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JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF
PRINCE EDWARD ISLAND,
ANNO DECIMO SEPTIMO
VICTORIÆ REGINÆ.

First Session of the Nineteenth General Assembly.



CHARLOTTETOWN:
PRINTED BY G. W. C. LUGRIN, EXAMINER OFFICE.
1854.

A Proclamation

BY HIS EXCELLENCY

SIR ALEXANDER BANNERMAN, 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.

{ L. S. }

A. BANNERMAN, Lieutenant Governor.

WHEREAS the Writs for Electing Members to serve in the General Assembly for the several Districts and Towns and Royalties of this Island are returnable on Tuesday the Ninth day of August instant :

I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued until the Nineteenth day of September next, of which all persons concerned are required to take Notice and govern themselves accordingly.

Given under my hand and seal at Charlottetown, in the said Island, the Eighth day of August, in the year of our Lord One Thousand eight hundred and fifty three, and in the Seventeenth year of Her Majesty's Reign.

By Command,

JAMES WARBURTON, Colonial Secretary.

A Proclamation

BY HIS EXCELLENCY

SIR ALEXANDER BANNERMAN, 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.

{ L. S. }

A. BANNERMAN, Lieutenant Governor.

WHEREAS the General Assembly of this Island stands prorogued until the Nineteenth day of September instant :

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

Given under my hand and seal at Charlottetown, in the said Island, this Seventeenth day of September, in the year of our Lord One Thousand eight hundred and fifty three, and in the Seventeenth year of Her Majesty's Reign.

By Command,

JAMES WARBURTON, Colonial Secretary.

A Proclamation

BY HIS EXCELLENCY

SIR ALEXANDER BANNERMAN, 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.

{ L. S. }

A. BANNERMAN, Lieutenant Governor.

WHEREAS the General Assembly of this Island stands prorogued until the First day of November next :

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

Given under my hand and seal at Charlottetown, in the said Island, this Thirty-first day of October, in the year of our Lord One thousand eight hundred and Fifty-three, and in the Seventeenth year of Her Majesty's Reign.

By Command,

MALCOLM MACNEIL, Deputy Secretary.

A Proclamation

BY HIS EXCELLENCY

SIR ALEXANDER BANNERMAN, 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.

{ L. S. }

A. BANNERMAN, Lieutenant Governor.

WHEREAS the General Assembly of this Island stands prorogued until the Thirteenth day of December instant :

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

Given under my hand and seal at Charlottetown, in the said Island, this Twelfth day of December, in the year of our Lord One thousand eight hundred and fifty-three, and in the Seventeenth year of Her Majesty's Reign.

By Command,

JAMES Warburton, Colonial Secretary.

A Proclamation

BY HIS EXCELLENCY

SIR ALEXANDER BANNERMAN, 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.

{ L. S. }

A. BANNERMAN, Lieutenant Governor.

WHEREAS the General Assembly of this Island stands prorogued until the Twenty-third day of January instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until Thursday the Ninth day of February next, then to meet for the despatch of Business, of which all persons concerned are required to take notice and govern themselves accordingly.

Given under my hand and seal at Charlottetown, in the said Island, the Sixth day of January, in the year of our Lord One thousand eight hundred and fifty-four, and in the Seventeenth year of Her Majesty's Reign.

By Command,

JAMES WARBURTON, Colonial Secretary.

JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF
PRINCE EDWARD ISLAND.

Thursday, 9th February, 1854.

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

PRESENT.

The Honorable Mr. MACDONALD, President.

*The Hon. Mr. Holl,
Mr. Rice,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie,*

*The Hon. Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton.*

Mr. *President* acquainted the House, that His Excellency the Lieutenant Governor had provisionally appointed the Honorable Joseph Hensley, by Warrant, bearing date the Thirteenth day of December, 1853, a Member of this House, who desires to be admitted.

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

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

The Hon. Mr. Hensley was then introduced between Mr. *Rice* and Mr. *Birnie*, and took his seat.

His Excellency the Lieutenant Governor having come to the Council Chamber, and being seated, the Gentlemen Usher of the Black Rod received His Excellency's commands to inform the House of Assembly, that it is His Excellency's pleasure, that they do attend him in the Council Chamber, instanter ; and the Members present having appeared at the Bar—

The President of the Council addressed them as follows :—

GENTLEMEN ;

I am commanded by His Excellency the Lieutenant Governor to acquaint you, that His Excellency does not intend to declare the cause of calling this General Assembly until there be a Speaker of the House of Assembly ; and therefore you, Gentlemen of the House of Assembly, are to repair to the place where the House of Assembly usually meet and there proceed to the Election of a fit person to be your Speaker, whom you are to present to His Excellency here immediately for his approval.

The Gentlemen of the House of Assembly then withdrew, and in a short time returned, when the Honorable John Jardine addressed His Excellency, and stated, that agreeably to His Excellency's commands, the House of Assembly had proceeded to the election of a Speaker, and that their choice had fallen upon him.

The *President* of the Council then replied—

The Honorable JOHN JARDINE ;

I am commanded by His Excellency the Lieutenant Governor to acquaint you, that he hath so good an opinion of your integrity, diligence and sufficiency for executing the important office to which you have been elected, that His Excellency is perfectly satisfied with the choice which the House of Assembly have made, and doth allow and confirm you to be their Speaker.

The Speaker then addressed His Excellency as follows :—

May it please YOUR EXCELLENCY ;

As you have been pleased to approve of the choice of the House of Assembly in appointing me to be their Speaker, it now becomes my duty as such to inform your Excellency, as the privilege of the House, that the Members thereof may be freed from arrest, that they may have freedom of speech in their debates, and have free access to your Excellency on all occasions ; and I do also, in their name and behalf, claim all their ancient rights and privileges.

Then the *President* of the Council replied in the following words :—

MR. SPEAKER ;

I am commanded by His Excellency the Lieutenant Governor to say, that His Excellency being fully assured of the prudence, loyalty and good affection of the House of Assembly, most willingly grants to them all their privileges, conformably to ancient usage, the laws of the land, and Her Majesty's instructions.

His Excellency was then 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:

I feel much satisfaction in now meeting the Legislature for the despatch of public business.

Some months after the General Election last summer, a Requisition was addressed to me by several members of the Assembly, to summon you to meet on an early day, they considering that no time should be lost, in order to exclude by legal enactment departmental officers from occupying seats in the Legislature. I did not think it expedient to accede to that request, because it occurred to me that such a departure from the usual course would have been construed into an admission on my part, that evils had arisen demanding an immediate change, for one of your own statutes, passed six years ago, is in force (as it was at the time of the election), defining what are Departmental Offices, and it provides, "that any Member of the Assembly who shall accept of any such office of profit or emolument, shall be incapable of taking or holding his seat in the General Assembly of this Island, unless re-elected after his acceptance thereof."

In regard to the Legislative Council, I do not understand why members of that body should be excluded (if such be really the intention), from participating, as they have hitherto done, in a share of the salaried or departmental offices of government.

Three years have nearly passed away since I was instructed to introduce what is termed Responsible Government, in accordance with the often repeated solicitations of many of Her Majesty's subjects here. Since that time the Colony has been prospering, tranquil and contented; and judging from my intercourse with the people, they are well entitled to the concession they asked for. If, however, they now seek for changes in the Constitution, I hope they will be such as may contribute to the welfare of the community at large, for while I feel confident every favourable consideration will be given to the wishes of Her Majesty's loyal subjects, I am equally certain that no Colonial Minister, unless for very cogent reasons, will deem it expedient, at least by Imperial interference, to narrow or diminish the principles of self-government now established in this Island. Since its introduction all the Acts which have been passed by the Legislature, with the exception of one (still under consideration), have received the Royal assent—a circumstance, during a period of three years' legislation, which I believe never before occurred in any North American Province.

You are aware that the Education Bill, which was described at a public meeting by one of your learned Judges, "as the wisest, the noblest and the best that ever graced your Statute book," came into operation last Spring. At that time there were of existing schools about one hundred and ten—the number contemplated by the Act was two hundred, all of which have been applied for and recorded in terms of its provisions, and many more are earnestly desired. The Government has secured the services of Mr. Stark, an efficient inspector, thoroughly qualified for the task, and who is also prepared to carry out the views of the Royal Agricultural Society during his visits to the different districts of the country. He comes from the Normal Seminary, in the city of Glasgow, most strongly recommended by Mr. Stow, the philanthropic individual by whose exertions that Seminary has attained its eminence, being known in distant quarters of the globe, where the system introduced by him is spreading its beneficial influence. Mr. Stow takes a lively interest in your christian and benevolent exertions in the cause of Education, and has urged on me to call your attention to the importance of perfecting your good work, by the establishment of a small Normal School, under the direction of the Inspector, where your teachers would be taught to practise an uniform system of training,

which has proved so successful wherever it has been tried. If this can be accomplished, and I believe it can at a moderate expense, this Colony, small in extent, will become great in the estimation of all who value the blessings which society must derive from an improved method of training the hearts and minds of the rising generation.

Mr. Speaker and Gentlemen of the House of Assembly :

The oaths appointed by law have been administered to you to-day, in virtue of a Commission issued by me in the same form which has been used on all similar occasions, narrating that the High Sheriffs have returned all of you duly elected and qualified to serve in the Assembly. I observe, however, that the High Sheriff for Queen's County has returned one of the Members for that County, "duly elected, subject to the determination of the House of Assembly on the scrutiny, and of the facts set forth in respect thereof." This is an unusual return, and as such I notice it—its legality is a matter entirely for you to decide.

I am happy to say that the financial state of the Colony is very satisfactory. On the 31st January, 1850, the balance of the Debt against the Colony was £28,579 11s. 0½d. On the 31st January last (1854), it was only £3,028 11s. 6d., a reduction of £25,550 19s. 6½d. in four years. In 1849, the revenue was £18,615; in 1850, £22,768; in 1851, £22,500; in 1852, £31,283, and last year, notwithstanding the reduction of the duty on Tea, it was £35,345, including about £2,800, assessment imposed by the Education Act. An increase of Revenue is a sure indication of the progressive state of the Colony, always bearing in mind that Providence has been bountiful in our harvests and other blessings, for which we cannot be too thankful.

The Estimates will be submitted for your consideration. I hope they will meet with your approval, and I doubt not you will provide Supplies for the Public Service.

Last year Memorials numerously signed by individuals engaged in the export of Juniper Knees, were presented to me, complaining of a proposed, almost prohibitory duty on their export. I am sure it will be your inclination to avoid class legislation, and impose no higher duties on any particular article than are required for the welfare, support and credit of the Province.

Mr. President and Honorable Gentlemen of the Legislative Council;

Mr. Speaker and Gentlemen of the House of Assembly ;

In Prince Edward Island unsettled questions have too often occasioned many difficulties. I hope I now allude to the last—the Fishery Reserves—a subject which has occupied much of the attention of the Government. The late Assembly presented an Address to me relative to these Reserves. As similar questions, affecting Crown Rights, had arisen in some parts of the United Kingdom, it was considered advisable to forward a copy of the Assembly's Address to Her Majesty's Government, and by a recent Despatch from the Duke of Newcastle, his Grace expresses "much satisfaction that this question has been so fully taken in hand by the Government, with a reasonable prospect of a satisfactory issue," and promises all the assistance Her Majesty's Government can at present give, "by consulting the Law Officers of the Crown in England, respecting the legal steps to be taken to assert the Crown Rights." With that view, his Grace required further information, and it has been furnished. When the opinions of the Law Officers of the Crown are received they will be laid before you, along with various documents connected with the subject. In the meantime, I shall only say, that fulfilling a duty to the public, in protecting the Fishery Reserves, on which many parties may have ignorantly encroached, it has been the anxious wish of the Government, as it appeared to have been that of the late Assembly, to deal with this question in a just and equitable manner.

I shall have soon to bring under your notice matters of a local nature, among others, the proposed withdrawal of the Military; but I shall do so as usual by Message; and I will be happy at all times to communicate with you when you may desire it.

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

PRAYERS were then read.

The Honorable Mr. *Rice*, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, laid before the House additional instructions from Her Majesty, under Her Royal Sign Manual, dated at Buckingham Palace the 23rd June, 1853, declaring Her Royal pleasure, that Charles Young, Esquire, now a Member of the Legislative Council of Prince Edward Island, do have rank and precedence in the said Council, and that he do, as senior Member of the said Council, preside at all the deliberations thereof.

The said instructions were then read, and are as follow :—

VICTORIA R.

[L. S.]

Additional instructions to our right trusty, and right well beloved Cousin, JAMES, Earl of Elgin and Kincardine, Knight of the most Ancient and most noble Order of the Thistle, our Captain General and Governor in Chief in and over our Island of Prince Edward, or to our Lieutenant Governor or the Officer administering the Government of our said Island.

Given at our Court at Buckingham Palace, this Twenty-third day of June, 1853, in this Seventeenth year of our Reign.

WHEREAS by our Commission under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster the First day of October, One thousand Eight hundred and Forty-six, in the Tenth year of our Reign, we did constitute and appoint you to be our Captain General and Governor in Chief in and over our Island of Prince Edward, and did, amongst other things, require and command you to do and execute all things in due manner that should belong unto your said command and the trust we have reposed in you, according to the several powers and authorities granted and appointed you by our said Commission, and the Instructions therewith given to you, or by such further powers, instructions and authorities as should at any time thereafter be granted to and appointed you under our Sign Manual and Signet, or by our order in our Privy Council, or by us through one of our Principal Secretaries of State.

AND WHEREAS by our said Commission to you, we did, amongst other things, grant, provide and declare that there should be within our said Island of Prince Edward, two distinct and separate Councils, to be respectively called the Legislative Council of our said Island, and the Executive Council of our said Island.

AND WHEREAS by our Instructions under our Royal Sign Manual and Signet referred to in and accompanying our said Commission to you, we did require and enjoin that until we should signify to you our further pleasure therein, you should in the execution of our said Commission, conform to our Instructions under our Royal Sign Manual and Signet, bearing date at our Court at Buckingham Palace the Sixteenth day of March, One thousand Eight hundred and Forty-six, in the Ninth year of our Reign, addressed to our right, trusty, and right well-beloved Cousin Charles Murray, Earl Cathcart, Knight, Commander of the most honorable Order of the Bath, at that time our Captain General and Governor in Chief, in and over our said Island of Prince Edward, save only and so far as the said instructions to the said Earl Cathcart might be in any respect repugnant or opposed to, or inconsistent with our said recited Commission to you.

