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JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND;

ANNO SEPTIMO

VICTORIÆ REGINÆ.

SECOND SESSION OF THE SIXTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

PRINTED BY J. D. HASZARD, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1844.



BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT,

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.

H. V. HUNTLEY,
Lieutenant Governor.

A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Tuesday the Fourth Day of July instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Wednesday, the Twenty-seventh 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 Third Day of July, in the year of our Lord One thousand eight hundred and forty-three, and in the Seventh year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

God save the Queen.

~~~~~  
BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT,

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.

H. V. HUNTLEY,  
Lieutenant Governor.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued to Wednesday the Twenty-seventh day of September, instant.

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Wednesday the Eighth 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 Twenty-fifth day of September, in the year of our Lord One thousand eight hundred and forty-three, and in the Seventh year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

*God save the Queen.*

BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT,

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.

H. V. HUNTLEY,  
Lieutenant Governor.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued to Wednesday the Eighth day of November instant.

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued to Wednesday the Twentieth 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-three, and in the Seventh year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

*God save the Queen.*

BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT,

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.

H. V. HUNTLEY,  
Lieutenant Governor.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued to Wednesday the Twentieth day of December instant.

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until Thursday the Twenty-first day of December instant, 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 Fourth Day of December, in the year of our Lord One thousand eight hundred and forty-three, and in the Seventh year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

*God save the Queen.*

**JOURNAL**  
OF THE  
**LEGISLATIVE COUNCIL**  
OF  
**PRINCE EDWARD ISLAND.**

---

**THURSDAY, December 21, 1843.**

**T**HE General Assembly having been, by Proclamation, prorogued to this day, the Legislative Council met.

PRESENT:

|                                                   |                             |
|---------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President; |                             |
| The Hon. Mr. <i>Brecken</i> ,                     | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Dalrymple</i> ,                            | Mr. <i>Hensley</i> ,        |
| Mr. <i>Solicitor General</i> ,                    | Mr. <i>Irving</i> ,         |
| Mr. <i>Holl</i> ,                                 | Mr. <i>Worthy</i> .         |

The *President* acquainted the House that His Excellency the Lieutenant Governor had provisionally appointed Alexander Anderson, Esquire, by Warrant, bearing date the 14th day of October, 1843, a Member of this House, who desires to be admitted.

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

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

The Honorable Mr. *Anderson* was then introduced between Mr. *Dalrymple* and Mr. *Young*, 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 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 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 ;*

It is with regret that I call you from your homes earlier than usual ; but considerations arising from an error in the Laws relating to Statute Labour and the Small Debt Courts have rendered your meeting advisable.

When, in the last Session, you repealed and suspended all former Laws upon the above mentioned subjects, all appointments under them became vacant ; but, as some of the Members of the House of Assembly had held appointments under these Acts when elected to their seats, and as, in the event of their being re-appointed, their possession of them might thereby be unnecessarily affected, you agreed to a clause in each of the new Laws suspending, as far as regards these Members, the operation of the 7th of William 4, cap. 13, "for vacating the Seats of Members," the only Act affecting them ; but by mistake the words "5th of William 4th" were inserted in the clauses referred to—a palpable error, because this last named Act had already been repealed by the other ; my intention was to have named these errors at the usual period of your meeting ; but from representations made to me by the Speaker of the House of Assembly, for the opinion of the Law Officers of the Crown, there appears a determination in some parties to use these errors in direct opposition to the manifest intention of the Legislature, for which reason I have deemed it proper at once to bring the question before your notice.

I again bring to your consideration the Laws affecting the Debtor and Creditor of this Colony. It may, possibly, not be judicious wholly to adopt those of England ; but a nearer approach to them, would, I think, be very beneficial.

The re-consideration of the "Act for ascertaining and establishing the Boundary Lines of Counties and Townships," &c., which is now partially suspended, appears to be highly necessary.

The important subject of the Fisheries is worthy of your deepest attention, with a view to affording all possible encouragement to so valuable a branch of industry. It is most obvious that an extensive and well founded establishment in this department of commercial enterprise would be the means of giving to the Island that Foreign trade, the absence of which is lamented as a cause of the depression in the pursuits of our Agricultural population.

The position of this Colony enables you to commence the Fishing season even earlier than Newfoundland. You have advantages of procuring bait which are not found there. You grow your own produce. Providence has bestowed abundant crops ; but they are often sold in the neighbouring Markets at a ruinous loss ; and yet, with Fish abounding on your shores, an organized Fishery is wanting. The true friends of this Island, and its people, are those who, by advice, influence and example succeed in bringing the occupation of the Fisherman as an ally to that of the Farmer.

I have to call your attention to the expiration of the Act for the encouragement of Education in this Island. It is impossible for me too earnestly to implore your gravest deliberation upon this most important measure. Connected with this subject, the present and future welfare of thousands is involved in your decisions. To educate a people, is the first step towards rendering them, in the mass, religious, honest and benevolent.

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

The Public Accounts will be duly laid before you, and without that delay which heretofore has retarded your examination of them. I have every reason to suppose that the Revenue will at least equal that of last year—a circumstance which, amidst the general depression which has so long prevailed in the trade of almost every part of the Empire, affords a sure and pleasing indication of your growing prosperity. I rely upon your granting the necessary sums for the Public Service.

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

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

I trust, by your early settlement of the question first mentioned, that you will enable me to relieve you from a long attendance at present. At a future period, I shall avail myself of the opportunity to lay before you such communications as may be deemed necessary to bring under your consideration.

The Speech being ended, and the House of Assembly having withdrawn, His Excellency was pleased to retire.



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. *Solicitor General*, Mr. *Holl* and Mr. *Young*, be a Committee, pursuant to the above Resolution.

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

On motion, *Ordered*, That Mr. *Young* and Mr. *Hensley* 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 and twenty copies thereof be furnished.

Adjourned until 10 o'clock, to-morrow.

FRIDAY, December 22, 1843.

The Council met, pursuant to adjournment.

PRESENT:

|                                                   |                             |
|---------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President; |                             |
| The Hon. Mr. <i>Brecken</i> ,                     | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                            | Mr. <i>Hensley</i> ,        |
| Mr. <i>Dalrymple</i> ,                            | Mr. <i>Irving</i> ,         |
| Mr. <i>Solicitor General</i> ,                    | Mr. <i>Worthy</i> ,         |
| Mr. <i>Holl</i> ,                                 | Mr. <i>Anderson</i> .       |

Prayers.

**R**EAD the proceedings of yesterday.

Mr. *Young*, 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. *Young* reported, that the Committee had gone through the Address, and that they had made several amendments thereto.

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

*Ordered*, That the said Address, with the amendments, be engrossed.

On motion, the said Address was read a third time and passed, whereupon the President signed the same, and it is as follows:

*To His Excellency SIR HENRY VERE HUNTLEY, Knight, 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, thank your Excellency for your Speech at the opening of the present Session.

We regret that any errors should have inadvertently arisen in the Laws relating to Statute Labour and the Small Debt Courts, as to render it necessary for your Excellency to convene us at a much earlier period than usual. We beg to assure your Excellency that we will co-operate with the House of Assembly in endeavouring to have these errors duly rectified.

The Laws affecting the Debtor and Creditor of this Colony, shall receive our attention.

Our consideration shall be given to the necessity of altering the provisions of the Act for ascertaining and establishing the Boundary Lines of Counties and Townships in this Island.

We agree with your Excellency in the advantages to be derived from due attention being given to the Fisheries of this Island, and we shall readily unite in giving our support to such measures as may be deemed best calculated to encourage such a valuable and useful branch of industry in this Colony.

The subject of Education shall receive our gravest deliberation—as we fully concur with your Excellency in considering it to be one of paramount importance. A good system of Education has ever been found to be the means of disseminating among the People, principles of religion, honesty and benevolence.

We beg to assure your Excellency, that any communication you may think fit to lay before us shall receive our most respectful attention.

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

On motion, Ordered, that Mr. *Young*, Mr. *Irving* and Mr. *Anderson* be a Committee to 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 two o'clock this day for that purpose.

At Two of the clock, p. m., the House proceeded to Government House, with their Address, in answer to His Excellency's Speech, 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 am grateful for the assurances you give of applying yourselves to the consideration of the several subjects brought by me before your notice; your deliberation upon these, as generally upon others, will, I feel confident, support the real interests of this Island.

H. V. HUNTLEY, Lieut. Governor.

Government House, Dec. 22, 1843.

A Message from the House of Assembly, by the Honourable Mr. *Palmer*, with a Bill intituled "An Act to amend certain errors in two several Acts therein mentioned, relating to Commissioners of Highways, and Commissioners for recovery of Small Debts," 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, the said Bill was read a third time.

*Resolved*, That the said Bill do pass.

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

Adjourned until Eleven o'clock to-morrow.

~~~~~

SATURDAY, December 23, 1843.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Young*,

Mr. *Macdonald*,

Mr. *Hensley*,

Mr. *Dalrymple*,

Mr. *Worthy*,

Mr. *Holl*,

Mr. *Anderson*.

Prayers.

READ the proceedings of yesterday.

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, in Her Majesty's name, to give his assent to the following Bill:—

“An Act to amend certain errors in two several Acts therein mentioned, relating to Commissioners of Highways, and Commissioners for recovery of Small Debts.”

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

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:

H. V. HUNTLEY, Lieutenant Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to-day, should adjourn until Thursday, the First day of February next.

Government House, 23d December, 1843.

The House then accordingly adjourned until Thursday, the First day of February next, at Twelve o'clock.

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

Your Committee appointed to report to this House the Laws that will expire, during the present Session beg leave to report—

That ‘An Act to establish a reward for the destruction of Bears and Loupcerviers, will expire at the end of the present Session.

That ‘An Act empowering the Inhabitants of Charlottetown to assess themselves, for the purpose of purchasing or renting sites for Engine Houses, and for erecting such Buildings thereon,’ will expire at the end of the present Session.

That ‘An Act for the better preventing accidents by Fire within the Town of Charlottetown,’ will expire at the end of the present Session.

That ‘An Act for the regulation of the public Wharf at Georgetown,’ will expire at the end of the present Session.

That ‘An Act to provide Salaries for Sub-Collectors of Customs at the several Out Ports therein mentioned,’ will expire at the end of the present Session.

That ‘An Act for the protection of Sheep against vicious Dogs,’ will expire at the end of the present Session.

That ‘An Act relating to Treasury Warrants,’ will expire at the end of the present Session.

That ‘An Act to amend the Act relating to Merchant Seamen,’ will expire at the end of the present Session.

That ‘An Act to continue the Act for regulating the manner of proceeding on controverted Elections of Members to serve in the General Assembly,’ will expire at the end of the present Session.

That ‘An Act to continue and amend 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,’ will expire at the end of the present Session.

That ‘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 an Act to alter, amend and repeal certain parts of the Acts now in force, regulating the inspection of Pickled Fish, and also an Act passed in the Sixth year of the Reign of Her present Majesty, in amendment thereof,’ will all expire at the end of the present Session.

That ‘An Act relating to Schools, and for the encouragement of Education, and an Act to repeal and amend a certain portion of the Nineteenth Section of the Act relating to Schools, and for the encouragement of Education,’ will both expire at the end of the present Session.

That ‘An Act for the increase of the Revenue of this Island,’ will expire on the Fourth day of May next.

That ‘An Act for suspending for a limited period certain parts of an Act 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,’ will expire at the end of the present Session.

Ordered, That the Report be received, and 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 Report.

After some time the House was resumed, and Mr. *Young* reported that the Committee had come to a certain Resolution which they recommend to the adoption of the House, and further, that he was directed by the Committee to move that they may have leave to sit again, which the House agreed to.

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

Resolved, That it is the opinion of this Committee, that the 'Act for the better preventing Accidents by Fire within the Town of Charlottetown,' be continued and amended.

That the Act for the prevention of Sheep against vicious Dogs,' be continued.

That the Act to amend the Act relating to Merchant Seamen,' be continued.

That the 'Act to continue the Act for regulating the manner of proceeding on controverted Elections,' be continued.

That the 'Act to continue and amend the Act made and passed in the Seventh year 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,' be continued and amended.

That the '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 the Act to alter, amend and repeal certain parts of the Acts now in force, regulating the inspection of Pickled Fish,' be continued.

That the 'Act relating to Schools, and for the encouragement of Education, and the Act to repeal and amend a certain portion of the Nineteenth Section of an Act relating to Schools, and for the encouragement of Education,' be continued and amended.

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

On motion, Ordered, That a Committee be appointed to prepare and bring in a Bill to continue and amend '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.'

Ordered, That Mr. *Brecken* and Mr. *Young* be a Committee for that purpose.

Resolved, That a Committee of this House be appointed to join a Committee of the House of Assembly, to prepare a joint Address to His Excellency the Lieutenant Governor, upon the Despatch from the Right Honorable Lord Stanley, in answer to the joint Address of the Council and Assembly passed last Session, praying Her Majesty to cause an Armed Steamer to be stationed off this Island to protect the local Fisheries from the encroachments of the Americans, and that the House of Assembly be requested, by Message, to join in the said Address.

Ordered, That Mr. *Holl* and Mr. *Young* 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.

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 :

H. V. HUNTLEY, Lieutenant Governor.

The Lieutenant Governor transmits to the Legislative Council, copies of the following Despatches and Documents.

No. 1.—Despatch from Lord Stanley, No. 71, dated 25th May, 1843, in answer to a joint Address of the Council and Assembly to the Queen, praying Her Majesty to induce the Proprietors to remit a certain extent of arrears of rent due to them, and to accept payment of their rents in kind instead of in money.

No. 2.—Despatch from Lord Stanley, No. 72, dated 31st May, 1843, in answer to a joint Address of the Council and Assembly to the Queen, praying Her Majesty to cause an Armed Steam Vessel to be stationed off this Island every season, to protect the local Fisheries from the encroachments of the Americans.

No. 3.—Despatch from Lord Stanley, No. 89, dated 4th December, 1843, explaining the circumstances why he cannot advise Her Majesty to confirm the Act to authorise the issue *de novo* of certain Writs under the Road Compensation Acts, in certain cases, passed in the last Session of the Colonial Legislature.

No. 4.—Order of Her Majesty in Council, dated 13th December, 1843, disallowing “An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias,” passed in the last Session of the Colonial Legislature.

No. 5.—Order of Her Majesty in Council, dated the 13th December, 1843, specially confirming an Act in further amendment of an Act passed in the Tenth year of the Reign of King George the Fourth, intituled “An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation,” passed in the last Session of the Colonial Legislature.

No. 6.—Order of Her Majesty in Council, dated the 13th December, 1843, leaving to their operation Twenty Acts therein named, passed in the last Session of the Colonial Legislature.

Government House, 6th February, 1844.

[Vide Appendices No. 1 to 6.]

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

Adjourned until 12 o'clock, to-morrow.

FRIDAY, February 9th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

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

Prayers.

READ the proceedings of yesterday.

Mr. *Young*, by leave, presented a Petition from the Inhabitants of Princetown, Princetown Royalty, and parts adjacent praying that this House will give their sanction to a Bill similar to that passed by the House of Assembly in the last Session, and intended to

enable Farmers to carry away, for their own use, any Seaweed which may be thrown up in front of the lands of their neighbours, when such neighbours shall not appropriate the same, but leave it to be swept away by the tide.

