parish.

The Flat River District School is taught this year by THOMAS MUNRO. Was examined in November last, only two days after being opened, and but few of the children having assembled, no report could yet be consequently made of the state of the School, or of the efficiency or method of the teacher. The School had been vacant for about half a year prior to the present teacher's succeeding to the charge. Under the last for forty to fifty scholars usually attended. And it must be observed that the house is too small to accommodate with ease or convenience that number.

Belfast, JOHN M'SWEEN, Teacher. This School opened in March last, under this teacher, and numbering 40 scholars, all of whom were present at the first examination, is conducted with much ability. The method and diligence of the teacher are entitled to much praise. The course of instruction embraces reading, writing and arithmetic.

Point Prim, DONALD MURCHISON, Teacher. This School numbers 47 scholars, all of whom were present when examined, on one occasion. This School is on the increase in number, and the improve-

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ment of the children continues to be satisfactory on the whole. It must be remarked that many defects were apparent in the reading of the scholars; it must be regretted that they are not more generally proficient in this branch, more especially as their attainments in English Grammar, Book-keeping and Arithmetic, entitle many of them to unqualified praise. Several of the more advanced in these branches can bear comparison with the pupils of any School in the Colony. The School-house here also is much out of repair.

Orwell Cove, DONALD GRAHAM, Teacher. On the teacher's list are 26 scholars—not more than 20 attended at any examination. When this School was opened, little more than a year ago, the greater number commenced in the Alphabet, and now read with facility the Introduction to the English Reader; a class of seven have acquired a considerable knowledge of English Grammar, and several are also well advanced in arithmetic and writing. The attention of the scholars is much directed to the meaning of what they read.

Murray Harbour Road, MURDOCH M'KENZIE, Teacher. This is a large School, numbering 60 scholars—average attendance 45. With the exception of a few writing, and in the primary rules of arithmetic, the greater part are engaged in learning to read, and have made fair improvement, considering the irregular attendance. One only had made any progress in English Grammar and Arithmetic.

Nine Mile Creek, Lot 65, DONALD M'LEOD, Teacher. This School has been opened about a year, under the present teacher, and is in a very flourishing condition—the attendance is forty. A class of 9 have acquired a very correct knowledge of English Grammar, and a large proportion are advanced to the English Reader, in which they read with much fluency. In arithmetic and writing, the improvement has been equally satisfactory. The large and commodious School-house raised in this District reflects much credit on the inhabitants of the settlement.

The Lot 30 (South Shore) School, is still taught by EWEN LAMONT.—On the list 43 scholars, upwards of 30 were present at the different examinations, and showed very satisfactory improvement during the last year: several are learning with rapidity the elements of Grammar. In writing and arithmetic the improvement has been as great as could be expected; a class of 12 are learning to read the Gaelic language; by which I found their progress in English, and their knowledge of that language, to be much facilitated, by comparing and translating, they are enabled to comprehend many words and phrases in English, when explained in Gaelic, (which is the vernacular of all these children), and are thus enabled to make rapid progress in the acquisition of both languages. It were to be wished that Gaelic teachers, in Scottish settlements, would more generally follow such an example, when it has been demonstrated how powerful an auxiliary a knowledge of the Gaelic language is to the study of the English. The School-house here is one of the largest and most commodious on the Island.

Lot 65, Long Creek, DONALD SHAW, Teacher. This School was opened in July last, and numbers 38 on the list, of which 30 is the average attendance. This number was present at the late examination, and were found to be very inadequately supplied with Books; notwithstanding this, and with the disadvantage of irregular attendance, the state of the School exceeded my expectations, and gave evidence of the faithfulness as well as the efficiency of the teacher in his charge; in addition to several who write, a few are learning the primary rules of arithmetic.

At the head of Elliot River, Lot 65, a School was opened in October last—DONALD LIVINGSTON, Teacher—number attending, 23 scholars. With a few exceptions, these scholars may be said to have commenced in the first stage with this teacher; a class learning the Alphabet in October, can now read the Scriptures with considerable fluency; two or three are making satisfactory progress in English Grammar; none are yet advanced in arithmetic and writing.

The Dog River District School is still taught by MALCOLM DARRACH—average daily attendance, 40. Although several of the most advanced have been removed during the past year, the state of the School is, notwithstanding, gratifying; the rapid progress made in reading, particularly, is equalled by few scho-

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lars on the Island; along with the acquisition of the mere mechanical art of reading, the attention is directed to the meaning of what is read. The proficiency this year in Grammar and Arithmetic has been satisfactory—in writing alone the improvement has not been equal.

Sable District School; ARCHIBALD M'KINNON, Teacher. The number attending this School is 52. A second school having been lately opened in the vicinity, several scholars have been withdrawn, which accounts for the decrease in number. The branches taught are English Grammar, Book-keeping, and Arithmetic, in all of which there appeared a steady improvement during last year. Some fair specimens of writing were also exhibited; and what is deserving of remark, is the fluency and correctness with which some children of a very tender age read, and their accurate and extensive knowledge of the nature and meaning of what they read, comprising some of the most difficult lessons in the higher English Class Books.