AND WHEREAS by our said Instructions to the said Charles Murray, Earl Cathcart, We did, amongst other things, direct and appoint, that the Members of the Legislative Council of our said Island, should take rank and precedence therein, according to the date and seniority of their respective appointments; NOW KNOW YOU, that We do, by these our additional Instructions to you, under our Royal Sign Manual and Signet, declare our Royal pleasure, that our trusty and well-beloved Charles Young, Esquire, now a member of the said Legislative Council, do have rank and precedence in the said Council, and that he do, as Senior Member of the said Council, preside at all the deliberations thereof.

The Hon. Mr. *Rice* also laid before the House a Communication which he had received from His Excellency the Lieutenant Governor, dated 8th February, 1854, explaining the circumstances which led to the appointment of the Hon. Mr. Young, to preside in the Legislative Council—also an Extract from the Minutes of the Executive Council of the 21st of May, 1852, shewing in what manner Mr. Young, then Attorney General, withdrew his claim to the office of Chief Justice, on the death of Chief Justice Jarvis—and also an Extract from the Royal Instructions to Lord Elgin, dated 16th March, 1846, in reference to the constitution of the Executive and Legislative Councils of Nova Scotia; which were read.

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

(See Appendix No. 1.)

The Honorable Mr. Young was then introduced by the Hon. Mr. *Rice*, and took his seat as President.

On motion of Mr. *Holl*, the House came to the following Resolution, viz :—

Resolved, That this House do, on Tuesday next, resolve itself into a Committee of Privileges, to take into consideration the circumstances under which Her Majesty has been induced to supersede the Commission addressed to His Excellency Sir John Colborne, constituting the Legislative Council of this Island, by which the Senior Member is appointed to preside at its deliberations.

Mr. *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. *Rice*, Mr. *Swabey* and Mr. *Attorney General* be a Committee to prepare a draft pursuant to the above Resolution.

Resolved, That a Committee be appointed to revise the Journals of this House each day; and that it be an instruction to the Committee to require that a printed copy be laid on the table daily.

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

Resolved, That a Committee be appointed to examine into and report upon such Laws as are near expiring.

Ordered, That Mr. *Birnie* and Mr. *Attorney General* do compose the said Committee.

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

Ordered, That Mr. *Hensley* and Mr. *Birnie* do compose the said Committee.

Resolved, That a Committee be appointed to regulate the expenditure of this House during the present Session.

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

Resolved, That Eighty copies of the Journals of this House be furnished by the Printer.

Resolved, That the Thirty-seventh Standing Order of this House be inserted Three times in each of the Newspapers published in Charlottetown, for the information of the public.

The House then proceeded to the election of Officers, and thereupon

Resolved, That the Reverend Louis Charles Jenkins, D. C. L., be appointed Chaplain :

Resolved, That Henry Palmer, Esquire, be appointed Gentleman Usher of the Black Rod, and Sergeant-at-Arms :

Resolved, That Henry Douglas Morpeth, Esquire, be appointed Reporter :

Resolved, That Mr. John Rider be appointed Messenger :

Resolved, That Patrick Furlong be appointed Doorkeeper :

And that such appointments do continue during the present term of the General Assembly.

Resolved, That a Committee be appointed to receive Tenders for Printing the Journals of this House, of the present Session, and to report thereon to the House.

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

Adjourned until to-morrow at one o'clock.

Friday, 10th February, 1854.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Rice,
Mr. Swabey,

The Hon. Mr. Birnie,
Mr. Haythorne,
Mr. Dingwall,
Mr. Beete,

PRAYERS.

Read the proceedings of yesterday.

Mr. *Rice* from the Committee appointed to receive Tenders for Printing the Journals of this House, reported—That the Committee had received two Tenders, which are as follow:—

One from George T. Haszard, engaging to perform the work for Twenty shillings per sheet of four pages, and Three shillings and Sixpence for binding each copy :

One from George W. C. Lugin, engaging to perform the work for Nineteen shillings and Sixpence per sheet, and Three Shillings and Ninepence for binding each copy :

Which latter Tender, being the lowest, the House adopted.

Adjourned until Monday next at one o'clock.

Monday, 13th February, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Rice,
Mr. Swabey,
Mr. Hensley,

The Hon. Mr. Dingwall.
Mr. Beete,
Mr. Beaton,
Mr. Attorney General.

PRAYERS.

Read the proceedings of Friday last.

Mr. *Attorney General* laid before the House the Accounts of the Collector of Impost and Excise for Charlottetown, for the year ended 31st December, 1853.

Mr. *Attorney General* also laid before the House the Accounts of the Collector of Impost and Excise for Georgetown for the same period.

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

Mr. *Rice*, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, report 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 put into a Committee of the whole, to-morrow, to take the said into consideration.

Adjourned until to-morrow at one o'clock.

Tuesday, 14th February, 1854.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Rice,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie,

The Hon. Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. Attorney General.

PRAYERS.

Read the proceedings of yesterday.

The Honorable Mr. *Rice* informed the House, that in consequence of the Government being in a minority last evening in the lower House, on the Address in answer to His Excellency's Speech, the Executive Council collectively, and those Members holding Offices individually, have tendered their resignations to His Excellency the Lieutenant Governor.

Mr. *President* laid before the House the Public Accounts for the past year, as arranged and classified by the Auditors.

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

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

“HOUSE OF ASSEMBLY, Thursday, February 9, 1854.

“*Resolved*, That a Committee of Six Members be appointed to keep up a good correspondence between the two Branches of the Legislature, and to report their proceedings from time to time, with power to send for Persons, Papers and Records.

“*Ordered*, That Mr. Montgomery, Mr. Longworth, Mr. Goff, Mr. Macgowan, Mr. Beer and Mr. Douse do compose the said Committee.

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

Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Branches of the Legislature, and to report their proceedings from time to time, with power to send for Persons, Papers and Records.

Ordered, That Mr. *Swabey*, Mr. *Haythorne*, and Mr. *Attorney General* do compose the said Committee.

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

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Address in answer to His Excellency's Speech. After some time the House was resumed, and Mr. *Rice* reported, that the Committee had gone through the Address, and had agreed to the same with several amendments.

On motion, that the report of the Committee be received, the House divided—

CONTENTS :

Mr. President,
Mr. Rice,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. Attorney General,

NON-CONTENTS :

Mr. Macdonald,
Mr. Holl

And it passed in the affirmative.

Mr. *Holl* moved to amend the Address by striking out all after the word "business" in the second paragraph, to the end thereof.

The question being put thereon, the House divided—

CONTENTS :

Mr. Macdonald,
Mr. Holl.

NON-CONTENTS :

Mr. President,
Mr. Rice,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie,
Mr. Haythorne.
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. Attorney General.

And it passed in the negative.

Mr. *Holl* then moved that the fourth paragraph be struck out, and the following substituted :—

"During the three years alluded to by your Excellency, in which what is termed Responsible Government has been in practice in this Colony, ample evidence has been afforded by the prosperity, tranquillity and contentedness of the people, that they are well entitled to the concession then made."

The question being put thereon, the House divided—

CONTENTS :

Mr. Macdonald,
Mr. Holl,
Mr. Hensley.

NON-CONTENTS :

Mr. President,
Mr. Rice,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. Attorney General.

And it passed in the negative.

The said Address was then read and adopted by the House, and is as followeth :—

To His Excellency Sir Alexander Bannerman, 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.

The humble Address of Her Majesty's Legislative Council in General Assembly convened :

May it please YOUR EXCELLENCY—

We, Her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly convened, beg to offer our thanks for your Excellency's Speech at the opening of the present Session.

We concur with your Excellency in the propriety of the time chosen for assembling the Legislature for the dispatch of Business, believing that there exists no sufficient cause to seek for any change in the existing system of Government; and we are of opinion, that the Statute which obliges Members of the Assembly, on accepting Salaried Offices, to present themselves before their Constituents for re-election, amply provides for and protects the interests of the People under such circumstances.

The Members of the Legislative Council can see no objection to their accepting Offices of trust and emolument concurrently with those with whom they agree in political sentiments in the other Branch of the Legislature, and would view any proposition to prevent their participating as an invasion of their claims.

During the three years alluded to by your Excellency, in which what is termed Responsible Government has been in practice in this Colony, ample evidence has been afforded by the prosperity, tranquillity and contentedness of the People, that they were well entitled to the concession then made; and we agree with your Excellency, that no Colonial Minister, except for very cogent reasons, would deem it expedient, at least by Imperial enactment, to narrow or diminish the principles of self-government now established in this Colony.

We view with satisfaction the increased means of Education afforded to the youth of the Colony by the introduction of the new System, and we are happy to find that the Government has secured the services of an efficient Inspector, trained in a celebrated School for obtaining the necessary qualifications for the task.

We rejoice, that of many questions of long standing which divided the public mind, none remain to agitate the Colony except the precise nature of the Rights of the Crown and the different classes of the Public over the Fishery Reserves. We trust that this subject will shortly be brought to a definite issue.

With regard to subjects to which your Excellency may have to direct our attention, and more particularly the proposed withdrawal of Her Majesty's Troops from this Island, we shall be prepared when they are brought before us to give them our best consideration, and shall be happy to communicate with your Excellency whenever circumstances shall require it.

Ordered, That the said Address be presented to His Excellency by the whole House.

Ordered, That the same Committee who prepared the Address be a Committee to wait on His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address; who returning, reported, that they had waited on His Excellency, and that he was pleased to say, he would receive the Address at half-past one o'clock to-morrow.

A Message from the House of Assembly by Mr. Conroy—

“HOUSE OF ASSEMBLY, Thursday, February 9, 1854.

“*Resolved*, That a Committee be appointed on the part of this House, to join a Committee of the Legislative Council, to take charge of the Legislative Library.

“*Ordered*, That Mr. Conroy, Mr. Haviland, Mr. Macgowan, Mr. Wightman, Mr. M'Aulay, and the Honorable Mr. Palmer do compose the said Committee.

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

Resolved, That a Committee be appointed, on the part of this House, to join the Committee of the House of Assembly to take charge of the Legislative Library.

Ordered, That Mr. Rice, Mr. Swabey, and Mr. Attorney General do compose the said Committee.

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

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee of Privileges to take into consideration the circumstances under which Her Majesty has been induced to supersede the Commission addressed to His Excellency Sir John Colborne, constituting the Legislative Council of this Island, by which the senior Member is appointed to preside at its deliberations. After some time the House was resumed, and Mr. *Holl* reported that the Committee had come to a Resolution, which they recommend to the adoption of the House, viz :

That an Address be presented to His Excellency the Lieutenant Governor, requesting that His Excellency will cause to be laid before the House a copy of all the correspondence which has led to the appointment of a junior Member of the Legislative Council to the Presidential Chair.

The question of concurrence being put thereon, it was agreed to by the House.

Ordered, That Mr. *Holl* and Mr. *Hensley* be a Committee to prepare the said Address.

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

Adjourned until to-morrow at one o'clock.

Wednesday, 15th February, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

*The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Rice,
Mr. Hensley,*

*The Hon. Mr. Birnie,
Mr. Beete,
Mr. Beaton,
Mr. Attorney General.*

PRAYERS.

Read the proceedings of yesterday.

Mr. *Attorney General* from the Committee appointed to examine into and report upon the expiring Laws, presented to the House the Report of the Committee, which he read in his place, and is as followeth:—

Your Committee having carefully examined the Laws of the Island, to ascertain those which are about to expire during the present Session, beg leave to report as follows, viz :

That the Act 14th Victoria, Cap. 15, intituled “An Act to incorporate certain Persons Trustees of Princetown Royalty Church,” will expire on the 15th day of May next :

That the Act 14th Victoria, Cap. 18, intituled “An Act for the encouragement of the Cod and Mackerel Fisheries,” has already expired :

That the Act 12th Victoria, Cap. 10, intituled “An Act for raising a Revenue,” and also The Act 16th Victoria, Cap. 5, intituled “An Act for raising a Revenue,” will expire on the first day of May next.

Ordered, That the Report of the Committee be received.

The Honorable Mr. *Rice*, Colonial Treasurer, laid before the House his Accounts with the Government for the year ended 31st January 1854.

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

At half-past one o'clock, the House waited on His Excellency the Lieutenant Governor with their Address, in answer to his Speech at the opening of the Session, and being returned, Mr. *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 followeth:—

Mr. President and Honorable Gentlemen of the Legislative Council ;

I have to return you my sincere thanks for the Address which you have just presented to me. It is very gratifying to find that your sentiments are in unison with those principles which I considered it necessary to enunciate to the Legislature at the opening of the present Session. I assure you I have only one object in view, the welfare of

the people, whose Government I am entrusted to administer, and in promoting their interests, I shall always look with confidence for your support.

Mr. *Holl*, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to cause to be laid before this House, copies of the Correspondence which led to the appointment of a junior Member of the Council to the Presidential Chair, reported the draft of an Address as prepared by the Committee, and the same was read and agreed to, and is as followeth :—

To His Excellency Sir Alexander Bannerman, 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 most respectfully request that your Excellency will be pleased to cause to be laid before this House copies of all the Correspondence which has led to the supersedure of the Honorable Donald Macdonald, the existing President, by right of seniority, and to the appointment of a junior Member of this House in his place.

Ordered, That the said Address be engrossed.

Ordered, That the same Committee who prepared the Address be a Committee to wait on His Excellency with the same ; who returning, reported, that they had waited on His Excellency, and that he was pleased to say, he would give an answer to-morrow.

Adjourned until to-morrow at one o'clock.

Thursday, 16th February, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Rice,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Haythorne,
Mr. Beete,
Mr. Beaton,
Mr. Attorney General.

PRAYERS.

Read the proceedings of yesterday.

Mr. *Swabey* presented to the House a Bill to amend, and in addition to the Act to provide for the summary trial of common Assaults and Batteries ; and the same was read a first time.

Mr. *Swabey* also presented to the House a Bill to amend an Act to consolidate and amend the Acts relating to summary Trespasses ; and the same was read a first time.

Adjourned until to-morrow at one o'clock.

Friday, 17th February, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Rice,
Mr. Swabey.

The Hon. Mr. Birnie,
Mr. Haythorne,
Mr. Attorney General.

PRAYERS.

Read the proceedings of yesterday.

Two Messages from His Excellency the Lieutenant Governor were delivered by the Hon. Mr. Secretary Warburton, and the same were read, and are as follow:—

[FIRST MESSAGE.]

A. BANNERMAN, Lieutenant Governor.

The Lieutenant Governor has received the Address of the Legislative Council, dated the 15th instant, requesting him to cause to be laid before them "Copies of all the Correspondence which has led to the supersedure of the Honorable Donald Macdonald, the existing President, by right of seniority, and the appointment of a junior Member of the Council in his place."