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

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

Adjourned until Monday next, at 1 o'clock.

~~~~~  
**MONDAY, February 12th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                   |                             |
|---------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President; |                             |
| The Hon. Mr. <i>Brecken</i> ,                     | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Dalrymple</i> ,                            | Mr. <i>Irving</i> ,         |
| Mr. <i>Macnutt</i> ,                              | Mr. <i>Anderson</i> .       |
| Mr. <i>Holl</i> ,                                 |                             |

**Prayers.**

**R**EAD the proceedings of Friday last.

Mr. *President*, by leave, presented a Petition from James Whitney, of Saint John, New Brunswick, setting forth the importance of a communication by Steam, between P. E. Island and Newfoundland, proposing a junction between the Steam Navigation of Prince Edward Island and his own Steam Boat, engaged by the Imperial Government for the carrying of the Mails, between Halifax, N. S., and Saint John's, Newfoundland, and praying this House to sanction such a moderate grant of Money as would remunerate him for sending his Steamer into the Gut of Canso, to meet one there from Prince Edward Island.

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

A Message from the House of Assembly, by the Honorable J. S. Macdonald:—

“ In the House of Assembly,

“ Friday, February 2d, 1844.

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

“ Ordered, That the Hon. J. S. Macdonald, Mr. Longworth, Mr. Aitken, Mr. Yeo, and Mr. Wightman, do compose the said Committee.

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

Also, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled ‘An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly.’

A Bill intituled ‘An Act to establish a reward for the destruction of Bears and Loupcerviers.’

A Bill intituled 'An Act for the protection of Sheep against vicious Dogs.'

Read the said Bills a first time.

*Resolved*, That a Committee of this House 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. *Holl*, Mr. *Young* and Mr. *Irving* do compose the said Committee.

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

Read a second time, the following Bills, viz :

A Bill intituled 'An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly.'

A Bill intituled 'An Act to establish a reward for the destruction of Bears and Loup-cerviers.

A Bill intituled 'An Act for the protection of Sheep against vicious Dogs.'

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, asking if His Excellency has received any instruction from the Imperial Government relative to the Fishery Reserves in this Island, and if so, to request that His Excellency will be pleased to lay the same before this House.

*Ordered*, That Mr. *Dalrymple* and Mr. *Young* be a Committee to prepare the said Address.

The President acquainted the House that His Excellency the Lieutenant Governor had provisionally appointed Stephen Rice, Esquire, by Warrant bearing date the 7th day of February instant, a Member of this House, who desires to be admitted.

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

On motion, The following Resolution was agreed to :

*Resolved*, That a Message be sent to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to lay before this House a copy of the Memorial of the Honorable Samuel Cunard, against the Act of the Legislature of this Colony, passed during the last Session, intituled "An Act to authorise the issue *de novo* of certain Writs under the Road Compensation Act in certain cases," together with a copy of any Communication made by his Excellency in reply to Mr. Cunard's Memorial.

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

On motion, *Ordered*, That Mr. *Irving* be appointed one of the Committee of this House to take charge of the Government House and Public Furniture, in the room of Mr. Hensley, who has resigned his seat as a Member of this House.

Adjourned until One o'clock to-morrow.

**TUESDAY, February 13th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                   |                             |
|---------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President; |                             |
| The Hon. Mr. <i>Brecken</i> ,                     | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Dalrymple</i> ,                            | Mr. <i>Irving</i> ,         |
| Mr. <i>Macnutt</i> ,                              | Mr. <i>Worthy</i> ,         |
| Mr. <i>Holl</i> ,                                 | Mr. <i>Anderson</i> .       |

**Prayers.**

**R**EADE the proceedings of yesterday.

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

The Honorable Mr. *Rice* was then introduced between Mr. *Young* and Mr. *Irving*, and took his seat.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act for the protection of Sheep against vicious Dogs."

After some time the House was resumed, and Mr. *Irving* 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.

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

A Bill intituled "An Act for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors, also, to regulate the inspection of Pickled Fish."

A Bill intituled "An Act to provide Salaries for Sub-Collectors of Customs at the several Out-Ports therein mentioned."

Also, with the following written Message :

" In the House of Assembly,

" Monday, February 12th, 1844.

" Resolved, That a Committee of this House be appointed to join the Committee of the Legislative Council to prepare a joint Address to His Excellency the Lieutenant Governor, upon the Despatch from the Right Honorable Lord Stanley, in answer to the joint Address of the Council and Assembly, passed last Session, praying Her Majesty to cause an Armed Steamer to be stationed off this Island, to protect the local Fisheries from the encroachments of the Americans.

" Ordered, that Mr. *Longworth*, Mr. *Wightman*, Mr. *Coles* and Mr. *Cooper* do compose the said Committee.

" Ordered, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council."

Read a first time, the Bill intituled "An Act for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors, and to regulate the inspection of Pickled Fish."

Read a first time, the Bill intituled "An Act to provide Salaries for Sub-Collectors of Customs, at the several Out-Ports therein mentioned."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly."

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.

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

Read a third time, the Bill intituled "An Act to establish a reward for the destruction of Bears and Loupcerveirs."

*Resolved*, That the said Bill do pass.

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

Read a second time, the Bill intituled "An Act to regulate the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors, also, to regulate the Inspection of Pickled Fish."

Read a second time, the Bill intituled "An Act to provide Salaries for Sub-Collectors of Customs at the several Out-Ports therein mentioned."

Adjourned until One o'clock to-morrow.

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## WEDNESDAY, February 14th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                              |
|----------------------------------------------------|------------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                              |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Irving</i> , |
| Mr. <i>Dalrymple</i> ,                             | Mr. <i>Worthy</i> ,          |
| Mr. <i>Holl</i> ,                                  | Mr. <i>Anderson</i> ,        |
| Mr. <i>Young</i> ,                                 | Mr. <i>Rice</i> .            |

**Prayers.**

**R**EAD the proceedings of yesterday.

The President informed the House that indisposition has prevented Mr. *Macdonald* from attending in his place for the last two days, and that he is still unable to attend.

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

Read a third time, the Bill intituled 'An Act for the protection of Sheep against vicious Dogs.'

*Resolved*, That the said Bill do pass.

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

Read a third time, the Bill intituled "An Act to provide Salaries for Sub-Collectors of Customs, at the several Out-Ports therein mentioned."

*Resolved*, That the said Bill do pass.

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

Mr. *Dalrymple*, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, to request that His Excellency will be pleased to lay before this House any instructions he may have received from the Imperial Government relative to the Fishery Reserves of this Colony, presented the draught of an Address, which he read in his place, and is as follows:—

*To His Excellency SIR HENRY VERE HUNTLEY, Knight, 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 Legislative Council of Prince Edward Island, in General Assembly convened, humbly request that your Excellency will be pleased to lay before this House any Instructions or information which your Excellency may have received from the Imperial Government on the subject of the Fishery Reserves of this Colony.

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

*Ordered*, That the same Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Mr. *Young*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Message requesting His Excellency to lay before this House a copy of the Memorial of the Honorable Samuel Cunard, against the Act to authorize the issue *de novo* of Writs under the Road Compensation Act, in certain cases, with a copy of any communication made by His Excellency to Mr. Cunard's Memorial, reported, that they had waited on His Excellency, who was pleased to say that he would comply with the request of the House.

*Resolved*, That a Message be sent to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to lay before this House a copy of the Grant of the Government House Grounds.

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

Adjourned until One o'clock to-morrow.

## THURSDAY, February 15th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                              |
|----------------------------------------------------|------------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                              |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Irving</i> , |
| Mr. <i>Dalrymple</i> ,                             | Mr. <i>Worthy</i> ,          |
| Mr. <i>Macnutt</i> ,                               | Mr. <i>Anderson</i> ,        |
| Mr. <i>Holl</i> ,                                  | Mr. <i>Rice</i> .            |
| Mr. <i>Young</i> ,                                 |                              |

**Prayers.**

**R**EAD the proceedings of yesterday.

Mr. *Dalrymple*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address on the subject of the Fishery Reserves of this Colony, reported that they had waited on his Excellency, who was pleased to say that he would afford the information desired.

Mr. *Young*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Message requesting that His Excellency would be pleased to lay before this House, a copy of the Grant of Government House Grounds, 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 Bill intituled "An Act for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors, also, to regulate the Inspection of Pickled Fish."

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.

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 to regulate the manner of proceeding on controverted Elections of Members to serve in the General Assembly."

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 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.

*Resolved*, That the said Bill do pass.

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

Adjourned until One o'clock to-morrow.

## FRIDAY, February 16th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                             |
|----------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                             |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                             | Mr. <i>Irving</i> ,         |
| Mr. <i>Dalrymple</i> ,                             | Mr. <i>Worthy</i> ,         |
| Mr. <i>Macnutt</i> ,                               | Mr. <i>Anderson</i> ,       |
| Mr. <i>Holl</i> ,                                  | Mr. <i>Rice</i> .           |

**Prayers.**

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Hudson, with a Bill intituled "An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

*Ordered*, That Mr. *Worthy* have leave to return home, in consequence of ill health.

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

Adjourned until Two o'clock on Monday next.

## MONDAY, February 19th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                              |
|----------------------------------------------------|------------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                              |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Irving</i> , |
| Mr. <i>Dalrymple</i> ,                             | Mr. <i>Anderson</i> ,        |
| Mr. <i>Holl</i> ,                                  | Mr. <i>Rice</i> .            |
| Mr. <i>Young</i> ,                                 |                              |

**Prayers.**

**READ** the proceedings of Friday last.

Read a second time, the Bill intituled "An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors."

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 certain amendments.

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

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

*Folio 4, line 15.*—After the word “direct,” insert “and shall be paid weekly thereafter on such day as such order shall direct.”

*Folio 5, line 7.*—After the word “them,” insert “on Affidavit of the Debtor and the Jailor of the County in which such Debtor may be confined.”

*Folio 6, line 20.*—After the word “discharge,” insert “on oath being made by the Debtor and Jailor as hereinbefore prescribed by this Section.”

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

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

On motion, Resolved, That a Message be sent to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to lay before this House copies of the Correspondence between His Excellency and the Right Honorable Lord Stanley, relative to the fees of Office payable by Legislative Councillors, on confirmation of their appointments by the Crown.

Ordered, That Mr. *Irving* and Mr. *Rice* be a Committee to wait upon His Excellency with the said Message.

Adjourned until One o'clock to-morrow.

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TUESDAY, February 20th, 1844.

PRESENT :

The Hon. Mr. <i>Attorney General</i> ,	President ;
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Rice</i> .

Prayers.

THERE not being a quorum—

Adjourned until One o'clock to-morrow.

WEDNESDAY, February 21st, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Irving</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Anderson</i> ,
Mr. <i>Holl</i> ,	Mr. <i>Rice</i> .
Mr. <i>Young</i> ,	

Prayers.

READ the proceedings of Monday last.

A Message from the House of Assembly, by Mr. Yeo, with a Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," 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 Monday next.

The Honorable Mr. *Brecken*, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, laid before the House, the following documents, viz:

Copies of Despatches from the Right Honorable Lord Stanley, to His Excellency Sir Henry Vere Huntley, relative to the Fishery Reserves of this Colony.

Opinions of the Attorney General and Solicitor General of England thereon.

Questions on the subject of the Fishery Reserves.

Copy of Memorial of the Honorable Samuel Cunard, against the Act to authorise the issue *de novo* of Writs under the Road Compensation Act in certain cases.

Reasons of the Attorney General of P. E. Island for passing the said Act.

Copy of Despatch from the Right Honourable Lord Stanley to Sir H. V. Huntley.

Copy of Despatch from Sir H. V. Huntley, to the Right Honorable Lord Stanley, in reply to Mr. Cunard's Memorial.

Copy of the Grant of Government House Grounds.

[See Appendix Nos. 7, 8 and 9.]

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

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

A Bill intituled "An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island.

A Bill intituled "An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned."

Read the said Bills a first time.

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

Adjourned until One o'clock to-morrow.

THURSDAY, February 22d, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Irving</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Anderson</i> .
Mr. <i>Young</i> ,	Mr. <i>Rice</i> .

Prayers.

READE the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Beairsto, with a Bill intituled "An Act to authorise and regulate the gathering of Seaweed on the shores of this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, That a Committee be appointed to examine into the state of Education in this Island, and to report thereon by Bill or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. *Dalrymple*, Mr. *Holl* and Mr. *Young* be a Committee for that purpose,

The President laid before the House the Report of the Visitor of District Schools for the past year.

[See Appendix No. 10.]

On motion, Ordered, that the said Report be referred to the Committee appointed to examine into the state of Education.

Mr. *Brecken*, from the Committee appointed to prepare and bring in a Bill 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," presented to the House the draft of a Bill, and the same was received and read a first time.

Mr. *Brecken* moved for leave to bring in a Bill to constitute the Michaelmas Term of the Supreme Court in Queen's County, a Term for the Trial of Issues, for a limited period.

Leave being granted, the said Bill was brought in and read a first time.

On motion, Ordered, that the said Bill be read a second time to-morrow.

Mr. *Irving*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Message relative to the Fees of Office payable by Legislative Councillors, reported, that they had waited on His Excellency, who was pleased to say that he would cause the Correspondence on that subject to be laid before the House.

Read a second time, the Bill intituled "An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned."

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. *Irving* 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.

Mr. *Young*, from the joint Committee of the Council and Assembly appointed to prepare an Address to His Excellency the Lieutenant Governor, in reference to the Despatch from the Right Honorable Lord Stanley, in answer to the joint Address of both Houses, passed last Session, relative to the protection of the Fisheries of this Island, presented the draft of an Address, as prepared by the joint Committee, and the same was read and agreed to, and is as follows :

To His Excellency SIR HENRY VERE HUNTLEY, Knight, 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 Assembly beg leave to call your Excellency's attention to the answer received in reply to your Excellency's Despatch accompanying the joint Address of the Legislative Council and Assembly, passed last Session, with reference to the protection of the Fisheries of this Island.

The Legislative Council and Assembly, perceiving by the tenor of the said reply of the Right Honorable Lord Stanley, that the prayer of the said Address, with respect to an armed Steamer being stationed here cannot be acceded to the Legislative Council and Assembly, therefore humbly request that your Excellency will be pleased to communicate with the Admiral on the North American Station, and make application, in the terms prescribed by the Despatch of the Right Honourable Lord Stanley, for such assistance as the Admiral may have at his disposal.

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 One o'clock to-morrow.

FRIDAY, February 23d, 1844.

The Council met, pursuant to adjournment.

PRESENT :

The Hon. Mr. *Attorney General*, President ;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Young*,

Mr. *Macdonald*,

Mr. *Irving*,

Mr. *Dalrymple*,

Mr. *Anderson*,

Mr. *Holl*,

Mr. *Rice*.

Prayers.

READ the proceedings of yesterday.

Pursuant to order, the Bill intituled "An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors," 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.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein, and for the appointment of Fish Inspectors ; also, to regulate the inspection of Pickled Fish."

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 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.

Resolved, That the said Bill do pass.

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

Pursuant to order, the Bill to constitute the Michaelmas Term of the Supreme Court in Queen's County, a Term for the Trial of Issues, for a limited period, was read a second time.

Mr. *Young*, by leave, presented a Petition from Hugh Macdonald, Esquire, of Georgetown, setting forth the evils arising from the Court of Chancery, as at present constituted in this Island, and praying that this House will inquire into the constitutional power and practice of the said Court as it now stands, and pass such enactments as will be in all respects, fit and suitable for the Colony, and not repugnant to the Laws of England.

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

The Honorable Mr. *Brecken*, a Member of Her Majesty's Executive Council, by command of His Excellency the Lientenant Governor, laid before the House copies of the Correspondence between His Excellency and the Right Honorable Lord Stanley, relative to the Fees of Office payable by Legislative Councillors.

[See Appendix No. 11.]

Ordered, That the said Papers do lie on the Table.

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 the recovery of Small Debts, and to repeal certain Acts therein mentioned."

After some time, the House was resumed, and Mr. *Irving* 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, and are as follow :

Folio 7, line 11—After the word "discretion," insert "as aforesaid."

Folio 8, line 7—After the word "refusing," insert "to attend as aforesaid."

Folio 13, line 15—After the word "principal," insert "named."

Folio 15, line 10—Strike out the words "produced or sworn," and insert the words "as were sworn, or offered to be sworn, or were subpoenaed to give evidence, and from some unavoidable cause were prevented from attending."

Same folio, last line—Strike out the word “adjudicate and insert “adjudge.”

Folio 17, line 1—After the word “request,” insert “either verbally or.”

Same folio, line 20—After the word “place,” insert the following clause:—

“And be it enacted, That it shall and may be lawful for the usual Writ of Execution for the recovery of Small Debts issued in one County to run into another County, where the debtor may reside, or where his good and chattels may be found: and it shall be lawful for the Constable to execute such Execution within such County; and he is hereby authorized to commit the debtor to the Jail of the County in which he may be found (unless the debtor shall elect to be imprisoned in the Jail of the County in which the Execution issues); and the Keeper of the Jail of such County is hereby authorized and required to receive and take the body of such debtor into his custody—anything in this Act contained to the contrary thereof, notwithstanding.”

Folio 20, line 22—After the word “annexed,” insert “marked.”

Schedule (L.), line 1—Strike out the word “Subpœna,” and insert “Summons.”

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

On motion, ordered, that the said Amendments be engrossed.

Resolved, That a Committee be appointed to examine Bills to be engrossed, or that have been engrossed.

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

On motion, ordered, that the second reading of the Bill intituled “An Act to authorize and regulate the gathering of Seaweed on the shores of this Island,” do stand as the order of the day for Tuesday next.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to constitute the Michaelmas Term of the Supreme Court in Queen’s County a Term for the Trial of Issues for a limited period.

After some time the House was resumed, and Mr. *Brecken* reported, that the Committee had gone into the consideration of the Bill, and they recommend that the further consideration of the same be postponed for six months.

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

C O N T E N T S :

Mr. *Macdonald*,

Mr. *Anderson*,

Mr. *Holl*,

Mr. *Rice*

Mr. *Irving*,

N O N - C O N T E N T S :

Mr. *President*,

Mr. *Dalrymple*,

Mr. *Brecken*,

Mr. *Young*.

And it passed in the affirmative.

Read a third time, the Bill intituled “An Act relating to the recovery of Small Debts and to repeal certain Acts therein mentioned,” 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. *Young*, from the joint Committee of the Council and Assembly appointed to take charge of the Government House and Public Furniture, presented to the House the Report of the said Committee, which he read in his place, and is as follows;

“The Committee of the Legislative Council, appointed in conjunction with the Committee of the House of Assembly, to take charge of the Government House and Furniture, respectfully submit to your Honorable House the copy of a Communication received from His Excellency the Lieutenant Governor relative to the necessity of provision being made for an adequate supply of Fuel for the use of Government House, certain parts thereof being at present subject to the injurious effects of dampness, and other causes dependent upon the climate, which communication the Committee recommends to the consideration of the House.

[For His Excellency's Communication, See Appendix No. 12.]

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

Adjourned until Eleven o'clock to-morrow.

SATURDAY, February 24th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Attorney General</i> , President ;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Young</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Anderson</i> ,
Mr. <i>Holl</i> ,	Mr. <i>Rice</i> .

Prayers.

READ the proceedings of yesterday.

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

A Bill intituled “An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors.”

A Bill intituled “An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned.”

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 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 Bill :

“An Act relating to the recovery of Small Debts, and to repeal certain Acts therein mentioned.”

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

Adjourned until Two o'clock on Monday next.

MONDAY, February 26th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Irving</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Anderson</i> ,
Mr. <i>Holl</i> ,	Mr. <i>Rice</i> .
Mr. <i>Young</i> ,	

Prayers.

READE the proceedings of Saturday.

The Order of the Day, for the second reading of the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," being read—

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

On motion, *Ordered*, that the second reading of the Bill intituled "An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island," do stand as the Order of the Day for Wednesday, the Sixth day of March next.

Read a second time, the Bill further to continue an Act made and passed in the Fourth year of Her present Majesty's Reign, intituled "An Act to continue and amend 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.'"

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 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.

Ordered, That the said Bill be engrossed, and that the Title be "An Act further to continue an Act made and passed in the Fourth year of Her present Majesty's Reign intituled 'An Act to continue and amend 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.'"

Mr. *Brecken* moved for leave to bring in a Bill to authorize Justices of the Peace to appoint Clerks.

Leave being granted, the said Bill was brought in and read a first time.

Ordered, That the said Bill be read a second time to-morrow.

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, in her Majesty's name, to give his assent to the following Bill:

"An Act to repeal certain Acts therein mentioned, and to consolidate and amend the Laws for the relief of Insolvent Debtors."

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

Adjourned until One o'clock to-morrow.

~~~~~

## TUESDAY, February 27th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

|                                                   |                             |
|---------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President; |                             |
| The Hon. Mr. <i>Brecken</i> ,                     | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                            | Mr. <i>Irving</i> ,         |
| Mr. <i>Dalrymple</i> ,                            | Mr. <i>Worthy</i> ,         |
| Mr. <i>Macnutt</i> ,                              | Mr. <i>Anderson</i> ,       |
| Mr. <i>Holl</i> ,                                 | Mr. <i>Rice</i> .           |

**Prayers.**

**R**EAD the proceedings of yesterday.

On motion, Ordered, That Mr. *Anderson* have leave to absent himself until Wednesday next.

On motion, Ordered, that Mr. *Worthy* have leave to absent himself, in consequence of indisposition.

Read a third time, as engrossed, the Bill intituled "An Act further to continue an Act made and passed in the Fourth year of Her present Majesty's Reign, intituled 'An Act to continue and amend 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.

Mr. *President*, by leave, presented a Petition from divers Inhabitants of this Island, praying that this House will withhold its assent to the Bill now before the House to authorize and regulate the gathering of Seaweed, on the shores of this Island.

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



A Message from the House of Assembly, by Mr. *Thornton*, with a Bill intituled "An Act for the regulation of the public Wharf of Georgetown, and other Wharfs, to which they desire the concurrence of the Legislative Council.

Also, with the following written Message :

" In the House of Assembly,

" February 27th, 1844.

" *Resolved*, That a Committee be appointed to join a Committee of the Legislative Council, to prepare an Address to Her Majesty on the subject of the Act to authorize the issue *de novo* of Writs under the Road Compensation Acts, in certain cases, passed last Session, and to which the Royal assent has been withheld, and that the Legislative Council be desired to concur in the said Address.

" *Ordered*, That Mr. *Rae*, Mr. *Thornton*, Mr. *Montgomery*, Mr. *D. M'Lean*, Mr. *A. M'Lean*, and the Hon. Mr. *Palmer*, 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 Legislative Council."

Read a first time, the Bill intituled " An Act for the regulation of the public Wharf of Georgetown, and other Wharfs.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to prepare an Address to Her Majesty on the subject of the Act to authorise the issue of Writs *de novo* under the Road Compensation Acts, in certain cases.

*Ordered*, That Mr. *Macnutt*, Mr. *Holl* and Mr. *Young* 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.

The Order of the Day for the second reading of the Bill intituled " An Act to authorise and regulate the gathering of Seaweed on the shores of this Island," being read—

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

Dissentient—Mr. *Young*.

Pursuant to order, the Bill to authorise Justices of the Peace to appoint Clerks, 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 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 received.

*Ordered*, That the said Bill be engrossed, and that the Title be " An Act to authorise Justices of the Peace to appoint Clerks."

Read a second time, the Bill intituled " An Act for the regulation of the Public Wharf of Georgetown, and other Wharfs."

Adjourned until One o'clock to-morrow.

**WEDNESDAY, February 28th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President ;

|                               |                            |
|-------------------------------|----------------------------|
| The Hon. Mr. <i>Brecken</i> , | The Hon. Mr. <i>Holl</i> , |
| Mr. <i>Macdonald</i> ,        | Mr. <i>Young</i> ,         |
| Mr. <i>Dalrymple</i> ,        | Mr. <i>Irving</i> ,        |
| Mr. <i>Macnutt</i> ,          | Mr. <i>Rice</i> .          |

**Prayers.**

**R**EADE the proceedings of yesterday.

Read a third time, as engrossed, the Bill intituled "An Act to authorize Justices of the Peace to appoint Clerks."

*Resolved*, That the said Bill do pass.

*Ordered*, That a Message 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 regulation of the Public Wharf of Georgetown, and other Wharfs.

After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone into the consideration of the Bill, and they recommend that the same be referred to a Special Committee to report thereon.

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

*Ordered*, That Mr. *Macdonald*, Mr. *Macnutt* and Mr. *Young* be a Committee for that purpose.

*Ordered*, That Mr. *Dalrymple* have leave to absent himself to-morrow and Friday next.

Adjourned until One o'clock to-morrow.

**THURSDAY, February 29th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                             |
|----------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                             |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                             | Mr. <i>Irving</i> ,         |
| Mr. <i>Macnutt</i> ,                               | Mr. <i>Rice</i> .           |
| Mr. <i>Holl</i> ,                                  |                             |

**Prayers.**

**R**EADE the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

FRIDAY, March 1st, 1844.

PRESENT:

The Hon. Mr. *Attorney General*, President;  
The Hon. Mr. *Brecken*,                      The Hon. Mr. *Young*.

*Prayers.*

**T**HERE not being a quorum—  
Adjourned until One o'clock to-morrow.

~~~~~

SATURDAY, March 2d, 1844.

PRESENT:

The Hon. Mr. *Attorney General*, President;
The Hon. Mr. *Young*.

Prayers.

THERE not being a quorum—
Adjourned until 1 o'clock on Monday next.

~~~~~

MONDAY, March 4th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;  
The Hon. Mr. *Brecken*,                      The Hon. Mr. *Young*,  
Mr. *Dalrymple*,                                      Mr. *Irving*,  
Mr. *Solicitor General*,                      Mr. *Rice*,  
Mr. *Holl*.

*Prayers.*

**M**R. PRESIDENT acquainted the House, that His Excellency the Lieutenant Governor had provisionally appointed William Swabey, Esquire, by Warrant bearing date the 28th day of February last, a Member of this House, who desires to be admitted.

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

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

The Hon. Mr. *Swabey* was then introduced between Mr. *Holl* and Mr. *Rice*, and took his seat.

A Message from the House of Assembly, by Mr. Fraser, with a Bill intituled "An Act to naturalize John Broderus Edinger Tybring," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until 3 o'clock to-morrow.

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TUESDAY, March 5th, 1844.

PRESENT:

The Hon. Mr. *Attorney General*, President;
 The Hon. Mr. *Brecken*, The Hon. Mr. *Swabey*.
 Mr. *Irving*,

Prayers.