New London Point, Lot 21, District School; JOHN ARBUCKLE, Teacher. This School numbers 25 Scholars on the list; 20 were present at the two different examinations, in the months of August and December last, held in the presence of several of the School-Trustees and Parents of the children. That Mr. Arbuckle sustained the high reputation which he has always borne as a successful teacher, is a commendation which falls short of the many proofs of his unconquerable perseverance, assiduity and skill in his present School. His is not merely the praise of art, and insinuation and general success in imparting instruction, but the enthusiasm of a man determined to make scholars, by arousing the sluggishness of the dull, by rendering knowledge attractive to the indifferent, and by urging on the rapidity of the apt. Of those present, five were reading the English Reader, seven the Introduction, the remaining eight the Scriptures and Spelling-book. The display of minute and thorough acquaintance with the substance of their daily lessons made by almost all the scholars, was in the highest degree gratifying; their facility in reading and accuracy in spelling exceeded expectation, considering the shortness of the time since the opening of the School. And although it was expected that some of the classes at English Grammar would have exhibited a more extensive acquaintance with its elements, and have manifested greater readiness in some instances in correcting the errors of Syntax, and applying the rules, than they did—whatever disappointment might have been felt on this head, was more than amply compensated by the uncommon and extensive acquaintance with the meaning and derivation of words shewn by some of the pupils. This part of the examination clearly demonstrated the superior advantage of tracing the English language to its source by a study of the prefixes, roots, and affixes, over the common method of burdening the memory with the mere Dictionary definition of words; several of the neighbouring Schoolmasters attended the last examination, and expressed their sense of the pleasure they experienced, as well as the instruction they derived, from the insight obtained into the prominent and beneficial system of tuition carried out in this School. The new School-house erected in this district is comfortable and sufficient.

At New London Capes, Park Corner, a School has been opened last summer, taught by JOHN M'LAUHLAN. Although this teacher is yet but a novice in the profession, his diligence and close attention to his duties thus far appear to be surpassed by few. The School numbers 30. The result of two different examinations proved that rapid progress was made by the children who commenced in their first stage, especially with the present teacher. A class of scholars (some not above eight years of age) who did not know the Alphabet in June last, can now read the Introduction to the English Reader with facility. With what efficiency the higher branches are likely to be taught at this School, time can alone determine. The School-house here is also of sufficient dimensions.

At New London Ponds, a School was opened in November last; WILLIAM ARBUCKLE, Teacher. On the list are 20 scholars, 14 of whom were present when examined, about a month subsequent to the opening of the School. The method and zeal of the teacher thus far, appear likely soon to place his School in favourable comparison with some of those of his more experienced and elder neighbours. This School-house is neat and comfortable.

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Cavendish, DONALD LIVINGSTON, Teacher. This School numbers 30 scholars, many of whom are well advanced in the higher parts of English Grammar and Arithmetic; very satisfactory progress has been made during the past year by many in reading and writing, affording proof of the zeal and labour of the teacher. An excellent and commodious School-house has been lately erected here.

St. Peter's Road, Lot 34, ROBERT ROBERTSON, Teacher. About 36 scholars attended generally during the different examinations of this School in the past year, although 45 are entered on the teacher's roll. The course of instruction pursued comprises reading, writing, English Grammar, arithmetic, book-keeping and mathematics. The class at grammar parsed the lessons correctly, besides manifesting very considerable readiness in correcting the errors of syntax, and applying the rules. In the arithmetical department an equally creditable appearance was made; it was not merely a quickness in obtaining the answers, which has been often evinced in other Schools, accompanied with little or no acquaintance with the *rationale* of the question, but a facility for explaining and assigning reasons for every part of a given process. Several specimens of correct and good writing were shown. The School altogether in its arrangements reflects high credit on Mr. Robertson, who sustains the reputation of being one of the most successful teachers in the Colony. The School-house is too small to accommodate without inconvenience, the scholars, when there happens to be anything like a full attendance.

Covehead School, E. J. M'CORMACK, Teacher. An increase has taken place during the last year in the number attending this School; 41 are on the teacher's list. The greater proportion of these children commenced in their first stage with Mr. M'Cormack, and have already attained a very respectable proficiency in the most useful elementary branches of education, notwithstanding the want of books which prevails in the School, and acts as a continual drawback upon the efficiency of the teacher. Another disadvantage to both master and scholars, is the bad repair in which the School-house is kept. The inattention of the settlers not only here, but in two many districts, to this essential matter, cannot be too much reprehended.

Little York School, ALLAN STEWART, Teacher, numbers 27 scholars. Notwithstanding the irregular attendance apparent throughout the year, and which causes the improvement to be consequently limited, when compared with other Schools, the general state of the School, and the approved method of the teacher, bore testimony to his diligence while in attendance. It appeared by the books that four were considerably advanced in arithmetic, although none happened to be present at any examination. Some fair specimens of writing were shewn, and those in the higher class read and spelled with much correctness. A class had made some progress in English Grammar.

York River, Bee-hive School, CHARLES MACDONELL, Teacher. The number of scholars attending this School, according to the teacher's roll, is 31, 28 of whom were present on the last occasion of being examined. This may be considered as almost an infant school, the scholars whose attainments had been greatest having withdrawn; those left are, with few exceptions, in the first stages of instruction, although in the different branches taught the improvement was as great as could have been expected. It is to be regretted that several families in the vicinity, at variance with the teacher, should be deprived of the advantage arising from the School altogether; so far as his character and conduct are free from reproach, all that can reasonably be expected in his case is, that he should be diligent and faithful in teaching such branches as lie within the sphere of his own attainments. The order and discipline which appeared to reign in this School, are highly commendable, the different classes ordering their movements with military precision.

Lot 33, Lytchett Mills, ALEXANDER M'CABE, Teacher. The average attendance on this School is 25. A considerable degree of improvement was visible in the state of this School over the preceding year, among the junior scholars particularly. The elder ones, in several cases, did not show the same good proficiency; the broken attendance on the school has, no doubt, caused this backwardness.

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Charlottetown Royalty, ARCHIBALD MACKENZIE, Teacher. This School numbers 40 scholars; during the two years that the School has been in operation in this district, opportunities have been afforded at the different examinations of observing the beneficial effects of Mr. Mackenzie's method of teaching, in exciting and sustaining the attention, and developing the mental faculties of the children committed to his charge. In the various departments of reading, writing and arithmetic, and English grammar, the scholars displayed much skill and proficiency, and particularly in writing; the specimens shewn by some of the pupils would challenge competition with those of any seminary in this Island.