The Lieutenant Governor having authorized the Honorable Stephen Rice, a Member of the Council, on the first day of the Session, to explain some circumstances relative to the appointment in question, in so far as the Lieutenant Governor considered it necessary, and in which he was concerned, with much respect for the Legislative Council the Lieutenant Governor must decline acceding to their request. His instructions, under Her Majesty's Sign Manual, have been laid before the Council, the appointment to the Presidency whereof being the undoubted Prerogative of the Crown.

[SECOND MESSAGE.]

A. BANNERMAN, Lieutenant Governor.

Circumstances having arisen, which are well known to the Legislative Council, it is the opinion of the Lieutenant Governor, that an adjournment would be advisable, and he is desirous that on its rising to-morrow, the Council will adjourn until Thursday the Sixteenth day of March next.

The term of adjournment may appear a long one, but on due consideration, the Lieutenant Governor thinks the course which he has suggested to the Legislative Council will best promote the public interest.

February 17, 1854.

Adjourned until to-morrow at one o'clock.

Saturday, 18th February, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. Young, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Rice,
Mr. Hensley.

The Hon. Mr. Birnie,
Mr. Haythorne,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of yesterday.

Mr. *Holl*, by leave, presented a Petition of Allan Cameron, of De Sable, Township Number Twenty-nine, in indigent circumstances, praying relief.

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

Mr. *J. Hensley*, by leave, presented a Petition of Elizabeth Linkletter, of Township Number Seventeen, Widow, in destitute circumstances, with a large family, one of which, a lad fourteen years of age, is a cripple,—and praying relief.

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

The Honorable Mr. *Rice* informed the House that his resignation as Colonial Treasurer, together with the resignation of his colleagues in office, had been accepted by His Excellency the Lieutenant Governor.

The Honorable Mr. *Holl* informed the House that the new Government had been formed, and that the Members thereof were sworn in yesterday.

In conformity with His Excellency's Message of yesterday, the House adjourned until Thursday the Sixteenth day of March next,———at one o'clock.

Thursday, 16th March, 1854.

PRESENT:

The Hon. Mr. Holl,
Mr. Swabey.

The Hon. Mr. Hensley,
Mr. Birnie.

The Hon. Mr. *Holl* sat President.

PRAYERS.

There not being a Quorum.

Adjourned until to-morrow at one o'clock.

Friday, 17th March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie

The Hon. Mr. Haythorne,
Mr. Beete,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of Saturday the 18th February.

Mr. *President* informed the House that indisposition prevented him from attending in his place yesterday.

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

Mr. *J. Hensley*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of James Reid, Keeper of the Jail at Saint Eleanor's, in Prince County, praying remuneration for the care and maintenance of one Allan Macswain, a Lunatic :

A Petition of James Bourke, of Georgetown, praying that he may be reimbursed the amount of Duty paid by him on twenty gallons of Gin, which was not landed.

Ordered, That the two foregoing Petitions do lie on the Table.

Two Messages from His Excellency the Lieutenant Governor were delivered by the Hon. Mr. Secretary Longworth, and the same were read, and are as follow:—

[FIRST MESSAGE.]

A. BANNERMAN, Lieutenant Governor.

The Lieutenant Governor sends herewith for the consideration of the Legislative Council, copy of a Despatch from the Duke of Newcastle, on the subject of the withdrawal of the Troops from this Colony.

The correspondence which has taken place on various occasions relative to this important question, is already well known to the Legislature and the public.

The Lieutenant Governor finds that in the year 1849, his Predecessor acquainted the Secretary of State, that a Bill for providing a Police Force for Charlottetown had been postponed to a future Session, but there is no record of any further proceeding on this subject. The Lieutenant Governor has always been, and continues to be of opinion, that a small detachment of Military should be quartered in this Island, it being entirely cut off during winter, from any communication with the Garrisons of the neighbouring Provinces; but, as the Duke of Newcastle states, "The establishment of a Police Force to perform the services properly belonging to such a Body, and the framing and execution of really effective measures to check desertion, are preliminaries indispensable towards any reconsideration of the decision thus arrived at by Her Majesty's Government." The Lieutenant Governor trusts that the Legislature will enable him to communicate to His Grace that the suggestions of Her Majesty's Government have been readily acceded to.

Government House, 16th March, 1854.

[SECOND MESSAGE.]

A. BANNERMAN, Lieutenant Governor.

The Lieutenant Governor sends for the perusal of the Legislative Council, copy of a Despatch from the Duke of Newcastle, accompanied by a Treasury Minute on the subject of the Amended Currency Act, or as it was termed, the One-ninth Bill. The Lieutenant Governor is happy to think that since 1851 ample time has been afforded to those who complained of that measure, to state their objections to Her Majesty's Government, and the Legislature will now perceive by the documents alluded to, that they can without, (as he thinks,) doing injustice to any one, easily remedy a defect and omission in the existing Currency Act, which will set at rest a question that has created so much discussion.

The Lieutenant Governor also transmits to the Legislative Council copies of the following Orders of Her Majesty in Council, viz:—

- No. 1. Order in Council, dated 8th August, 1853, confirming three Acts of the Legislature :
- No. 2. Order in Council, dated 24th October, 1853, confirming three Acts of the Legislature :
- No. 3. Order in Council, dated 24th October, 1853, confirming eleven Acts of the Legislature :
- No. 4. Order in Council, dated 30th January, 1854, specially confirming the Act intituled " An Act to extend the Elective Franchise."

[See Appendix Nos. 2 and 3.]

Government House, 16th March, 1854.

Ordered, That the foregoing Messages, with the documents accompanying the same, do lie on the Table.

Mr. *Holl*, by leave, presented a Memorial of the Committee of the Royal Agricultural Society, praying the Grant of One thousand pounds, or such other sum as to the Legislature may seem fit, for the purchase of six additional Entire Horses.

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

Mr. *Swabey* laid before the House the Accounts of the Collector of Impost and Excise for the District of Malpeque, for the year ended 31st December, 1853.

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

Adjourned until Monday next at one o'clock.

Monday, 20th March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Haythorne,
Mr. Beete,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of Friday last.

Mr. *Beete*, by leave, presented a Petition of George Waite, Senior, of Saint Eleanor's, Township Number Seventeen, setting forth his advanced age and consequent infirmity, with great bodily suffering,—that he has performed the duty of Staff Adjutant of the Prince County Militia for a period of Thirty years, and praying the favorable consideration of this House.

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

Adjourned until to-morrow at one o'clock.

Tuesday, 21st March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey.

The Hon. Mr. Hensley,
Mr. Birnie,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of yesterday.

Mr. *J. Hensley*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of Samuel Gurney, setting forth the great loss he has sustained in the destruction of his Dyeing and Fulling Establishment by fire, and praying that this House will concur with the House of Assembly, in granting a sum of money to enable him to resume his operations :

A Petition of Mary Ann Mearns, of Georgetown Road, Township Number Fifty, praying remuneration for her services as a Teacher in that District :

A Petition of divers Inhabitants of Townships Numbers Fifty-one and Fifty-two :

A Petition of divers Inhabitants of Township Number Fifteen :

A Petition of divers Inhabitants of Brackley Point and its vicinity,—severally praying aid to improve their Road communications.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of divers Inhabitants of Grand Rustico and vicinity, praying aid for the completion of a Wharf at Rustico :

A Petition of divers Inhabitants of Township Number Seventeen :

A Petition of divers Inhabitants of Township Numbers Sixty-seven, Twenty-six and Twenty-five,—severally praying aid to improve their Road communications.

Ordered, That the several foregoing Petitions do lie on the Table.

Adjourned until to-morrow at one o'clock.

Wednesday, 22nd March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. Young, President.

*The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Hensley.*

*The Hon. Mr. Birnie,
Mr. Haythorne,
Mr. Beete.*

PRAYERS.

Read the proceedings of yesterday.

Mr. *Hensley* informed the House that indisposition prevents Mr. *J. Hensley* from attending in his place.

Ordered, That Mr. *J. Hensley's* excuse be received.

Mr. *President* informed the House that indisposition has prevented Mr. *Rice* from attending in his place since Thursday the Sixteenth instant, and that he is still unable to attend.

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

Mr. *President* laid before the House the Impost Accounts for the District of Cascumpec for the year ended 31st December 1853.

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

Mr. *Swabey*, by leave, presented the following Petitions, and the same were severally received and read, viz:—

A Petition of divers Inhabitants of Millborough Road and its vicinity :

A Petition of divers Inhabitants of Township Number Forty-nine, Back Settlement :

A Petition of divers Inhabitants of the Rear Settlement, Murray Harbour Road,—severally praying aid to improve their Road communications :

A Petition of divers Inhabitants of Cape Traverse, and its vicinity, praying that this House will concur with the House of Assembly in granting a sum of money in aid of individual subscription, towards building a Breakwater in Cape Traverse Bay :

A Petition of Susanna Macdonald, of Township Number Fifty-seven, Widow :

A Petition of Catharine Macdonald, of Orwell Cove, Township Number Fifty-seven,—in indigent circumstances, praying relief :

A Petition of Alexander Macpherson, of Murray Harbour Road, Township Number Fifty-seven, setting forth the afflicted condition of his daughter for the last seven years, and praying relief :

A Petition of the Reverend David Fitzgerald, and others, whose names are thereunto subscribed, setting forth the destitute and helpless condition of Matthew Geary, a cripple, and praying the favourable consideration of this House in his behalf.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of divers Inhabitants of Central Saint Eleanor's, praying, for reasons therein set forth, that the 40th Section of the Free Education Act may be repealed :

A Petition of David Higgins, Esquire, late Commissioner of Highways for the Fourth District of Queen's County, praying remuneration for services performed by him in the year 1851 :

A Petition of John LePage, third Master of the Central Academy, praying that this House will concur with the House of Assembly in granting a sum of money to reimburse him the amount he has expended in repairing two rooms in the Academy where he resides :

A Petition of divers inhabitants of Montague River and Georgetown :

A Petition of Peter Kehoe, of Township Number Fifty-two,—severally praying aid to improve their Road communications :

A Petition of Charles M'Laren, of Georgetown, praying that this House will concur with the House of Assembly in granting a sum of money to remunerate him for his services as late Postmaster at Georgetown, performed in the year 1850 :

A Petition of John Thomson, of Georgetown, praying that this House will concur with the House of Assembly in granting a sum of money to remunerate him for labour performed on a Bridge in the Royalty of Georgetown.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *Beete*, by leave, presented a Memorial of the Charlottetown Gas Company, praying for an amendment of the Act of Incorporation, whereby they may be enabled to light the public streets and squares ; and also praying to be released from the payment of Bonds given for Pipes, Gasholders, &c., imported by the Society.

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

Mr. *Haythorne*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of John Roche Burke, of Mill View, Township Number Forty-nine, Esquire, praying for a remission of Duty paid on Machinery imported by him for the Steamer "Arethusa," lately placed on the Ferry opposite Charlottetown :

A Petition of divers Inhabitants of Village Green, Township Number Forty-nine, praying that this House will concur with the House of Assembly in granting a sum in aid of a Road in that District.

Ordered, That the two foregoing Petitions do lie on the Table.

Mr. *President*, by leave, presented a Petition of Patrick Cummins, praying a remission of Duty paid by him at Georgetown, on Ninety-three barrels of Herrings imported from Nova Scotia in the month of October last, amounting to Nine pounds seven shillings and sixpence.

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

Adjourned until to-morrow at one o'clock.

Thursday, 23rd March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley.

The Hon. Mr. Birnie,
Mr. Haythorne,
Mr. Beete.

PRAYERS.

Read the proceedings of yesterday.

Mr. *Beete*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of Donald M'Cormack, of Township Number Fifty-five, praying that this House will concur with the House of Assembly in granting a sum to remunerate him for labour performed at the Wharf at Launching Place :

A Petition of Peter M'Callum, of Saint Peter's Bay, setting forth that he fitted out the Schooner "Catherine" last season with the necessary supplies for a fishing voyage, in the terms of the Act for the encouragement of the Cod and Mackerel Fisheries, and that owing to the said Schooner having been driven on shore in the month of September last, after having caught a considerable quantity of fish, he was prevented from literally complying with the terms of the Act, whereby he has failed in his application for the Tonnage Bounty, and now prays the favourable consideration of this House.

Ordered, That the two foregoing Petitions do lie on the Table.

A Memorial of William Cundall, Esquire, Secretary to the Board of Education, setting forth the increased amount of correspondence since the introduction of the new Education Act, from the frequent meetings of the Board, and the formation and establishment of School Districts—that the present Salary of Thirty pounds per annum is by no means adequate to the responsibility and duties of the office, and praying the favourable consideration of this House to the subject matter of the Memorial :

A Petition of divers Inhabitants of Wilmot Creek, praying aid to repair a Bridge :

A Petition of divers Inhabitants of Cardigan River, Grand River, and Georgetown, praying aid towards the completion of the Wharf at Cardigan River.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of divers Inhabitants of the northern portions of Townships Numbers Twenty-two, Twenty-three, and others :

A Petition of divers Inhabitants of Grand River, Township Number Fourteen, in Prince County,—severally praying aid to improve their Road communications :

A Petition of A. M. Grubb, J. P. Palmer, and others, whose names are thereunto subscribed, on behalf of the Charlottetown Horticultural Society, praying aid in furtherance of the objects of that Institution :

A Petition of Neil Maclean, of Orwell Cove, Teacher, praying remuneration for time lost by him, in consequence of the close of his School, under the Act 14 Victoria, cap. 13.

Ordered, That the several foregoing Petitions do lie on the Table.

A Message from His Excellency the Lieutenant Governor was delivered by the Hon. Mr. Secretary Longworth, and the same was read and is as followeth :

A. BANNERMAN, Lieutenant Governor.

In the latter part of the year 1851, a Minute of the late Executive Council was transmitted to the Secretary for the Colonies with the view of obtaining the sanction of Her Majesty's Government for a further issue of Treasury Notes, the amount in circulation being only £11,500. Circumstances arose in England which prevented an early attention being given to the Minute in Council, and the Lieutenant Governor embraces the earliest opportunity of laying before the Legislative Council copies of the following documents:—

1. Despatch from the Duke of Newcastle, 5th April, 1853, No. 10 :
2. Report from Mr. Pope, late Colonial Treasurer, 5th May, 1853 :
3. Sir A. Bannerman to the Duke of Newcastle, 8th May, 1853 :
4. Duke of Newcastle to Sir A. Bannerman, 30th January, 1854, No. 44 :
5. Report and Minute of Lords of the Treasury, 13th January, 1854.