THERE not being a quorum—

Adjourned until 1 o'clock to-morrow.

~~~~~

## WEDNESDAY, March 6th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President ;  
 The Hon. Mr. *Brecken*,                      The Hon. Mr. *Irving*,  
 Mr. *Dalrymple*,                                      Mr. *Anderson*,  
 Mr. *Solicitor General*,                      Mr. *Rice*,  
 Mr. *Holl*,                                              Mr. *Swabey*.  
 Mr. *Young*,

*Prayers.*

**R**EAD the proceedings of Monday last.

According to order, the House was called over.

PRESENT:

|                                |                       |
|--------------------------------|-----------------------|
| Mr. <i>President</i> ,         | Mr. <i>Young</i> ,    |
| Mr. <i>Brecken</i> ,           | Mr. <i>Irving</i> ,   |
| Mr. <i>Dalrymple</i> ,         | Mr. <i>Anderson</i> , |
| Mr. <i>Solicitor General</i> , | Mr. <i>Rice</i> ,     |
| Mr. <i>Holl</i> ,              | Mr. <i>Swabey</i> .   |

ABSENT:

The Hon. Mr. *Macdonald*, } Excused, in consequence of the bad roads.  
 Mr. *Macnutt*.

Pursuant to order, the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands 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. *Irving* 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.

A Message from the House of Assembly, by Mr. *Macintosh*, with a Bill intituled "An Act for the protection of the Herring and Alewives Fisheries in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The Order of the Day for the second reading of the Bill intituled "An Act to render less expensive and more secure the course of procedure under the 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 Friday next.

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

A Bill intituled "An Act to consolidate, amend, and continue the Acts relating to Merchant Seamen."

A Bill intituled "An Act to regulate the publishing of Notices and Advertisements relating to the public service."

Also, with the following written Message :

"House of Assembly, March 4th, 1844.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor, with the joint Address of both Houses relative to the Despatch from the Right Honorable Lord Stanley, in answer to the joint Address of the Council and Assembly, passed last Session, with reference to the protection of the Fisheries of this Island.

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 Legislative Council.

Read a first time, the Bill intituled "An Act to consolidate, amend and continue the Acts relating to Merchant Seamen."

Read a first time, the Bill intituled "An Act to regulate the publishing of Notices and Advertisements relating to the public service."

Mr. *Solicitor General* moved for leave to bring in a Bill to amend and regulate the practice of the Court of Chancery. Leave being granted, the said Bill was brought in and read a first time.

Mr. *Brecken*, by leave, presented a Petition from divers Inhabitants of this Island, praying that this House will sanction the grant of a sum of money to defray the expence of a Geological Survey of the Island.

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

Adjourned until 2 o'clock to-morrow.



|                 |       | MASTERS.        |   | Increase : | Decrease : |
|-----------------|-------|-----------------|---|------------|------------|
|                 | 1843. | 1842.           |   |            |            |
| Prince County,  | 29    | 41              | . |            | 12         |
| Queen's County, | 51    | 44              | . | 7          |            |
| King's County,  | 22    | 27              | . |            | 5          |
|                 |       |                 |   | 7          | 17         |
|                 |       | Total Decrease, |   | 10         |            |
|                 |       |                 |   | —17        |            |

| In all other Schools—                   |          | 1843. | 1842. |
|-----------------------------------------|----------|-------|-------|
| Princetown, 40 ; Georgetown, 50         |          | 90    |       |
| Central Academy, Infant School, &c. &c. |          | 490   |       |
| Charlottetown and Royalty,              |          | 87    |       |
|                                         | Decrease | 79    |       |
|                                         |          | —746  | 746   |
| Total decrease of Scholars in Counties  |          | 447   |       |
| Do. in all other Schools                |          | 79    |       |
|                                         |          | —526  |       |

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

Read a second time, the Bill intituled "An Act to naturalize John Broderus Edinger Tybring."

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 a certain amendment.

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

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

*Folio 3, line 10*—After the word "pleaded," insert "Provided always, that nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known."

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

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

Read a second time, the Bill intituled "An Act to regulate the publishing of Notices and Advertisements relating to the public service."

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. Anderson 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. D. Macdonald, with a Bill intituled "An Act relating to Schools and Education," 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 to regulate the publishing of Notices and Advertisements relating to the public service."

After some time, the House was resumed, and Mr. *Anderson* 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 received.

Dissentient—Mr. *Young*.

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

*Folio 1, line 10*—Strike out from the word "in" to the word "published," in line 12, both inclusive.

*Same folio, line 20*—Strike out the words "in extraordinary cases," and insert "in such cases as are herein after mentioned."

*Folio 2, line 11*—Strike out the words "particular or extraordinary cases," and insert "in such cases as the Governor, or the Administrator of the Government for the time being, may see fit to order the same to be published in some other paper."

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.

On motion, Ordered, that the Order of the Day for the House in Committee on the further consideration of the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," be discharged, and that the same do stand as the Order of the Day for to-morrow.

Adjourned until One o'clock to-morrow.

## FRIDAY, March 8th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Holl*,

Mr. *Macdonald*,

Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Anderson*,

Mr. *Macnutt*,

Mr. *Rice*,

Mr. *Solicitor General*,

Mr. *Swabey*.

**Prayers.**

**R**EAD the proceedings of yesterday.

Pursuant to order, the Bill intituled "An Act to naturalize John Broderus Edinger Tybring," 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.



Pursuant to order, the Bill intituled "An Act to regulate the publishing of Notices and Advertisements relating to the public service," 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.

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

A Bill intituled "An Act in further amendment of the Laws for making Lands and Tenements liable for the payment of Debts, and for other purposes."

A Bill intituled "An Act to alter the Act relating to Statute Labour."

A Bill intituled "An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County.

Read the said Bills a first time.

Read a second time, the Bill to amend and regulate the practice of the Court of Chancery.

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 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 amend and regulate the practice of the Court of Chancery, and to render the proceedings therein less tedious and expensive.

Pursuant to order, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on all Lands in this Island." After some time, the House was resumed, and Mr. *Swabey* reported that the Committee had gone through the Bill, and that they had agreed to the same with several amendments, and an alteration in the Title.

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

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

*Folio 1, line 17.*—After the word "Acts," insert the following Proviso :

- I.—"Provided always nevertheless, That nothing herein contained shall extend or be construed to extend, to confirm any such Deed of Conveyance of any Land so made as aforesaid, unless the Land therein described, shall have been unsettled and in a wilderness state at the time of such Sale, and shall also be in an unsettled and wilderness state at the period of the passing of this Act, unless the same, or any part thereof shall have been cultivated and redeemed from a wilderness state by the purchaser, or his Assigns, since the making of any such Deed or Conveyance."
- II.—"And further provided always, That nothing herein contained, shall extend, or be construed to extend to confirm any Deed or Conveyance of any Land so made as aforesaid, against any person or persons, who may have *bona fide*, and for valuable consideration, purchased the same from the person or persons, who may have made the default in the payment of the Tax, in consequence whereof the same may have been sold."

III.—Strike out the last clause of the Bill, and insert the following :—

“ And be it enacted, That no Deed which might be confirmed by this Act, shall be held, or construed to be effected thereby, unless the person or persons claiming under such Deed, shall, within Three months after the passing of this Act, publish in the Royal Gazette, once in every Six months, during Two years next succeeding the first publication thereof, a Notice in the form in the Schedule to this Act annexed.”

IV.—“ Provided always, And be it further enacted, in case of any Deeds confirmed by the authority of this Act, That an equity or redemption shall nevertheless be open to the former owner or owners, proprietor or proprietors, his, her, or their Heirs or Assigns, for the space of Two years next after the first publication of such Notice, the former owner or owners, proprietor or proprietors, his, her, or their Agents, Heirs, or Assigns, repaying the purchase money, with lawful Interest thereon, and also all expenses attending the same, and a fair allowance for such improvements as shall or may be made thereon, the same, in case of a dispute, to be ascertained by the Supreme Court.”

V.—“ Provided always, That nothing herein contained, shall extend, or be construed to extend to any Lands, with respect to which any Action or Actions are now pending ; any thing herein contained to the contrary thereof notwithstanding.”

*Schedule.—(Form of Notice.)*—“ Whereas, *C. D.*, did on the                    day of                    purchase Acres of Land on Township No.                    and whereas by Deed from                    Sheriff of                    County, certain Lands, [*here set forth the description as in the Deed*] being Lands of which *A. B.* was the owner, or reputed owner, were conveyed by the said Sheriff to me the said *C. D.* I do hereby give Notice, that I claim the said Lands, by virtue of the said Deed, and that unless the owner or owners thereof, do, on or before the                    day of                    next, pay to me the sum of £                    being the purchase money paid by me therefor, together with Interest and expenses, and the value of my improvements made thereon, my title to the said Land will become absolute.

(Signed)

*C. D.*”

VI.—Strike out the title, and insert the following instead thereof:—

“ An Act to confirm, in certain cases, the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island.”

The first amendment being read a second time, and the question of concurrence being put thereon, it was agreed to by the House.

The second amendment being read a second time, and the question of concurrence being put thereon, the House divided:

C O N T E N T S :

Mr. Brecken,

Mr. Dalrymple,

Mr. Macnutt,

Mr. Solicitor General,

Mr. Holl,

Mr. Rice,

Mr. Swabey.

N O N - C O N T E N T S :

Mr. President,

Mr. Young,

Mr. Anderson,

And it passed in the affirmative.

The residue of the amendments being read a second time, and the question of concurrence being put thereon, they were severally agreed to by the House.

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

Pursuant to order, the Bill intituled "An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island," was read a second time.

On motion, ordered, that the said Bill be referred to a Special Committee, to report thereon.

*Ordered*, That Mr. *Solicitor General*, Mr. *Holl*, Mr. *Young* and Mr. *Swabey* do compose the said Committee.

Adjourned until 1 o'clock to-morrow.

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SATURDAY, March 9th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Solicitor General</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Rice</i> .

Prayers.

READ the proceedings of yesterday.

Read a second time, the Bill intituled "An Act to alter the Act relating to Statute Labour."

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. *Rice* 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.

On motion that the said Bill do pass, the House divided :

C O N T E N T S :

Mr. <i>President</i> ,	Mr. <i>Young</i> ,
Mr. <i>Brecken</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Rice</i> .
Mr. <i>Solicitor General</i> ,	

N O N - C O N T E N T S :

Mr. <i>Macdonald</i> ,	Mr. <i>Swabey</i> .
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And it passed in the affirmative.

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

DISSENTIENT—Because the funds arising from the Road Assessment, in lieu of Statute Labour, in the Town and Roalty of Charlottetown, are inadequate for the purposes contemplated by the Act of 6th Victoria, cap. 1.

Because the Highway Acts in force antecedent to the Act of 6th Victoria, do not supply, either by statute labour, or the levying of commutation money, adequate means to keep in proper repair, the Roads in the Town and Royalty of Charlottetown.

WILLIAM SWABEY.

Read a second time, the Bill intituled "An Act in further amendment of the laws for making Lands and Tenements liable for the payment of debts, and for other purposes."

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 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 received.

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

Folio 3, line 11.—Strike out the word "Newspaper."

Same Folio, line 14.—Strike out the word "the."

Same Folio, line 15.—Strike out the word "most."

Same Folio, line 21.—After the word "notwithstanding," insert the following proviso :—

"Provided always, That nothing herein contained, shall limit, or be construed to limit the time prescribed for the sale of Lands and Tenements, or Leasehold Estates, in, and by any of the Acts of the General Assembly of this Island, of which this is an amendment."

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.

Pursuant to Order, the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," was read a third time, with the amendments.

On motion that the said Bill, with the amendments, do pass, the House divided :

C O N T E N T S :

Mr. *Brecken,*

Mr. *Macnutt,*

Mr. *Solicitor General,*

Mr. *Irving,*

Mr. *Rice.*

N O N - C O N T E N T S :

Mr. *President,*

M. *Young,*

Mr. *Swabey.*

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.

Read a second time, the Bill intituled "An Act for the preservation of the Herring and Alewives Fisheries in this Island."

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. *Macdonald* 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, the said Bill was read a third time.

Resolved, That the said Bill do pass.

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

Read a second time, the Bill 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 a Message be sent down to the House of Assembly, acquainting them therewith.

Read a second time, the Bill intituled "An Act to consolidate, amend and continue the Acts relating to Merchant Seamen."

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. Adjourned until Monday next at 1 o'clock.

MONDAY, March 14th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Irving</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Anderson</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Rice</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Swabey</i> .
Mr. <i>Holl</i> ,	

Prayers.

The Honorable Mr. *Brecken* sat President.

READ the proceedings of Saturday.

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

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

"House of Assembly, Saturday, 9th March, 1844.

"*Resolved*, That a Message be sent to the Legislative Council, praying that their Honors will permit the Honourable *Charles Young*, one of their Members, to attend the Special Committee of this House appointed to report generally on the subject of the Crown Lands in this Colony, and other references, to be examined, touching the said references."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act relating to Schools and Education." After some time, the House was resumed, and Mr. *Rice* 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 1 o'clock to-morrow.

TUESDAY, March 12th, 1844.

The Council met, pursuant to adjournment.

PRESENT :

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

The Hon. Mr. *Anderson*,
Mr. *Rice*,
Mr. *Swabey*.

Prayers.

The Honorable Mr. *Brecken* sat President.

READ the proceedings of yesterday.

Resolved, That Mr. *Young* have leave to attend the Special Committee of the House of Assembly, appointed to report generally on the subject of the Crown Lands in this Colony, and other references, to be examined, touching the said references, if he shall think fit.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to consolidate, amend and continue the Acts relating to Merchant Seamen." After some time the House was resumed, and Mr. *Swabey* 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 received.

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

Folio 22, line 12.—Strike out the word "not exceeding," and insert "the sum of."

Folio 27, line 1.—Strike out the words "two Justices," and insert "Justice."

Same Folio, line 10.—Strike out the word "Justices," and insert "Justice."

Same Folio, lines 13 and 14.—After the words "before," strike out the words "them, or either of them," and insert "himself and any other Justice having jurisdiction therein."

Folio 42, line 10.—Strike out from the word "Commissioners," to the word "sued," in line 13, both inclusive, and insert instead thereof, "Treasury of this Island, to and for the use of Her Majesty's Government."

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.

Pursuant to order, the Bill intituled "An Act in further amendment of the Laws for making Lands and Tenements liable for the payment of debts, and for other purposes," 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 One o'clock to-morrow.

WEDNESDAY, March 13th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Anderson</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Swabey</i> .
Mr. <i>Macnutt</i> ,	

Prayers.

The Honorable Mr. *Brecken* sat President.

READ the proceedings of yesterday.

Read a third time, as engrossed, the Bill intituled "An Act to amend and regulate the practice of the Court of Chancery, and to render the proceedings therein less tedious and expensive."

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 Bill intituled "An Act to consolidate, amend and continue the Acts relating to Merchant Seamen," 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.

A Message from the House of Assembly, by Mr. *Yeo*, with a Bill intituled "An Act to further amend an Act passed in the Fourth year of the Reign of the late King William the Fourth, for ascertaining the Boundaries of the several Townships 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. *Thornton*, with the following Bills, to which they desire the concurrence of the Legislative Council:

A Bill intituled "An Act for imposing a duty on all Spirituous Liquors, manufactured, extracted or distilled in this Island."

A Bill intituled "An Act for imposing Duties for raising a Revenue."

Read the said Bills a first time.

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

A Bill intituled "An Act relating to Entire Horses."

A Bill intituled "An Act concerning Bail in civil cases."

A Bill intituled "An Act to incorporate certain persons therein mentioned, and others, to carry on a Fishery."

Read the said Bills a first time.

Adjourned until 12 o'clock to-morrow.

THURSDAY, March 14th, 1844.

The Council met, pursuant to adjournment.

PRESENT :

The Hon. Mr. <i>Brecken,</i>	The Hon. Mr. <i>Young,</i>
Mr. <i>Macdonald,</i>	Mr. <i>Irving,</i>
Mr. <i>Dalrymple,</i>	Mr. <i>Anderson,</i>
Mr. <i>Macnutt,</i>	Mr. <i>Rice,</i>
Mr. <i>Holl,</i>	Mr. <i>Swabey.</i>

Prayers.

The Honorable Mr. *Brecken* sat President.

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 relating to Schools and Education." After some time, the House was resumed, and Mr. *Holl* 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 of the said Bill, 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. *Dalrymple*, Mr. *Holl* and Mr. *Swabey* be a Committee to manage the said Conference, to meet in the Committee Room, instanter.

A Message from the House of Assembly, by Mr. Donald Macdonald:—

" Mr. President ;

" The House of Assembly desire a Conference with the Legislative Council, on the amendments made to the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," and have appointed the Honorable Mr. Palmer, Mr. Thornton, Mr. Rae and Mr. Montgomery a Committee to manage the said 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 Education," and have appointed Mr. D. Macdonald, Mr. Montgomery, Hon. Mr. Palmer, Mr. Hudson, Mr. Douse and Mr. Coles, a Committee to manage the said Conference.

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

Read a second time, the Bill intituled "An Act to incorporate certain persons therein mentioned, and others, to carry on a Fishery."

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. *Irving* 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 received.

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

Folio 5, line 2.—After the word “constitute,” strike out the word “of,” and insert “a.”

Folio 7, last line.—Strike out the word “five,” and insert “ten.”

Folio 11, line 2.—Strike out the word “three,” and insert “five,” and strike out the word “not.”

Folio 12, line 3.—After the word “in,” insert “any.”

Folio 14, line 22.—Strike out the word “fifty,” and insert “one hundred.”

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

Ordered, That the said amendments be engrossed.

Read a second time, the Bill intituled “An Act relating to Entire Horses.”

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. Irving 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 received.

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

Folio 1, line 8.—Strike out from the word “within,” to the word “precinct” in folio 3, line 8, both inclusive, and insert “as such within the Town of Charlottetown, except under such regulations as are hereinafter provided :

“That is to say, no such Horse shall be so used as aforesaid, in any new enclosed place whatsoever, but only within some permanent building, having roofs and walls, and the door of which shall be closed. And be it enacted, That any owner or other person having charge of such Horse, who shall cause or permit the use of such Horse for the purposes aforesaid, otherwise than under such building as aforesaid, shall for every such offence forfeit and pay a sum of not less then Ten Shillings, or more than Two Pounds, which sum shall be paid to the Overseer of Highways, for the precinct wherein such offence has been committed, and applied towards the repair of the roads. And be it enacted, That such fine together with costs, shall be levied before any one of Her Majesty’s Justices of the Peace or Commissioners of Small Debts, within Charlottetown, or the Royalty thereof, on the oath of one or more credible witness ; and in case such fine shall not forthwith be paid, then it shall be levied by distress and sale of the Goods and Chattels of the offender, and in case no Goods shall be found whereon to levy such distress, it shall be lawful for the said Justice to commit the said offender to the Jail of Charlottetown, for any period not exceeding two calendar months, unless such fine and costs, shall be sooner paid.”

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.

Read a third time, the Bill intituled “An Act to incorporate certain persons therein mentioned, and others, to carry on a Fishery,” 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 1 o’clock to-morrow.

FRIDAY, March 15th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Anderson</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Rice</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Swabey</i> .
Mr. <i>Holl</i> ,	

Prayers.

The Honorable Mr. *Brecken* sat President.

READ the proceedings of yesterday.

Pursuant to order, the Bill intituled "An Act relating to Entire Horses," 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.

On motion, *Ordered*, that Mr. *Macnutt* have leave to absent himself until Tuesday next.

Adjourned until Monday next at 12 o'clock.

MONDAY, March 18th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Irving</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Anderson</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Rice</i> ,
Mr. <i>Holl</i> ,	Mr. <i>Swabey</i> .
Mr. <i>Young</i> ,	

Prayers.

READ the proceedings of Friday last.

On motion, *Ordered*, that a Conference be agreed to as is desired by the House of Assembly, on the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island."

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

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, reported, that they had met the Managers on behalf of the House of Assembly, who had delivered to them the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island."

And also, a Paper containing as follows : -

"The House of Assembly have disagreed to the first amendment made by the Legislative Council to the Bill intituled 'An Act to confirm the Titles to Lands, purchased under the several Acts for raising an Assessment on Lands in this Island,' for the following reasons, viz:

"Because where the owner of any land has made default in the payment of the assessment charged thereon, after four or five different public notices to pay the same, and in consequence thereof Judgment of a Court of Law was regularly passed against such land, but a purchaser has, nevertheless, taken a Deed of some part thereof from the owner who made such default, and the same land may also have been purchased by another person at Sheriff's sale, duly made under such judgment; the House of Assembly consider that if any preference be given by enactment to the Deed of either person purchasing as aforesaid, it should be to the purchaser under the judicial sale of the Court of Law, and not to the purchaser from the owner of the condemned or forfeited land, which last mentioned purchaser may be supposed to have (unless from his own neglect,) a remedy on the covenants in his Deed; while no remedy, either at law or in equity, would be open to the purchaser at Sheriff's sale for a return of his purchase money, if his title were not confirmed.

"And because further, unless the validity and efficacy of Deeds under Sheriff's sales for non-payment of Land Assessment be duly maintained, the prices of land would be so reduced as to cause large and valuable quantities to be sold before a judgment and costs of a very disproportionate amount could be satisfied.

"Because there may be cases where cultivated or settled tracts of land have been sold by the Sheriff, and described by certain bounds at the time of sale; and there are, no doubt, cases where a purchaser at a Sheriff's sale, not being able to find wilderness land, has afterwards selected default land, which may have been wholly or in part improved; there are also, frequently, cases where a person having omitted to pay his land tax on improved land, has purchased it, or procured it to be purchased in, for his own benefit, and the better security of his title, in all of which cases it would be a hardship for a purchaser, having relied on the sufficiency of the law, to lose his purchase money, while it may be supposed that any of the improved land so sold, if of extraordinary value, would have been redeemed by the owner in due time.

"Because the suspending of the Bill from its confirming deeds for the space of two years from the period of notice published as proposed by the amendment of the Council, would appear to the House of Assembly, to add unnecessarily to the delay and inconvenience which purchasers have already been subject to in obtaining a title to their lands; and, independent of the expense to be incurred by the purchaser in the publication thereof, the notice mentioned in the amendment is that which a person in default of payment of his assessment, could not reasonably expect to be intituled to over and above those formal notices prescribed by law and given by the Treasurer in the public Newspapers, and by Proclamation in the Supreme Court, as well also as the usual Sheriff's notices before he sells the land.

"Because the House of Assembly is of opinion, that where a purchaser of land, under the Assessment Act, has been obliged to commence an action to obtain possession of it,

he should not, on that account, be excluded from the benefit of the Bill, any more than another who has not used the same diligence."

"The House of Assembly have agreed to the second amendment made by the Council to the said Bill, with the following amendments :

Folio 3, line 13—Strike out from the word "the" to the word "the" in line 14, and insert "period at which the purchaser or his Assigns shall have taken actual possession of the land under and by virtue of his deed, whether such deed shall be executed before or after the passing of this Act; and provided also, that no deed of any sale heretofore made, shall be deemed valid, unless such deed be executed within six months after the passing of this Act, nor shall any such deed, as aforesaid, be valid before the same be duly registered.

Folio 4, line 4—Strike out all after the word "Court."

On motion that the Bill intituled "An Act to further amend an Act passed in the Fourth year of the reign of the late King William the Fourth, for ascertaining the Boundaries of the several Townships in this Island," 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 :

C O N T E N T S :

Mr. *President*,
Mr. *Brecken*,
Mr. *Dalrymple*,
Mr. *Solicitor General*,
Mr. *Holl*,
Mr. *Rice*.

N O N - C O N T E N T S :

Mr. *Young*,
Mr. *Irving*,
Mr. *Anderson*,
Mr. *Swabey*.

And it passed in the affirmative.

Read a second time, the Bill intituled "An Act for imposing a duty on all Spirituous Liquors manufactured, extracted, or distilled in this Island."

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; and further, that he was directed to move that they may have leave to sit again.

On motion, that the Report of the Committee be agreed to, and the question being put thereon, the House divided :

C O N T E N T S :

Mr. *President*,
Mr. *Brecken*,
Mr. *Holl*,
Mr. *Young*,
Mr. *Irving*,
Mr. *Rice*,
Mr. *Swabey*.

N O N - C O N T E N T S :

Mr. *Dalrymple*,
Mr. *Solicitor General*,
Mr. *Anderson*.

And it passed in the affirmative.

Ordered, That Mr. *Solicitor General* and Mr. *Young* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at half-past 1 o'clock.

Read a second time, the Bill intituled "An Act imposing Duties for raising a Revenue."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House resumed, and Mr. *Rice* 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.

Mr. *Holl* moved for leave to bring in a Bill to appoint Harbour Masters, and to regulate their duties. Leave being granted, the said Bill was brought in and read a first time.

Adjourned until 1 o'clock to-morrow.

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*UE*  
~~THURSDAY~~, March 19th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Irving*,

Mr. *Macdonald*,

Mr. *Anderson*,

Mr. *Dalbrymple*,

Mr. *Rice*,

Mr. *Solicitor General*,

Mr. *Swabey*.

Mr. *Young*,

**Prayers.**

**R**EAD the proceedings of yesterday.

Mr. *President* informed the House that indisposition prevents Mr. *Holl* from attending in his place.

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

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

A Bill intituled "An Act to naturalize John Broderus Edinger Tybring."

A Bill intituled "An Act to incorporate certain persons therein mentioned, and others, to carry on a Fishery."

Also, with a Bill intituled "An Act for the better preventing accidents by Fire, within Charlottetown.

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. *Thornton*:—

" Mr. President ;

" The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for imposing a duty on all Spirituous Liquors,

manufactured, extracted or distilled in this Island," and have appointed Mr. Thornton, the Honorable Mr. Palmer, Mr. Rae and Mr. Montgomery, a Committee to manage the said Conference.

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

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 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 Bill :  
 " An Act to incorporate certain persons therein mentioned, and others, to carry on a Fishery."

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

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 Education." After some time, the House was resumed, and Mr. Rice 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 received.

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

*Folio 9, line 35.*—Strike out the word " equal," and insert " exceed."

*Folio 10, line 1.*—After the word " children," insert " being."

*Folio 12, line 1.*—Strike out from the word " lodging," to the word " complaint," in line 2, both inclusive, and insert " such dismissal."

*Folio 16, line 12.*—After the word " Gazette," insert " and in such other newspapers published in this Island, as the Administrator of the Government for the time being, may direct and appoint."

*Folio 17, line 26.*—After the word " aforesaid," insert the following clause :—

" And be it enacted, That all persons appointed to sell and distribute books under the authority of this, or any former Act, shall, every year, on the First day of January, make a return comprising a statement of the sums by them paid into the Treasurer, being the cost of books sold in the past year, together with an account of books in hand, distinguishing such as have been received by them during the past year, which return shall be made to the Secretary of the Board of Education."

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

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

Read a second time, the Bill intituled " An Act for the better preventing Accidents by Fire within Charlottetown.

On motion, that this House do insist on their amendments to the Bill intituled " An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island"—the question being put, the House divided :

C O N T E N T S :

N O N - C O N T E N T S :

Mr. *Brecken*,  
 Mr. *Dalrymple*,  
 Mr. *Solicitor General*,  
 Mr. *Irving*,  
 Mr. *Rice*,  
 Mr. *Swabey*.

Mr. *President*,  
 Mr. *Young*,  
 Mr. *Anderson*.

And it passed in the affirmative.

\*

On motion, Ordered, that Mr. *Solicitor General* and Mr. *Rice* be a Committee to draw up Reasons to be offered at a further Conference with the House of Assembly, for insisting on the amendments to the said Bill.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act for the better preventing Accidents by Fire, within Charlotte-town." 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.

A Message from the House of Assembly, by Mr. *Thornton*, with a Bill intituled "An Act to alter three several Acts relating to the Prince Edward Island Steam Boat Company," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.



**WEDNESDAY, March 20th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                             |
|----------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                             |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                             | Mr. <i>Irving</i> ,         |
| Mr. <i>Dalrymple</i> ,                             | Mr. <i>Anderson</i> ,       |
| Mr. <i>Solicitor General</i> ,                     | Mr. <i>Rice</i> ,           |
| Mr. <i>Holl</i> ,                                  | Mr. <i>Swabey</i> .         |

**Prayers.**

**R**EAD the proceedings of yesterday.

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

A Bill intituled "An Act in further amendment of the Laws for making Lands and Tenements liable for the payment of Debts, and for other purposes."

A Bill intituled "An Act to regulate the publishing of Notices and Advertisements relating to the public service."

Also, with the following Bills, to which they desire the concurrence of the Legislative Council, viz :

A Bill intituled "An Act to alter the Act authorising the erection of an Asylum for insane persons."

A Bill intituled "An Act relating to Treasury Warrants."

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 Education," and have appointed the same Committee who managed the former 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 former 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.

Read a first time, the Bill intituled "An Act to alter the Act authorising the erection of a Lunatic Asylum."

Read a first time, the Bill intituled "An Act relating to Treasury Warrants."

Read a second time, the Bill intituled "An Act to alter three several Acts relating to the Prince Edward Island Steam Boat Company."

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. *Swabey* 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.

Resolved, That the said Bill do pass.

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

A Message from the House of Assembly, by Mr. Thornton :—

"Mr. President ;

"The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act for imposing a duty on all Spirituous Liquors manufactured, extracted or distilled in this Island," and have appointed the same Committee who managed the former 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 Mr. *Rice* and Mr. *Swabey* 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 for the better preventing accidents by Fire, within Charlottetown." 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, without any amendment.

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

*Resolved*, That the said Bill do pass.

*Ordered*, That a Message be sent down to the House of Assembly.

*Resolved*, That an Address be presented to Her Majesty, on the Despatch of the Right Honorable Lord Stanley, respecting the "differential duties," and likewise praying that the remission of duties on Wheat and Wheat Flour, manufactured in Canada, be extended to the inhabitants of this Island, and that the House of Assembly be requested, by message, to join in said Address.

*Ordered*, That Mr. *Solicitor General*, Mr. *Rice* and Mr. *Swabey*, 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.

Mr. *Holl*, from the joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with the joint Address of both Houses, relative to the protection of the Fisheries of this Island, reported, that they had waited upon His Excellency, who was pleased to say, that he would forward the object of the said Address.

Adjourned until One o'clock to-morrow.

~~~~~  
THURSDAY, March 21st, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Irving*,

Mr. *Dalrymple*,

Mr. *Anderson*,

Mr. *Solicitor General*,

Mr. *Rice*,

Mr. *Holl*,

Mr. *Swabey*.

Mr. *Young*,

Prayers.

READ the proceedings of yesterday.

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

“ House of Assembly,
Wednesday, 20th March, 1844.

“ Resolved, That this House doth concur with the Legislative Council in presenting an Address to Her Majesty, on the subject of the Right Honorable Lord Stanley’s Despatch, respecting ‘ differential duties,’ and likewise praying that the remission of duties on Wheat and Wheat Flour manufactured in Canada, be extended to the inhabitants of this Island.

“ Ordered, That the Honorable Mr. Palmer, Mr. Longworth, Mr. Montgomery, Honorable J. S. Macdonald, Mr. Wightman and Mr. Beairsto, be a Committee on the part of this House, to prepare the said Address.

“ Ordered, That the foregoing Resolution be communicated, by Message, to the Legislative Council.”

Mr. *Solicitor General*, from the Special Committee to whom was referred the Bill intituled “ An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island, presented to the House the report of the said Committee, which he read in his place.

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. *Solicitor General* reported, that the Committee had made some progress therein, and they recommend that a Conference be desired with the House of Assembly on the said Bill; and also, 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. *Solicitor General* 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.

On motion, Ordered, that the Bill intituled “ An Act for imposing a duty on all Spirituous Liquors, manufactured, extracted or distilled in this Island,” be read a third time on Saturday next, and that the Members of the House be summoned for that day.

Pursuant to order, the Bill intituled “ An Act relating to Schools and Education,” was read a third time, with the amendments.

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

Dissentient—Mr. *Holl*.

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

Read a second time, the Bill intituled “ An Act relating to Treasury Warrants.”

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.

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

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

Folio 3, line 18—After the word “ same,” insert—

“ Whereas it would tend much to the support of public credit, and be a saving to the Revenue of the Colony, if the periodical calls for the payment of out-standing Warrants were

made as frequent as possible. Be it therefore enacted, that the Treasurer of this Island shall, and he is hereby required, once in every two months, that is to say, on the first Monday in the Months of January, March, May, July, September and November, in each and every year during the continuance of this Act, to transmit a Statement in writing, to the Clerk of the Court, of all Moneys and Notes which may then be in the Treasury, and also the interest that may be due or will accrue on out-standing Warrants, in the two months next succeeding the time of making such return; and and the said Clerk is hereby required, to lay such statement before the Lieutenant Governor in Council, at its then next meeting, and when such Moneys and Notes shall amount to the sum of Two hundred pounds, it shall be the duty of the Lieutenant Governor, or other Administrator of the Government, by and with the advice of Council, to direct the said Treasurer to call in for payment any out-standing Warrants, to such amount as he, with the advice aforesaid, may deem proper.

“And be it enacted, that it shall be the duty of the Treasurer, and he is hereby required from time to time, to hand over to the Attorney General, for recovery, all Bonds and other securities for money in the Treasury, which shall be Thirty days over due, and he shall forfeit and pay the sum of Twenty Pounds for every Bond which he shall neglect to hand over, after the expiration of such period, which said penalty shall be recovered by action of debt, in the Supreme Court, by such person who may sue for the same.”

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 One o'clock to-morrow.