Fullarton's Marsh, Lot 48, P. B. DOYLE, Teacher. 26 scholars attended the different examinations of this School; the teacher's list numbers 40. This district having been without a School for some years, a large proportion of the children were consequently backward in their education; an improvement is now gradually taking place in the general state of the school. A class of 13 are advanced to the English Reader, and although all did not read with correctness, a spirit of emulation appeared in general, which in time must produce its good effects; several have made very creditable improvement in writing in a short period; and Mr. Doyle has proved himself to be a successful teacher of arithmetic.

In this District, towards Johnston's River, is a School taught by DONALD LAMONT; on the list 35, 27 of whom attended the last examination. This can scarcely claim any other name than an infant School, a few only being in the first stages of writing and arithmetic; with the exception of three, all read either the Scriptures or the Spelling book. In this Settlement, as in the last named, the School-house is not of sufficient dimensions.

Lot 48, Cross Roads, JOHN BUTLER, Teacher. From the large number attending this School, (50), from the broken attendance, and from the fact of several having been withdrawn since last year, the improvement this year did not appear as great as was remarked at former periods. The method followed by the teacher is, nevertheless, highly commendable. Some of the more advanced scholars have attained a remarkable proficiency in arithmetic; some of the branches in mathematics and book-keeping are also taught with success, as well as English Grammar.

Lot 49, Back Settlement. A School has been recently opened here, taught by JAMES M'KENNA, numbering about 30 scholars, whose progress throughout the year has been upon the whole highly satisfactory, although none are yet much advanced. A new and commodious School-house has lately been erected.

Fort Augustus. The School at this place has been taught for the last half year by MICHAEL BYRNE. The improvement shewn is yet but very slight; indeed it would be surprising were it otherwise, as the School-house is insufficient, and, in the winter season, very uncomfortable, and the children, moreover, very inadequately supplied with proper books.

Crapaud, GEORGE BYNON, Teacher. The improvement in the state of this School, which numbers 48, has been highly satisfactory this year; by a clear and comprehensive list which the teacher furnishes at each examination, the true state of the School is seen at a glance, the days each scholar has been present, as well as absent, throughout the year; this enables all to know whether the progress has been commensurate with the attendance. The teacher is entitled to praise, for the interest he evinces in the moral as well as the intellectual improvement of his pupils. *This School makes the Bible the foundation of its utility.* The teacher has not given in to the morbid sensibility which fears profane familiarity as the result to the youthful mind, of daily contact with the sacred volume. The display of minute and thorough acquaintance with the substance of the portions of Scripture daily read, made by many of the Scholars, was highly gratifying. An increase has taken place in the classes learning grammar and the higher rules of arithmetic.

The School on the South Shore, Lot 65, taught by ARCHIBALD MACNEILL, is vacant. The teacher is now stationed at Vernon River.

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The School at Brackley Point Road Settlement is taught by DONALD LAMONT, formerly of Elliot River, who has only a few days succeeded the teacher of the last year.

PRINCE COUNTY.

Princetown Royalty, Central School, is at present taught by JOHN SINCLAIR, who has lately succeeded to the charge. This teacher has not been stationed here sufficiently long to have produced any sensible alteration or improvement in the state of the School, which was examined in December last, in the presence of the Trustees. To form an opinion from the exhibition then made, it appeared to be a prominent part of the system to urge the pupils onward without any irksome drudgery or painful restraint; to a School such a course must be so obviously beneficial as to preclude the necessity of any comment, so long as the method is not subversive of public order and discipline; but I must say that it requires no little vigilance and activity in a teacher to prevent its running into extremes, and to enable him to maintain that subordination so essentially necessary in every Seminary, and without which the best method in other respects must prove unavailing. 23 were in attendance at the examination.

The Royalty Lower School continues to be taught by ALEXANDER RAE. 35 scholars is the average number attending. An examination took place in August last, in presence of the Trustees, when the children in general acquitted themselves with much credit in reading, arithmetic, grammar and geography, which comprises the course of instruction in this School. Several fair specimens of writing were also shewn. Although none can be said to have attained any great proficiency in these branches, yet all seemed to possess an accurate knowledge so far as they had advanced, as was evinced by their tenacity of memory on several points, notwithstanding the long annual vacations peculiar to this School, as well as the irregular attendance of the Scholars, in common with most others. In short, the state of the School proved the excellence of Mr. Rae's method, and his rare skill and ability in applying it for the instruction of his pupils.

Darnley, JOHN LE PAGE, Teacher. This school numbers 37, and has been taught by the present teacher about a year. At the last examination, which took place in December, in presence of the trustees and parents, it was evident that a considerable degree of improvement had taken place in most of the branches taught throughout the year; particularly a class at grammar manifested very considerable readiness in correcting the errors of syntax. In the arithmetical department, a creditable appearance was also made; the only falling off in the general proficiency was the reading—the low tone of voice in which several of the higher classes read caused somewhat of disappointment, and was calculated to make an unfavourable impression upon those who might not think of making some allowance for the timidity of children often at an exhibition of this kind. In every other point connected with their reading—spelling—definition of words—and in minute acquaintance with the substance of their lessons, the scholars gave proofs of their own diligence and industry, and of the attention of the teacher. There are several correct writers among the elder scholars only.

Lot 18, Oyster Cove, EDWARD T. BLANCHARD, Teacher. The average daily attendance on this School is 28, out of 44 upon the teacher's roll; the general improvement appears but slight this year; the attendance by the teacher's Journal seems to have been extremely irregular; this no doubt accounts for the backwardness of so many of the scholars—several having been absent half the year. Although this is a School of the higher class under the Act, none of the pupils have yet availed themselves of the advantages it holds out by the study of Latin or even English Grammar; in one instance only Geometry is taught. The School-house is one of the best in this County.