The Lieutenant Governor thinks that the perusal of these documents cannot fail to be interesting, not only to the Legislative Council, but to the public, whose interests, whether engaged in agriculture, commerce, ship building or the fisheries, are all so closely connected with the subjects to which the documents in question refer.

In regard to the suggestions in the Lieutenant Governor's Despatch of the 8th May, 1853, he would especially direct the attention of the Legislative Council to the very able Minute and Report, marked No. 5, embracing the views of Her Majesty's Government on the past, present and prospective financial condition of this Colony, with suggestions in regard to the future conducting of its monetary affairs.

Government House, March 21st, 1854.

(See Appendix No. 4.)

Ordered, That the said Message, with the accompanying documents, do lie on the table.

Ordered, That the Report and Minute of the Lords of the Treasury, on the financial condition of the Colony, be forthwith printed, and that Fifty copies thereof be furnished.

Ordered, That this House be called over on Thursday the thirtieth instant, and that the Clerk do notify absent Members.

Adjourned until Monday next at one o'clock.

Monday, 27th March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of Thursday last.

A Message from the House of Assembly, by the Hon. Mr. Attorney General, with a Bill intituled " An Act relating to certain Lease and Monetary obligations entered into before the passing of the Currency Act," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly, by Mr. Haviland, with a Bill intituled " An Act to amend an Act to make provision for the service of Non-bailable Process in certain cases," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly, by the Hon. Mr. Macaulay, with a Bill intituled "An Act in further amendment of the Law relating to distress for Rent," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Mr. *J. Hensley*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of divers Inhabitants of Charlottetown Royalty, and parts adjacent, praying that such measures may be adopted as will afford Petitioners free access to the shores of York River, for the purpose of collecting sea weed and muscle mud for manuring their land, without trespassing on private property :

A Petition of divers Inhabitants of Nail Pond, praying that this House will concur with the House of Assembly in granting a sum for the completion of a Bridge in that District :

A Petition of divers Inhabitants of Kildare Capes School District, Townships Numbers Two and Three, praying that this House will concur with the House of Assembly in remunerating Mr. Henry Hele, their Teacher, for Three months services :

A Petition of Patrick Doyle, and four others, styling themselves "Trustees of Nail Pond School," praying that the allowance to Patrick Connick, their Teacher, under the Act 15 Victoria, Cap. 13, may be increased :

A Petition of Caroline Blampied, of Cascumpec, in indigent circumstances, praying relief :

A Petition of divers Inhabitants of Townships One, Two and Three, praying aid to improve their Road communications :

A Petition of Thomas Le Marquand, of Tignish, praying remuneration for his services as a Teacher.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of Margaret Morrison, of Township Number Thirty, Widow, in indigent circumstances, praying relief :

A Petition of divers Inhabitants of Uigg, Murray Harbor Road, Orwell Head, and back Settlements, praying aid to improve their Road communications :

A Petition of Sarah Stewart, of Township Number Forty-eight, Widow, praying that this House will concur with the House of Assembly in granting a sum as compensation for the loss she has sustained by means of a line of road passing through her land.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *Beete* presented to the House a Bill to define the duties of Commissioners for the issue of Treasury Notes, and to explain and amend certain Acts therein mentioned, and the same was read a first time

Mr. *President* presented to the House a Bill to establish a Savings Bank in Prince Edward Island, and the same was read a first time.

On motion of Mr. *J. Hensley*—

Resolved, That, an Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to cause a copy of the opinion of the Hon. William Young, on the Sheriff's Return to the Writ of Election for the First Electoral District of Queen's County, to be laid before this House.

Ordered, That Mr. *Swabey*, Mr. *Birnie*, and Mr. *J. Hensley* be a Committee to prepare the said Address.

The Hon. Mr. *Holl*, a Member of Her Majesty's Executive Council, laid before the House a list of the names of the Grand and Petit Jurors who served in the last Term of the Supreme Court, as returned by the Sheriff of Queen's County, in accordance with the request of the Hon. Mr. *Swabey*.

Ordered, That the same do lie on the Table.

Mr. *J. Hensley* presented to the House the draft of an Address to His Excellency the Lieutenant Governor, and the same was read and agreed to, and is as followeth:—

To His Excellency Sir Alexander Bannerman, 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, beg leave respectfully to request that your Excellency will be pleased to cause a copy of the opinion of the Hon. William Young, lately taken on the Sheriff's Return to the Writ of Election for the First Electoral District of Queen's County, to be laid before this House.

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

Adjourned until to-morrow at one o'clock.

Tuesday, 28th March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Haythorne,
Mr. Beete,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of yesterday.

The Hon. Mr. *Holl*, a Member of Her Majesty's Executive Council, laid before the House copy of the Warrant Book for the past year.

Ordered, That the same do lie on the Table.

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of Alexander M'Neill, Alexander M'Rae, and Sumuel Drake, of Township Number Forty-nine, praying aid to complete the public Wharf at Pownal Bay :

A Petition of divers Inhabitants of Princetown Royalty, and vicinity, praying that this House will concur with the House of Assembly in granting a sum sufficient to repair the public Wharf at Princetown :

A Petition of Louis Arseneaux, of Cascumpec, Ferryman, praying remuneration for his services in conveying the Mail Courier over Mill River, Cascumpec :

A Petition of divers Inhabitants of Cascumpec Village, Township Number Four, setting forth that Petitioners reside upwards of eight miles from the Post Office at Cascumpec—that the Mail Courier passes through their Settlement on his way to the Post Office, and respectfully submitting that much inconvenience would be removed if a way bag were made up in Charlottetown and left at the Village :

A Petition of Donald M'Phee, of Township Number Eleven, Ferryman, praying aid towards building a good and sufficient Scow for the conveyance of horses and carriages, and also praying remuneration for conveying the Mail Courier with an extra Mail :

A Petition of Archibald C. Bickford, of Trout River, Township Number Thirteen, praying an allowance for his services as a Teacher :

A Petition of Hugh Mackenzie, of Township Number Seven, praying that this House will concur with the House of Assembly in granting a sum sufficient to raise a Road in that Settlement, which has become overflowed by means of a Grist and Saw Mill lately erected by the Petitioner adjacent thereto :

A Petition of James Peake, James Walkinshaw, and seven others, whose names are thereunto subscribed, praying that an Act may pass for the purpose of incorporating a Joint Stock Banking Company.

Ordered, That the several foregoing Petitions do lie on the Table.

The Bill to establish a Savings Bank in Prince Edward Island, was read a second time.

The Bill to define the duties of Commissioners for the issue of Treasury Notes, and to explain and amend certain Acts therein mentioned, was read a second time.

Mr. *J. Hensley*, from the Committee appointed to wait on His Excellency the Lieutenant Governor with the Address, praying that His Excellency will be pleased to cause a copy of the opinion of the Hon. William Young, on the Sheriff's Return to the Writ of Election for

the first Electoral District of Queen's County, to be laid before this House, reported the delivery thereof, and that His Excellency was pleased to say he would comply with the request of the House.

Adjourned until Thursday next at one o'clock.

Thursday, 30th March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of Tuesday last.

Mr. *Haythorne*, by leave, presented a Petition of divers Inhabitants of Township Number Fifty-one, praying for the reopening of the School at the end of Baldwin's Road, the establishment of which the Board of Education had declined to sanction under the present Law.

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

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz:—

A Petition of divers Inhabitants of Township Number Fifty-five, praying aid to improve a Road in that District:

A Petition of Malcolm Livingston and Colin M'Phee, praying that this House will concur with the House of Assembly in granting a sum of money to relieve them from liabilities incurred in building a Protection Block for the Ferry Boat at Minchin's Point, in the years 1849 and 1850:

A Petition of the Trustees of the Schools attached to Saint Dunstan's Church in Charlottetown, setting forth that owing to certain defects of the School Act, these Schools have hitherto derived no benefit from the taxes paid in support of the general fund for the purposes of Education by the Petitioners, and the parents of the children attending them, and praying an alteration in the Law, or other measure of relief.

Ordered, That the several foregoing Petitions do lie on the Table.

Mr. *J. Hensley*, presented a Petition of Martin Byrne, Postmaster at Georgetown, setting forth the inadequacy of his allowance, and praying that this House will concur with the House of Assembly in granting a sum sufficient to remunerate him for his services.

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

According to Order the House was called over :

PRESENT:

The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley.

ABSENT:

The Hon. Mr. *Macdonald*.—Excused on account of indisposition.

The Hon. Mr. *Rice*.—Excused on account of indisposition.

On motion of Mr. *Swabey*—

Resolved, That this House, under existing circumstances, considers itself aggrieved, and its efficiency as a constituent Branch of the Constitution impaired, by the inadequate share allotted to it in the Executive Government of the Country.

Adjourned until to-morrow at one o'clock.

Friday, 31st March, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *YOUNG*, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of yesterday.

A Message from the House of Assembly by the Hon. Mr. Warburton—

“HOUSE OF ASSEMBLY, February 9, 1854.

“*Resolved*, That a Committee be appointed, on the part of this House, to join a Committee of the Legislative Council, to take charge of the Government House and Public Furniture.

“ Ordered, That the Hon. Colonial Secretary, Hon. Mr. Lord, Mr. Davies, and Mr. M’Gill, do compose the said Committee.

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

A Message from the House of Assembly, by Mr. Haviland, with a Bill intituled “ An Act to amend the Law relating to the performance of Statute Labour, and to authorize the establishment of certain additional Road Districts, and the appointment of Commissioners therefor,” to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Adjourned until Monday next at one o’clock.

Monday, 3rd April, 1854

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

*The Hon. Mr. Holl,
Mr. Hensley,
Mr. Haythorne,
Mr. Dingwell.*

*The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley.*

PRAYERS.

Read the proceedings of Friday last.

Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to take charge of the Government House and Public Furniture.

Ordered, That Mr Holl and Mr. J. Hensley do compose the said Committee.

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

A Message from His Excellency the Lieutenant Governor was delivered by the Hon. Mr. Secretary Longworth, and the same was read and is as followeth :

A. BANNERMAN, Lieutenant Governor.

In compliance with the Address of the Legislative Council, dated 27th March, the Lieutenant Governor sends herewith, copy of the opinion of the Honorable William Young, on the Sheriff’s Return to the Writ of Election for the first Electoral District of Queen’s County. Along with this document is transmitted, copy of a Letter addressed to the Attorney General from the Lieutenant Governor, subsequently submitted for Mr. Young’s consideration and opinion

relative to a matter connected with the same subject, namely, the form of the Commission issued by the Lieutenant Governor for administering the Oaths to Members of the Assembly on the opening of a new Parliament. In regard to the latter Communication, Mr. Young referred to his opinion of the 14th October, and recommended that the Commission alluded to should be issued in the usual form.

Government House, 30th March, 1854.

(See Appendix No. 5.)

Ordered, That the said Message, with the documents accompanying the same, do lie on the table.

Mr. *Beaton*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of divers inhabitants of Black Bush and Big Pond, Township Number Forty-five, praying aid to improve a Road in that District :

A Petition of Alexander Leslie and Sons, of Souris, praying that this House will concur with the House of Assembly in granting them a sum of money as compensation for loss sustained in the burning of two Buildings, supposed to be the acts of an Incendiary.

Ordered, That the two foregoing Petitions do lie on the Table.

Adjourned until to-morrow at one o'clock.

Tuesday, 4th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Hensley,
Mr. Birnie.

The Hon. Mr. Haythorne,
Mr. Dingwell,
Mr. Beaton,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Haviland, with a Bill intituled " An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Mr. *Swabey*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition from William Praught, of Seal River, Township Number Fifty, praying that this House will concur with the House of Assembly in granting the sum of Fifteen pounds—being the excess of his Contract—in rebuilding the Wharf at Pownal Bay, over the appropriation and individual subscription of last year for that purpose :

A Petition of John Tweedy, and others, of Gallas Point, praying for permission to keep up Gates instead of Fences on a road leading through their farms to the shore.

A Petition of divers Inhabitants of Townships Numbers Fifty-seven, Fifty-eight, Sixty, and Sixty-two, praying that this House will concur with the House of Assembly in granting a sum in aid of rebuilding the Wharf at Pinette River :

A Petition of John Kenny, Second Master in the Central Academy, praying that this House will concur with the House of Assembly in granting a sum of money to reimburse him the amount expended in necessary repairs to the apartments assigned to him in that building.

Ordered, That the several foregoing Petitions do lie on the Table.

The Bill, intituled “An Act relating to certain Lease and Monetary obligations entered into before the passing of the Currency Act,” was read a second time.

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

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

Mr. *President*, by leave, presented a Petition of the Grand Division of the Sons of Temperance, praying that this House will concur with the House of Assembly in granting a sum of money for the purpose of disseminating throughout the community, by means of Lectures, Tracts, &c., correct and authentic information as to the tremendous evils which result from the traffic in intoxicating Liquors.

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

Mr. *President* read a Letter addressed to him by Mr. William Heard, of Charlottetown, on behalf of the Sons of Temperance, inviting the Members of the Legislative Council to attend a Lecture to be delivered on Wednesday evening next, at the Temperance Hall, by the Rev. J. R. Narraway, on the subject of the “Prohibitory Liquor Law.”

Adjourned until to-morrow at one o'clock.

Wednesday, 5th April, 1854.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Birnie,
Mr. Dingwell.

The Hon. Mr. J. Hensley.

PRAYERS.

There not being a Quorum.

Adjourned until to-morrow at one o'clock.

Thursday, 6th April, 1854.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald.

The Hon. Mr. Holl.

PRAYERS.

There not being a Quorum.

Adjourned until to-morrow at one o'clock

Friday, 7th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey.

The Hon. Mr. Hensley,
Mr. Birnie,
Mr. Beete.

PRAYERS.

Read the proceedings of Tuesday last.

The Hon Mr. *Holl*, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, laid before the House, copy of the Report of the Commissioners appointed to examine the Land Assessment Books in the Colonial Treasury.

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

Mr. *Holl*, by leave, presented a Petition of the Committee of the Royal Agricultural Society, praying, for reasons therein set forth, that the Ninth Section of the Act incorporating the Society may be altered as regards the equal division of imported Live Stock between the three Counties.

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

Adjourned until Monday next at one o'clock.

Monday, 10th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Hensley,
Mr. Swabey.

The Hon. Mr. Birnie,
Mr. Beete,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of Friday last.