FRIDAY, March 22d, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Rice*,

Mr. *Solicitor General*,

Mr. *Anderson*,

Mr. *Holl*,

Mr. *Swabey*.

Prayers.

READ the proceedings of yesterday.

Pursuant to order, the Bill intituled “An Act relating to Treasury Warrants,” 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.

A Message from the House of Assembly, by Mr. Coles:—

“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 render less expensive and more secure, the

course of procedure under the Act for levying an Assessment on all Lands in this Island," and have appointed Mr. Coles, the Hon. Mr. Palmer, Mr. Longworth and Mr. Yeo, a Committee to manage the said Conference.

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

A Message from the House of Assembly, by the Hon. Mr. Palmer, with a Bill intituled "An Act to consolidate and extend the provisions of the Laws now in force relating to the Fire Engine Companies of Charlottetown," to which they desire the concurrence of the Legislative Council.

Also, with the Bill intituled "An Act relating to Entire Horses," agreed to, as amended by the Legislative Council.

Read a first time, the Bill intituled "An Act to consolidate and extend the provisions of the Laws now in force relating to the Fire Engine Companies of Charlottetown."

On motion, the following Resolutions were agreed to, viz :

Whereas the introduction of Lime, as a Manure, would greatly tend to advance the agricultural interest of this Island, but, in many parts thereof, the want of capital prevents the establishment of Lime Kilns, *Resolved*, that the grant of One thousand Pounds as a loan to persons willing to join in the erection of Kilns, and the burning of Lime, would be most beneficial, and greatly tend to increase the return to the Farmer, and advance the prosperity of the Colony.

Resolved, That this House will give effect to any measure tending to carry out the object proposed, if adopted by the House of Assembly.

Ordered, That the foregoing Resolutions be communicated by Message to the House of Assembly.

Read a second time, the Bill intituled "An Act to alter the Act authorizing the erection of an Asylum for insane persons.

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. *Swabey* 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.

Mr. *Solicitor General*, by leave, presented a Petition from divers Inhabitants of Charlottetown, setting forth, that Petitioners, with others, have associated themselves into and are about forming a Joint Stock Company, to insure, on Marine risks, Property belonging to this Island, and praying for an Act to incorporate the said Company.

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

Read a third time, the Bill imposing Duties for raising a Revenue.

Resolved, That the said Bill do pass.

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

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

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

A Bill intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and forty-four."

Read the said Bill a first time.

On motion, Ordered, that the second reading of the Bill intituled "An Act for the regulation of certain Fishery Reserves in this Island," do stand as the order of the day for to-morrow.

Read a second time, the Bill to appoint Harbour Masters and to regulate their duties."

On motion, Ordered, that the said Bill be referred to a Special Committee, to report thereon.

Ordered, That Mr. *Holl* and Mr. *Irving* do compose the said Committee.