Lot 16, JOHN M. KINNON, Teacher. This School has been established several years under the present teacher, and is attended by 30 scholars. In this School the system is followed, which cannot be

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too highly appreciated, of blending to a certain extent a Scriptural education with the usual course of secular instruction. The Bible is made a regular and daily school book, and the Catechism a regular and daily exercise—Mr. M'Kinnon differing from the mistaken views of those who hold that the duty of a teacher is circumscribed by a mere scholarship of letters; as if any scheme for the improvement of character and the cultivation of the mind were complete, which would embrace a mere education of letters, without an education of principle also.

At Lot 19, New Annan Mills, a School was established last year; GEORGE H. KNILANDS, Teacher. On the roll are 50 scholars. With a large average daily attendance, and a scanty supply of books, the improvement that has taken place in the general state of the School since its commencement, reflects credit upon the industry of the teacher, when it is taken into account that the children of many families attend in rotation, and sometimes several attend together at one and the same time, to make up the lost time of one; although in many places, from the condition of the settlers, this practice cannot be avoided, nothing tends more to retard the School, and is a continual drawback upon the efficiency of the teacher. The greater proportion of the children have entered as beginners. The mere primary and elementary books of reading are used; no progress worthy of notice has yet been made in arithmetic or writing.

Ellis River, J. ROYNANE, Teacher, I could not ascertain that any sensible improvement had taken place in the condition of this School during the past year; this appeared to be owing to several causes. A number of the elder children of the former year had been withdrawn, and their room supplied by others; this, joined to the broken attendance and scarcity of books, may account in a great measure for the comparative non-improvement of the School. The attendance appears to be an average of 30 daily.

Lot 13; Port Hill, THOMAS KEY, Teacher. This School, after a vacancy of some duration, was re-opened in April last; there has been yet no time to be productive of much improvement; the only part deserving notice was a class of 8 children, from 5 to 6 years old, who commenced the Alphabet in April, and were reading the New Testament in December. In addition to the 32 who attended in the day, a night school, numbering 25, has been opened, which promises to prove of much utility and benefit to the youth of the District, in imparting instruction in the higher and most useful branches of an English education.

New Bideford. This School, after some vacancy, is now taught by A. C. BECKFORD; having been but a few months in operation, time must determine to what degree of merit it shall be entitled. When visited in December, 21 attended, which is about the average number.

Cascumpec, JAMES GILLENDER, Teacher. At the last examination of this School, there were 25 present—the greatest number attending is 38; with the exception of one in English Grammar, and a few in Arithmetic and the English Reader, the great proportion are not advanced beyond the primary elementary books. The judicious method of instruction, and the discipline enforced in this School, entitle the teacher to the highest praise.

Bedeque, J. B. NEWCOMB, Teacher. The School of this District had been little more than three months opened, when examined in December. That being the first examination, no accurate opinion could with certainty be formed of the state of improvement to which the School was likely to arrive under the present teacher. It must however be remarked, that few of our common Schools present the same advantages to an enterprising and zealous teacher for facilitating the improvement of his pupils. Along with the limited number of 23 scholars, who from their near vicinity to the School, and other considerations, may be presumed to attend regularly, the greater part of them appear to be adequately supplied with book and other necessaries; these opportunities, joined with the aptness and quickness of apprehension displayed heretofore under other teachers by the children of this District in general, are sufficient to justify a confident expectation of seeing a creditable progress made at the year's end, when the length of time too, that many of the children have passed at School before, is taken into account.

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Upper Bedeque, **ROBERT SMALL**, Teacher. This School has shewn a very creditable improvement since last year, and Mr. Small's attention is highly exemplary. The number attending is twenty-four, of whom one has made considerable progress in Trigonometry and Navigation, and two in English Grammar; a few excel in Arithmetic; one boy in particular, by the rapidity and accuracy of his calculations, gave a pleasing evidence of his own talent, as well as of the method of the teacher. A very neat and comfortable School-house has been erected, which reflects credit on the settlement.

Lower Bedeque, **ALLAN M'PHEE**, Teacher.—A new School has been recently established in this Settlement, and had been in operation but a few weeks under the present teacher, prior to being visited in the month of December. The improvement of the School, and the result of the teacher's method and labours, must therefore form the subject of a future report. I found thirty scholars in attendance, in a commodious and well finished School-house.

Bedeque Road, Lot 27, **CHARLES R. STUART**, Teacher. Although this School numbers 31 scholars on the list, from the few that were present at the two different examinations held since last year, the general state of the School could not with any degree of correctness be ascertained; this is the more to be regretted, as the school has been in operation some length of time, and some improvement of consequence ought now to be looked for. At a late subsequent visit, the school was found closed, but it was only temporary, the teacher having since, as I am informed, resumed his vocation; a neat and sufficient School-house has been newly erected.

Cape Traverse, **DONALD MACKINNON**, Teacher. At the several examinations of this School throughout the year, the average attendance was found to be about twenty; the attendance has been in many instances irregular, and has very much retarded the progress of the pupils this year. In addition to the ordinary elementary branches, a class of five learn English Grammar, but have not yet attained a correct or extensive knowledge thereof. The greatest degree of improvement was seen in the junior reading classes.

Tryon, **JAMES BULLPITT**, Teacher. This School has been several years taught by this teacher, and the result is, that the pupils, although not far advanced in the higher branches, are yet, so far as could be gathered from two examinations, well grounded in their respective parts. In reading, the fluency, correctness of pronunciation, and attention to punctuation, which was displayed by several, and some too of a tender age, was peculiarly gratifying, while the acquaintance shewn by them with the substance of their lessons, proved the advantage of the explanatory method in giving exercise to the faculties, and in exciting the attention of the pupils. Writing is successfully taught, and in a few instances arithmetic. The School-house is very inadequate in dimensions—the number on the roll is fifty-eight.

KING'S COUNTY.