The Hon. Mr. *Holl*, a Member of Her Majesty's Executive Council, by command of His Excellency the Lieutenant Governor, laid before the House, copy of the Estimates for the services of the current year.

Ordered, That the same do lie on the Table.

Mr. *Holl*, by leave, presented a Petition of John Rider, late an Overseer of Roads in Charlottetown and Royalty, praying that this House will concur with the House of Assembly in granting a sum of money to reimburse him the amount he had expended—being the whole of his per centage on moneys collected—in repairs of the Roads and Bridges in his District in the year 1848.

The said Petition was read, and ordered to 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 certain Lease and Monetary obligations entered into before the passing of the Currency Act." After some time the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill, and had made an amendment thereto.

Ordered, That the Report of the Committee be received.

The said amendment was then read, and is as followeth:—

Folio 13, line 1,—After the word "shall" insert "forthwith."

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to establish a Savings Bank in Prince Edward Island. After some time the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill and had agreed to the same with several amendments.

Ordered, That the Report of the Committee be received.

Ordered, That the said Bill be engrossed, and that the title be “An Act to establish a Savings Bank in Prince Edward Island.”

Adjourned until to-morrow at one o'clock.

Tuesday, 11th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey.

The Hon. Mr. Birnie,
Mr. Beete,
Mr. J. Hensley.

PRAYERS.

Read the proceedings of yesterday.

Pursuant to Order, the Bill intituled “An Act relating to certain Lease and Monetary obligations entered into before the passing of the Currency Act,” was—as amended—read a third time.

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

Ordered, That a Message be sent down to the House of Assembly, acquainting them that this House have passed the said Bill, with an amendment, to which they desire their concurrence.

The Bill intituled “An Act to establish a Savings Bank in Prince Edward Island, was, as engrossed, read a third time.

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. Beer, with a Bill intituled “An Act for the incorporation of certain Bodies connected with the Wesleyan Methodist Church in Prince Edward Island, to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Mr. *Holl*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of John Evans, of Charlottetown, an aged and infirm person in indigent circumstances, praying relief :

A Petition of divers Inhabitants of Grand River, Township Number Fifty-five, praying aid to erect a Bridge, and to improve a road in that District :

A Petition of Charles Sanderson, and four others, residing on the North side of St. Peter's Bay, setting forth that Petitioners have been deprived of the advantages of a School since the present Education Act came into operation, and praying that measures may be adopted for the establishment of an additional School District in that section of the Island.

Ordered, That the several foregoing Petitions do lie on the Table.

Ordered, That there be a call of the House on Tuesday next, and that the Clerk do notify absent Members.

Ordered, That the second reading of the Bill intituled " An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island," do stand as the Order of the day for Tuesday next.

The Bill intituled " An Act to amend the Act to make provision for the service of Non-bailable Process in certain cases," was read a second time.

Adjourned until Thursday next at one o'clock.

Thursday, 13th April, 1854.

The Council met pursuant to adjournment.

P R E S E N T :

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey.

The Hon. Mr. Birnie,
Mr. Haythorne,
Mr. Beete.

PRAYERS.

Read the proceedings of Tuesday last.

Mr. *J. Hensley* informed the House that indisposition prevents Mr. *Hensley* from attending in his place.

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

Mr. *Swabey*, by leave, presented the following Petitions, and the same were severally received and read, viz :—

A Petition of divers Inhabitants of Townships Numbers Fifty-seven and Fifty-eight, praying aid to effect an alteration in a line of road leading to the Wharf at Port Selkirk :

A Petition of divers Inhabitants of Tryon and Crapaud, praying that this House will concur with the House of Assembly in granting a sum of money for the purpose of erecting two additional abutments to the Wharf at the West side of Westmorland Harbour :

A Petition of Theophilus Stewart, Attorney at Law, praying that this House will concur with the House of Assembly in redeeming the guarantee of the late House—so far as at present necessary—in making good the expenses incurred in investigating the case of Neil Darrach, a Petitioner to the late House.

Ordered, That the several foregoing Petitions do lie on the Table.

On motion of Mr. *Swabey*—

Resolved, That this House do, on Tuesday next, resolve itself into a Committee of the whole, to take into consideration the state of the Colony, with the view of addressing His Excellency the Lieutenant Governor thereon.

Mr. *President* informed the House that His Excellency the Lieutenant Governor had provisionally appointed the Hon. John Hamilton Gray, by Warrant bearing date the 12th day of April instant, a Member of this House, who desires to be admitted.

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

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

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

A Message from His Excellency the Lieutenant Governor was delivered by the Hon. Mr. Secretary Longworth, and the same was read and is as followeth :

A. BANNERMAN, Lieutenant Governor.

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

Government House, April 13, 1854.

In compliance with His Excellency's Message, the House adjourned until Monday the Seventeenth instant at one o'clock.

Monday, 17th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

*The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Beete.*

*The Hon. Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

PRAYERS.

Read the proceedings of Thursday last.

The Bill intituled "An Act for the incorporation of certain Bodies connected with the Wesleyan Methodist Church in Prince Edward 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. *Holl* reported, that the Committee had gone through the Bill, and had agreed to the same without any amendment.

Ordered, That the Report of the Committee be received.

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.

Mr. *President*, by leave, presented a Petition of the Grand Division of the Order of the Sons of Temperance, of Prince Edward Island, praying that a Law may be enacted to prohibit the traffic in intoxicating Liquors.

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

A Message from the House of Assembly, by the Hon. Mr. Montgomery, with a Bill intituled "An Act to continue and amend the Princetown Royalty Church Incorporation Act," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Adjourned until to-morrow at one o'clock.

Tuesday, 18th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

Mr. *Birnie*, by leave, presented a Petition of divers Inhabitants of Charlottetown, praying for an Act of incorporation for the municipal government of Charlottetown, similar to that enjoyed by the capitals of other British Colonies.

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

According to Order, the House was called over :

PRESENT:

The Hon. Mr. Young, President,
Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

ABSENT:

The Hon. Mr. *Hensley*.—Excused on account of indisposition.

The Order of the day, for the second reading of the Bill intituled “ An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of Prince Edward Island,” being read—

Ordered, That the same be discharged, and that the second reading of the said Bill do stand as the Order of the day for to-morrow.

The Order of the day for the House in Committee on the consideration of the state of the Colony, being read—

The House was accordingly adjourned during pleasure, and put into a Committee thereon. After some time the House was resumed, and Mr. *Birnie* reported, that the Committee had made some progress, and that he was directed to move that they may have leave to sit again to-morrow.

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

Adjourned until to-morrow at one o'clock.

Wednesday, 19th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. Young, President.

*The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.*

*The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

PRAYERS.

Read the proceedings of yesterday.

A Message from the House of Assembly by the Hon. Mr. Attorney General—

Mr. President,

The House of Assembly have agreed to the amendment made by the Legislative Council to the Bill intituled "An Act relating to certain Lease and Monetary obligations entered into before the passing of the Currency Act."

According to Order, the House was called over :

PRESENT:

*The Hon. Mr. Young, President,
Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.*

*The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

ABSENT:

The Hon. Mr. Hensley.—Excused on account of indisposition.

The Order of the day for the House in Committee on the further consideration of the state of the Colony, being read—

A motion was made that the House do now go into the Order of the day, and the question being put thereon, the House divided :

CONTENTS :

*Mr. President,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley.*

NON-CONTENTS :

*Mr. Macdonald,
Mr. Holl,
Mr. Gray.*

And it passed in the affirmative.

The House was accordingly adjourned during pleasure, and put into a Committee on the further consideration of the state of the Colony. After some time the House was resumed, and Mr. *Birnie* reported, that the House having had the same under consideration, recommend that an Address be presented to His Excellency the Lieutenant Governor thereon.

On motion, that the Report of the Committee be received, the question being put thereon, the House divided—

CONTENTS :

Mr. President,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley.

NON-CONTENTS :

Mr. Macdonald,
Mr. Holl,
Mr. Gray.

And it passed in the affirmative.

Mr. *Birnie* then made an additional Report, that during the debate the Hon. Mr. *Macdonald* had made use of the following words, which his Honor the *President* moved should be taken down, viz :

“ That notwithstanding the Hon. Mr. *Young*'s denial of it, I believe I can connect him with my removal from the Chair.”

Ordered, That this House do to-morrow resolve itself into a Committee of Privileges, to take into consideration the words spoken by the Hon. Mr. *Macdonald*.

Mr. *Swabey* presented to the House the Draft of an Address to His Excellency the Lieutenant Governor, and the same was read and agreed to, and is as followeth :—

To His Excellency Sir Alexander Bannerman, 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 of Prince Edward Island, are desirous of calling your Excellency's attention to the recent appointments to offices in the Government of this Island, made, as it appears to us, in violation of the compact entered into on your Excellency's arrival in the Colony, and calculated to deprive Her Majesty's subjects of the form of Government at that time graciously conceded to their representations and wishes by Her Majesty's command.

We consider ourselves justified in believing that that form of Government was understood to be Responsible Departmental Government, as in our estimation will be made evident on reference to your Excellency's speech on your first meeting the Colonial Legislature, as well as to the Act of the 14th Victoria, Cap. 3, in both of which documents the nature of the Responsible Government granted was explained and described to be similar to that then in force in the Provinces of Canada, Nova Scotia and New Brunswick—a construction which has received its

confirmation from its being so practised under your Excellency's auspices up to the time of the recent change of Government.

The conditions imposed on this Colony as their part of the compact, have been faithfully performed, whilst the proceedings of your Excellency's present advisers give us just cause to apprehend the departure from that compact which in our opinion was entered into on the part of the Crown.

We are prepared to admit that under the system conceded to us, a majority of the House of Assembly is constitutionally entitled to the possession of the Government, and readily acknowledge that were it not that Her Majesty's Royal allowance to an Act creating an entire new Franchise not yet acted on, connected with other circumstances, points out that the existing House of Assembly is not a true representation of the people—it would be the duty of this House to give your Excellency's Government a constitutional support were it sought on terms honorable to the Members of this Council.

That notwithstanding the efficiency of this Branch of the Legislature is sensibly affected by having no adequate share in the Government of the Colony, we entirely repudiate the supposition that to a Government constructed on those principles which we conceive to be constitutional and responsible, any difficulties would be offered by any majority of this House, which might differ from that Government on less important political opinions.

We further beg to refer to your Excellency's speech at the opening of the present Session, when you were pleased to state that you had received a requisition from several members of the Assembly, to convene the Legislature on an early day, they stating that "they considered that no time should be lost in order to exclude by legal enactment departmental officers from occupying seats in the Legislature," your Excellency was pleased in reply to say that you declined to call the Legislature together at an unusual period, because in so doing you might be deemed to admit that evils had arisen demanding an immediate change, whilst you bore testimony to the prosperity of the Colony under the existing form of Government.

We agree with your Excellency that there exists no cause for alteration, nor do we recognize any desire for it on the part of the people.

That in the meantime the offices of Keeper of Plans and Treasurer, filled heretofore by Members of this Council, are given to gentlemen having no seats in the Legislature.

That in respect to the Treasurer in particular, the absence of that officer from one or other branch of the Legislature is not only a great inconvenience, when information is required, but withdraws that department from the surveillance of the public, which experience has shown to be so necessary to the maintenance of public confidence.

Reviewing these circumstances, we beg to draw your Excellency's attention to the fact that the Government have a majority in the House of Assembly, consisting of those who proposed to your Excellency their intention to pass legal enactments for the purpose of excluding departmental officers from the Legislature, notwithstanding which no steps have been taken to carry out their expressed views on this matter; and two of that majority actually hold office and remain in the Legislature, yet they have made use of their official position as members of your Excellency's Government, to introduce changes not warranted nor sought by the people.

And thus it is proposed to your Excellency to introduce ingredients of Government from the United States into the constitution of this Her Majesty's Colony, to which Her Majesty's subjects are averse, and which are in imitation of a system probably having its origin, not in any analogous circumstances, but in the fact that in a federal union the pretensions of the representatives of different States are very difficult of adjustment, and which is moreover accompanied by great and acknowledged practical evils, and is known to be disapproved of in the American States themselves, on the just ground, that their departmental officers are not the servants of the people but of the President.

We, therefore, pray that your Excellency will be pleased to interfere and avert, in such manner as may to your wisdom appear best suited, these impending evils.

Ordered, That Mr. *Swabey*, Mr. *Haythorne*, and Mr. *Beaton* be a Committee to wait upon His Excellency with the said Address.

The Order of the day for the second reading of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Island," being read—

The said Bill was accordingly read a second time.

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

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

Adjourned until to-morrow at two o'clock.

Thursday, 20th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beele,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of Thursday last.

Mr. *Swabey*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Address of this House on the state of the Colony, reported the delivery thereof, and that His Excellency was pleased to say, he would give the subject matter of the Address his serious consideration.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee of Privileges. After some time the House was resumed, and Mr. *Birnie* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

Adjourned until to-morrow at twelve o'clock.

Friday, 21st April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Macdonald,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island." After some time the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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 of Privileges. After some time the House was resumed, and Mr. *Birnie* reported, that the Committee had come to two Resolutions, which he read, and are as follow:—

1. *Resolved,* That in the opinion of this Committee the Hon. *Donald Macdonald* has failed to substantiate the charge against the *President* contained in the words taken down on Wednesday the Nineteenth instant.

2. *Resolved,* That it is the opinion of this Committee, that the Hon. *Donald Macdonald* do make the most ample apology to the *President* in the following terms, viz: "I beg entirely to withdraw the charge made against the Hon. *Charles Young*, and to apologise to that Gentleman for having made it under erroneous impressions and highly irritated feelings."

Mr. *Holl* further reported, that his Honor the *President* and the Hon. Mr. *Macdonald* having been called in, and upon reading the foregoing Resolutions, the Hon. Mr. *Macdonald* renewed his charge, and refused to comply with the unanimous decision of the Committee as contained in the said Resolutions, at the same time expressing his intention of resigning his seat in this House.

The Hon. Mr. *Macdonald* then retired.

The question of concurrence being put on each of the foregoing Resolutions, they were severally agreed to by the House.

Adjourned until to-morrow at twelve o'clock.

Saturday, 22nd April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

The Bill intituled "An Act to continue and amend the Princetown Royalty Church Incorporation Act," was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and Mr. *Holl* reported, that the Committee had gone into the consideration of the said Bill, and they recommend, that the same be referred to a special Committee to examine and report thereon, with power to send for Persons, Papers and Records.

Ordered, That the Report of the Committee be received.

Ordered, That Mr. *Holl*, Mr. *Birnie*, and Mr. *Dingwell*, be a Committee for that purpose.