Adjourned until Twelve o'clock to-morrow.

~~~~~  
**SATURDAY, March 23d, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                   |                             |
|---------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President; |                             |
| The Hon. Mr. <i>Brecken</i> ,                     | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                            | Mr. <i>Irving</i> ,         |
| Mr. <i>Dalrymple</i> ,                            | Mr. <i>Anderson</i> ,       |
| Mr. <i>Solicitor General</i> ,                    | Mr. <i>Rice</i> ,           |
| Mr. <i>Holl</i> ,                                 | Mr. <i>Swabey</i> .         |

**Prayers.**

**R**EAD the proceedings of yesterday.

On motion, Ordered, that the Bill intituled "An Act to amend and regulate the practice of the Court of Chancery, and to render the proceedings therein less tedious and expensive," passed by this House and disagreed to by the House of Assembly, be printed in the *Royal Gazette*, and that a copy thereof be furnished to each Member of the Legislature.

According to Order, the House was called over.

P R E S E N T :

|                                 |                             |
|---------------------------------|-----------------------------|
| The Hon. Mr. <i>President</i> , | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Brecken</i> ,            | Mr. <i>Irving</i> ,         |
| Mr. <i>Macdonald</i> ,          | Mr. <i>Anderson</i> ,       |
| Mr. <i>Dalrymple</i> ,          | Mr. <i>Rice</i> ,           |
| Mr. <i>Solicitor General</i> ,  | Mr. <i>Swabey</i> .         |
| Mr. <i>Holl</i> ,               |                             |

A B S E N T :

The Hon Mr. *Macnutt*.

The Order of the Day for the third reading of the Bill intituled "An Act for imposing a Duty on all Spirituous Liquors, manufactured, extracted or distilled in this Island," being read—

On motion, that the House do 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 third time this day three months.

The House divided on the motion of amendment :

## C O N T E N T S :

Mr. *Dalrymple*,  
Mr. *Solicitor General*,  
Mr. *Holl*,  
Mr. *Anderson*,  
Mr. *Rice*,  
Mr. *Swabey*,

## N O N - C O N T E N T S :

Mr. *President*,  
Mr. *Brecken*,  
Mr. *Macdonald*,  
Mr. *Young*,  
Mr. *Irving*.

And it passed in the affirmative.

The Order of the Day, for the second reading of the Bill intituled "An Act for the regulation of certain Fishery Reserves in this Island," being read—

On motion, that the House do 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.

The House divided on the motion of amendment.

## C O N T E N T S :

Mr. *President*,  
Mr. *Macdonald*,  
Mr. *Dalrymple*,  
Mr. *Solicitor General*,  
Mr. *Holl*,  
Mr. *Irving*,  
Mr. *Rice*,  
Mr. *Swabey*.

## N O N - C O N T E N T S :

Mr. *Brecken*,  
Mr. *Young*,  
Mr. *Anderson*.

And it passed in the affirmative.

A Message from the House of Assembly, by the Hon. Mr. Palmer, with a Bill intituled "An Act to incorporate a Marine Insurance Company," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read a second time, the Bill intituled "An Act concerning Bail in civil cases."

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 gone through the Bill, and that they had agreed to the same with several amendments, and an alteration in the Title.

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

*Folio 1, Line 5.*—After the word “that,” strike out all that follows, to the word “Costs,” in folio 3, line 14, inclusive, and insert—“That the Third Section of an Act made and passed in the Twenty-sixth year of the Reign of King George the Third, intituled ‘An Act to amend, render more effectual, and reduce into one Act, all the Acts made by the General Assembly of this Island, concerning Bail, and to prevent frivolous and vexatious Arrests’ be, and the same is hereby repealed.”

“And be it further enacted, That when any person shall be arrested by virtue of any Writ, Bill, or process, issuing out of the Supreme Court of this Island, at the suit of any private person, the Sheriff, Coroner or their deputies, (as the case may be,) shall be obliged, and they are hereby respectively required, upon sufficient Bail being offered, to let the Defendant go at large, upon his first executing a Bond to the Sheriff or Coroner with two sufficient Sureties, with a condition thereunder written, for the due appearance of the Defendant or Defendants on the first day of the Court, to which such Writ is or may be returnable ; and the Sheriff or Coroner, at the request and costs of the Plaintiff or Plaintiffs in such Action or Suit, or his lawful Attorney, shall assign to the Plaintiff or Plaintiffs in such Action, the Bail Bond, or the Security taken from such Bail, by endorsing the same, and attesting it under his hand and seal, in the presence of two or more credible Witnesses ; and if the said Bail Bond, or Assignment, or the Security taken for Bail be forfeited, the Plaintiff in such Action, after such Assignment made, may bring an Action and Suit thereupon in his own name, and the Court where the Action is brought, may, by rule or rules of the same Court, give such relief to the Plaintiff and Defendant in the original Action, and to the Bail upon the said Bond or other Security taken from such Bail, as is agreeable to justice and reason, and that such rule or rules of the said Court shall have the nature and effect of a defeazance to such Bail Bond, or other Security for Bail: But whenever it shall so happen that the Defendant in the said Action do appear according to the tenor of the condition of the said Bond, and give Bail at Bar to the satisfaction of the Court to abide by the final issue and determination of the Suit, or if the Defendant, from some impediment, shall not appear, but nevertheless two sufficient persons to be approved of by the Court, shall offer to become Bail in manner aforesaid, in such case, the Bail for appearance only shall be discharged.”

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 on Monday next.

*Mr. Holl*, from the Special Committee to whom was referred the Bill to appoint Harbour Masters, and to regulate their duties, presented to the House the Report of said Committee, which he read in his place.

On motion, *Ordered*, that the said Report 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. Holl* reported, that the Committee had gone through the Report of the Special Committee, and that they had made several amendments thereto.

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

*Ordered*, That the said Bill, with the amendments, be engrossed, and that the Title be “An Act to alter and amend an Act passed in the Seventh year of the reign of His late Majesty King William the Fourth, intituled ‘An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers.’”

Adjourned until Monday next, at One o'clock.

## MONDAY, March 25th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

|                               |                             |
|-------------------------------|-----------------------------|
| The Hon. Mr. <i>Brecken,</i>  | The Hon. Mr. <i>Irving,</i> |
| Mr. <i>Dalrymple,</i>         | Mr. <i>Anderson,</i>        |
| Mr. <i>Solicitor General,</i> | Mr. <i>Rice,</i>            |
| Mr. <i>Holl,</i>              | Mr. <i>Swabey.</i>          |
| Mr. <i>Young,</i>             |                             |

**Prayers.**

The Honorable Mr. *Brecken* sat President.

**R**EAD the proceedings of Saturday.

Pursuant to order, the Bill intituled "An Act concerning Bail in civil cases," 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. *Young* moved for leave to bring in a Bill to prevent the running at large of Bulls and Horses. Leave being granted, the said Bill was brought in and 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. *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 agreed to.

*Ordered,* That the said Bill be engrossed, and that the Title be "An Act to prevent the running at large of Bulls, throughout the whole Island, and of Horses within the Town of Charlottetown."

Mr. *Solicitor General*, from the Committee appointed to draw up Reasons to be offered at a further Conference with the House of Assembly for insisting on the Amendments made to the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," presented to the House the Report of said Committee, which he read in his place, and is as followeth:—

The Legislative Council insist on the Amendments made to the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island—

Because the professed object of the Bill being to confirm Deeds of Lands selected by the Purchasers, and in many cases kept secret by the Venders, and the number of sales effected thereby, is unknown; they conceive it impossible to make the enactments of the



Bill more general, without, in all probability doing great injustice, and inflicting losses much more severe than those which the Bill is intended to prevent.

On motion, that the Report of the Committee be agreed to—the question being put, the House divided :

## C O N T E N T S :

Mr. *President*,  
 Mr. *Dalrymple*,  
 Mr. *Solicitor General*,  
 Mr. *Holl*,  
 Mr. *Irving*,  
 Mr. *Rice*,  
 Mr. *Swabey*.

## N O N - C O N T E N T S :

Mr. *F...*,  
 Mr. *Amerson*.

And it passed in the affirmative.

On motion, Ordered, that a further Conference be desired with the House of Assembly on the subject matter of the said amendments.

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

On motion, Ordered, that Mr. *Dalrymple* be appointed one of the Committee of this House, in conjunction with the Committee of the House of Assembly, to prepare an Address to Her Majesty on the subject of the Act to authorize the issue of Writs *de novo* under the Road Compensation Acts, in certain cases, in the room of Mr. *Macnutt*, who is absent.

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

Read a third time, as engrossed, the Bill intituled "An Act to alter and amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled "An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers."

*Resolved*, That the said Bill do pass.

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

Read a second time, the Bill intituled "An Act to consolidate and extend the provisions of the Laws now in force relating to the Fire Engine Companies of Charlottetown,"

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. *Swabey* 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.

*Resolved*, That the said Bill do pass.

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

A Message from the House of Assembly, by Mr. Thornton—

“ Mr. President ;

“ The House of Assembly desire a further Conference with the Legislative Council, on the amendments made to the Bill intituled ‘ An Act relating to Schools and Education,’ and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

“ And also,

“ Mr. President ;

“ The House of Assembly desire a Conference with the Legislative Council, on the Amendments made to the Bill intituled ‘ An Act relating to Treasury Warrants,’ and have appointed Mr. Thornton, Mr. Coles, Mr. Wightman and Mr. D. Maclean, 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 amendment to the Bill intituled “ An Act relating to Schools and Education.”

*Ordered*, That the same Committee who managed the former 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, Ordered, That a Conference be agreed to, as is desired by the House of Assembly, on the amendments made to the Bill intituled “ An Act relating to Treasury Warrants.”

*Ordered*, That Mr. *Solicitor General* and Mr. *Young* be a Committee to manage the said 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 a free Conference be desired with the House of Assembly, on the Amendments made to the Bill intituled “ An Act relating to Schools and Education.

*Ordered*, That the same Committee who managed the former Conference thereon, be a Committee to manage this free Conference, to meet in the Committee Room, to-morrow, at Two o’clock.

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the amendments made to the Bill intituled “ An Act relating to Treasury Warrants.”

*Ordered*, That the same Committee who managed the former Conference thereon, be a Committee to manage this further Conference, to meet in the Committee Room to-morrow, at half-past Three o’clock.

*Ordered*, That Mr. *Anderson* have leave to absent himself this week.

Adjourned until Twelve o’clock to-morrow.

**TUESDAY, March 26th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

|                                                    |                             |
|----------------------------------------------------|-----------------------------|
| The Hon. Mr. <i>Attorney General</i> , President ; |                             |
| The Hon. Mr. <i>Brecken</i> ,                      | The Hon. Mr. <i>Young</i> , |
| Mr. <i>Macdonald</i> ,                             | Mr. <i>Irving</i> ,         |
| Mr. <i>Dalrymple</i> ,                             | Mr. <i>Anderson</i> ,       |
| Mr. <i>Solicitor General</i> ,                     | Mr. <i>Rice</i> ,           |
| Mr. <i>Holl</i> ,                                  | Mr. <i>Swabey</i> .         |

**Prayers.**

**READ** the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Yeo, with a Bill intituled 'An Act to continue for a limited period an Act passed in the Sixth year of Her present Majesty's Reign, intituled 'An Act for suspending for a limited period certain parts of an Act 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,' to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Mr. *Brecken*, by command of His Excellency, the Lieutenant Governor, laid before the House the Estimates for the services of the current year.

*Ordered*, That the same do lie on the Table.

A Message from the House of Assembly, by Mr. Yeo, with the Bill intituled "An Act to consolidate, amend and continue the Acts relating to Merchant Seamen," agreed to, as amended by the Legislative Council.

Read a second time, the Bill intituled "An Act to incorporate a Marine Insurance Company."

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. *Rice* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

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

*Resolved*, That the said Bill do pass.

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

On motion, the following Resolution was agreed to:—

*Resolved*, That an Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to call the attention of the Imperial Government to the delay attending the transmission of the English Mails to this Colony,

in consequence of the system adopted by the Deputy Postmaster General, in Halifax, and praying that His Excellency will be pleased to use his influence with the Imperial Government, to remedy the evil complained of in future, and that the House of Assembly be desired to join in the said Address.

*Ordered*, That Mr. *Holl* and Mr. *Swabey* be a Committee, on the part of this House, to join a Committee of the House of Assembly, to prepare the said Address.

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

Read a second time, the Bill intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and forty-four."

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 that they had agreed to the same.

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

## C O N T E N T S :

Mr. *President*,  
Mr. *Brecken*,  
Mr. *Dalrymple*,  
Mr. *Young*,  
Mr. *Anderson*,  
Mr. *Swabey*.

## N O N - C O N T E N T S :

Mr. *Macdonald*,  
Mr. *Solicitor General*,  
Mr. *Holl*,  
Mr. *Irving*,  
Mr. *Rice*.

And it passed in the affirmative.

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.

Read a third time, as engrossed, the Bill intituled "An Act to prevent the running at large of Bulls in this Island, and of Horses within the Town of Charlottetown."

*Resolved*, That the said Bill do pass.

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

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

Mr. President ;

The House of Assembly do agree to a free Conference, as is desired by the Legislative Council, on the Bill intituled "An Act relating to Schools and Education," and have appointed the same Committee who managed the former Conferences 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.

tion d'un arpentage ; d'*Edward Burroughs* et autres, de *Québec*, demandant que l'acte d'incorporation de la compagnie de l'hôtel de *Québec* soit amendé ; des syndics de l'église presbytérienne du *Canada*, à *Martintown*, demandant à être autorisés à aliéner certaines terres de la dite église.

Quant à la pétition de la corporation des pilotes de *Québec*, demandant des amendements à son acte d'incorporation, votre comité considère l'avis insuffisant, attendu qu'il n'a été publié que pendant l'espace d'un mois dans les papiers-nouvelles de la localité ; de même quant à la pétition de *William Fraser*, de la ville de *Port Hope*, demandant la légalisation d'un règlement de la ville de *Port Hope*, attendu que l'avis n'a pas été publié dans les papiers-nouvelles des comtés-unis que traverse le chemin de fer qui se trouve affecté par le dit règlement ; et aussi quant à la pétition de *James Smith*, de *Port Hope*, demandant la légalisation d'un règlement de la ville de *Port Hope*, attendu que l'avis n'a pas été publié dans les papiers-nouvelles des comtés-unis que traverse le chemin de fer qui se trouve affecté par le dit règlement.

Les pétitions suivantes ne requièrent pas publication d'avis, savoir : du révérend *Ed. Crevier*, demandant l'incorporation de la société ecclésiastique de *St. Hyacinthe* ; de *David Allan Poe*, demandant un acte lui permettant d'ajouter "*Watt*" à son nom.

Votre Comité recommande la suspension de la 49<sup>e</sup> règle quant aux pétitions suivantes, pour les raisons données dans chaque cas, savoir : de la compagnie du chemin de fer de *Brockville* et *Ottawa*, demandant une émission d'actions privilégiées, — parce que la pétition demande seulement l'autorisation pour un arrangement volontaire entre les actionnaires ; des actionnaires de la compagnie du chemin de fer de *Brockville* et *Ottawa*, demandant l'émission d'actions privilégiées ; parce que la pétition demande seulement l'autorisation pour un arrangement volontaire entre les actionnaires ; de la banque d'épargnes de *Northumberland* et *Durham*, demandant que sa charte soit amendée aux fins de l'autoriser à placer les 9-10 au lieu des  $\frac{3}{4}$  de ses dépôts, — parce que la garantie des déposants se trouve augmentée par des placements en bons du gouvernement et en actions de banque.

Le tout respectueusement soumis.

A. CAMPBELL,  
Président.

L'honorable M. *Campbell*, du comité sur les ordres permanents et les bills privés, et auquel a été renvoyé le bill intitulé : "Acte pour amender de nouveau la charte de la "Banque du *Haut-Canada*," a fait rapport du dit bill avec divers amendements.

Lesquels dits amendements étant lus la seconde fois par le greffier, ils ont été adoptés. Sur motion de l'honorable M. *Allan*, secondé par l'honorable M. *Alexander*, il a été Ordonné, que le dit bill pour amender de nouveau la charte de la Banque du *Haut-Canada*, soit renvoyé au comité sur les banques.

L'honorable M. *Morris* a présenté à la Chambre un bill intitulé : "Acte pour permettre aux syndics de la congrégation de l'église presbytérienne du *Canada*, en union avec "l'église d'*Ecosse*, de vendre un certain lot de terre."

Le dit bill a été lu la première fois.

Ordonné, que le dit bill soit lu la seconde fois mercredi prochain.

Sur motion de l'honorable M. *Alexander*, secondé par l'honorable M. *McDonald*, il a été Ordonné, que les réponses à l'adresse pour copies de la correspondance entre le gouvernement et la compagnie des steamers océaniques, concernant la manière dont elle remplit son contrat, et pour autres objets s'y rapportant, soient renvoyées à un comité spécial composé des honorables messieurs *Sidney Smith*, *Ross*, *Cameron*, *Seymour*, *Tessier*, *Hamilton*, (*Kingston*), Sir *E. P. Taché*, *Christie*, *Armstrong* et du moteur, avec pouvoir d'envoyer quérir papiers, personnes et records, et de faire rapport de temps à autre.

L'honorable M. *Alexander* a proposé, secondé par l'honorable M. *Cameron*,

Qu'un comité spécial de cinq membres, composé des honorables MM. *Cameron*, *Tessier*, *Campbell*, *Moore* et du moteur, soit nommé aux fins de s'enquérir des sérieux inconvénients qui résultent des délais qu'entraînent l'introduction et la marche des bills devant la législature, délais qui font que la plus grande partie des mesures de la session ne sont soumises

à la considération et au concours du Conseil Législatif, que très-peu de temps avant la fin de la session, au grand préjudice des affaires, et de faire rapport à la Chambre des moyens propres à remédier à ces inconvénients.

Après débats,

La dite motion a, avec la permission de la Chambre, été retirée.

Alors, sur motion de l'honorable M. *Ferrie*, secondé par l'honorable M. *Moore*, La Chambre s'est ajournée à lundi prochain, à trois heures de l'après-midi.

## Lundi, 28 Avril, 1862.

Les Membres assemblés ont été :

L'Honorable Sir ALLAN NAPIER MACNAB, *Baronnet*, Orateur.

### Les Honorables Messieurs

|                            |                             |                               |                          |
|----------------------------|-----------------------------|-------------------------------|--------------------------|
| <i>Alexander,</i>          | <i>De Beaujeu,</i>          | <i>Jeffrey,</i>               | <i>Proulx,</i>           |
| <i>Allan,</i>              | <i>De La Terrière,</i>      | <i>Knowlton,</i>              | <i>Reesor,</i>           |
| <i>Armand,</i>             | <i>Dessaults,</i>           | <i>Lacoste,</i>               | <i>Ross,</i>             |
| <i>Armstrong,</i>          | <i>Duchesnay, A. J.,</i>    | <i>Leslie,</i>                | <i>Seymour,</i>          |
| <i>Baby,</i>               | <i>Duchesnay, E. H. J.,</i> | <i>Letellier de St. Just,</i> | <i>Shaw,</i>             |
| <i>Belleau, Sir N. F.,</i> | <i>Ferrie,</i>              | <i>Masson,</i>                | <i>Smith, Harmanus,</i>  |
| <i>Blair, Fergusson,</i>   | <i>Ferrier,</i>             | <i>Matheson,</i>              | <i>Smith, Hollis,</i>    |
| <i>Boulton,</i>            | <i>Gordon,</i>              | <i>McDonald,</i>              | <i>Smith, Sidney,</i>    |
| <i>Cameron,</i>            | <i>Gutvremont,</i>          | <i>Moore,</i>                 | <i>Taché, Sir E. P.,</i> |
| <i>Campbell,</i>           | <i>Hamilton (Kingston),</i> | <i>Panet,</i>                 | <i>Tessier,</i>          |
| <i>Christie,</i>           | <i>Harwood,</i>             | <i>Perry,</i>                 | <i>Walker.</i>           |
| <i>Crawford,</i>           |                             |                               |                          |

### PRIÈRES :

Les pétitions suivantes ont été présentées et mises sur la table :—

Par l'honorable M. *Allan* ; de l'école de médecine de *Kingston*.

Par l'honorable M. *Leslie* ; de la banque d'épargnes des cité et district de *Montréal* ; et de l'honorable *Samuel Gale*, de la cité de *Montréal*, ci-devant juge de la cour du banc de la reine de Sa Majesté pour le *Bas-Canada*.

Par l'honorable M. *Shaw* ; deux pétitions du conseil municipal du comté de *Grey*.

Par l'honorable M. *Christie* ; des ministre et assemblée de l'église de *St. Andrew* à *Kingston*, en union avec l'église d'*Ecosse*.

Par l'honorable M. *Ferrier* ; de la société d'histoire naturelle de *Montréal*.

Par l'honorable Sir *N. F. Belleau* ; de sa grandeur le très-révérénd évêque de *Tloa*, et autres, de la cité de *Québec* ; et du révérend *Fréd. Caron* et autres, de *St Henri*, dans le comté de *Lévi*.

Par l'honorable M. *Hollis Smith* ; du révérend *L. A. Gauthier* et autres, du township de *Wolfestown*, dans le comté de *Wolfe* ; de *L. H. Knowlton* et autres, du township de *Stukeley Sud*, et de la division *Granby* des fils de la tempérance, dans le comté de *Shefford*.

Par l'honorable M. *Sidney Smith* ; de *W. Claxton* et autres ; des conseils municipaux

des townships d'*Asphodel*, *Belmont* et *Dummer*, dans le comté de *Peterborough*; et de *Peter Pearce* et autres, de *Belmont*.

Par l'honorable M. *Guévremont*; de *G. Moffatt* et autres, de la paroisse de *St. Lambert*; et de *A. Quintin dit Dubois* et autres, du village d'*Action Vale*, dans le comté de *Bagot*.

Par l'honorable M. *Masson*; de *F. X. Dufault* et autres, de *Ste. Thérèse de Blainville*, dans le district de *Terrebonne*.

Par l'honorable M. *De La Terrière*; de *Pierre Louis Giroux* et autres, de la paroisse de *Charlesbourg*; et trois pétitions du révérend *J. A. Bureau* et autres, de la dite paroisse de *Charlesbourg*.

Par l'honorable M. *Tessier*; de *Xavier Legendre* et autres, de la paroisse de *St. Flavien*; du révérend *S. Belleau* et autres, de la paroisse de *Ste. Croix*, dans le comté de *Lotbinière*; du révérend *Jos. L. Martel* et autres, du township de *Nelson*, dans le comté de *Mégantic*, et de *Lazare Boulanger* et autres, de la paroisse de *Ste. Agathe*, dans le dit comté de *Lotbinière*.

Par l'honorable M. *Proulx*; du révérend *Thomas Caron* et autres, des comtés de *Nicolet* et *Yamaska*.

Par l'honorable M. *Campbell*; du ministre et de la congrégation de l'église *St. James, Kingston*; de la compagnie du chemin de fer des rivières *Détroit* et *Niagara*; et deux pétitions de la compagnie du chemin de fer de *London* et *Port Stanley*.

Conformément à l'ordre du jour, les pétitions suivantes ont été lues :—

De *Robert Douglas* et autres, de la ville de *Perth*; demandant que le bill pour légaliser un certain règlement de la corporation de la ville de *Perth*, ne devienne pas loi.

Deux pétitions du conseil municipal du comté de *Kent*; demandant une allocation pour construire un havre à l'embouchure de *Two-Creeks*, dans le township de *Romney*, et aussi pour améliorer le havre à *Rondeau*, dans le township de *Harwich*.

Et aussi, demandant un acte pour légaliser la cotisation et l'imposition de taxes sur les terres non-occupées, et au sujet desquelles aucunes patentes, permis d'occupation ou billets de location n'ont pas été octroyés.

Du conseil municipal du township de *Howard*, dans le comté de *Kent*; demandant que le bill pour imposer à la province les dettes de certaines municipalités qui sont tombées dans des embarras financiers, ne devienne pas loi, et aussi, que nulle autre allocation ne soit accordée à la compagnie du Grand Tronc de chemin de fer du *Canada*.

Du conseil municipal du township d'*Orford*, dans le comté de *Kent*; demandant une allocation pour parachever un chemin dans la nouvelle augmentation du dit township d'*Orford*.

De *Wilbon Gosselin* et autres, du township de *Matane*, dans le comté de *Rimouski*; demandant une allocation pour ouvrir un chemin qui traversera le dit township.

D'*Edouard Martin* et autres, du district de *Rimouski*; demandant une allocation de \$3000 comme aide au collège commercial et industriel de *St. Germain*.

Du conseil municipal du comté de *Colborne*; demandant que la dite municipalité ne soit pas obligée de payer un plus haut montant en argent pour la construction des chemins à gravier, dans le comté de *Northumberland*, que celui fixé comme équitable dans le préambule de l'acte 23, *Vic.*, chap. 98, concernant les chemins à gravier de *Northumberland* et *Durham*.

De la compagnie du chemin de fer de *Cobourg* et *Peterborough*; demandant à être déchargée de la taxe versée au fonds d'inspection de chemins de fer.

Du révérend *Et. Baillargeon* et autres, de la paroisse de *St. Nicolas*, dans le comté de *Lévis*; de *Louis Carrier* et autres, de la ville de *Lévis*; demandant séparément qu'un pont soit construit sur la rivière *Chaudière*.

Also,

Mr. President;

The House of Assembly have passed the following Bills, with certain amendments, to which they desire the concurrence of the Legislative Council, viz :

A Bill intituled "An Act to prevent the running at large of Bulls in this Island, and of Horses within the Town of Charlottetown."

A Bill intituled "An Act to alter and amend an Act passed in the Seventh year of the reign of His late Majesty King William the Fourth, intituled 'An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers.'"

Read a first time, the Bill intituled "An Act for raising a Fund for the encouragement of Agriculture, to be expended in the erection of Lime Kilns, and the burning of Lime.

Read a first time, the Bill intituled "An Act for the encouragement of the Seal and Cod Fisheries."

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act to prevent the running at large of Bulls in this Island, and Horses within the Town of Charlottetown," were read a first time, and are as follow :

*Folio 1, line 7.*—Strike out from the word "of" to the word "district" in folio 4, both inclusive, and insert :  
"At large within the Town of Charlottetown, of Horses and Bulls at any Season of the year, and of Cows and other Neat Cattle between the Twentieth day of December and the Fifteenth day of April."

"Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That if any Horse or Bull shall be found going at large within Charlottetown at any Season of the year, or any Cow or other Neat Cattle between the Twentieth day of December and the Fifteenth day of April in any year after the passing of this Act, the owner thereof shall be liable to pay a Fine of Ten Shillings for each time such Horse or Bull, Cow or other Neat Cattle, shall be found so going at large in violation of this Act, to be recovered before any Justice of the Peace, on the Oath of any credible Witness or Witnesses, and in case the owner of such Horse, Bull, Cow or other Neat Cattle cannot be found, then it shall and may be lawful for any person or persons who may take up such Horse, Bull, Cow, or other Neat Cattle, after Ten days' Notice, by posting up Notices in Four public places in said Town, and also giving notice in the Royal Gazette, describing such animal, and the time and place of sale to sell the same at Auction to the highest bidder, and after deducting the expenses of keeping such animal and the charges of such sale, to pay over the proceeds of such sale into the hands of any of the Justices of the Peace in Charlottetown, to be paid to the owner or owners thereof, and the same if not claimed within Thirty days thereafter by the owner or owners, shall, after that period, be paid over by such Justice, to the Justices of the Peace having charge of the Streets of Charlottetown, to be by them expended in keeping in repair the said Streets."

*In the Title.*—Strike out the word "running" in line 2, to the word "Town" in line 5, both inclusive, and insert—"Going at large within the Town of Charlottetown, of Horses, Bulls, Cows, and other Neat Cattle."

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

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



les fins municipales et scolaires; de M. *Martin Mitivier*, demandant à ce qu'il soit autorisé à pratiquer comme médecin; de M. *Martin Mitivier* et autres, de *Ste. Brigide*, demandant un acte pour confirmer leur élection comme syndics nommés pour surveiller la bâtisse d'une église dans la dite paroisse; de *Samuel Buchan* et autres, demandant qu'un certain arpentage soit mis de côté; de *William Clarke* et autres, demandant une charte pour établir une banque à *Guelph*.

Le tout respectueusement soumis.

A. CAMPBELL,  
Président.

L'honorable M. *Hamilton (Kingston)*, du comité sur les banques et auquel a été renvoyé le bill intitulé: "Acte pour amender de nouveau la charte de la banque du *Haut-Canada*," a fait rapport qu'il avait examiné le dit bill en entier, et l'avait chargé d'en faire le rapport à la chambre sans amendement.

Sur motion de l'honorable M. *Allan*, secondé par l'honorable M. *Hamilton*, il a été ordonné, que le dit bill soit lu la troisième fois présentement.

Le dit bill a été alors lu la troisième fois en conséquence.

La question a été mise, ce bill passera-t-il?

Elle a été résolue dans l'affirmative.

Ordonné, que le greffier se rende à l'Assemblée Législative, et informe cette Chambre que le Conseil Législatif a passé ce bill, auquel il demande le concours de l'Assemblée.

Un message est reçu de l'Assemblée Législative, par l'honorable M. le procureur-général *Cartier* et autres, comme suit:—

ASSEMBLÉE LÉGISLATIVE,  
Vendredi, 25 avril, 1862.

Résolu, qu'il soit envoyé un message à l'honorable Conseil Législatif, pour prier leurs honneurs de vouloir bien se joindre à cette Chambre dans la formation d'un comité conjoint des deux Chambres au sujet des impressions de la législature, et pour informer leurs honneurs que les membres du comité permanent des impressions, l'honorable M. *Rose*, M. *Benjamin*, M. *R. Bell (Lanark)*, M. *Langevin*, M. *Chapais*, M. *Simpson*, M. *Patrick*, M. *Beaubien*, M. *Biggar*, M. *Brousseau* et M. *Stirton*, agiront comme membres du dit comité conjoint de la part de cette Chambre.

Ordonné, que l'honorable M. le procureur-général *Cartier* porte le dit message au Conseil Législatif.

Attesté,

WM. B. LINDSAY,  
Député Greffier.

Et alors ils se sont retirés.

Les messagers ont été appelés de nouveau, et informés que le Conseil Législatif enverra une réponse par son propre messager.

L'honorable Orateur a informé la Chambre qu'un rapport avait été reçu de la part du greffier de la couronne en chancellerie, relativement à l'élection d'un membre pour représenter le collège électoral de *Rideau*, dans cette Chambre.

Il a été alors lu par le greffier, comme suit:—

PROVINCE DU CANADA, }  
Savoir :

Le présent est pour certifier qu'en vertu d'un writ d'élection en date du vingt-huitième jour de mars dernier, émané par Son Excellence le Gouverneur Général et adressé à l'officier-rapporteur pour le collège électoral de *Rideau*, (*E. Sherwood*, écuyer,) nommé officier rapporteur pour le collège électoral de *Rideau*, pour l'élection d'un membre pour représenter le collège électoral de *Rideau*, dans le Conseil Législatif de cette province, en remplacement de l'honorable *Philip M. M. S. Vankoughnet*, qui, depuis son élection pour

A Message from the House of Assembly, by Mr. Longworth:—

Mr. President ;

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled “An Act for the encouragement of the Seal and Cod Fisheries,” and have appointed Mr. Longworth, Mr. Cooper, Mr. Montgomery and Mr. Coles, 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.

A Message from the House of Assembly, by Mr. Longworth:—

Mr. President ;

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled “An Act for the encouragement of the Seal and Cod Fisheries,” 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 thereon, be a Committee to manage this further Conference, to meet in the Committee Room, instanter.

And the names of the Managers being called over, they went to the Conference ; and being returned, 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 for the encouragement of the Seal and Cod Fisheries.” 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 said Bill be read a third time to-morrow.

Mr. Young, from the joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty on the subject of the Act to authorize the issue of Writs *de novo* under the Road Compensation Act, in certain cases,” presented to the House the Report of said Committee.

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.

Mr. Swabey, from the joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty on the subject of the Despatch from the Right Honorable Lord Stanley, relative to the “differential duties,” reported the draft of an Address, as prepared by the joint Committee, which the House agreed to, and the same was read and is as followeth :

TO THE QUEEN’S MOST EXCELLENT MAJESTY.

May it please your Majesty ;

We your Majesty’s dutiful and loyal subjects, the Members of the Legislative Council and House of Assembly of Prince Edward Island, humbly submit, for your Majesty’s gracious consideration, that the consequences of the Despatch of your Majesty’s principal Secretary of State for the Colonies, prohibiting the enactment of “differential duties,” by the Colonial Legislatures in your Majesty’s North American possessions, threaten to be of a character highly detrimental to the interests of your Majesty’s subjects in this Island.

Your petitioners have learned with regret, that the Legislature of New Brunswick, finding themselves under the necessity of imposing prohibitory duties on the importation of Agricultural Produce from the United States of America, are constrained, by the tenor of the before named Despatch, to impose the same duties on inter-colonial trade, which duties amount to a prohibition of the trade on which the principal market for the surplus of the agricultural productions of this Island has hitherto depended. In consequence thereof, your Majesty's faithful subjects in this Island, who are dependant on agriculture alone, will be deprived of the principal market for their produce.

Your Majesty's humble petitioners conceive, that when the Imperial Government decided to recommend to your Majesty, the adoption of a system of trade, to be carried out by the abolition of "differential duties," the existence of any intercolonial duties amongst your North American Provinces, on articles, the native growth of those Provinces, could not have been contemplated. The existence of such duties is a subject of such vital importance to your petitioners and their fellow subjects in this Island, that they presume to lay at your feet their humble prayer that your Majesty will cause them to be annulled.