Savage Harbour, **DANIEL SCOTT**, Teacher. The number attending on this School is 35; thirty were present at the different examinations. This Settlement has had the advantage of the present teacher several years, and many of the children are consequently well advanced. A new and comfortable School house has been erected.

The St. Peter's School is still taught by **PHILIP BAMBRICK**, and shews a list of 36 scholars, 34 of whom attended the last examination; a few are advanced as far as English Grammar and geography, and although the improvement was not so satisfactory in reading, which is no doubt from the want of adequate books, several displayed an extensive acquaintance with the common rules of arithmetic; none have made much progress in writing yet.

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Georgetown Road, Lot 66, EDWARD SHEA, Teacher. This School was opened last summer; when visited in June last, 27 scholars were in attendance, but, with few exceptions, were all in the first stages of their learning. A neat School-house has been erected at this station.

Murray Harbour, JOHN M'NEILL, Teacher. This School numbers 36 scholars. The progress upon the whole appeared at the last examination to have been as great as could have been looked for, considering the time taught; and I look with confidence to considerable proficiency before long, as the teacher's attention appears exemplary. A new School-house was erected at this station last summer.

In Georgetown, a School of the higher class has been lately established, but was not opened when visiting that quarter last. A spacious, neat and well finished school-house has been erected, in size and finish equal to any in the Island.

Lot 51, Georgetown Road, NATHANIEL MACLAREN, Teacher. I found the state of this School upon the whole to be deserving of any equally favourable report with that made last year. Few children in the country of the same age show such a proficiency as these in general, in the correctness of their reading, their knowledge of grammar, and their readiness and accuracy of calculation in the higher rules of arithmetic. The average attendance is 30.

Brudenell River, JOHN M'NEILL, Teacher. The attendance on this School averages from 30 to 40 scholars, who have made respectable progress this year. The zeal which they display in acquiring instruction, in which their parents participate, and eagerly afford them every advantage within their means, and withal, their general punctuality in attendance, are entitled to much commendation. The course of instruction, in addition to the primary branches, embraces English grammar, geography and mathematics. At the last examination it was remarked, that in the writing department alone the improvement was unequal, and not so satisfactory as in the other branches.

The foregoing presents a list of Fifty-eight Schools, examined by me at various times during the preceding year, shewing an increase of eight over the last year. There are several stations where Schools were in operation last year, which are vacant at present, but more have been established and put into operation during the preceding twelve months than in any former period of the same extent. A few other Schools under the Act are not mentioned above; two or three in consequence of the teachers having changed their stations in the interval of my visit, without having notified me of the fact; and more whose teachers have been licensed since concluding my last visit. I must take this opportunity of requesting all teachers who change and re-open in other districts, to notify me without delay of such removal. In conclusion, I am happy to add, that I found no Schools so much neglected this year, or otherwise not entitled to the benefit of the Act, as to call for the interference of your Board, or render it necessary for me to recommend the Legislative allowance being withheld. In two instances, at Lots 7 and 14, were complaints preferred against the teachers; but on holding meetings of the trustees and subscribers, and investigating the charges, they could not be substantiated to such a degree as to authorize me to report the cases to your Board.

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN M'NEILL.

Charlottetown, 28th January, 1841.

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No. 12.

At the Court at Buckingham Palace, the 8th of December, 1840.

PRESENT:

The Queen's Most Excellent Majesty;
His Royal Highness Prince Albert;

Marquis of Normanby,
Lord Steward,
Viscount Palmerston,

Viscount Melbourne,
Viscount Duncannon.

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the Month of April, 1840, pass Five Acts, which have been transmitted, intituled as follows, viz:

No. 529.—An Act for appropriating certain Monies therein mentioned, for the Service of the Year of Our Lord One thousand eight hundred and forty.

No. 532.—An Act to continue for One year the Act intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

No. 536.—An Act to authorize the Sale in certain cases of Vessels, Boats, Goods, Wares and Merchandize, and other things seized as forfeited under any Revenue Law of this Colony.

No. 541.—An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.

No. 543.—An Act to amend the Act relating to Merchant Seamen.

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty, that the said Acts should be left to their operation: Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report: Whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being of Her Majesty's Island of Prince Edward, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. L. BATHURST.

(SEE PAGE 52.)

No. 13.

[COPY.]

THE Jurors for Our Sovereign Lady the Queen, upon their Oaths, present—That much difficulty and inconvenience has frequently arisen from persons refusing to serve, who have been nominated by the Court as Constables. That there does not exist any Colonial Statute enabling Magistrates, in a summary manner to compel the party to act; and the only method of proceeding against them is by the tedious and expensive mode of indictment at the ensuing terms of the Courts.

That in consequence, in one or two instances in particular, a whole district has been left without a Constable, or perhaps having only one, where two or three were requisite.

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The Jurors do therefore present, that it would be for the furtherance of the ends of justice if the Legislature was, by enactment, to provide a summary way of compelling persons to serve, who may be appointed Constables by the Court.

Grand Jury Room, March 10th, 1841.

(Signed)

For self and fellows,

JOHN MACGOWAN, Foreman.

March Term, King's County, 1841,

Deputy Prothonotary's Office.

I do hereby certify the foregoing is a true copy of the Presentment filed in my Office.

(Signed)

E. THORNTON, Deputy Clerk.

(SEE PAGE 60.)

No. 14.

Chief Justice's Chambers, 27th March, 1841.

SIR,

I have attentively perused the Bill, intituled "An Act for the regulation of Juries," submitted by order of the Legislative Council, with a request for my opinion whether any necessity exists to alter the present system under which Petit Jurors are summoned, or the practice under which the Foreman of the Grand Jury is appointed in this Colony—and if such necessity does exist, whether the Bill contains adequate provisions for that purpose.