A Message from the House of Assembly, by the Hon. Mr. Haviland, with a Bill intituled "An Act in further amendment of and in addition to the Free Education Act," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Ordered, That the House in Committee on the further consideration of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island," do stand as the Order of the day for Monday next.

Ordered, That there be a call of the House on Monday next, and that the Clerk do notify absent Members.

Ordered, That the second reading of the Bill intituled "An Act in further amendment of and in addition to the Free Education Act," do stand as the Order of the day for Tuesday next.

Ordered, That there be a call of the House on Tuesday next, and that the Clerk do notify absent Members.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act to amend an Act to make provision for the service of Non-bailable Process in certain cases." After some time the House was resumed, and Mr. *Holl* reported,

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

Ordered, That the Report of the Committee be received.

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.

Ordered, That the second reading of the Bill intituled "An Act in further amendment of the Law relating to Distress for Rent," do stand as the Order of the day for Tuesday next.

Ordered, That the second reading of the Bill intituled "An Act to amend the Law relating to the performance of Statute Labor, and to authorize the establishment of certain additional Road Districts, and the appointment of Commissioners therefor," do stand as the Order of the day for Tuesday next.

Adjourned until Monday next at twelve o'clock.

Monday, 24th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

According to Order, the House was called over :

PRESENT:

The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

ABSENT:

The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.

The Order of the day for the House in Committee on the further consideration of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island," being read—

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

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

A Message from the House of Assembly, by Mr. Haviland, with a Bill intituled "An Act to exempt certain Bills of Exchange, Promisory Notes, Contracts and Agreements, from the operation of the Laws relating to Usury," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island." After some time the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly, by the Hon. Mr. Attorney General, with a Bill intituled, "An Act for establishing a Police Force, and to prevent desertion from Her Majesty's Troops stationed at Charlottetown," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

Adjourned until to-morrow at one o'clock.

Tuesday, 25th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday

According to Order, the House was called over :

PRESENT:

The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

ABSENT:

The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.

The Order of the day for the second reading of the Bill intituled “An Act in further amendment of and in addition to the Free Education Act,” being read—

The said Bill was accordingly read a second time.

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

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

The Order of the day for the second reading of the Bill intituled “An Act in further amendment of the Law relating to Distress for Rent,” being read—

Ordered, That the same be discharged, and that the second reading of the said Bill do stand as the Order of the day for to-morrow.

The Order of the day for the second reading of the Bill intituled “An Act to amend the Law relating to the performance of Statute Labor, and to authorize the establishment of certain additional Road Districts, and the appointment of Commissioners therefor,” being read.

On motion that the House do now go into the Order of the day—

It was moved in 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 :

CONTENTS :

Mr. President,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,

NON-CONTENTS :

Mr. Holl,
Mr. J. Hensley,
Mr. Gray.

And it passed in the affirmative.

Ordered, That there be a call of the House to-morrow, and that the Clerk no notify absent Members.

Adjourned until to-morrow at one o'clock.

Wednesday, 26th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

According to Order, the House was called over :

PRESENT:

The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

ABSENT:

The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.

The Order of the day for the second reading of the Bill intituled “An Act in further amendment of the Law relating to Distress for Rent,” being read—

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

It was moved in 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 :

CONTENTS :

Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,

NON-CONTENTS :

Mr. President,
Mr. Holl,
Mr. Gray.

And it passed in the affirmative.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled “An Act to incorporate sundry Persons by the

name of the President, Directors and Company of the Bank of Prince Edward Island." After some time the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

Ordered, That there be a call of the House to-morrow, and that the Clerk do notify absent members.

Adjourned until to-morrow at twelve o'clock.

Thursday, 27th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. Young, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

According to Order the House was called over:

PRESENT:

The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

ABSENT:

The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.

Pursuant to order, the Bill intituled "An Act to exempt certain Bills of Exchange, Promissory Notes, Contracts and Agreements, from the operation of the Laws relating to Usury," 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. *J. Hensley* reported, that the Committee had gone through the Bill, and had agreed to the same without any amendment.

Ordered, That the Report of the Committee be received.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act in further amendment of and in addition to the Free Education Act." After some time the House was resumed, and Mr. *Gray* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly, by Mr. Beer, with a Bill intituled "An Act to amend the Royal Agricultural Society Incorporation Act," to which they desire the concurrence of the Legislative Council.

The said Bill was read 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 in further amendment of and in addition to the Free Education Act." After some time the House was resumed, and Mr. *Gray* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island." After some time the House was resumed, and Mr. *Holl* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

Ordered, That there be a call of the House to-morrow, and that the Clerk do notify absent Members.

Adjourned until to-morrow at one o'clock.

Friday, 28th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

*The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.*

*The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

PRAYERS.

Read the proceedings of yesterday.

According to Order the House was called over:

PRESENT:

*The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.*

*The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

ABSENT:

*The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.*

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to incorporate sundry Persons by the name of the President, Directors and Company of the Bank of Prince Edward Island." After some time the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill, and had made several amendments thereto.

Ordered, That the Report of the Committee be received.

The amendments were then read, and are as follow —

Folio 7, line 3,—Strike out the word "Thirty" and instead thereof insert "Forty."

Same folio, line 4,—Strike out the word "Newspaper" and insert "and two other Newspapers published in Prince Edward Island."

Folio 11, line 11,—Strike out the word "Thirty" and insert "Forty."

Same folio, line 12,—Strike out the word "Newspapers" and insert "and two other Newspapers published in Prince Edward Island."

Folio 13, line 4,—Strike out from the word "and" inclusive, to the end of the clause.

Folio 14, line 4,—Strike out the word "Newspaper" and insert "and two other Newspapers published in Prince Edward Island."

Same folio, line 5,—Strike out the word “Thirty” and insert “Forty.”

Folio 20,—After the word “Assigns” on the last line, insert the following, “and at such first general meeting the Members and Shareholders of the said Bank there present, shall also appoint two or more persons to be Auditors, who shall audit and certify the Accounts of the Company before they are laid before the Shareholders by the Directors at the next annual meeting, and at such next annual meeting, and every subsequent annual meeting, the Members and Shareholders present shall appoint two or more such Auditors to audit and certify the Accounts to be laid before the Shareholders in like manner.”

Folio 24, line 11,—After the word “President” insert “or such Chairman.”

Folio 25, line 4,—Strike out from the commencement of the Fifteenth clause to the word “Corporation,” on the Eighth line, both inclusive, and insert “all persons holding not less than Twenty-five Shares of the Capital Stock of the said Corporation, shall be eligible as Directors.”

Folio 33, line 1,—Strike out the whole of the Twenty-fourth clause, and insert the following clauses:—

“The joint stock or property of the said Corporation shall alone be responsible for the debt and engagements of the said Corporation, and no person or persons who shall or may have dealings with the said Corporation, shall on any pretence whatsoever have recourse against the separate property of any present or future member of the said Corporation, or against their persons except in the cases specified in this Act, further than may be necessary to secure the faithful application of the funds of the said Corporation.

“In case any loss or deficiency of the capital stock of the said Corporation shall occur from the official mismanagement of the Directors of the said Bank, the persons who are Stockholders at the time of such mismanagement, shall in their private and individual capacities be respectively liable to pay the same, provided however, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the stock actually then held by him in addition to the stock so held by him.

“The holders of shares or stock in the said Corporation when this Act shall expire or be repealed, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all Bonds, Bills and Notes which may have been issued by the said Corporation, and which may then remain unpaid, but only according to and in proportion to the share and interest which they may respectively hold in the capital stock of the said Corporation at the time of such expiration or repeal.”

Folio 36, line 10,—Strike out the word “Newspaper” and instead thereof insert “and two other Newspapers published in Prince Edward Island.”

Folio 39, line 1,—Strike out the whole of clause Thirty-one.

Folio 41, last line,—After the word “Cashier” add “and shall be in form as set forth in Schedule A to this Act or as near thereunto as the circumstances of the case will permit.”

Folio 52, line 8,—Strike out clauses Forty-three, Forty-four, Forty-five and Forty-six.”

Folio 62,—Insert the following clause to precede the Forty-seventh clause of the Bill as it now stands:—

“The Bye Laws to be made under this Act by the Shareholders or Members or Directors of the said Company shall have no force or effect until they have been submitted to the Lieutenant Governor in Council and assented to and approved of by him.

“Any person or persons nominated and appointed by the Lieutenant Governor or other Administrator of the Government for the time being, or any joint Committee hereafter to be appointed by the Legislative Council and House of Assembly, for the purpose of examining into the proceedings of the Corporation hereby incorporated, and shall at any time during the Session or prorogation of the General Assembly have free access to the books and

vaults of the same, provided that no person shall have such access who is a Member or Partner in, or Director of any other Bank whatsoever, and that such Person or Committee shall not be authorized to inspect or investigate the account of any individual or individuals with the said Corporation; and provided further, that no person shall be on the said joint Committee who is a Member or Director of the said Corporation.

“This Act shall not go into operation or be of any force or effect until Her Majesty’s assent thereto shall be signified, and notification thereof shall have been published in the Royal Gazette Newspaper of this Island.”

Strike out the Schedule to the Bill, and instead thereof insert the following as a Schedule:—

State of the Bank of Prince Edward Island on the *day of* , *A. D. 18* .

DUE FROM THE BANK.				RESOURCES OF THE BANK.			
Capital stock,							
Bills in circulation,							
Net profits on hand,							
Balance due to other Banks,							
Cash deposited, including all sums whatsoever due from the Bank not bearing interest, its Bills in circulation, profits, and balances due to other Banks excepted,							
Cash deposited bearing interest,							
Total amount due from the Bank,							
Gold, silver and other coined metals in its banking house,							
Real estate,							
Bills of other Banks incorporated in this Island,							
Balances due from other Banks,							
Bills of all other Banks,							
Amount of all debts due, including Notes, Bills of Exchange, and all stocks and funded debts of every description, excepting the balances due from other Banks,							
Total amount of the resources of the Bank,							
Rate and amount of the last dividend,							
Amount of reserved profits at the time of declaring the last dividend,							
Amount of debts due to the Bank secured by a pledge of its stock,							
Amount of debts due and not paid and considered doubtful,							

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled “An Act in further amendment of and in addition to the Free Education Act.” After some time the House was resumed, and Mr. *Gray* reported, that the Committee had made further progress therein, and they recommend that a conference be desired with the House of Assembly on the subject matter thereof; and further, that he was directed by the Committee to move that they may have leave to sit again.

Ordered, That the Report of the Committee be agreed to.

Ordered, That Mr. *Swabey*, Mr. *Beaton* and Mr. *Gray* be a Committee to manage the said conference, to meet in the Conference Room to-morrow, at half-past one o’clock.

Mr. *Holl*, by leave, presented a Petition of Ann Cullen, Widow of the late William Cullen, Esquire, praying that this House will concur with the House of Assembly in granting her a further sum in consideration of the services of her late husband as Secretary of the Central Board of Health for a period of sixteen years.

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

Mr. *J. Hensley*, by leave, presented a Petition of Francis M'Quaid, and four others, whose names are thereunto subscribed, styling themselves Trustees of the Dunstaffnage School, St. Peter's Road, praying that this House will concur with the House of Assembly in granting the sum of Forty-seven pounds seven shillings—being the amount of expenses Petitioners have been subjected to in proceeding at Law against certain inhabitants of the School District, for Assessment under the Free Education Act, and in defending the case which was subsequently brought by appeal into the Supreme Court.

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

Mr. *J. Hensley* presented to the House a Bill in addition to and in amendment of the Act enabling congregations of the Church of England to appoint Church Wardens and Vestries, and for incorporating the same, and the said Bill was read a first time.

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

Ordered, That there be a call of the House to-morrow, and that the Clerk do notify absent members.

Adjourned until to-morrow at one o'clock.

Saturday, 29th April, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

A Message from the House of Assembly, by the Hon. Mr. Attorney General, with a Bill intituled "An Act for better securing the independence of the Legislative Council and Assembly, and to repeal certain Acts therein mentioned," to which they desire the concurrence of the Legislative Council.

Also, with the following written Message—

MR. PRESIDENT;

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled “An Act in further amendment of, and in addition to the Free Education Act,” and have appointed the Hon. Mr. Attorney General, the Hon. Mr. McAulay, the Hon. Mr. Haviland, Mr. Clark, the Hon. Mr. Lord, and the Hon. Mr. Whelan 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 the Hon. Mr. Montgomery, with a Bill intituled “An Act for raising a Revenue,” to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

According to Order, the House was called over :

PRESENT:

The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

ABSENT:

The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.

The Bill intituled “An Act for better securing the independence of the Legislative Council and Assembly, and to repeal certain Acts therein mentioned,” was read a first time.

A Message from the House of Assembly, by the Hon. Mr. Attorney General :—

MR. PRESIDENT;

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled “An Act in further amendment of, and in addition to the Free Education Act,” and have appointed the same Committee who managed the last Conference thereon a Committee to manage this further Conference.

Resolved, 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 Conference 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.

Resolved, That a further Conference be desired with the House of Assembly, on the Bill intituled "An Act in further amendment of and in addition to the Free Education Act."

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

A Message from the House of Assembly by the Hon. Mr. Attorney General.

MR. PRESIDENT ;

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the Bill intituled "An Act in further amendment of, and in addition to the Free Education Act," and have appointed the same Committee who managed the former Conferences thereon, a Committee to manage this further Conference.

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

Pursuant to order, the Bill in addition to and in amendment of the Act enabling Congregations of the Church of England to choose Church Wardens and Vestries, and for Incorporating the same, 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. *J. Hensley* reported that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

The Bill intituled "An Act for raising a Revenue, was read a second time.

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

Ordered, That the Report of the Committee be received.

Ordered, That the said Bill be read a third time on Monday next.

The Bill intituled "An Act to amend the Royal Agricultural Society Incorporation Act," was read a second time.

Ordered, That there be a call of the House on Monday next, and that the Clerk do notify absent Members.

Adjourned until Monday next, at twelve o'clock.

Monday, 1st May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. Young, President.

*The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.*

*The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

PRAYERS.

Read the proceedings of Saturday.

According to Order the House was called over:

PRESENT:

*The Hon. Mr. Young, President,
Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.*

*The Hon. Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

ABSENT:

*The Hon. Mr. Macdonald,
Mr. Hensley.—Excused on account of indisposition.*

Pursuant to order, the Bill intituled "An Act for raising a Revenue," 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. *President*, by leave, presented a Petition of William T. Paw, John William Morrison, and others, styling themselves "Shareholders of the Masonic Hall Company of Charlottetown," praying that an Act may pass to Incorporate the said Company.