Your Majesty's humble petitioners further pray, that the privilege accorded to your Majesty's Canadian subjects of exporting Wheat and Wheaten Flour to Great Britain, at a very low rate of duty, be no longer withheld from your petitioners.

Your Majesty's faithful subjects in this Island have no articles of export wherewith to trade but the produce of the soil. Without minerals or manufactures, or any fruits spontaneously produced, they are entirely dependent on the labour of their hands. The productive qualities of the soil are capable of any extension, and the produce is only limited by the want of remunerating markets; thus, the operation of agriculture in Prince Edward, always an exporting country, have been hitherto limited by the high duties on the importation of its produce into Great Britain.

Your humble petitioners hope to be pardoned for honestly representing that they are not aware of any peculiar claims which the inhabitants of Canada, much less those of the United States, (whose produce, under the present arrangement, finds its way openly down the St. Lawrence to Great Britain,) can have for indulgences which are denied to your Majesty's humble petitioners.

Your Majesty's humble petitioners therefore pray, that your Majesty will cause their case to be taken into consideration by your Majesty's Government, in order that the evils which they so justly apprehend may be averted.

That your Majesty may be blessed with domestic happiness, and your reign be distinguished by public prosperity and peace, is the constant prayer of your Majesty's humble petitioners.

*Ordered,* That the said Address 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, requesting that His Excellency will be pleased to transmit the joint Address of both Houses to Her Majesty, and also that he will be pleased to use his influence to obtain a favourable reply thereto.

*Ordered,* That the same Committee who prepared the Address to Her Majesty, be a Committee, on the part of this House, to prepare the Address to His Excellency the Lieutenant Governor.

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

Adjourned until Twelve o'clock to-morrow.

## FRIDAY, March 29th, 1844.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

|                               |                              |
|-------------------------------|------------------------------|
| The Hon. Mr. <i>Brecken</i> , | The Hon. Mr. <i>Irving</i> , |
| Mr. <i>Dalrymple</i> ,        | Mr. <i>Rice</i> ,            |
| Mr. <i>Holl</i> ,             | Mr. <i>Swabey</i> .          |
| Mr. <i>Young</i> ,            |                              |

**Prayers.**

**R**EAD the proceedings of yesterday.

Pursuant to order, the Bill intituled "An Act for the encouragement of the Seal and Cod Fisheries," 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.

A Message from the House of Assembly, by Mr. Cambridge:—

"House of Assembly,

"Thursday, 28th March, 1844.

"Resolved, that a Committee be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the joint Address of both Houses, on the subject of the delay occasioned in the transmission of the English Mails from Halifax.

"Ordered, that Mr. Thornton, the Hon. Mr. Palmer, Mr. Montgomery, Mr. D. Maclean and Mr. Cooper, be a Committee, on the part of this House, to wait upon His Excellency with the said Address.

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

A Message from the House of Assembly, by Mr. Wightman.—

"House of Assembly,

"Thursday, March 28th, 1844.

"Resolved, that a Committee of this House be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, requesting that His Excellency will be pleased to transmit the joint Address of both Houses to Her Majesty, on the subject of the "differential duties;" and also, that he will be pleased to use his influence to obtain a favourable reply thereto.

"Ordered, That the same Committee who prepared the Address to Her Majesty, be a Committee, on the part of this House, to prepare the said Address to His Excellency.

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

Mr. *Swabey*, from the joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, requesting His Excellency to transmit the joint Address of both Houses to Her Majesty, on the subject of the "differential duties," reported the draft of an Address, as prepared by the joint Committee, and the same was read and agreed to, and is as followeth:

*To His Excellency SIR HENRY VERE HUNTLEY, Knight, 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 Council and Assembly having agreed to an Address to Her Majesty on the subject of the Despatch from the Right Honorable the Secretary of State for the Colonies, relating to differential duties, and also on the subject of the duties on the importation of Wheat and Wheaten Flour into Great Britain, beg to request that your Excellency will be pleased to transmit the same to Her Majesty, and also that your Excellency will be pleased to use your influence to obtain a favourable reply thereto.

*Ordered*, That the said Address 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.

A Message from the House of Assembly, by Mr. Wightman :—

“ House of Assembly,

“ Friday, 29th March, 1844.

“ *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 requesting that His Excellency will be pleased to transmit the joint Address of both Houses to Her Majesty, on the subject of the differential duties.

“ *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 Legislative Council.”

Mr. *Swabey*, from the joint Committee of the Council and Assembly, appointed to wait upon His Excellency with the joint Address of both Houses, relative to the delay occasioned in the transmission of the English Mails from Halifax, reported the delivery thereof, and that His Excellency was pleased to say he would comply with the prayer of the Address.

Mr. *Swabey*, from the joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Address requesting His Excellency to transmit the joint Address of both Houses to Her Majesty, on the subject of the differential duties, reported the delivery thereof, and that His Excellency was pleased to say he would transmit the same and grant it his support.

Adjourned until Eleven o'clock to-morrow.

**SATURDAY, March 30th, 1844.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. *Attorney General*, President;

|                              |                             |
|------------------------------|-----------------------------|
| The Hon. Mr. <i>Brecken,</i> | The Hon. Mr. <i>Irving,</i> |
| Mr. <i>Dalrymple,</i>        | Mr. <i>Rice,</i>            |
| Mr. <i>Holl,</i>             | Mr. <i>Swabey.</i>          |
| Mr. <i>Young,</i>            |                             |

**Prayers.**

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Coles:—

Mr. President;

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled “An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island,” 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 Mr. *Young* and Mr. *Rice* 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, Ordered, that a 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 Conference be a Committee to manage this free Conference, to meet in the Committee Room, instanter.

A Message from the House of Assembly, by Mr. Coles:—

Mr. President;

The House of Assembly do agree to a 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 former 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.

The House took into consideration the incidental expenses of the present Session, and allowed the same as follows :

|                                                                                                             |     |    |   |
|-------------------------------------------------------------------------------------------------------------|-----|----|---|
| The Reverend Doctor Jenkins, for his services as Chaplain to this House,                                    | £40 | 0  | 0 |
| Clerk of Council, including his account for Stationery,                                                     | 174 | 0  | 4 |
| Henry Palmer, Esquire, Gentleman Usher of the Black Rod and Sergeant<br>at Arms, 58 days, at 10s. per diem, | 29  | 0  | 0 |
| Mr. Robert B. Irving, for his services as Reporter to this House,                                           | 50  | 0  | 0 |
| John Rider, Messenger, including his account for sundry disbursements,                                      | 52  | 11 | 2 |
| Patrick Furlong, Doorkeeper to this House, 61 days, at 7s. 6d.                                              | 22  | 17 | 6 |

*Resolved*, That the Deputy Clerk of this House prepare an Index to the Journals of the present Session, and that a remuneration of £15 be made to him for his extra trouble in preparing said Index, and for superintending the printing of the said Journals, the same to be paid to him when he shall have obtained from the Committee of this House, appointed to revise the Journals, a Certificate of his having prepared said Index, and superintended said printing to their satisfaction.

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, in her Majesty's name, to give his assent to the following Bills, viz :

An Act for the protection of Sheep against vicious Dogs.

An Act to regulate the manner of proceeding upon controverted Elections of Members to serve in the General Assembly.

An Act relating to the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein, and for the appointment of Fish Inspectors; also, to regulate the inspection of Pickled Fish.

An Act to regulate the publishing of Notices and Advertisements relating to the public service.

An Act for the preservation of the Herring and Alewives Fisheries.

An Act relating to entire Horses.

An Act concerning Bail in civil cases.

An Act to alter three several Acts relating to the Prince Edward Island Steam Boat Company.

An Act for the better preventing Accidents by Fire within Charlottetown.

An Act relating to Treasury Warrants.

An Act to consolidate and extend the provisions of the Laws now in force relating to the Fire Engine Companies of Charlottetown.

An Act to incorporate a Marine Insurance Company.

An Act to alter and amend an Act passed in the Seventh year of the reign of His late Majesty King William the Fourth, intituled 'An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers.'

An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County.

An Act in further amendment of the Laws for making Lands and Tenements liable for the payment of Debts, and for other purposes.

An Act to consolidate, amend and continue the Acts relating to Merchant Seamen.

An Act to continue for a limited period an Act passed in the Sixth year of Her present Majesty's Reign, intituled 'An Act for suspending 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.'

An Act to prevent the running at large of Bulls in this Island, and of Horses within the Town of Charlottetown.

The Title of the following Bill was then read :

An Act to naturalize John Broderus Edinger Tybring.

Which His Excellency was pleased to say he would reserve for consideration.

After which, the Speaker of the House of Assembly addressed His Excellency as followeth :—

May it please your Excellency :

The House of Assembly have given their serious consideration to the many important measures brought under their notice by your Excellency's Speech at the opening of the Session ; and I have the satisfaction to acquaint your Excellency, that Bills for the encouragement of Education, of Agriculture, and of the Fisheries, which it is hoped are calculated to give an additional impetus to our trade and enterprise, have been so far matured as only to require your Excellency's assent to become law.

The Legislative Council and House of Assembly have failed to agree on any plan for settling the Fishery Reserve question ; and the House of Assembly, believing that a speedy and final determination of this difficult and important measure would greatly conduce to the interest of this Colony ; trust that your Excellency will call the particular attention of Her Majesty's Government to this subject, so as to enable the Legislature, at its next Session, to found an enactment thereon.

The House of Assembly having cheerfully voted to Her Majesty such Supplies for the public service as the pecuniary resources at their disposal would warrant, and from such sources as would be least burthensome and oppressive to the inhabitants of this Island, whom they represent, have sincerely to regret that their liberal intentions towards Her Most Gracious Majesty should have been rendered, in part, ineffectual, by the Legislative Council's having intercepted an aid granted on all Spirituous Liquors distilled or manufactured in this Colony. The means of preventing a similar occurrence may not prove unworthy of your Excellency's consideration.

I have now the honour to present, in the name and on the behalf of Her Majesty's faithful and loyal Commons of this Island, several Bills of aid, which have been granted to Her Majesty during the present Session, and pray your Excellency's assent thereto :

An Act to establish a reward for the destruction of Bears and Loupcerviers.

An Act to provide Salaries for Sub-Collectors of Customs at the several Out Ports therein mentioned.



An Act to alter the Act authorizing the erection of an Asylum for Insane persons.

An Act for raising a Fund for the encouragement of Agriculture, to be expended in the erection of Lime Kilns, and the burning of Lime.

An Act for the regulation of the Public Wharf at Georgetown, and other Wharves.

An Act for the encouragement of the Seal and Cod Fisheries.

An Act relating to Schools and Education.

An Act to alter the Act relating to Statute Labour.

An Act for imposing duties for raising a Revenue.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and forty-four.

To each of which His Excellency was pleased, in the Queen's name, to give 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 ;*

Although circumstances obliged me to call the Legislature together at a much earlier period than usual, yet, by your ready adoption of a wise and just course, I was enabled, in a few days after, to relieve you from further attendance, by adjournment, until the season usually set apart for the transaction of Legislative business had arrived ; since which time, I trust that your zealous exertions have completed many measures, calculated under Providence, to enhance the prosperity of the Colony ; and I hope, that in returning to your homes, you will carry with you the approbation of our august and excellent Sovereign, as well as the gratitude of the people for whom you legislate.

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

I offer you my acknowledgments for the Supplies which you have voted for the exigencies of Her Majesty's Government in this Colony ; they will be applied with care and fidelity. To an important diminution in the outlay, you have united an expenditure apparently calculated to advance the interests of the community.

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

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

Be assured that I shall employ the interval of time which will elapse before I shall again meet you, in earnestly endeavouring to carry out the objects you have deemed it expedient to encourage, and otherwise to forward whatever may seem advantageous to the prosperity of this Island, in which pursuit I am confident of receiving your zealous support, far as we may be separated.

After which, the President of the Council said—

Gentlemen ;

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Tuesday, the Second Day of July ; and this General Assembly is accordingly prorogued until Tuesday, the Second Day of July next.



**APPENDIX**  
TO THE  
**JOURNAL**  
**OF THE LEGISLATIVE COUNCIL.**

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No. 1.

No. 71.

(Copy).

Downing Street, 25th May, 1843.

Sir;

I have the honour to acknowledge the receipt of your Despatch, No. 84, transmitting a joint Address to the Queen, from the Legislative Council and Assembly of Prince Edward Island, representing the difficulties experienced by the Tenantry from the nature of their engagements with their Landlords, and praying Her Majesty to induce the Proprietors to remit, to a certain extent, the arrears of rent due to them, and to accept payment of their rents in kind, instead of in money.

Having laid this Address before the Queen, I have received Her Majesty's commands to instruct you to acquaint the Legislative Council and Assembly in answer to their Address, that Her Majesty would not be justified in interfering with the arrangements which subsist in Prince Edward Island, in respect to private Property, and that Her Majesty must decline to take the proposed course of mediating on the subject, between the Landlords and their Tenantry.

I have, &c.

(Signed)

STANLEY.

Lieut. Governor Sir Henry Huntley.

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No. 2.

No. 72.

(Copy).

Downing Street, 31st May, 1843.

Sir;

I have received your Despatch, No. 80, of the 17th ultimo, forwarding a joint Address to the Queen, from the Legislative Council and Assembly of Prince Edward Island, praying Her Majesty to cause an armed Steam Vessel, to be stationed off the Island every season, to protect the local Fisheries, from the encroachments of the Americans.

I have to instruct you, in answer, to acquaint the Houses, that I have had the honor to lay their Address before the Queen, and that Her Majesty was graciously pleased, to command me, to refer it to the Lords Commissioners of the Admiralty, for their consideration, whether the means at their Lordships' disposal, would enable them to comply with this application, without neglecting other, and yet more urgent demands, on Her Majesty's Naval Forces.

Having accordingly communicated with the Board of Admiralty on the subject, their Lordships have informed me, that the present reduced peace establishment of the Navy will not allow of the appropriation of a Steam Vessel of War, (the most expensive description of Vessel of War), for the service of Prince Edward Island, and its Fisheries.

Their Lordships have further informed me, that the protection of the Fisheries generally from American, or other encroachments in the Gulf of St. Lawrence, and other parts of the North American station, is one of the duties principally pressed upon the Naval Commander in Chief, in those seas, in his Instructions, and that if you would communicate with the Admiral at Halifax, he would, no doubt, in conformity with his instructions, afford to Prince Edward Island, and its Fisheries, such protection, as the Force at his disposal and the other equally important demands for the presence of Ships of War, may admit.

I have, &c.

Lieut. Governor Sir H. V. Huntley.

(Signed)

STANLEY.

## No. 3.

No. 81. (Copy).

Downing Street, 22d September, 1843.

Sir;

I have to acknowledge the receipt of your Despatch, No. 82, of the 17th April, forwarding an Address to the Queen, from the House of Assembly of Prince Edward Island, praying the permission of Her Majesty to enact a Law, rendering it compulsory on the Owners of landed Property in that Island, to register their Titles to Land, in an office of Record.

Although the Queen cannot enter into any pledge, as to the confirmation of an Act, which is neither passed into a Law, nor drawn out into the form of a Bill, yet, if the Council and Assembly should send, for your assent, any well considered Bill, having for its object, the establishment of a Registry of all Deeds hereafter to be made for the alienation of Lands in Prince Edward Island, or otherwise affecting any such Lands, Her Majesty does not object to your assenting, on Her Majesty's behalf, to any such Bill.

I have, &amp;c.

(Signed)

STANLEY.

Sir H. V. Huntley, &amp;c. &amp;c. &amp;c.

## No. 4.

(Copy).

AT THE COURT AT WINDSOR, THE 13TH DECEMBER, 1843.

PRESENT :

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| The Queen's Most Excellent Majesty, | His Royal Highness Prince Albert, |
| Lord President,                     | Lord Stanley,                     |
| Duke of Wellington,                 | Sir Robert Peel, Bart.            |
| Earl of Jersey,                     | Sir James Graham, Bart.           |
| Earl of Aberdeen,                   | Sir Edward Knatchbull, Bart.      |

**WHEREAS** the Lieutenant Governor of Her Majesty's Island Prince Edward, with the Council and Assembly, of the said Island, did in the month of April, 1843, pass an Act, which has been transmitted entitled as follows, viz :

No. 612.—“ An Act to provide for the summary Trial of Small Debts, and to regulate proceedings in “ cases of summary Capias.”

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 not receive Her Majesty's royal confirmation. Her Majesty was thereupon this day pleased by and with the advice of Her Privy Council, to declare Her disallowance of the said Act, and the same is hereby disallowed accordingly. 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)

W. L. BATHURST.

(Copy).

Extract from Report of the Lords of the Committee of Privy Council for Trade, dated the 28th of November, 1843, recommending the disallowance of Prince Edward Island, Act No. 612.

“ Because the effect of this Act, would be to vacate the seats of all the Members of the House of Assembly, who have been appointed Commissioners of the Small Debt Courts, because there is reason to believe that such was not intended by the local Legislature, to be the effect of this Act, and because such a result would be prejudicial to the public interests of the Colony.

## No. 5.

(Copy).

AT THE COURT AT WINDSOR, 13TH DECEMBER, 1843.

PRESENT:

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| The Queen's Most Excellent Majesty, | His Royal Highness Prince Albert, |
| Lord President,                     | Lord Stanley,                     |
| Duke of Wellington,                 | Sir Robert Peel, Bart.            |
| Earl of Jersey,                     | Sir James Graham, Bart.           |
| Earl of Aberdeen,                   | Sir Edward Knatchbull, Bart.      |

**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, 1843, pass an Act which has been transmitted, entitled as follows viz:

No. 610.—“An Act in further amendment of an Act passed in the tenth year of the Reign of King George the Fourth, intituled “An Act, to regulate the laying out and altering of Highways, and to provide a mode of obtaining a Compensation for those who may thereby be injured, and to cause those who are benefited thereby, to contribute towards their formation.”

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 receive Her Majesty's special Confirmation. Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to declare Her special confirmation of the said Act, and the same is hereby specially confirmed, ratified and finally enacted accordingly. 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)

W. L. BATHURST.

## No. 6.

(Copy).

AT THE COURT AT WINDSOR, THE 13TH DECEMBER, 1843.

PRESENT:

|                                     |                                   |
|-------------------------------------|-----------------------------------|
| The Queen's Most Excellent Majesty, | His Royal Highness Prince Albert, |
| Lord President,                     | Lord Stanley,                     |
| Duke of Wellington,                 | Sir Robert Peel, Bart.            |
| Earl of Jersey,                     | Sir James Graham, Bart.           |
| Earl of Aberdeen,                   | Sir Edward Knatchbull, Bart.      |

**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, 1843, pass twenty Acts, which have been transmitted entitled as follows, viz:

No. 589.—“An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of public moneys on the Highways.”

No. 590.—“An Act to compel persons appointed to the office of Constable, to serve as such.”

No. 591.—“An Act in addition to the several Acts relating to Licences, for the retailing of Spirituous and Fermented Liquors.”

No. 592.—“An Act to amend the Act relating to the Pumps and Wells of Charlottetown.”

No. 593.—“An Act to continue and amend the Act for facilitating the intercourse, between this Island and the Provinces of Nova Scotia and New Brunswick, by means of sailing Packets.”

No. 594.—“An Act to alter and amend the several Acts therein mentioned, relating to the Prince Edward Island Steam Navigation Company.”

No. 597.—“ An Act to amend the Act regulating the floating of Logs, Scantling, Deals, and other kinds of wood, down the Rivers and lesser Streams in this Island, and for other purposes therein mentioned.”

No. 599.—“ An Act to continue and amend the Act relating to the Limits and Rules of Jails, in the several Counties in this Island.”

No. 600.—“ An Act to prevent the running at large of Hogs, within the Common and Royalty of Charlottetown.”

No. 603.—“ An Act to amend and explain an Act, passed in this present Session of the General Assembly, intituled “ An Act to consolidate and amend the Laws relating to Statute Labour, and Expenditure of Public Moneys on the Highways.”

No. 604.—“ An Act to continue and amend an Act therein mentioned, for the relief of Insolvent Debtors.”

No. 605.—“ An Act for suspending for a limited period, certain parts of an Act 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. 606.—“ An Act to prevent the going at large of Swine and Geese, at all seasons, and of Horses at certain seasons in the Square and Streets of Georgetown.

No. 607.—“ An Act to amend the Act relating to distress for rent, and to regulate the practice of the Supreme Court in Cases of Replevin.”

No. 608.—“ An Act relating to Landlord and Tenant.”

No. 609.—“ An Act to alter and amend the Act, for the establishment of an Academy in Charlottetown.”

No. 613.—“ An Act to enable Married Women to convey Freehold Property, to which they may be entitled in their own right.”

No. 614.—“ An Act to repeal an Act, made and passed in the Twenty-first year, of the Reign of King George the Third, intituled an Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof.”

No. 615.—“ An Act to prevent trespassing on the Common of Georgetown.”

No. 616.—“ An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and Forty-three.”

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.

(Signed)

W. L. BATHURST.

No. 7.

No. 57. (Copy).  
Sir;

Downing Street, 29th December, 1842.

With reference to that part of my Despatch of the 14th of July last, No. 27, in which I informed you, that it would not be in my power to submit to the Queen, any advice as to the answer which it might be proper for Her Majesty to return to the Address of the Assembly of Prince Edward Island, on the subject of the Fishery Reserves, until I should be in possession of the Report, of Her Majesty's Attorney and Solicitor General, on the question of legal right, involved in that address; I have now the honor to transmit, for your information, a copy of the case submitted to them, and of the opinion which they have delivered, on the imperfect information supplied to them.

I have to instruct you to furnish me with an authentic copy of the usual Deed of Grant, in order that the questions in debate, may be presented more fully for the consideration of the Law Officers of the Crown.

I have, &amp;c.

(Signed)

STANLEY.

Licut. Governor Sir H. V. Huntley.

No. 69. [Copy]  
Sir;

Downing Street, 8th April, 1843.

I have received your Despatch No. 72, of the 17th February, enclosing for the consideration of the Law Officers of the Crown, in reference to the question which has been raised in Prince Edward Island, relative to the Fishery Reserves, Copies of the two descriptions of grants, which were issued to the original Proprietors of Land in the Colony. The case having been again submitted to the Attorney and Solicitor General, with a request that they would state, whether they perceived in the terms of these Grants, any ground for modifying the opinion delivered by them in December last. I enclose herewith, for your information and guidance, a copy of the supplementary report, which has been received from those officers on the subject.

I have, &amp;c.

(Signed)

STANLEY.

Licut. Governor Sir Henry Vere Huntley, &amp;c. &amp;c. &amp;c.

#### QUESTIONS UPON THE SUBJECT OF THE FISHERY RESERVES OF PRINCE EDWARD ISLAND.

FIRST.—The Fishery Reserves are described in some of the original Grants issued under the Order in Council, of 1767, in the following terms, "saving and reserving a free liberty to all His Majesty's subjects of carrying on a free Fishery or Fisheries, on any part or parts of the coasts of the said Townships, and of erecting stages and other necessary buildings for the said Fishery or Fisheries, within the distance of 500 feet from high water mark." In other original Grants the reserves are described as follows: "saving and reserving for the disposal of His Majesty, his Heirs, and Successors, 500 feet from high water mark, on the coasts of the tracts of Land thereby granted, to erect stages or other necessary buildings for carrying on the Fishery."

In these two cases, in whom is the fee simple of the land so reserved?

SECOND.—What is meant by the term "Coast"?

THIRD.—Does the term "Coast" limit the reservation to Townships that abut upon the sea coast, or does it extend to Townships that abut within Head Lands, Bays, Harbours, or Rivers, and if it does extend to Townships abutting within such Head Lands, Bays, Harbors, or Rivers, how far within the same does it extend?

FOURTH.—Several small Islands are situate at a short distance from the coast of Prince Edward Island, the grants of which reserve a liberty to all His Majesty's subjects of carrying on a free Fishery or Fisheries, on any part or parts of the coast of said Islands, and of erecting Stages and other necessary buildings, for the said Fishery or Fisheries, within the distance of 500 feet from high water mark; does the said reserve extend round the whole of these Islands?

FIFTH.—There are also several small Islands situate at the entrance of bays, or harbors of Prince Edward Island, the grants of which contain a like reservation. In cases where these Islands assist to form the bays or harbors, and parts are inside and parts without said bays or harbors. Does the above mentioned reserve, extend round the whole of said Islands or does it only extend to those portions of said Islands, which form the outside of such bays or harbors?

SIXTH.—Several small Islands are altogether within the Bays or Harbors of Prince Edward Island, the Grants of which contain a like reservation. Does the said reserve extend round the whole of these Islands?

(Copy)

Temple, Dec. 22d, 1842.

Sir;

We have the honor to acknowledge the receipt of your letter, of the 3d September last, wherein you state that doubts having arisen in Prince Edward Island, as to the right of the public to the use and occupation of certain Land in that Island, denominated "Fishery Reserves," the Commissioners of Colonial Lands and Emigration have, by direction of Lord Stanley, proposed a statement on the subject, to be submitted for the decision of Her Majesty's legal advisers.

A copy of that statement, you were pleased to enclose, and you requested we would take the subject under our consideration, and report to Lord Stanley, our opinion on the questions proposed in the accompanying paper.

In obedience to Lord Stanley's commands, we have read the statement referred to, and have fully considered the matters therein stated, and beg leave humbly to report for his Lordship's information.

1, That we cannot form any clear opinion on the points submitted to us, without seeing the particular Grant, on which a question may arise, and without a full description of the locality and boundaries of the premises comprised in that Grant. But as far as we can collect from the statement before us in the first case put, (in which there is stated to be a reservation in the Grant of a free liberty to Her Majesty's subjects), it appears to us, that the fee simple of the Land is in the Grantee, the land itself is not reserved or excepted. In the second case, the effect to be given to the supposed reservation, must depend in the context, and the other parts of the deed, *the words* are sufficient to except the soil itself, but those words may be controuled, if there is an intention apparent from the whole of the deed, that an easement only to enter for the purpose of the Fishery, should be reserved to the Crown.

2 and 3, The word *coasts*, has no clearly defined legal meaning, and its meaning in any particular grant may depend on the other parts of the Deed, and the description and local situation of the premises. We should conceive however, that generally, it would be taken to apply to those places in which the sea ebbs and flows, and that it would extend therefore to those portions of the bays, harbors, and rivers in which there was an ebb and flow of the sea.

4, 5, and 6, If the grants be of the whole of the Islands, the reservation would appear to apply to the whole extent of the coast round the Islands that were granted, and in the grant of which this reservation occurs.

We are, &c.

(Signed)

FRED. POLLOCK,  
W. FOLLETT.

J. Stephens, Esq., &c. &c. &c.



(Copy).

Temple, 1st April, 1843.

Sir;

We beg to acknowledge the receipt of your Letter of the 29th ult., wherein you were pleased to observe that, with reference to that part of our Report of the 22d December last, in which we stated, that we could not form any clear opinion on the points submitted to us, in Mr. Stephens' letter of the 3d September, respecting the Fishery Reserves in Prince Edward Island, without seeing the particular Grant on which a question might arise, and without a full description of the locality and boundaries of the premises comprised in that Grant. You had been directed by Lord Stanley, to transmit to us the copy of a Despatch, from the Lieutenant Governor of the Colony, enclosing authentic transcripts of the two descriptions of Grants, which were issued to the original Proprietors of Land there. And that you had also been directed to add for the convenience of reference, a copy of our Report of the 22d December, together with a copy of the case originally submitted to us on the subject.

And you were pleased to request, that we would take these papers into consideration, and report to Lord Stanley, whether we perceive in the additional information, now supplied, any ground for modifying the opinion which we submitted to his Lordship in December last.

In humble obedience to Lord Stanley's commands, signified as above, we have read the additional papers referred to us, and upon full consideration, beg leave to report for his Lordship's information, that as it appears that in Lord William Campbell's grant, 500 feet from high water mark, on the coast are saved and reserved "for the disposal of His Majesty," to erect stages and other necessary buildings. We think that the *Soil* is reserved; but in the other Grants the reservation is of "a liberty to all Her Majesty's subjects, to carry on a free Fishery within the distance of 500 feet from high water mark," which in our opinion does not reserve the soil. We see no ground for any other modification of our opinion.

We are, &amp;c.

(Signed)

FRED. POLLOCK,  
W. FOLLETT.

G. W. Hope, Esq., &amp;c. &amp;c. &amp;c.

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 No. S.

*To the Right Honorable LORD STANLEY, Her Majesty's principal Secretary of State for the Colonies, &c. &c. &c.*

The humble Memorial of Samuel Cunard, of Halifax, Nova Scotia.

Respectfully sheweth—

1, That in the year 1829, your Memorialist became the purchaser of Townships Numbers 3, 4, 5, and 6, in Prince Edward Island. That previously to his purchasing the same, certain proceedings had been taken for the purpose of assessing certain parts of the said Townships, for an intended Road laid off by order of the Governor and Council of the said Island, under the Act of 10 Geo. 4, cap. 10. That the Road for which the alleged assessment was imposed, was completed in the year 1842.

2, That at the time your Memorialist purchased the said Townships, he had no notice of any such assessment having been made. That in the winter of 1842, your Memorialist was called upon for payment of the said assessment, amounting in the whole to about the sum of One thousand Pounds.

3, That your Memorialist feeling himself aggrieved, and being advised that the Inquisitions and proceedings under which the said Money was claimed, were wholly void from defects and insufficiencies appearing on their face, caused a letter to be written by his Solicitor, to the Colonial Secretary, making an offer of a compromise, which your Memorialist did, not because he conceived he ought to pay anything, but with the desire of shewing that he had no wish to take captious objections, or go into a lawsuit with the Government of the Colony. That the Government declined to accept the offer of your Memorialist. That your Memorialist therefore, caused proceedings to be instituted in the Supreme

Court of the Island, for the purpose of quashing the said proceedings which were defended by the Attorney General, on behalf of the Government of the said Colony, and after a hearing of the causes, the said inquisitions and all proceedings thereon, were ordered to be quashed.

4, Your Memorialist further shews to your Lordship, that at the past session of the Legislature, an Act has been passed (but not to take effect, until Her Majesty's pleasure be known), authorising new Writs to be issued for the purpose of assessing the said property, of your Memorialist again, for the said road, which cannot be done by any law of the Colony now in existence.