I confess I am at a loss to conceive any substantial reason why the present mode of returning Juries should be altered. It is the system which has ever prevailed under the British Constitution, and appears to me protected by as sufficient guards to ensure the return of impartial Juries, as the imperfection of all human institutions will permit. The proposed mode may have its advantages, but it is quite novel to me, and until acted upon, can, I think, scarcely be correctly estimated in all its bearings. As no case has ever come to my knowledge requiring a departure from the present system, I am unwilling, for the mere sake of change, to recommend to the Legislature the adoption of what appears to me an experiment of, at the least, doubtful import.

As regards the proposed alteration in nominating the Foreman of the Grand Jury, I see no objection whatever to allowing the Grand Jury to choose their own Foreman, if it should be thought more advisable to do so. But in that case I think the Court ought not to interfere with their choice, lest a difference of opinion might produce unseemly collision between the Court and the Grand Jury, which should always, if possible, be avoided. The appointment of the Foreman ought therefore, I think, either to rest wholly with the Court, as is now practised, or wholly with the Grand Jury themselves.

I have the honor to be, Sir,

Your obedient servant,

E. J. JARVIS, Chief Justice.

The Honorable Robert Hodgson,

President of the Legislative Council.

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(SEE PAGE 67.)

No. 15.

Committee Room, House of Assembly, February, 1841.

At a meeting of the Special Committee for taking into consideration the proceedings of the Commissioners under the Boundary Act—

MR. RAE in the Chair.

Mr. *Alexander Anderson*, Land Surveyor, called in and examined.

Q. 1. How long have you been acting as a Land Surveyor?

A. More than Ten years.

2. Have you been employed in any Survey for Government?

A. Yes, different Surveys.

3. Did you Survey any Townships to the North of Lots Ten and Eleven?

A. Yes, for private individuals, parts of different Townships.

4. Did you Survey any whole Township?

A. Yes, I surveyed the whole of Township Seven, for the Montgomerys and Stewarts.

5. Did you lay off any line of Road to the North of Townships Ten and Eleven?

A. I laid off by order of the Government the line dividing Townships Seven and Eight—running the same from the South Shore, on the Straits of Northumberland, to the Road commonly called the Great Western Road.

6. Have you kept a Record of your measurement?

A. Yes, but I have not got it with me.

7. Did you run any other line of Road?

A. Yes, I ran a line of road from Hill's Mills across the intervening Lots, and entering a considerable distance into Lot One. I also run, but not for a road, the line bounding Lots Seven and Eight, in the rear extending from shore to shore.

8. From what source did you derive your information as to the Points of commencement, the direction and length of such lines?

A. I received instructions, and I think a Plan was given me at the Surveyor General's Office.

9. Did the instructions in general specify the length of such Township Lines?

A. Yes, in regard to the Lines bounding Lots 7 and 8.

10. Then when you run across from Shore to Shore there, did the actual length agree, exceed, or fall short of the described length?

A. The Line bounding the rear of Lots Seven and Eight, I think, rather exceeded the described length, by several chains. I think more than twenty-five.

11. Did you never, either for the Government, or for individuals, or by direction of the Commissioners, or by combination of lines, run for one or all such employers, across the Island in that quarter, from the South to the North Shores?

A. The Commissioners established the point of commencement of the Line dividing Lot 6, from Lots 10 and 9, which was on the West shore of Foxley Cove, and I run said Line until it intersected to the Southward of Lot 7, the Line bounding Lots 7 and 8, in the rear.

12. Did the Commissioners appoint you to run a certain length in that direction, or did they appoint you to run until you should strike such rear line, without any reference to length?

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A. They gave me instructions as to precise length.

13. Did such length exactly strike, exceed, or fall short of said run line?

A. The length in their instructions would have exceeded by a few chains, that is, would have carried me about four or five chains into Lot 8. I have to remark, that the directions given me by the Commissioners did not terminate at the point of division of Lots 7 and 8, but to the Southward of that.

14. How far do you think to the Southward?

A. Not having my notes, I cannot say exactly; but should think a pretty considerable distance.

15. Did you ever run any Lines of Lot 6?

A. I have been employed to run parts of the side lines, but not any distance.

16. Then if Lot 6 be moved to the Southward of what you had reason to suppose when you prolonged between it and Lot 9, the line which you had continued between Lots 7 and 8, what effect would that produce on the parallel of Lot 5?

The answer to this was of such length, and had so much reference to the different lines of different Lots, that it seemed difficult to make it intelligible in writing; but the undoubted impression on the minds of the Committeemen was, that the Lots parallel to Lot 6, says Lots 5, 4, 3 and 2, would thereby be affected.

17. What is the length from that point where the Southern Boundary Line of Lot 6, as set by the Commissioners, strikes the Line bounding Lot 8 in the rear, continued from the point of striking along the rear of Lot 7, North to the Shore?

A. Not having my notes, I cannot exactly tell; but I believe it exceeds seven miles.

18. Can you, for the information of the Committee, furnish from your field book the length of line required in the last question?

A. Yes. By chaining from the corner of Lot 7, to the point where the Commissioners struck the rear of Lot 8. I know I have in my field book the chaining of the rear of Lot 7.* In order to explain myself more fully, I have to state that the continuation of the North shore of the Line dividing Lots 7 and 8, would not fetch me to Foxley Cove; but to the North of it, and that the starting point assigned by the Commissioners was in Foxley Cove.

19. Then Lot 6, in the judgment of the Commissioners, is to the Southward of Lot 6, as laid down in the plan before witness?

A. Of course, and the parallel Lot 5, must follow to the Southward. Where I drawing a Plan of the Island, if I moved Lot 6 to the Southward of where it appears to be, the other Lot should follow of course.

*The following written Report was also submitted to the Committee:

10th February, 1841.