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

Mr. *President* presented to the House a Bill to Incorporate the Charlottetown Masonic Hall Company, and the same was read a first time.

Ordered, That the second reading of the Bill intituled "An Act for establishing a Police Force, and to prevent desertion from Her Majesty's Troops, stationed at Charlottetown," do stand as the order of the day for Wednesday next.

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 relating to certain Lease and Monetary Obligations, entered into before the passing of the Currency Act."

"An Act for raising a Revenue."

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 Bill intituled "An Act to amend the Royal Agricultural Society Incorporation Act." After some time the House was resumed, and Mr. *Holl* reported that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

Ordered, That the Report of the Committee be received.

Resolved, That the said Bill do pass.

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

On motion that the Bill intituled "An Act to secure the independence of the Legislative Council and Assembly, and to repeal certain Acts therein mentioned," be read a second time.

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

The House divided on the motion of amendment :

CONTENTS :

Mr. President,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell,
Mr. Beete,
Mr. Beaton,
Mr. J. Ifensley,

NON-CONTENTS :

Mr. Holl,
Mr. Gray.

And it passed in the affirmative.

Adjourned until to-morrow at one o'clock.

Tuesday, 2d May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

*The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.*

*The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

PRAYERS.

Read the proceedings of yesterday.

The Bill to incorporate the Charlottetown Masonic Hall Company 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. *Beaton* reported that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly by Mr. H. Haviland.

MR. PRESIDENT;

The House of Assembly desire a Conference with the Legislative Council, on the amendments made to the Bill intituled "An Act to Incorporate sundry persons by the name of the President, Directors, and Company of the Bank of Prince Edward Island," and have appointed Mr. H. Haviland, the Hon. Colonial Secretary, the Hon. Mr. Macaulay, Mr. Clark, Mr. Davies and Mr. Mooney, a Committee to manage the said Conference.

Resolved, That a Conference be agreed to as is desired by the House of Assembly.

Ordered, That Mr. *Holl*, Mr. *Haythorne*, and Mr. *Gray* be a Committee to manage the said Conference, to meet in the Conference Room instanter.

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

And the names of the managers being called over, they went to the Conference, and being returned, they reported that they had met the managers for the House of Assembly, who had delivered to them the Bill, with the amendments, and also a Paper containing as follows :—

Because, with reference to the fourteenth of the amendments, the House object, as it will give the Bank an undue privilege, by permitting it to pay only six per cent. interest to its creditors on refused paper, instead of the penal sum of twelve per cent. interest.

The House of Assembly disagree to the Sixteenth amendment, because it will prevent the Executive Government carrying out the recommendation contained in the Communication from the Lords Commissioners of Her Majesty's Treasury, on the subject of the Currency, which was laid before the Legislature this Session; and wherein it is suggested, that "in any arrangement which might be made, either with a new Bank, or with a Branch of an existing Bank, the Government would be in a condition to stipulate for terms very favourable to itself, for keeping the Public Accounts, for making advances upon the Bonds for Duties and Taxes, so long as the system continued, in whole or in part, which would render a resort to Treasury Warrants unnecessary, and would enable the Government the sooner to discharge the Debentures which are out; and even further, for affording means for the withdrawal and extinction, on very favourable terms to the Government, of the Notes now in circulation, which would be a matter of importance to such a Bank."

The House disagree to the Eighteenth amendment, because they are of opinion it would give the Executive Government an improper control over the affairs of the Bank; and the public interests are sufficiently protected by the Bill, as the Shareholders are prohibited from making any By Laws contradictory or repugnant to the Laws of the Island.

Ordered, That this House do not insist on the Fourteenth, nor on the Eighteenth amendment.

Ordered, That this House do insist on the Sixteenth amendment.

Ordered, That a Committee be appointed to draw up reasons, to be offered to the House of Assembly at another Conference, for insisting on the said amendment.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act in further amendment of, and in addition to the Free Education Act." After some time, the House was resumed, and Mr. *Gray* reported that the Committee had gone through the Bill, and had agreed to the same.

Ordered, That the Report of the Committee be received.

The said Bill was read a third time.

Resolved, That the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill to Incorporate the Charlottetown Masonic Hall Company. After some time the House was resumed, and Mr. *Beaton* reported that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

Ordered, That the Report of the Committee be received.

Ordered, That the said Bill be engrossed, and that the title be "An Act to Incorporate the Charlottetown Masonic Hall Company."

On motion the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill in addition to, and in amendment of the Act enabling congregations of the Church of England to choose Church Wardens and Vestries, and for Incorporating the same. After some time the House was resumed, and Mr. *J. Hensley* reported that the Committee had gone through the Bill, and had agreed to the same, with several amendments.

Ordered, That the Report of the Committee be received.

Ordered, That the said Bill be engrossed, and that the title be "An Act to enable the Minister, Church Wardens and Vestry of the Episcopal Church, at St. Eleanor's, to exchange lands held by them for other lands."

Adjourned until to-morrow at twelve o'clock.

Wednesday, 3rd May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

Mr. *Holl* from the Committee appointed to prepare reasons to be offered at a further Conference with the House of Assembly, for insisting on the Sixteenth amendment to the Bill intituled "An Act to Incorporate sundry persons by the name of the President, Directors and Company of the Bank of Prince Edward Island, presented to the House the Report of the Committee which was read and agreed to, and is as follows:—

First. Because the Legislative Council are of opinion that it would be better to regulate the whole financial affairs of the Government by a separate Bill.

Secondly. Because the Government would sustain a loss of at least one per cent interest by borrowing money from the Bank, in place of issuing Treasury Warrants.

Thirdly. Because the Legislative Council would desire to obviate the necessity of Bonds for Duties being taken at all, by the establishment of a Bonded Warehouse or by compelling parties to pay their duties without any credit.

The Legislative Council do not insist upon the Fourteenth nor upon the Eighteenth amendment, because by the operation of the Fourteenth, protection is given to the public, and by the Act 15th Victoria, the Eighteenth amendment is rendered unnecessary.

Ordered, That a further Conference be desired with the House of Assembly on the subject matter of the said amendment.

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

The Bill intituled "An Act to enable the Minister, Church Wardens and Vestry of the Episcopal Church, at St. Eleanor's, to exchange lands held by them for other lands, was, as engrossed, read a third time.

Resolved, That the said Bill do pass.

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

The Order of the day for the second reading of the Bill intituled "An Act for establishing a Police Force, and for preventing Desertion from Her Majesty's Troops, stationed at Charlottetown, being read,

The said Bill was accordingly read a second time.

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

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

A Message from the House of Assembly by Mr. Beer, with a Bill intituled "An Act to encourage Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers, to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly by the Hon. Mr. Attorney General, with a Bill intituled "An Act for restricting the use of intoxicating Liquors," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly by Mr. H. Haviland, with a Bill intituled "An Act relating to Prisoners under sentence of imprisonment, with hard labour, in Prince and King's Counties," to which they desire the concurrence of the Legislative Council.

Also, with the following written Message :—

MR. PRESIDENT ;

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the amendments made to the Bill intituled "An Act to Incorporate certain persons by the name of the President, Directors, and Company of the Bank of Prince Edward Island," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

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

The Bill intituled "An Act relating to Prisoners under sentence of imprisonment, with hard labour, in Prince and King's Counties," was read a first time.

A Message from the House of Assembly by Mr. H. Haviland.

MR. PRESIDENT ;

The House of Assembly desire a further Conference with the Legislative Council, on the amendments made to the Bill intituled "An Act to Incorporate sundry persons by the name of the President, Directors, and Company of the Bank of Prince Edward Island," and have appointed the same Committee who managed the former Conferences thereon, a Committee to manage this further Conference.

Resolved, That a further Conference be agreed to, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the former Conferences thereon, be a Committee to manage this further Conference, to meet in the Conference 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.

Adjourned until to-morrow at two o'clock.

Thursday, 4th May, 1854.

The Council met pursuant to adjournment.

P R E S E N T :

The Honorable Mr. YOUNG, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

The Bill intituled "An Act to encourage Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers," 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. *Beaton* reported that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly by the Hon. Colonial Secretary, with a Bill intituled "An Act to amend the Law relating to Weights and Measures," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly by Mr. Mooney, with a Bill intituled "An Act relating to the Polling Division of the Second Electoral District of Queen's County," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly by Mr. H. Haviland :

MR. PRESIDENT ;

The House of Assembly have passed the Bill intituled "An Act to enable the Minister, Church Wardens and Vestry of the Episcopal Church, at St. Eleanor's, to exchange lands held by them for other lands," without any amendment.

The Bill intituled "An Act to Incorporate the Charlottetown Masonic Hall Company" was, as engrossed, read a third time.

Resolved, That the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to encourage Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers." After some time the House was resumed, and Mr. *Beaton* reported that the Committee had gone through the Bill, and had made an amendment thereto.

Ordered, That the Report of the Committee be received.

The said amendment was read, and is as followeth :

Folio 5, last line—After the word "behalf" add the following : "That the Lieutenant Governor, in Council, shall cause
 " the party contracting for the service of such Boat to enter into a Bond, with two sufficient sureties,
 " for the due performance of such Contract, as may be entered into ; and in case of non-compliance
 " with the conditions of such Contract, the Lieutenant Governor, in Council, shall have power to
 " determine the same."

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

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

A Message from the House of Assembly by the Hon. Colonial Secretary, with 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 fifty-four," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

The Bill intituled "An Act relating to prisoners under sentence of imprisonment, with hard labour, in Prince and King's Counties," was read a second time.

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

Ordered, That the Report of the Committee be received.

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.

The Bill intituled "An Act relating to the Polling Division of the Second Electoral District of Queen's County," 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. *Swabey* reported that the Committee had gone through the Bill, and had agreed to the same without any amendment.

Ordered, That the Report of the Committee be received.

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.

The Bill intituled "An Act to amend the Law relating to Weights and Measures," 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. *Haythorne* reported that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for establishing a Police Force, and to prevent Desertion from Her Majesty's Troops, stationed at Charlottetown." After some time the House was resumed, and Mr. *Holl* reported that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly by Mr. H. Haviland.

MR. PRESIDENT ;

The House of Assembly has passed the Bill intituled " An Act to Incorporate the Masonic Hall Company, of Charlottetown," without any amendment.

Adjourned until to-morrow at two o'clock.

Friday, 5th May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. Young, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.

The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled " An Act to amend the Law relating to Weights and Measures." After some time, the House was resumed, and Mr. *Holl* reported that the Committee had gone through the Bill, and had agreed to the same, without any amendment.

Ordered, That the Report of the Committee be received.

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 intituled " An Act to encourage Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers," was, as amended, read a third time.

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

Ordered, That a Message be sent down to the House of Assembly, acquainting them that this House has passed the said Bill, with an amendment, to which they desire their concurrence.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to continue and amend the Princetown Royalty Church Incorporation Act." After some time, the House was resumed, and Mr. *Holl* reported that the Committee had gone through the Bill, and had agreed to the same.

Ordered, That the Report of the Committee be received.

The said Bill was then 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 House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for establishing a Police Force, and for preventing Desertion from Her Majesty's Troops, stationed at Charlottetown." After some time the House was resumed, and Mr. *Holl* reported that the Committee had made further progress therein, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof; and further, that he was directed to move that they may have leave to sit again.

Ordered, That the Report of the Committee be agreed to.

Ordered, That Mr. *Swabey* and Mr. *Haythorne* be a Committee to manage the said Conference, to meet in the Conference Room to-morrow.

A Message from the House of Assembly by Mr. *Beor* :

MR. PRESIDENT ;

The House of Assembly has agreed to the amendment made by the Legislative Council to the Bill intituled "An Act to encourage Steam Communication between Charlottetown, and certain parts of the Hillsborough, and Elliot Rivers," without any amendment.

A Message from the House of Assembly by Mr. *H. Haviland* :

MR. PRESIDENT ;

The House of Assembly has agreed to the amendments made by the Legislative Council, to the Bill intituled "An Act to Incorporate sundry persons by the name of the President, Directors, and Company of the Bank of Prince Edward Island," without any amendment.

On motion that the Bill intituled "An Act for restricting the use of intoxicating Liquors" be read a second time.

It was moved in amendment that the further consideration of the said Bill be postponed, and that it be printed for the information of the public.

The House divided on the motion of amendment :

CONTENTS :

Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Beete,
Mr. J. Hensley,

NON-CONTENTS :

Mr. President,
Mr. Holl,
Mr. Dingwell,
Mr. Beaton,
Mr. Gray.

And it passed in the negative.

The question being put on the original motion, the House divided :

CONTENTS :

Mr. President,
Mr. Holl,
Mr. Dingwell,
Mr. Beaton,
Mr. Gray.

NON-CONTENTS :

Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Beete,
Mr. J. Hensley.

And it passed in the negative.

On motion of *Mr. Haythorne*, the House came to the following Resolution, viz :

Resolved, That the Bill intituled "An Act to restrict the use of intoxicating Liquors," be printed, and be taken into consideration next Session.

A Message from the House of Assembly by the Hon. Colonial Secretary.

HOUSE OF ASSEMBLY, Friday, 5th May, 1854.

Resolved, That the Committee appointed, on the part of this House to join a Committee of the Legislative Council, to take charge of the Government House, and Public Furniture, be enlarged.

Ordered, That the Hon. *Colonial Secretary* and the Hon. *Mr. Haviland* be added to the said Committee.

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

Resolved, That the Hon. *Mr. Gray* be added to the Committee appointed on the part of this House, to join the Committee of the House of Assembly.

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

Adjourned until to-morrow at eleven o'clock.

Saturday, 6th May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. YOUNG, President.

*The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,
Mr. Dingwell.*

*The Hon. Mr. Beete,
Mr. Beaton,
Mr. J. Hensley,
Mr. Gray.*

PRAYERS.

Read the proceedings of yesterday.

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 fifty-four," 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. *Birnie* reported that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly by Mr. Fraser, with a Bill intituled "An Act to amend the Law now in force relating to the performance of Statute Labour, and the expenditure of Public Moneys on the Highways," to which they desire the concurrence of the Legislative Council.

The said Bill was read a first time.

A Message from the House of Assembly by the Hon. Mr. Attorney General.

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 establishing a Police Force, and to prevent Desertions from Her Majesty's Troops, stationed at Charlottetown," and have appointed the Hon. *Attorney General*, the Hon. Mr. *Haviland*, the Hon. *Colonial Secretary*, and the Hon. *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, they reported that they had complied with the instructions given them by this House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and fifty-four." After some time the House was resumed, and Mr. *Birnie* reported that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

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

A Message from the House of Assembly by the Hon. Mr. Attorney General.