Your Memorialist submits it would be improper to make an *ex post facto* Law, for the mere purpose of charging the property of an individual, and more expressly as in the present case, the Government after an offer of compromise, have chosen to place their right on the event of a Trial in a Court of Law; if after a decision there against it, a Statute could be passed, in effect reversing the decision of the Court, it is manifest, that, though the Law might be open to an individual, it would be useless to attempt to avail himself of it, for protecting his property against such claims. Your Memorialist most humbly submits, that the right of the Government of Prince Edward Island, to the money claimed in the present instance, should stand or fall by the Law in existence, at the time the suits were tried, and should not be aided by the effect of a subsequent Statute.

Your Memorialist further shews, that even, if in case such an Act could be made, your Memorialist having purchased without notice of the claim, it would be most unjust after he has got rid of the claim by restoring to a Court of Justice, to pass a Statute imposing it upon him again, because had the inquisitions been valid, and the claim made by the Government under them, therefore, well founded, your Memorialist might have recourse to his vendor, or his covenant, that the Estate was free from incumbrances." Whereas if the present Act shall receive Her Majesty's assent, your Memorialist will be without remedy, inasmuch as it would be a good plea for the vendor to say that the charge upon the property arose, not by virtue of any Law existing at the time, but by a Law subsequently enacted, and therefore, that when he sold, it was free from incumbrance.

Your Memorialist has also incurred considerable costs in the trial of the matter, in the Supreme Court, all of which, though the decision of the Court has shown, that he was correct in contesting the matter, he will loose by the arbitrary *ex post facto* operation, of the proposed Act.

5, Your Memorialist, therefore, humbly prays that the Act of the Legislature of Prince Edward Island, intituled "An Act to authorise the issue *de novo* of certain Writs, under the Road Compensation Acts, in certain cases," may be disallowed.

And your Memorialist as in duty bound, will ever pray, &c.

(Signed)

S. CUNARD.

Halifax, Nova Scotia, May 2d, 1843.

THE ATTORNEY GENERAL'S REASONS FOR PASSING ACT No. 23.

No. XXIII.—"An Act to authorise the issue *de novo*, of certain Writs, under the Road Compensation Acts, in certain cases."

This Act authorises the issue of Writs, *de novo*, under the Road Compensation Act, in certain cases, where Writs and proceedings under them, after a great lapse of time, and after a large outlay of the public money, under them, have been quashed for irregularity, and declares that all proceedings under the Writs to be issued *de novo*, shall be in accordance with the provisions of said Acts, and reserves to the Proprietors the same right of appeal, against them as they had under the former Writs.

This Act has a clause suspending its operation until Her Majesty's assent be given to it.

In the year 1838 a Writ was issued by the Supreme Court, under an order of the Lieutenant Governor in Council, under the Road Compensation Act, and Acts in amendment thereof, tested the Ninth of October of that year, returnable within Forty days, from the teste, directed to the Sheriff of Prince County, commanding him to summon a Jury, to ascertain and appraise the benefit or damage the Proprietors would receive or sustain, by a new Road being made to run over Lots or Townships Numbers 5, 4, 3, 2, and part of Lot or Township, Number 1, to commence on the north side of Mill River, on Township Number 5, and to terminate at a road leading to the Portage, from Tisgnish to Neil Pond, and another Writ was also issued at the same time, and by the same authority, and under

precisely similar circumstances, directed to the same Sheriff, commanding him to summon a Jury, to appraise the benefit or damage which the Proprietors would receive or sustain, by a new Road being made to run over Townships Numbers 7, 8, and 6, commencing at the division lines there lately established, between Townships Numbers 7 and 8, and terminating at the Main Western Road, leading to Cascumpeque.

The Sheriff returned the Writs with Inquisitions and Verdicts, finding that each of the said Roads would be of advantage to the respective Proprietors, over whose lands they would run, and assessed the sum, to be paid by the Proprietors, under the first mentioned Writ, at £1,143 5s. 0d. Currency, and the sum to be paid by the Proprietors, under the last mentioned Writ, at the sum of £523 9s. 6d. Currency.

The Road Compensation Act of the 10 Geo. 4, cap. 10, (under which, and other Acts in amendment thereof the Writs issued) by the 3d section, gives to the Proprietors or Tenants of the soil, who may "think themselves aggrieved by such verdict," a right to appeal against the same at the Term of the Supreme Court, next after the finding; and if after hearing the Appeal, it shall appear to the Court, that justice has not been done, the Court is authorised to direct an alias Writ, to be issued, and a new Jury summoned, whose verdict is to be final and conclusive.

The Proprietors interested in the lands mentioned in the said two Writs, did not appeal from the finding of the Jury, and in fact took no notice whatever of the proceeding, and the local Government proceeded to make the Roads and Bridges, on the contemplated lines of Road, *which are completed solely at the expense of the Government, at the cost of £1664 14s. 6d. currency*, being the total amount assessed against the Proprietors; and here it is necessary to remark, that by the Act of the 4th Will. 4th, cap. 16, the Government is required *to make the Roads and Bridges, on the lines of roads laid off under the Compensation Act, before the Proprietors can be called upon for the amount assessed against them, or before their lands can be taken to answer the sum assessed*, if they make default in the payment thereof.

In the autumn of 1842, the Government demanded payment from the Proprietors, of the sum assessed by the Jury, under the said two Writs, and notified them that in the event of non-payment, measures would be taken to sell a proportion of the lands, to liquidate the amount, in accordance with the provisions of the Act, and they then, *for the first time*, started objections to the proceedings, and made an application to the Supreme Court, by their Agent, to quash the Writs and all proceedings under them, for irregularity, and after argument the Court quashed the proceedings on the ground of irregularity in the notice given by the Sheriff, without any formal decision on several other points taken, as to the form of the Writs, and wording of the Inquisitions, and returns thereunder.

Under these circumstances the Legislature has deemed it only fair and equitable, that the Proprietors in question, whose waste lands have been rendered infinitely more valuable, from the expenditure of the public money, in the completion of these Roads and Bridges, should contribute according to the true purview and meaning of the Road Compensation Acts, towards the expense of their formation and erection, conceiving that it would be unjust to the Government, *if they, after lying by, for upwards of four years, not appealing as they might have done, against the finding of the Juries, or coming in with their application, to have them quashed before the Government proceeded to expend the sum of £1666 14s. 6d. on their lands, and by that expenditure rendering that valuable, which previously was next to valueless*, should now be permitted to escape in consequence of error in mere technicalities from a contribution which the laws declare just, and which the peculiar local circumstances of this Colony loudly proclaim as politic and proper.

It is contended by the Proprietors, that they are entitled to consideration, because they say (although no proof has been given of the fact), they were absent and not represented in the Colony at the period, when the Writs were issued and executed. If this be true, it is certain nevertheless, *that they were represented within the Colony, long before the expenditure of the public money, on the Roads in question*; it is however conceived that their absence, and non-representation, furnishes no good ground for any objection to this Act; the paramount evil complained of in this Island, from its earliest settlement as a British Colony, until the present day, is the improvident Grants of tracts of land, of 20,000 acres

L'honorable M. *Campbell*, du comité sur les ordres permanents et les bills privés, a présenté le neuvième rapport du dit comité.

Ordonné, que le dit rapport soit reçu, et  
Il a été alors lu par le greffier, comme suit :—

CHAMBRE DE COMITÉ,  
2 mai, 1862.

Le comité sur les ordres permanents et les bills privés a l'honneur de présenter son neuvième rapport, comme suit :—

Votre comité a examiné les pétitions suivantes, et trouvé suffisants les avis qui en ont été donnés, savoir :—du conseil municipal de la ville de *Perth*, demandant un acte pour légaliser un certain règlement; de la corporation de la ville de *Lévis*, demandant des amendements à son acte d'incorporation; de M. *Sophie Masson*, demandant un acte pour macadamiser un certain chemin; du révérend *J. J. Vinet* et autres, demandant un acte pour macadamiser certains chemins; de *James Torrance* et autres, demandant un acte d'incorporation; de la corporation de la cité de *Québec*, demandant des amendements à son acte d'incorporation; de *N. Merritt* et autres, demandant un acte pour incorporer la compagnie des poudres de *Hamilton*; des comtés unis de *York* et *Peel*, demandant une indemnité pour l'usage de la prison de comté par la ville de *Toronto*; de *Wilder Pierce* et autres, demandant un acte pour incorporer la compagnie de chemin de fer de la vallée de *Massawippi*; de la compagnie du chemin de fer de *London* et *Port Stanley*, demandant à être autorisée à fréter ou à acquérir des vaisseaux dans le but de commercer entre certains ports; et du conseil-de-ville de *Montréal*, demandant des amendements à son acte d'incorporation.

Quant à la pétition de la corporation des pilotes de *Québec*, votre comité a de nouveau pris la dite pétition en considération, et a maintenant l'honneur de recommander, sur division, que la 49<sup>e</sup> règle soit suspendue relativement aux avis locaux, parce qu'il a été prouvé au comité que la grande majorité des pilotes reconnaît la nécessité des changements demandés.

Le tout humblement soumis.

A. CAMPBELL,  
Président.

L'honorable M. *Seymour*, du comité collectif des deux Chambres au sujet des impressions, a présenté ses troisième et quatrième rapports.

Ordonné, qu'ils soient reçus, et  
Ils ont été alors lus par le greffier, comme suit :—

CHAMBRE DES CONFÉRENCES,  
Vendredi, 2 mai, 1862.

Le comité collectif des deux Chambres au sujet des impressions, a l'honneur de présenter son troisième rapport comme suit :

Le comité recommande que l'impression des bills à leur troisième lecture soit donnée à l'avenir à l'entrepreneur des impressions de la législature.

Le tout respectueusement soumis.

CHAMBRE DES CONFÉRENCES.  
Vendredi, 2 mai, 1862.

Le comité collectif des deux Chambres au sujet des impressions, a l'honneur de présenter son quatrième rapport comme suit :

Le comité a examiné avec soin les documents mentionnés dans les motions suivantes, pour les faire imprimer, savoir :

Par M. *McGee*—La pétition de *John Lewis* et autres, représentants des sociétés nationales anglaise et allemande de *Montréal*, relativement au département de l'émigration.

Par M. *Benjamin*—Le rapport des inspecteurs des prisons, asiles, etc. Le comité recommande l'impression des documents ci-dessous pour l'usage des membres.

Par M. *Price*—Le rapport de l'inspecteur des agences du *Bas-Canada*. Le

meditated the purchase of the property, it became a duty to himself, to ascertain what liabilities might be connected with it, if he, or his legal adviser failed in this, surely the Colonial Government should not be held responsible.

Upon the second paragraph no observation appears necessary, as the objection therein falls under the foregoing remarks upon the first.

With regard to the third paragraph, it is perfectly true, that a certain sum was offered by the Solicitor employed by Mr. Cunard, in lieu of all further compensation; it was considerably less than the amount claimed under the assessment; this offer the Government of the Colony refused, however, solely upon the ground, that an acceptance of it would have rendered nugatory, the award of the Jury appointed under the Act to assess the property, and this when that award seemed originally to have been so just, that no appeal was entered against it.

The argument in the fourth paragraph, and indeed throughout the Memorial is founded upon the illegality, not of the principle, but of the method under which the property was assessed, and when the case was argued before the Supreme Court, Mr. Cunard obtained a decision upon an irregularity in the process; it being shewn that the period allowed for assessing the property, was forty days, from the date of the Writ, at the expiration of that period, the Writ was returnable; it was also shewn by Mr. Cunard, that the property was assessed after, and not during the forty days allowed for the operation of the Writ, consequently no authority for assessing the property actually existed at the time the assessment took place; in other respects the law upon the subject appears to have been faithfully followed out.

It is hardly possible, that any one could purchase property, repeatedly visit it, make himself intimately acquainted with it, and yet be ignorant of the important fact, that roads and bridges were being constructed upon it, for the payment of which that very property would be assessed; nevertheless it cannot be urged that such an ignorance would justify the departure from the law, already brought under your Lordship's notice.

The whole case, I beg my Lord to submit, resolves itself into a question of equity; the assessment was made, and in accordance with the law, excepting that the assessment took place after, instead of during the forty days mentioned before, no injury whatever was inflicted by this error upon the owners of the property, but it had been rendered very much more valuable by the construction of Roads and Bridges, about it; these facts are not combated in the Memorial, indeed they are not named, and the latter appears to be virtually proved by the sale of the same property in 1842, for £25,000 sterling; whereas in 1839, before the completion of the Roads and Bridges, it was sold to Mr. Cunard for £9,600 sterling.

I do not think it equitable to consider the Act before your Lordship, in the character of an *ex post facto* law, because in reality it only seeks to rectify an error, and if allowed to go into operation, the assessment would proceed exactly as it did before, only that it would be made during the existence of the Writ and not as before, after it had expired.

Therefore my Lord, as no injury has been inflicted upon the parties assessed, by the commission of the error; as the property of those parties has been greatly improved by the Colonial Government, in laying out so much money upon it, as the assessment could not be legally demanded before the Roads and Bridges were finished, and as the claim to exemption from payment of the assessment can be founded upon no other case than a mere technical error, I think that the allowance of the Act in question is called for in equity.

I have, &c.

(Signed)

H. V. HUNTLEY,  
Lieut. Governor.

The Right Hon. Lord Stanley, &c. &c. &c.

P. S.—I have also enclosed a copy of the reasons given by the Attorney General, for passing the Act in question, in order to supply your Lordship with an immediate reference to them.

## No. 9.

*To all to whom these Presents shall come, Greeting:*

(Signed) EDMUND FANNING.

WHEREAS representation had been made unto me Edmund Fanning, L. L. D., Lieutenant Governor and Commander in Chief, in and over His Majesty's Island of Saint John, and the Territories adjacent thereunto, &c. &c. &c., by many of the principal inhabitants of Charlottetown, and the Island at large, that it would be attended with very beneficial and salutary public purposes, if that tract of ground, in the Royalty of Charlottetown aforesaid, as a Common, should be laid out into Pasture Lots, and Grants of the same, given under certain limitations and restrictions, the said Common being useless in its then waste and uncultivated state, and even considered as a nuisance and obstruction to the settlement of the town: And whereas it did appear unto the said Lieutenant Governor, highly important to His Majesty's service, and to the convenience and advantage of his future Governor, Lieutenant Governor, or the Commander in Chief of the said Island, for the time being, that a certain portion or part of the said lands, should be appropriated and a Grant thereof made, under the Great Seal of the said Island, for the use and accommodation of His Majesty's Governor, Lieutenant Governor or Commander in Chief, for the time being, there not having been any reservation of land theretofore made, whereon to erect a Government House, for the habitation and residence of His Majesty's Governor, in any part of the said Island: I the said Edmund Fanning, did upon the twenty-sixth day of February, in the year of our Lord One thousand seven hundred and eighty-nine, refer the premises unto the consideration of His Majesty's Council of the said Island, requesting their opinion and advice thereon, who at a subsequent meeting of the Board, namely: on the second day of March, in the aforesaid year of our Lord, did unanimously advise the before mentioned measure, as eligible and expedient, as in and by the Minutes of the proceedings of His Majesty's said Council (reference thereto being had) may at large appear.

Now know ye, that I the said Edmund Fanning, as Lieutenant Governor, as aforesaid, by virtue of the power and authority in me vested, by His Majesty King George the Third, have given, granted and confirmed, and do by these presents, give, grant and confirm, unto the Right Honorable Guy, Lord Dorchester, Captain General and Governor in Chief of the said Island of Saint John, and in his or their absence from the said Island, to the Lieutenant Governor, or Commander in Chief of the said Island, for the time being, forever, One hundred Acres of land, being part and parcel of that large tract of land, so as aforesaid formerly appropriated as a Common, for their use and accommodation respectively, as herein before declared; which said One hundred Acres of land having such figure, description, and shape as is delineated and expressed in and by a plan or map thereof made and hereto annexed is bounded as follows: that is to say, Northerly on the several Pasture Lots of the said Royalty of Charlottetown, distinguished on the general Plan or Map thereof, by numbers One, Two and Three; Easterly on a small Creek, and all the other parts by the Salt Water. To have and to hold the said One hundred Acres of land, with the appurtenances unto the said Guy, Lord Dorchester, Captain General and Governor in chief of the said Island of Saint John, and the Captain General and Governor of the said Island, for the time being, and for their use and accommodation as aforesaid respectively, forever.

In witness whereof, I have signed these presents, and have caused the seal of the said Island, to be thereunto affixed, at Charlottetown, aforesaid, this sixteenth day of May, in the Twenty-ninth year of the Reign of our Sovereign Lord George the Third, by the Grace of God, of Great Britain, France and Ireland, King Defender of the Faith, and so forth; and in the year of our Lord One thousand seven hundred and Eighty-nine.

By His Excellency's command,

(Signed)

THOMAS DESBRISAY, Sec'y.

Registered 4th Nov. 7193.

A true copy from the Records of Prince Edward Island,  
which I Certify. Vide Liber, 6; Folio 190.

T. H. HAVILAND.

## No. 10.

## ANNUAL REPORT

### OF THE VISITOR OF THE DISTRICT SCHOOLS OF PRINCE EDWARD ISLAND.

The Visitor of Schools in conformity with the requirements of the law, submits to the Board of Education for the information of the Legislature, a Report on the present state of the District Schools, and the progress of Education generally, throughout the Island during the past year; the following view is exhibited, as correctly as possible being the result of information derived from personal observation.

In comparing the Returns of Schools throughout the Island, generally, for the year 1843, with those for the year previous—it will be observed, that an increase has taken place in the aggregate, although a diminution appears in a few instances in some Townships in the number of the Schools.

There are 92 District Schools now in operation attended by 3864 Scholars, which compared with the Returns of the year 1842, shews an increase of three Schools, and Sixty Scholars. The District School Teachers have received in the past year from public aid £814 8s., and the people contributed £4140.

There are in all, including the Inferior Schools, Female Schools, the National and other Schools, in the Town of Charlottown, School attached to St. Andrew's College, and the Central Academy—a total of 115 Schools, teaching 4690 Scholars; towards the support of which, the people pay £5175, and the Public Treasury £1087 8s.

Although those, from various causes, are not all in successful operation—many of them as will more particularly appear from the appended details, are conducted with ability and advantage.

The destitution, and deficiencies in the existing means of Education, may be considered under two heads. The first, where no attempt at Education of any kind has been made, and where not the semblance of a provision for supplying it exists. The second, where an attempt to educate has been made, but where the instruction has been so imperfect, as to afford no results of actual value.

An enquiry directed to the ascertainment of the numbers in the different Townships unable to read and write, was instituted during a tour of inspection of the Schools, but from the tedious nature of such an enquiry, and the difficulty of applying the usual means of investigation to populous and extensive settlements—the number in the state of inability to read and write, has not been ascertained with exactness, nor will any more accurate knowledge on the subject be likely obtained, until such time as this head be authorized to be included in the returns of the Census.

In illustration of the foregoing—one or two statistical memoranda, may be instanced. In two conterminous Townships, out of 210 Children above 6 years of age, 97 only could read. In another settlement—a section of a Township, the number of Children between the ages of 6 and 14 is twenty-eight, of these, fifteen cannot read and are not learning, and twenty-two cannot write and are not learning.

In another Township numbering fifty families, the adults who can write are but 29. These examples may be held to indicate the state of many other settlements, apparently no better furnished with the means of Education.

Although these statistics are thus of necessity incomplete, the instances adduced have however established the following facts. That the want of instruction is yet considerable, and that the people in some cases from indifference, do not, and in others from poverty cannot, procure the services of Teachers for themselves. That there are 43 populous stations at which Schools are required, and where none now exist, and 11 less populous Stations, also in want of Schools, and where an inferior or preparatory class of them might be usefully opened, because in these, it would not be possible to assemble so many pupils together, as to form a regular, or a common District School. And that there are altogether a large proportion of Children within the educational age, who do not attend any school.

The disparity in the efficiency or state of many of the Schools is attributable in a great degree, to insufficient attendance, and this insufficient attendance takes place under a variety of circumstances.

1. The School itself exists only at certain seasons of the year; at other seasons the Teacher finding it his interest to betake himself to the more lucrative employment that labour in the fields offers. This occurs in old as well as in new small settlements, but the instances are rare.

2. The School is by much exertion, and amid some discouragement on the part of the Teacher, continued throughout the year; but the attendance of many of the pupils is only for a portion of the year. The parents cannot pay the fees for a whole year's instruction, or they cannot in the Summer season want

the assistance of their children in the fields. The remedy in such cases as these, is to be found perhaps in nothing but a bettering in the worldly condition of the parents—an opening of their minds to the value of Education, and a conviction—and many in the circumstances described, have never yet been convinced of the necessity of making, some sacrifice to promote the proper education of their children; and to the Ministers of Religion must we look for that instruction, as well as for those special admonitions on the subject, which will supply the best correction of the evil.

In many instances, a culpable indifference to education exists with regard to female members of Families. Many imagine that these have comparatively but little need of education, and consequently the proportion who attend school is comparatively small, many parents who make no small efforts to send their sons to school, are in that respect totally neglectful of their daughters.

Although no measures have been accomplished to wean the Aborigines from their wandering habits, by giving them a legal right in the soil, and thus attach them to a home, the attempts which have been made to afford them the means of education have been thus far successful. The prejudice which this tribe has been known to entertain against learning to read or write any other language than their own, appears to be gradually giving way, and the value of our rudimental branches, is now beginning to be known and felt among them. The provision which the Legislature has laudably made for the free instruction of Micmac Children, is paving the way for a more general diffusion of intelligence among them. Although from their habits, it is impossible to ensure that certainty and regularity of attendance on School, essential to their improvement, the progress which nevertheless has been made by three boys and a girl, who have given a desultory attendance at different schools is very pleasing, and proves the capacity of the Aborigines for receiving instruction; this disposition to learn has been fostered and encouraged, by the benevolence of the gentlemen who are in the Commission for Indian Affairs, in making them gifts of Books, Stationary, &c. The eldest boy has attained a correct knowledge of the elements of English Grammar, and the higher rules of Arithmetic. He would make a creditable appearance in a higher seminary, in which it is to be hoped he will yet be placed.

It did not appear necessary to occupy any further space at this time in giving a detailed account of *all* those schools minutely described in the report of the past year, and in the state of which no remarkable difference was found this year to exist. In instances where any were found deserving of especial notice, from greater extension, or where from any cause they were found to be inefficient, all such as well as those put in operation this year, will be found described below.



*Abstract of Returns of District, Acadian, and inferior Schools, receiving Legislative aid, for the year 1843.*

| TOWN SHIPS | NAMES OF TEACHERS.     | NO. OF SCHOLARS. | DESCRIPTION OF SCHOOL     | TOWN SHIPS | NAMES OF TEACHERS.    | NO. OF SCHOLARS. | DESCRIPTION OF SCHOOLS. |
|------------|------------------------|------------------|---------------------------|------------|-----------------------|------------------|-------------------------|
| 1          | Stanislaus Perry       | 36               | Acadian.                  | 34         | Robert Robertson      | 40               |                         |
| 2          | Francis Buot           | 35               | do.                       | "          | Robert Barry          | 47               |                         |
| 5          | (a) Herbert Bell       | 48               | 1st Class District School | "          | E. J. M. Cormack      | 36               |                         |
| 6          | John Ronayne           | 37               |                           | "          | Donald M'Leod         | 48               |                         |
| 7          | (b) Neil M'Kinnon      | 37               |                           | 35         | (f) Patrick M'Quade   | 46               |                         |
| "          | James H. Fitzgerald    | 46               |                           | "          | Angus M'Leod          | 46               |                         |
| 8          | Robert Small           | 36               |                           | 37         | (g) Patrick M'Quade   | 37               |                         |
| 11         | A. C. Beckford         | 38               |                           | 38         | Donald M'Kinnon       | 36               |                         |
| "          | Thomas Key             | 35               |                           | "          | Joseph M'Kay          | 19               | Primary.                |
| 13         | J. Johnston            | 42               |                           | 40         | (h) John Mackay       | 33               | Dis. Schools.           |
| 14         | Dubois Smith           | 38               |                           | 41         | John Keenan           | 36               |                         |
| 15         | Antoine Perry          | 35               | Acadian.                  | 43         | (i) Patrick Sweeney   | 35               |                         |
| "          | J. Arsneau             | 36               |                           | 44         | John M'Neill          | 46               |                         |
| 16         | John M'Kinnon          | 39               | Dis. 1st Class.           | "          | (k) James Stewart     | 40               |                         |
| 17         | (bb) Sebastian Davison | 50               |                           | 45         | Edmund Shea           | 38               |                         |
| "          | Fidelle Gaudet         | 36               | Acadian.                  | "          | John Banks            | 19               | Primary.                |
| 18         | (c) John Le Page       | 30               | Dis. 1st Class.           | 47         | (kk) Corn. Harrington | 38               | Dis. 1st Class.         |
| "          | (cc) Alex. Rae         | 38               |                           | "          | Patrick Kavanagh      | 29               | Primary ditto.          |
| "          | William Speedie        | 36               | Do. 2d Class.             | "          | Duncan Robertson      | 45               | Dis. 1st Class.         |
| "          | John Taylor            | 35               | Do. 1st Class.            | "          | Paul M'Donald         | 38               |                         |
| 19         | Neil Bethune           | 46               |                           | 48         | J. Butler             | 58               |                         |
| "          | J. B. Newcomb          | 47               |                           | "          | James Maclean         | 46               |                         |
| 20         | Donald Livingston      | 30               | Do. 2d Class.             | 49         | James Mackenna        | 42               |                         |
| "          | John M'Lauchlin        | 39               | Do. 1st Class.            | "          | Alex. M'Neill         | 40               |                         |
| "          | Innes Reid             | 46               |                           | "          | James Douglas         | 40               |                         |
| "          | (d) Murdoch M'Leod     | 36               |                           | "          | Archibald M'Neill     | 38               |                         |
| 21         | Arch. M'Kinnon         | 62               |                           | 50         | John Humphrey         | 19               | Inferior School         |
| 22         | (e) Edward Hill        | 49               |                           | 51         | Patrick Fitzgerald    | 46               | Dis. 1st Class.         |
| 24         | Duncan M'Donald        | 19               | Primary.                  | 52         | Nathaniel M'Laren     | left             |                         |
| "          | Alex. Gallant          | 35               | Acadian.                  | "          | John Stewart          | 36               |                         |
| "          | B. Lefrance            | 37               | do.                       | 53         | James Stewart         | 35               |                         |
| 25         | J. H. Knilands         | 42               | 2d Class.                 | 57         | William Ross          | 50               |                         |
| 26         | Samuel Warwick         | 47               | Dis. 1st Class.           | "          | Donald Graham         | 46               |                         |
| "          | W. J. Pilcher          | 36               |                           | "          | Donald Kelly          | 19               | Primary                 |
| 27         | Allan Stewart          | 35               |                           | "          | Alexander M'Donald    | 47               | Dis. 1st Class.         |
| 28         | David Thomson          | 36               |                           | "          | Angus Martin          | left             |                         |
| "          | Thomas Munro           | 48               |                           | 58         | (l) John M'Lennan jr  | 46               | Dis. 2d Class.          |
| "          | Alex. Macdonald        | 45               |                           | "          | John M'Sween          | 50               | Dis. 1st Class.         |
| 29         | Jas. C. E. Bullpitt    | 48               |                           | 59         | (m) William Lamont    | 48               |                         |
| "          | Lachlan Campbell       | 48               |                           | 60         | (o) Donald Lamont     | 37               |                         |
| "          | Elias Roberts          | 39               |                           | 61         | Donald M'Quarrie      | 39               |                         |
| 30         | Mal. M'Kenzie          | 39               |                           | 62         | Neil Bethune          | 46               | 2d Class                |
| "          | Ewen Lamont            | 36               |                           | "          | Malcolm M'Neill       | 38               | 1st Class               |
| 31         | Malcolm Darrach        | 48               |                           | 63         | John Stewart          | 48               |                         |
| "          | Charles M'Donald       | 40               |                           | 64         | John Brooks           | 49               | Dis. 2d Class.          |
| 32         | John M'Donald          | 45               |                           | "          | John M'Donald         | 39               | 1st Class.              |
| "          | William Dodd           | 30               |                           | 65         | (p) Donald Shaw       | 47               |                         |
| "          | John Beaton            | 38               |                           | "          | (q) Donald Livingston | 40               |                         |
| 33         | Colin M'Lennan         | 37               |                           | "          | (r) John M'Eachern    | 45               |                         |
| "          | Alex. Maclean          | 46               |                           | 67         | John Sinclair         | 40               |                         |
| "          | Daniel Scott           | 36               |                           | "          | Malcolm M'Donald      | 51               |                         |

|                                                                                                                                                                                                                                                                                                                                               |                    |       |            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------|------------|
| Charlottetown                                                                                                                                                                                                                                                                                                                                 | (s) Walter Whelan, | 54    | 1st Class. |