Mr. W. Cullen, Clerk of the House of Assembly;
SIR,

As directed by a Committee of the House of Assembly—A. Rae, Esq. Chairman—I send you the following Report of my Account as Surveyor:—From the South Boundary Line of Lot 6, as established by the Commissioners, North, to the Line dividing Lots 7 and 8, is a distance of two miles and twelve chains; and from said Line dividing Lots 7 and 8, as established by the Commissioners, North to the Sea-shore, is a line run by me for the East Boundary Line of Lot 7, is a distance of Six miles fifty-seven chains.

From the Line dividing Lots 9 and 10, as established by the Commissioners, West to a line run by me, supposed to be the Line dividing Lots 8 and 9, is a distance of about four miles and seventy chains.

(Signed)

ALEX. ANDERSON.

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James Stewart, Land Surveyor, called in and examined.

Examined in 1840.

Q. Have you been at Lennox or Indian Island ?

A. No, never was on shore.

Q. When you were sworn in, what instructions were given you ?

A. The Oath of office was, that I was to do my duty according to Law, without favour, fear or affection.

Q. As to returning plans, what instructions were given you ?

A. The instructions as to returning Plans, were given verbally—I was sworn by Mr. Haviland—the verbal instructions were by the Surveyor General—as to any Survey, or any amount of Survey that exceeded Five hundred acres of Land, that a copy of the same should be lodged in the Surveyor General's Office—I was instructed thus by the late Mr. Charles Wright. This was to be done at the cost and charges of the Proprietor of the land; and as they seldom sanctioned any portion of a Township by agreeing to pay for it, therefore I in such cases did not do it.

Q. In point of fact, have you had occasion to examine in the office of the Surveyor General, the Returns of Surveys made by other Deputy Surveyors; and in regard to sections of Townships surveyed by them, have they generally returned same, or copies of the same, to the Office of the Surveyor General ?

A. I cannot answer that question, not having sufficient acquaintance with the office.

Q. Have you ever seen any Return, by any other Deputy Land Surveyor, of a Survey of from 500 to 5000 acres in that office ?

A. Yes, I have seen Returns of half and quarter Townships.

Q. Of any quantity under 2000 acres ?

A. No, I don't know that I did, unless returned by myself, so far as I remember.

Q. When you went to Survey a Township, where did you take the information necessary for that purpose ?

A. Commenced from the stakes, as pointed out by the old residents.

Q. From what did you take the measures of the Townships and the Boundaries ?

A. I measured from stake to stake, and it did not matter to me whether that line ran two miles or four miles; I did not look to the measurements as stated in any description, but I went to the old Boundary marks, pointed out by the inhabitants, and measured from stake to stake, and it mattered not to me what the line was in actual measure.

Q. Did you take any measures of such Townships, from the old plan of the Island, in the Surveyor General's Office ?

A. There is a Book in the Office which shews the dimensions of each Township, North and South, East and West, as the case may be.

Q. Did you make that Book an authority, so as to give the Township you were about to Survey a certain length and breadth ?

A. I did, so far as it regards to the depth of the Lot from the Shore to the rear.

Q. Is it customary in Surveying a Township to include Rivers and Lakes, that is, are such Rivers and Lakes considered to make up part of the 20,000 acres ?

A. Yes.

APPENDIX.

Q. When the new County Lines were run out, have the Commissioners taken the old County Lines, or the new County Lines, as the Boundary Lines of Townships East and West, North and South?

A. By Law the County Line must be the Boundary of the Township, as a Township. A Township cannot be part in one County, and part in another.

Q. If you were to Survey a piece of land of exact rectilinear boundaries, would you think that the terms "little more or less" were necessary to make a complete description or designation of the quantity?

A. By no means. It would only be necessary if one or more of the Boundaries were irregular, as the Sea shore, or a River or a Lake.

Examined in 1841.

Q. Are you a sworn Land Surveyor?

A. Yes.

Q. How long have you followed that occupation?

A. Nineteen years past.

Q. Did you ever Survey any of the Townships to the Westward of Lot Eleven?

A. Yes, I run the Line between Lots 9 and 10.

Q. Did you receive instructions from the Surveyor General to return to his Office a copy of the description of any Township, or part of a Township, surveyed by you?

A. Of all over One thousand acres.

Q. Or of the plan of such Township?

A. Yes, of the Plan also.

Q. Have you kept any Field Book, or Memorandum, which would enable you to give the Committee the length of that line?

A. No. The distance run was according to the official documents, so many miles, so many feet.

Q. Did you get a written description?

A. The description I got was from the Surveyor General's Office—cannot remember whether I copied it, or he.

Q. Who employed you to run said line?

A. Mr. Lewellin, the Agent. I was to meet the Commissioners, but something intervened to prevent me getting there in time. They established the starting place, by cutting a hole in the marsh, and fixing a post.

APPENDIX.

[SEE PAGE 67.]

No. 16

Examination of the HON. GEORGE WRIGHT, and WILLIAM CUNDALL, Esq. touching the Boundary Act.

The Hon. *George Wright*, examined.

Q. Have you read the Bill, intituled "An Act to suspend for a limited period an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes?"

A. I have.

Q. Are you aware that such Bill is intended to suspend the Acts in force in this Colony, whereby Boundary Lines of Townships are determined?

A. I am.

Q. Are you of opinion that any necessity exists for suspending the said Acts, and if so, what are your reasons for forming such opinion?

A. There is no necessity for suspending the Act, as the Bill has worked well generally throughout the Island, as regards the establishing of Township Boundaries, with the exception of the Northern part of Prince County, where there is a considerable deficiency of land, from the quantity which appears laid down in the original plan. (Plan produced to show the deficiency of a certain portion of the Northern part of Prince County.)

Q. Will you point out on the plan produced where the particular deficiency exists?

A. The deficiency principally exists on the Western Shore of Townships Numbers Two and Three.

Q. What is the cause of such deficiency?

A. The cause is from the fact of a Shore being laid down to the extent of two and a half miles, which is not in existence, and which there is no account of in the original Field Book, nor in my possession, from which the original plan was protracted.