| Charlottetown Royalty                                                                                                                                                                                                                                                                                                                         | Alex. M'Cabe,      | 32    | do.        |
| Georgetown                                                                                                                                                                                                                                                                                                                                    | (t) John Arbuckle, | 50    | 2d Class.  |
| Princetown                                                                                                                                                                                                                                                                                                                                    | E. J. Blanchard,   | 40    | do.        |
| To which add the School attached to the College—Central Academy }<br>—National—Infant, and three Female Schools in Charlottetown, and four }<br>Schools not drawing public money, numbering together 490 Scholars, gives }<br>a total of Four thousand six hundred and ninety of both sexes receiving public }<br>instruction in this Island. |                    | 490   |            |
|                                                                                                                                                                                                                                                                                                                                               |                    | 4,690 |            |

## GENERAL RESULT.

No. of Schools in Queen's County, 62—Do. Prince County, 30—Do. King's, 25—total Schools, 117.  
Do. Scholars, 4,690. Amount paid by people, £5,175. Do. by Treasury, £1,087 8s.—total, £6262 8s.

## METHODS OF TEACHING, DISCIPLINE, BRANCHES TAUGHT, &amp;c.

The utility of the monitorial system has been sufficiently tested, and its advantages acknowledged. It is occasionally employed in the schools of the Island, whenever it is judicious and practicable to do so, but the exclusive employment of this system, notwithstanding the opinions of some who are desirous of making it obtain in all our schools, is quite impracticable in country schools from obvious causes. In numerous attended schools, it is found necessary for the purpose of keeping all the children duly and regularly employed, and of allowing the master to exercise due surveillance over his charge:—the want of Books and necessary apparatus in general is found to be a continual impediment. The *Elliptical* method of teaching is frequently resorted to, and has several advantages, in connexion with the *mutual* instruction plan.

There are no schools established on the *Normal* system professedly—a system perfected by the incorporation and combination of all that is most valuable in every other.

In regard to discipline, the Master is always instructed to exercise all control and superintendance over his charge, both in and out of school. Emulation is encouraged by places in the class, and occasional prizes of Books, Stationary, &c., distributed at examinations. Lessons or tasks are for the most part provided for their employment at home. Corporal punishment for offences is still resorted to, but in many schools only in extreme cases. The opinion is fast gaining ground, that the most effective kind of punishment is that which is chiefly addressed to the moral sentiments.

The proportion in which the children acquire the different branches is found to be as follows: about two-thirds of the pupils learn to write and cipher, about a third learn grammar, and not more than a tenth any of the higher branches. There is more attention paid than formerly to the sense of what is read.

The improvement of many schools is retarded for the want of the requisite books and stationery, the high prices of these putting them beyond the reach of the pupils, two or three of whom, may be sometimes found clubbing about one book.

## GENERAL REMARKS.

With a view to remedy and supply the destitution and deficiencies existing, the Visitor would respectfully submit for the consideration of the Board—that a number of common schools corresponding with the wants of the inhabitants would be ensured by the division of the whole Island into School Districts, and that the provision for a partial imposition of assessment be continued in the law. That a maximum and minimum salary be provided for Teachers to be paid half-yearly, and with a reference not alone to the Branches they are capable of teaching, but also to the variety and utility of the branches they really do teach in School.

That in each of the County Towns at least, a superior school, say a Grammar School, be maintained, to serve in some measure as a Normal School, where candidates for schools may be familiarized with the mode of communicating instruction in the most dexterous and correct manner. That it should be the duty of the Board to regulate the school hours, and frame a code of discipline for the government of the country schools, to be placed in a conspicuous part of the School-room.

That it would be advisable to adopt the following suggestion of the Central Board of Education at Halifax from their Report of the last year. A plan similar to which was recommended by the Visitor some years ago.

“ If in places where permanent Schools cannot be sustained, two or three well qualified Teachers were to be encouraged by reasonable aid from the School Grant, to establish on a steady plan, circulating schools, dividing the Teacher’s attendance by an arrangement previously settled on, among three or four of the settlements in the same County where Education is most needed, and such itinerating Schools may be necessary, giving to each, such portion of time as may be practicable and most convenient.”

That several poor Settlements at present scarcely able to keep a School open throughout the whole year, might maintain schools during the Winter months, if encouraged to do so ; that it would be advisable to grant public aid in certain cases to Schools taught for a half year only ; and lastly, that an increase be made in the slender salaries of all District Schoolmasters.

Whatever be the defects yet existing in the system, these should not be held to depreciate or detract from the merits of the improvements already effected ; none can fail in discerning the good effects of many of the provisions of the Law upon the education of the people—a law, which it is to be hoped, is only the prelude to a more comprehensive measure from the Legislature, than any yet obtained, in favour of general instruction.

JOHN MACNEILL.

Charlottetown, January 31st, 1844.

(a.) The School at this station has been conducted two years by the present Teacher, and hitherto with success ; it is numerously attended, affording instruction to a few adults as well as to the juvenile part of the inhabitants of the two settlements, that unite in supporting it. Reading and Orthography is taught on an improved and judicious method, a few learn Grammar, and the higher rules of Arithmetic. The School-house is commodious, and the inhabitants are laudably contributing much of their means to the support of this seminary.

(b.) The only occasion on which this School was visited, was at a season when almost all the pupils were unable, from the prevalence of sickness, to attend ; the few who were present were examined, and the result showed, that mere reading was the only branch in which any degree of proficiency was apparent. The examination, however, of so small a number, could afford no fair criterion of the general state of the School. It must be observed, that some dissatisfaction was expressed by the Trustees at the inefficient mode, in which one of the branches was taught ; but as the Visitor had every reason to conclude, that all the branches were taught according to the best of the Teacher’s ability, he does not deem himself called on to offer any further remark on the subject.

(b. b.) A regular, and it is to be hoped—a permanent School has at length been established in this populous District, and gives promise of great usefulness. The higher branches of English are taught with success, on a judicious method. In Latin, Geography, Mensuration, a few are learning and making progress. The School-house is neat and well finished and furnished.

(c.) This School having been minutely described in preceding Reports, it is only necessary to add, that it continues to be taught by the Teacher above named, and with that ability and success, which have attended his instructions in this District.

(c. c.) It may be necessary, in alluding to the state and character of this School, to adduce the testimony of the supporters thereof, to the benefits they profess to derive from its establishment—a testimony which is corroborated by the efficient state in which the School was found at the different visitations. The progress made in the ordinary branches of Education, and which are taught therein, was, upon the whole decidedly favorable ; not a few who, on entering the School, were altogether unable to write and cast up Accounts, are now capable of doing so, while others who could not read at all, or at best but imperfectly have made very marked improvement.

(d.) Although in this School nothing beyond the inferior branches are learned, it is nevertheless a useful School, in a locality where from the paucity of the inhabitants, one of a superior character could not be maintained. The Teacher is an exemplary character, paying attention to the secular instruction, as well as to the morals of the Children committed to his care. The School-house is not sufficiently spacious, and its unfinished state renders it uncomfortable.

(e.) In the state of this School, a fair average improvement has taken place, the pupils generally commenced in their first stage, at the opening of this School. Frequent complaints have been preferred by the subscribers to this School, respecting the irregular attendance of the Master, and the brief duration of his daily hours of teaching, but as the Visitor is not authorized by law to fix or prescribe the School hours, he can only report the dissatisfaction, existing in this District in common with several others, and the necessity for an enactment, regulating the School hours at different seasons of the year. The School-house is not in a sufficiently finished condition.

(f.) The School established in this settlement has been opened above half a year. The Children with an exception or two, are yet learning the primary branches, the same cause of dissatisfaction exists here as in the School immediately preceding.

(g.) This School in consequence of a vacation occurring thereat, while the Visitor was on his tour, was examined but once since the present Teacher succeeded to his charge. The method the Teacher employed was judicious, and the progress upon the whole as great as could be looked for.

(h. i.) The Schools at these two stations are well taught, and notwithstanding many disadvantages, not the least of which are insufficient School-houses, the pupils continue to make creditable progress. In both schools are two or three Boys of a tender age, who display a remarkable talent for Arithmetic—it is to be hoped that their parents will afford them, all the opportunities and encouragement in their power, to prosecute the science for which they display so great an aptitude.

(k.) After having been a considerable time without a school, one was opened in this part of the Township in the course of last Summer, it is so far a promising school. All the ordinary elementary branches are taught—instruction in the important departments of Orthography, and Reading, are communicated in the most approved and successful manner. In the higher branches of English, no progress of consequence has been yet made. The improvement in Arithmetic and Writing is so far correct and pleasing.

(k. k.) On the occasion of the last visitation of this School, it was found that a minority of the subscribers had withdrawn their children, being dissatisfied with the Teacher's discharge of his duties. On an investigation taking place—it appeared that in the year previous, some grounds and causes for such complaints had existed, but since then the School has been conducted with greater regularity and success. The Teacher has not had the benefit of much experience—which may in a great measure account for the dissatisfaction, but he is fully capable of imparting instruction in the ordinary branches required. The settlers on this part of the Township have always made praiseworthy exertions to support a School, and the youth in general have received a fair share of education. The School is now numerously attended.

(l.) This is one of the few Schools of the 2d or higher class under the existing law; it has been conducted with considerable success, and the improvement is as great as could reasonably be expected under a Teacher of but one year's experience, surrounded too, as the School has been with many of the difficulties and embarrassments, too well known in remote Country Schools, the usual English elementary branches are taught, a careful foundation was laid in particular in learning reading and spelling correctly. The station where the school was taught last year, it is to be regretted, is now destitute. The teacher having opened School in another part of the Township.

(m.) The School of this District was found closed at the time of the visitation of the neighbouring schools, and has not yet been examined since the present Teacher succeeded to the charge.

(o.) The School at this station is numerously attended, and although not in a high state of improvement, proves of much benefit to this community, who never before enjoyed the advantages of a regular School. Many of the pupils have rapidly learned to read although not correctly yet. The School-house was incomplete when last visited, and not adequately furnished with desks.

(p. q.) The Teachers of the year preceeding are still at these stations and continue discharging their duties faithfully. Reading, Writing and Arithmetic are principally taught, in the latter branch especially, several are well advanced, a class in each School had made considerable progress in English Grammar, but their uncertain attendance operates against their improvement. In the latter School, Gaelic reading is also taught with success.

(r.) This School has been conducted efficiently, and the Scholars shew more than a common degree of intelligence and avidity to learn; under the present Teacher the school does not present so high a state of improvement as it formerly did, this is owing to the withdrawal of the best scholars, those remaining are not yet so far advanced.

(s.) Frequent opportunities have been afforded of witnessing the benefits derived by a considerable number of the children of this Town from attending this School. It imparts instruction to about 45 children on an average annually in the ordinary branches of common school education, it is deserving of being sustained and encouraged by the Legislature and the public. It is the only school receiving aid as a District School at present open in Charlottetown.

(t.) The best criterion of the flourishing condition of this school, will be found in the fact of its extension and enlargement, both in the number of its pupils, and in the variety of the branches taught therein. From this increase, the services of an assistant or additional Teacher, were found to be necessary. The School numbered at the last examination fifty pupils, learning the ordinary rudimental branches, and Grammar, Geography, practical Mathematics, are taught on the most approved and successful system. That the School may be conducted with the greater efficiency, and prove of additional benefit to the inhabitants of Georgetown and vicinity, by affording instruction to an additional number of scholars—it would in the opinion of the Visitor, be advisable to make Legislative provision for an additional Teacher in this seminary. It only remains to advert to the National School in Charlottetown—an institution which has not degenerated in character or utility, under the present Teacher. It is a school deserving of countenance and support from the public, affording cheap, and in several instances gratuitous instruction to Children in indigent circumstances, Along with the usual course of instruction, particular attention is paid to the morals and behaviour of the pupils.

## No. 11.

No. 70.

[Copy]

Government House, Prince Edward Island,

Feb. 11th, 1843.

My Lord,

I have the honor to lay before your Lordship two Letters, respectively addressed to me by Mr. Hensley, and Mr. Irving, representing, that they feel the payment of the fee charged upon the Warrants appointing them to seats in the Legislative Council, to be a hardship under the present circumstances of this Colony.

This subject has I am aware, already been before Her Majesty's Government, in the case of Mr. Green, who was appointed in 1839, but who upon declining payment of the Fee, did not take his seat; upon another occasion, a seat was declined by Mr. Macgowan, now Sheriff of King's County, also on account of that payment being necessary; of the Twelve Members forming the Legislative Council, Seven of them live at distances varying from five to forty miles from Charlottetown, none of these gentlemen, have residences in the town, nor are they paid for attendance during the Session, as the Members of the Assembly are. It is necessary to select Gentlemen from different parts of the Island for this Council, or a dissatisfaction would be created in accepting seats. I cannot imagine them to be actuated by any feeling beyond serving the Colony.

It is very important here so to construct the Legislative Council, that it shall operate to neutralize, or, at least to modify the wild and destructive spirit, that of late years has so much prevailed in another direction of the Legislature of this Island, and at the same time to compose that Council of men, who while they are firm in the prosecution of sound measures, will not captiously overrule those emanating from a Body from whose policy, upon some great questions, they dissent.

I cannot conceal from your Lordship that the Executive is subjected to much inconvenience, in consequence of this charge upon Warrants, appointing Gentlemen to the Legislative Council, there being a very limited number in the Island qualified by their attainments, and still fewer of those who are, who can afford with ease to pay the charge. It therefore has occurred that the Colony has been deprived of the services of some very intelligent men; that, I have to fear, will be the result, in the cases of Mr. Hensley, and Mr. Irving. If the fee cannot be remitted, both, I apprehend, will resign, and the Council will lose two decidedly superior members, whose vacancies I shall be at loss to fill.

I have felt it my duty to detail these circumstances, for your Lordship's information, to which I may also add, that where the gentlemen who is appointed to the Legislative Council is engaged in business, and not residing in Charlottetown, he actually suffers a loss from the necessity of employing some person to superintend during his absence.

I have troubled your Lordship at some length upon this subject, because it appears to threaten the necessity of selecting for the Legislative Council, men who would be too intimately connected with those forming another branch of the Government, and thus destroy the wholesome balance of power contemplated by the Constitution of the two Houses.

(Signed)

I have, &amp;c.

H. V. HUNTLEY,  
Lt. Governor.

The Right Honorable Lord Stanley, &amp;c. &amp;c. &amp;c.

No. 67. [Copy]  
Sir;

Downing Street, 20th March, 1843.

I have to acknowledge the receipt of your Despatch, of the 11th of February, enclosing copies of two letters which have been addressed to you by Mr. Hensley and Mr. Irving, expressing their objections to the payment of the fee required upon their Warrants of appointment to the Legislative Council.

You will inform those Gentlemen, that I do not think that there is sufficient ground for remitting, in their favour, the customary fees on appointments to the Council.

I have, &c.

(Signed)

STANLEY.

Lieut. Governor  
Sir H. V. Huntley, &c. &c. &c.

No. 12.

Secretary's Office, December 7th, 1843.

Gentlemen;

I am desired by the Lieutenant Governor to apprise you, that as the Legislature makes no allowance for Fuel, for the Government House, it is not His Excellency's intention now or at any future period, to bear the expense of purchasing more than is necessary for the use of such part of the building, as he intends to occupy during the Winter; an expense which His Excellency considers unjustly thrown upon him, and as he believes not in accordance with the practice of other Colonies similarly situated; there being many Rooms which consequently will be unoccupied and without fires: His Excellency is of opinion that from dampness and other causes dependent upon the climate, these rooms will fall into a very dilapidated state, a consideration he submits to the judgment of the Joint Committee of the two Houses.

I have the honor to be,

Gentlemen,

Your obedient

humble servant,

T. H. HAVILAND, Sec'y.

The Joint Committee of the Legislative Council  
and House of Assembly, having charge  
of Government House and Furniture.

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18. Committed and agreed to, 20. Read a third time and passed, *ib.* Lieutenant Governor's assent, 77.

*Bears and Loupcerviers*, to establish a reward for the destruction of: Brought up from Assembly and read a first time, 15. Read a second time, 16. Read a third time and passed, 18. Lieutenant Governor's assent, 78.

*Sheep*, for the protection of, against vicious Dogs: Brought up from Assembly and read a first time, 16. Read a second time, *ib.* Committed and agreed to, 17. Read a third time and passed, 19. Lieutenant Governor's assent, 77.

*Fish Barrels and Tierces*, to regulate the size and quality of, &c. Brought up from Assembly and read a first time, 17, 18. Read a second time, 18. Committed, 20. Committed and agreed to, 26. Read a third time and passed, *ib.* Lieutenant Governor's assent, 77.

*Sub-Collectors of Customs*, to provide Salaries for: Brought up from Assembly and read a first time, 17, 18. Read a second time, 18. Read a third time and passed, 19. Lieutenant Governor's assent, 78.

*Insolvent Debtors*, to consolidate and amend the Laws for the relief of: Brought up from Assembly and read a first time, 21. Read a second time, *ib.* Committed and agreed to, with amendments, 22. Read a third time and passed, with amendments, and sent to Assembly for concurrence, 26. Assembly agree to amendments, 28. Lieutenant Governor's assent, 30.

*To confirm Titles to Lands purchased under Land Assessment Acts*: Brought up from Assembly and read a first time, 23. Read a second time, 34. Committed, 35. Committed and agreed to, with amendments, 39. Read a third time and passed, with amendments, and sent to Assembly for concurrence, 42. Conference thereon, held and reported with Assembly's reasons for disagreeing to amendments, 48, 49. Council insist

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on their amendments on a division, 53. Committee appointed to draw up reasons for insisting on amendments, *ib.* Reasons reported and further Conference asked, 63. Held and reported, 67.

*To render less expensive and more secure the course of procedure under the Land Assessment Acts*: Brought up from Assembly and read a first time, 23. Read a second time, and referred to a Special Committee to report thereon, 41. Committee report and Report committed, 56. Conference thereon held and reported, 58. Further Conference, 76. Free Conference, *ib.*

*Small Debts*, relating to the recovery of, &c. Brought up from Assembly, and read a first time, 23. Read a second time, 24. Committed, 25. Committed and agreed to, with amendments, 26. Read a third time and passed, with the amendments, and sent to Assembly for concurrence, 27. Assembly agree to amendments, 28. Lieutenant Governor's assent, *ib.*

*Sea Weed*, to authorize and regulate the gathering of: Brought up from Assembly and read a first time, 24. Ordered to be read a second time in six months, 31.

*Herrings and Alewives Fisheries*, to regulate the: Brought up from Assembly and read a first time, 35. Read a second time, 42. Committed and agreed to, *ib.* Read a third time and passed, *ib.* Lieutenant Governor's Assent, 77.

*Georgetown Wharf and other Wharves*, for the regulation of: Brought up from Assembly, and read a first time, 31. Read a second time, *ib.* Committed and referred to a Special Committee to report thereon, 32. Committee report, 67. Bill committed and agreed to, 68. Read a third time and passed, *ib.* Lieutenant Governor's assent, 79.

*To naturalize John Broderus Edinger Tybring*: Brought up from Assembly, and read a first time, 34. Read a se-



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cond time, 37. Committed and agreed to with amendment, *ib.* Read a third time, and passed with the amendment, and sent to Assembly for concurrence, 38. Assembly agree to amendment, 51.

*Merchant Seamen*, to consolidate, amend, and continue the Act relating to: Brought up from Assembly, and read a first time, 35. Read a second time and committed, 43. Committed and agreed to with amendments, 44. Read a third time and passed with amendments, and sent to Assembly for concurrence, 45. Assembly agreed to amendments, 65. Lieutenant Governor's assent, 78.

*Notices and Advertisements relating to the Public Service*, to regulate the publishing of: Brought up from Assembly, and read a first time, 35. Read a second time and committed, 37. Committed and agreed to with amendments, 38. Read a third time and passed with amendments, and sent to Assembly for concurrence, 39. Assembly agreed to amendments, 54. Lieutenant Governor's assent, 77.

*Schools and Education*, relating to: Brought up from Assembly and read a first time, 37. Read a second time, 43. Committed, *ib.* Committed and conference asked, 46. Held and reported, *ib.* Committed and agreed to with amendments, 52. Further conference asked, held, and reported, 54. Read a third time and passed with the amendments, on a division, and sent to Assembly for concurrence, 56. Further conference on amendments, held and reported, 64. Free conference held and reported, 66. Lieutenant Governor's assent, 79.

*Lands and Tenements, liable for the payment of Debts*, in further amendment of the Laws for making, &c.: Brought up from Assembly, and read a first time, 39. Read a second time, committed and agreed to with amend-

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ments, 42. Read a third time, and passed with the amendments, and sent to Assembly for concurrence, 44. Assembly agreed to amendments, 54. Lieutenant Governor's assent, 78.

*Statute Labour*, to alter the Act relating to: Brought up from Assembly, and read a first time, 39. Read a second time, committed, and agreed to, 41. Read a third time, and passed, on a division, *ib.* Lieutenant Governor's assent, 79.

*Supreme Court*, to establish an additional Term of, &c.: Brought up from Assembly, and read a first time, 39. Read a second time, 43. Read a third time and passed, *ib.* Lieutenant Governor's assent, 78.

*Boundaries of the several Townships in this Island*, to further amend an Act relating to: Brought up from Assembly, and read a first time, 45. Ordered to be read a second time in Six months, on a division, 50.

*Spirituous Liquors manufactured or distilled within the Island*, for imposing a Duty on: Brought up from Assembly, and read a first time, 45. Read a second time, committed, and conference asked, 50. Held and reported, 52. Further conference asked, 54. Held and reported, 55. Ordered to be read a third time in Six months, on a division, 60.

*Imposing Duties for raising a Revenue*: Brought up from Assembly, and read a first time, 45. Read a second time, committed and agreed to, 51. Read a third time and passed, 58. Lieutenant Governor's assent, 79.

*Relating to Entire Horses*: Brought up from Assembly, and read a first time, 45. Read a second time, committed and agreed to with amendments, 47. Read a third time, and passed with the amendments, and sent to Assembly for concurrence, 48. Assembly agreed to amendments, 58. Lieutenant Governor's assent, 77.

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*Bail in Civil cases*: Brought up from Assembly, and read a first time, 45. Read a second time, committed and agreed to with amendments, 60, 61. Read a third time and passed with the amendments, and sent to Assembly for concurrence, 62. Assembly agreed to amendments, 69. Lieutenant Governor's assent, 77.

*To incorporate certain persons to carry on a Fishery*: Brought up from Assembly, and read a first time, 45. Read a second time, 46. Committed and agreed to with amendments, 47. Read a third time, and passed with the amendments, and sent to Assembly for concurrence, *ib.* Assembly agreed to amendments, 51. Lieutenant Governor's assent, 52. *Incidents by Fire within Charlottetown*, for better preventing: Brought up from Assembly, and read a first time, 51. Read a second time, 52. Committed, 53. Committed and agreed to, 55. Read a third time and passed, *ib.* Lieutenant Governor's assent, 77.

*Steam Boat Company*, to alter three several Acts relating to: Brought up from Assembly, and read a first time, 53. Read a second time, committed and agreed to, 54. Read a third time, and passed, *ib.* Lieutenant Governor's assent, 77.

*Asylum for Insane persons*, to alter the Act authorizing the erection of: Brought up from Assembly, and read a first time, 54. Read a second time, 58. Committed and agreed to, *ib.* Read a third time and passed, *ib.* Lieutenant Governor's assent, 79.

*Relating to Treasury Warrants*: Brought up from Assembly, and read a first time, 54. Read a second time, committed and agreed to with amendments, 56. Read a third time and passed with the amendments, 57. Conference thereon held and reported, 64. Further conference, held and reported, 67. Lieutenant Governor's assent, 77.

*Bills, continued.*

*Engine Companies of Charlottetown* to, consolidate and extend the provisions of the Laws relating to: Brought up from Assembly, and read a first time, 58. Read a second time, committed and agreed to, 63. Read a third time and passed, *ib.* Lieut. Governor's assent, 77.

*Fishery Reserves*, for the regulation of certain: Brought up from Assembly, and read a first time, 59. Ordered to be read a second time in three months, on a division, 60.

*Appropriation Bill*: Brought up from Assembly, and read a first time, 59. Read a second time, committed and agreed to, on a division, 65. Read a third time and passed, 66. Lieutenant Governor's assent, 79.

*Marine Insurance Company*, to incorporate: Brought up from Assembly, and read a first time, 60. Read a second time, 65. Committed and agreed to, *ib.* Read a third time and passed, *ib.* Lieutenant Governor's assent, 77.

*Boundary Lines of Counties and Townships, &c.*, for ascertaining and establishing, to continue Act relating to: Brought up from Assembly, and read a first time, 65. Read a second time, 67. Read a third time and passed, 71. Lieutenant Governor's assent, 78.

*For raising a Fund for the encouragement of Agriculture*, to be expended in the erection of Lime Kilns, &c. Brought up from Assembly, and read a first time, 69. Read a second time, 71. Committed and agreed to, *ib.* Read a third time and passed, *ib.* Lieutenant Governor's assent, 79.

*Seal and Cod Fisheries*, for the encouragement of: Brought up from Assembly, and read a first time, 69. Read a second time, committed, and conference asked, 71. Held and reported, 72. Further conference held and reported, *ib.* Committed and agreed to, *ib.* Read a third time and passed, 74. Lieutenant Governor's assent, 79.

*Bills originated in Council:*

*Supreme Court*, to continue Act for establishing an additional Term of, &c. Brought in by Hon. Mr. Brecken, and read a first time, 24. Read a second time, Committed and agreed to, 29. Read a third time and passed, and sent to Assembly for concurrence, 30.

*Supreme Court*, to constitute the Michaelmas Term of an Issuable Term. Brought in by Hon. Mr. Brecken, and read a first time, 24. Read a second time, 26. Committed, and further consideration postponed for Six months, on a division, 27.

*Justices of the Peace*, to authorize to appoint Clerks. Brought in by Hon. Mr. Brecken, and read a first time, 29. Read a second time, committed and agreed to, 31. Read a third time, passed, and sent to Assembly for concurrence, 32.

*Court of Chancery*, to amend and regulate the practice of: Brought in by Hon. Mr. Solicitor General, and read a first time, 35. Read a second time, committed and agreed to, 39. Read a third time, passed, and sent to Assembly for concurrence, 45. Ordered to be printed, 59.

*Harbour Masters, &c.*, to appoint and regulate their duties. Brought in by Hon. Mr. Holl, and read a first time, 51. Read a second time, and referred to a special Committee, 59. Committee report, 61. Committed and agreed to with amendments, *ib.* Read a third time, passed, and sent to Assembly for concurrence, 63. Amended by Assembly, 70. Council agree to amendments, 71. Lieutenant Governor's assent, 78.

*Bulls and Horses*, to prevent the running at large of: Brought in by Hon. Mr. Young, and read a first time, 62. Read a second time, and agreed to with amendments, *ib.* Read a third time, passed, and sent to Assembly for concurrence, 66. Amended by Assembly,

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70. Council agree to amendments, *ib.* Lieutenant Governor's assent, 78.  
*Brecken*, Hon. Mr., sat President, 43, 44, 45, 46, 47, 62.

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*Cunard*, Hon. S. Copy of Memorial to Lord Stanley, against the Act authorizing the issue *de novo* of Writs, under the Road Compensation Act, laid before the House by Hon. Mr. Brecken, 23.

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*English Mails*, detention of at Halifax: Resolution of Council on the subject of, 65. (See Addresses to Lieutenant Governor.)

*Estimates*, for the services of the current year, laid before the House by Hon. Mr. Brecken, 65.

*Expiring Laws*: Committee appointed to examine into and report upon, 7. Committee report, 12. Report committed to a Committee of the whole House, 13.

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*Government House and Public Furniture*: Hon. Mr. Irving appointed one of the Committee to take charge of, in the room of Mr. Hensley, 16. Committee report, 27, 28.

*Government House Grounds*: Copy of Grant of, laid before the House by the Hon. Mr. Brecken, 23.

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**Lime and Lime Kilns** : Resolutions of Council on the subject of, 58. (See Bills.)

**MANDAMUSES** : Copies of Correspondence on the subject of Fees payable on by Legislative Councillors, laid before the House, 26.

*Messages from Lieutenant Governor :*

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*Messages to Lieutenant Governor :*

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3. Requesting His Excellency to lay before the House Copies of Correspondence relative to Fees paid by Legislative Councillors : Committee appointed to wait on His Excellency with, 22. Delivery thereof reported, 24.

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Despatch from Lord Stanley, No. 72, dated 31st May, 1843, in answer to a joint Address of the Council and Assembly to the Queen, praying Her Majesty to cause an armed Steam Vessel to be stationed off this Island every season, to protect the local Fisheries from the encroachments of the Americans—

Despatch from Lord Stanley, No. 89, dated 4th December, 1843, explaining the circumstances why he cannot advise Her Majesty to confirm the Act to authorise the issue *de novo* of certain Writs under the Road Compensation Acts, in certain cases, passed in the last Session of the Colonial Legislature—

Order of Her Majesty in Council, dated 13th December, 1843, disallowing “An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias,” passed in the last Session of the Colonial Legislature—

Order of Her Majesty in Council, dated the 13th December, 1843, specially confirming an Act in further amendment of an Act passed in the Tenth year of the Reign of King George the Fourth, intituled “An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards

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their formation,” passed in the last Session of the Colonial Legislature—

Order of Her Majesty in Council, dated the 13th December, 1843, leaving to their operation Twenty Acts therein named, passed in the last Session of the Colonial Legislature—See Appendix pages 1\* 2\* 3\* 4\*

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Questions on the subject of the Fishery Reserves—

Opinions of the Attorney General and Solicitor General of England thereon—

Copy of Memorial of the Hon. Samuel Cunard, against the Act to authorize the issue *de novo* of Writs under the Road Compensation Act in certain cases.

Reasons of the Attorney General of P. E. Island for passing the said Act—

Copy of Despatch from the Right Hon. Lord Stanley to Sir H. V. Huntley—

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