Q. Are there any other causes for such deficiency than those you have stated?

A. I have reason to believe that there are other parts of the original Plan of that part of the Island which are incorrect, in consequence of the discrepancy before mentioned.

Q. Might not such deficiency arise from the conveyance of the Meridians varying, and from the difference of the variations, by the magnetic needle, between Charlottetown and Lot 3?

A. Not at all. The difference of variation having been fully allowed from the time the original Survey was taken, up to the present time.

Q. Is the original Field Book of Lot 3 still in existence—if so, how does it agree with the old Map?

A. The original Field Book is now in my possession. I obtained it amongst my Father's papers, (the former Surveyor General of this Island, who made the original Survey of that part of the Island), and there are two and a half miles of coast on the Western side of Prince County, embracing parts of Lots 2 and 3, laid down in the original Plan, which does not appear in the Field Book.

Q. Does this fact just stated by you, convince you that the Survey, as noticed in the Field Book, is correct, and that the deficiency arises between the Field Book and the Plan, from an error in protracting the original Plan?

A. A Survey of the Shore, from the line between Lots 5 and 7, to Lot 1, under the direction of the Commissioners, by the authority of the Boundary Act, was made in the winter of 1840, which Survey corresponded with the Field Book alluded to.

APPENDIX

Q. Have the Boundaries of Lots 2 and 3, and 3 and 4, East side of the Island, been established by you?

A. Yes, they have.

Q. Could the deficiency in Townships Numbers 2 and 3, be made up, without materially altering the boundaries of the adjoining Townships?

A. They could not. The plan produced shows the increased confusion that would take place in any attempt to make up the deficiency from other Townships.

Q. Would the suspension of the Boundary Acts, in your opinion, work injury to any class of persons?

A. It would prevent the legal establishment of any lines of Townships, not yet ascertained.

Q. Would you recommend that any alteration be now made in the Boundary Act, with regard to the said Townships?

A. No.

William Cundall, Esq. examined.

Q. Have you read the Bill, intituled "An Act to suspend for a limited period, an Act passed in the Fourth year of His late Majesty's Reign, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for other purposes?"

A. I have.

Q. Are you aware that such Bill is intended to suspend the Acts in force in this Colony, whereby Boundary Lines of Townships are determined?

A. I am.

Q. Are you of opinion that any necessity exists for suspending the said Acts, and if so, what are your reasons for forming such opinion?

A. I concur with the Surveyor General in his answer to this query, as far as the working of the Act goes. I think at present there exists a necessity for suspending the Act, so far as regards the North Western part of Prince County, in consequence of the deficiency referred to by the Surveyor General.

Q. How would the suspension remedy that deficiency?

A. The suspension of the Act would not remedy the deficiency—an amendment might.

Q. In what way would you propose to amend it?

A. I think if power were given to the Commissioners to dispense with the Seventh Section of the Boundary Act, in cases analogous to the present—that is, where there is a discrepancy to a considerable extent between the actual Survey, and the original plan, it might have the desired effect.

Q. Are you aware that the lines of Lots 3 and 4, and Lots 5 and 7, have been established?

A. I am aware that the line between Lots 3 and 4, on the East side, and the line between Lots 5 and 7, on the West side, have been established under the Boundary Act.

Q. Would not your proposed amendment alter the present Boundaries of Townships?

A. I do not think it would. It would alter the Western Boundary of Lot 5 in this case.

Q. Will you point out on the Plan produced where the particular deficiency exists?

A. I can. Part of Townships Numbers 2 and 3, apparently.

Q. What is the cause of such deficiency?

A. The insertion of the representation of a certain Coast which does not exist on the original plan.

Q. Are there any other causes for such deficiency, than those you have stated?

A. Not that I am aware of.

APPENDIX.

(SEE PAGE 92.)

No. 17.

[No. 49.]

Colonial Office, 3d April, 1841.

SIR,

I have to acknowledge the Receipt of your Despatch of the 15th February, in which you transmit an Address to the Queen from the Council and Assembly of Prince Edward Island, congratulating Her Majesty upon the Birth of a Princess Royal.

Having laid this Address before the Queen, Her Majesty has commanded me to instruct you to signify to the Legislative Council and House of Assembly, the satisfaction with which she has received this expression of their sentiments, on an event alike important to the British Empire, and interesting to Her Majesty's feelings.

I have, &c.

(Signed)

J. RUSSELL.

Lieut. Governor Sir C. A. Fitz Roy, &c. &c. &c.

[SEE PAGE 95.]

No. 18.

[No. 48.]

Downing Street, 31st March, 1841.

SIR,

I have received and laid before the Queen, the Address enclosed in your Despatch No. 14, of the 5th of May, 1840, from the Legislative Council of Prince Edward Island, complaining of the system pursued by the House of Assembly, in appropriating the supplies granted to the Crown.

Having laid this Address before the Queen, I have received Her Majesty's commands to instruct you to return the following answer to the Legislative Council:—

The practice of sending up the Appropriations for the current year in the same Bill, having prevailed in Prince Edward Island for upwards of Fifteen Years, without, as it is asserted in the Protest of the three Members of the Council, which you have transmitted, having produced any very evil consequences to the Public Service, (the Queen does not perceive what is the immediate motive for the present complaint.) It is of such importance to the Colony, to avoid disunion between the branches of the Legislature, that Her Majesty would regard with great concern, the addition of any fresh element of agitation. Should, however, the Council still persist after this answer, in their wish for an alteration in the mode of considering the appropriation Bills, Her Majesty would not oppose their desire on the subject; and in that case you will consider yourself authorized to recommend to the Assembly, the adoption of the practice pursued in New Brunswick, as most suitable to their situation, although not conformable to the principles in force in this country.

I have, &c.

(Signed)

J. RUSSELL.

Sir Charles A. Fitz Roy, Lieutenant Governor.

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