MR. PRESIDENT ;

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled "An Act for establishing a Police Force, and to prevent Desertions from Her Majesty's Troops, stationed at Charlottetown," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

Resolved, That a further Conference be agreed to as is desired by the House of Assembly.

Ordered, That the same Committee who managed the former Conferences thereon, be a Committee to manage this further Conference, to meet in the Conference 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.

Resolved, That a further Conference be desired with the House of Assembly, on the Bill intituled "An Act for establishing a Police Force, and to prevent Desertions from Her Majesty's Troops, stationed at Charlottetown."

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

A Message from the House of Assembly by the Hon. Mr. Attorney General.

MR. PRESIDENT ;

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for establishing a Police Force, and to prevent Desertions from Her Majesty's Troops, stationed at Charlottetown," and have appointed the same Committee who managed the former Conferences thereon, a Committee to manage this further Conference.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of 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 fifty-four." After some time the House was resumed, and Mr. *Birnie* reported that the Committee had made further progress therein, and that 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.

Ordered, That the Report of the Committee be agreed to.

Ordered, That Mr. *Swabey*, Mr. *Birnie* and Mr. *Gray* be a Committee to manage the said Conference, to meet in the Conference Room on Monday next, at twelve o'clock.

The Bill intituled "An Act to amend the Laws now in force relating to the performance of Statute Labour, and the expenditure of Public Moneys on the Highways," was read a second time.

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

Ordered, That the Report of the Committee be received.

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.

Adjourned until Monday next at ten o'clock.

Monday, 8th May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne,

The Hon. Mr. Beete,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of Saturday.

Ordered, that the thirteenth standing Order of this House be suspended, and that Mr. *President* have leave to introduce a Bill for granting certain privileges to the New York, Newfoundland and London Telegraph Company.

He accordingly presented the said Bill to the House, and the same was read a first time.

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

Ordered, That the Report of the Committee be received.

Ordered, That the said Bill be engrossed, and that the title be "An Act granting certain privileges to the New York, Newfoundland and London Telegraph Company."

A Message from the House of Assembly by the Hon. Mr. Attorney General.

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 appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and fifty-four," and have appointed the Hon. *Attorney General*, Hon. Mr. *Haviland*, Mr. *Macgowan*, Hon. Mr. *Macaulay*, and Mr. *Beer*, 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.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for establishing a Police Force, and to prevent Desertion from Her Majesty's Troops, stationed at Charlottetown." After some time the House was resumed.

Adjourned until to-morrow at eleven o'clock.

Tuesday, 9th May, 1854.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Holl,
Mr. Swabey,
Mr. Birnie,
Mr. Haythorne.

The Hon. Mr. Beete,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

Read a third time, as engrossed, the Bill intituled "An Act granting certain privileges to the New York, Newfoundland and London Telegraph Company."

Resolved, That the said Bill do pass.

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

On motion of Mr. *Haythorne*, the House came to the following Resolution, viz :

Resolved, That the Bill intituled "An Act for establishing a Police Force, and to prevent Desertions from Her Majesty's Troops, stationed at Charlottetown," be printed for general information in the *Royal Gazette* and *Examiner* Newspapers.

Adjourned until to-morrow at one o'clock.

Wednesday, 10th May, 1854.

The Council met pursuant to adjournment

PRESENT:

The Honorable Mr. *Young*, President.

The Hon. Mr. Eoll,
Mr. Swabey,
Mr. Birnie.

The Hon. Mr. Beete,
Mr. J. Hensley,
Mr. Gray.

PRAYERS.

Read the proceedings of yesterday.

A Message from the House of Assembly by the Hon. Mr. Attorney General :

MR. PRESIDENT :

The House of Assembly desire a further Conference with the Legislative Council on 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 fifty-four," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

Resolved, 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 Conference 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.

A Message from the House of Assembly by the Hon. Mr. Attorney General.

MR. PRESIDENT;

The House of Assembly have passed the Bill intituled "An Act granting certain privileges to the New York, Newfoundland and London Telegraph Company," with an amendment, to which they desire the concurrence of the Legislative Council.

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

Folios 4 and 5.—Strike out the whole of the third Section, and in lieu thereof, insert the following :—

"That so soon as the Electric Telegraph shall have been completed between Cape Traverse and Cape East, and connected therewith by Submarine Cables with New Brunswick and Newfoundland, it shall and may be lawful for the Governor or Administrator of the Government to issue grants under the Great Seal of this Island, to the said Corporation, for one thousand acres of unoccupied Land on Township Number fifty-five, subject nevertheless to the usual taxation attendant upon the possession of wild Lands in this Island, and the right of the public to construct any Road in and over the said Land, or any part thereof, as to the Governor or Administrator of the Government, with the advice of the Executive Council, may seem just and reasonable."

The said amendment was read a second time.

The said amendment was then read a third time.

Resolved, That the said amendment be agreed to.

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

On motion, the House came to the following Resolution, viz :

Resolved, That Mr. *Birnie* and Mr. *J. Hensley* be appointed a Committee to revise the Journals of this House, and that the former Committee appointed for that purpose be discharged.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and fifty-four." After some time the House was resumed, and Mr. *Holl* reported that the Committee had had gone through the Bill, and had agreed to the same.

Ordered, That the Report of the Committee be received.

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. *Swabey* submitted the following Resolution, viz :

Resolved, That this House views with apprehension so large a departure from the rule which usually induced the House of Assembly to so limit the proposed expenditure of the Colony, that it should be commensurate with the amount of Revenue of the preceding year, a rule which is the only safeguard from not again incurring debt, from which the Colony has so nearly and happily emerged,

The income of the Colony last year was £35,345 3s. 5½d., the appropriations to which this resolution refers involve an expenditure approaching to £39,000, making an actual excess of between £3000 and £4000 over the revenue of the past year.

In regard to the vote of £1000 to the Royal Agricultural Society, for the purchase of Stud Horses, which was proposed, but has been withdrawn at the representation of this House, this House acknowledges at all proper times the claims of that Society, representing so important an interest to legislative aid ; but even this most useful application of money must be limited to the state of the Colony's income, nor can it be forgotten that an equal sum was granted for the same purpose so recently as last year. This House is of opinion that the expenses to be met this year will have the effect of occasioning the issue of an increased number of Treasury Warrants, bearing interest, and thereby damaging the financial position of the Colony, and deferring the liquidation of what remains of the debt.

The question of concurrence being put thereon, the House divided :

CONTENTS :

Mr. President,
Mr. Swabey,
Mr. Birnie,
Mr. Beete,
Mr. J. Hensley,

NON-CONTENTS :

Mr. Holl,
Mr. Gray.

And it passed in the affirmative.

Mr. *Gray* submitted the following Resolution, viz :

Resolved, That it is the opinion of this House, that the House of Assembly have not departed from the "rule which has usually induced that body to so limit the proposed expenditure of the Colony, that it should be commensurate with the amount of Revenue of the preceding year," because the foregoing Resolution would lead to inferences, which in the opinion of this House, are not warranted by the apparent facts—as by the estimate for Schools a sum exceeding £2000 is included beyond what will be required for that service, which, together with expunging the grant by the House of Assembly of £1000 for the purchasing of Horses for the Colony, makes a sum of upwards of £3000 to be deducted from the sum of £39,000, and consequently leaves a balance of £36,000, the probable amount of the expenditure for the year, the Revenue being estimated at £40,000, and thereby creating a balance in favour of the Colony, to the amount of about £4000.

The question of concurrence being put on the said Resolution, the House divided :

CONTENTS :

Mr. Holl,
Mr. Gray.

NON-CONTENTS :

Mr. President,
Mr. Swabey,
Mr. Birnie,
Mr. Beete,
Mr. J. Hensley.

And it passed in the negative.

The House took into consideration the Incidental Expenses of the present Session, and allowed the same as follows, viz :

The Reverend Doctor Jenkins, Chaplain to this House, for his services as such,	£37 4 0
Henry Palmer, Esquire, Gentleman Usher of the Black Rod and Sergeant at Arms, 62 days, at 10s.,	31 0 0
Account of the Clerk of the Council, for Stationery, and including Printing performed by order of this House,	27 1 9
Mr. Henry Douglas Morpeth, Reporter to this House, for his services,	50 0 0
John Rider, Messenger to the Council, 66 days, and including his account of sundry disbursements,	87 16 9
Patrick Furlong, Doorkeeper, his allowance for 66 days,	24 15 0
An amount sufficient to pay Mr. George Lugin, for his services in printing the Journals of the House, agreeably to his Contract—to be paid to him on the Certificate of the Committee appointed to revise the Journals.	

Resolved, That the Clerk of this House be directed to prepare an Index to the Journals of the present Session, and that a remuneration of one hundred and thirty pounds be made to him for his extra trouble in preparing said Index, and also for superintending the printing of the Journals, and for other services—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 Incorporation of certain Bodies connected with the Wesleyan Methodist Church in Prince Edward Island.

An Act to amend an Act to make Provisions for the Service of Non-bailable Process, in certain cases.

An Act to exempt certain Bills of Exchange, Promissory Notes, Contracts and Agreements, from the operation of the Laws relating to Usury.

An Act to amend the Royal Agricultural Society Incorporation Act.

An Act to Incorporate the Charlottetown Masonic Hall Company.

An Act to enable the Minister, Church Wardens and Vestry of the Episcopal Church, at Saint Eleanor's, to exchange Lands held by them for other Lands.

An Act relating to Prisoners under Sentence of Imprisonment, with Hard Labor, in Prince and King's Counties.

An Act relating to the Polling Divisions of the Second Electoral District of Queen's County.

An Act to Incorporate sundry Persons by the name of "The President, Directors and Company of the Bank of Prince Edward Island."

An Act to encourage Steam Communication between Charlottetown and certain parts of the Hillsborough and Elliot Rivers.

An Act to continue and amend the Princetown Royalty Church Incorporation Act.

An Act to amend the Law relating to Weights and Measures.

An Act to amend the Law now in force relating to the performance of Statute Labour, and the expenditure of Public Moneys on the Highways.

An Act granting certain privileges to the New York, Newfoundland and London Telegraph Company.

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

May it please Your Excellency ;

On behalf of Her Majesty's faithful Commons of Prince Edward Island, I have now to present the following Bills of Aid and Supply voted to Her Majesty, during the present Session, to which I have humbly to request your Excellency's assent, viz :

An Act in further amendment of, and in addition to the Free Education Act.

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

To each of which His Excellency was pleased, in Her Majesty'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 ;

The time has now arrived, when the Session may be terminated, and you will not regret being relieved from your Legislative duties. The Address which you, Honorable Gentlemen of the Legislative Council, lately presented to me, has received my anxious consideration ; and I assure you it is my desire to see such a good understanding existing between the two Branches of the Legislature, as may tend to promote useful Legislation, and facilitate the progress of Public Business.

Mr. Speaker and Gentlemen of the House of Assembly ;

I have to thank you for the Supplies which you have considered to be requisite for the public service, and they shall be appropriated for the purposes you have granted them.

Mr. President and Honorable Gentlemen of the Legislative Council ;

Mr. Speaker and Gentlemen of the House of Assembly ;

I observe, with much regret, that no provision has been made for the establishment of a Police Force, such a measure you are aware was stated by His Grace the Duke of Newcastle to be "a preliminary indispensable towards any reconsideration of the decision of Her Majesty's Government in reference to the withdrawal of the Troops from this Colony." I find by your Journals, that a Bill to establish such a Force in Charlottetown had passed the House of Assembly, but it has not, it seems, met with the sanction of both Houses of the Legislature.

Should the Troops be withdrawn, I will look with confidence to the people of this Island, on any emergency that may arise, until some provision be made for such a Police or other Force, as a Colony with so large a Population ought always to possess.

Although far distant from the seat of that war which our Sovereign has been reluctantly forced into, I am sure that you and her loyal subjects in Prince Edward Island are convinced of the justness of the cause in which Her Majesty is embarked, and devoutly hope that, under Divine Providence, her forces, both by sea and land, may meet with triumphant success. I have now only to relieve you from your Parliamentary duties, with my best wishes for your individual prosperity in your various avocations.

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 Monday the Tenth day of July next ; and this General Assembly is accordingly prorogued until Monday the Tenth day of July next, to be then here holden.

CHARLES DESBRISAY,
Clerk of Legislative Council.

END OF THE FIRST SESSION.

APPENDIX

TO

THE JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND,

**FOR THE SESSION COMMENCING THE NINTH DAY OF FEBRUARY, AND
ENDING THE TENTH DAY OF MAY.**

1854.



APPENDIX TO THE JOURNAL
OF THE
LEGISLATIVE COUNCIL.

No. 1.

(See Page 12.)

**Letter from His Excellency the Lieutenant Governor to the Hon. Mr. Rice,
on the subject of the Hon. Mr. Young's appointment to the Presidential
Chair of the Legislative Council.**

FEBRUARY 8th, 1854.

MY DEAR SIR ;

I send herewith Her Majesty's Instructions for the appointment of Mr. Young to preside in the Legislative Council, which I request you will lay before your Honorable Colleagues, and do me the favor to explain to them the circumstances which led to his appointment.

On the death of the late Chief Justice there were three candidates for the office, and the enclosed copy minute of Council will show in what manner Mr. Young, then Attorney General, withdrew his claim, and Mr. President Hodgson was appointed. It was then considered that Mr. Young was well entitled to occupy Mr. Hodgson's Chair in the Council, and for a similar appointment, Nova Scotia was pointed out as a precedent. The Royal Instructions, however, were not to be found, and I applied to the Colonial Office for a copy. I was directed to apply to Lord Elgin, and that Nobleman wrote to me that the instructions had been duly forwarded by him, and their receipt acknowledged by Sir H. Huntley. I then applied to the Lieutenant Governor of Nova Scotia, asking by what authority a junior member of Council had been appointed to preside in that Province. His Excellency sent me the extract of which the inclosed is a copy. On stating the circumstances to the Colonial Office, I was instructed to send a correct list of the gentlemen composing the Legislative Council according to their seniority, naming the Honorable Member who it was thought advisable to preside. You will see from what I have stated that much delay took place, which I regret ; but you will also observe that no discretionary power was left with me.

I remain, my dear Sir, yours faithfully,

A. BANNERMAN.

Honorable Stephen Rice, &c. &c. &c.

Extract from the Minutes of the Executive Council.

COUNCIL CHAMBER, 21st May, 1852.

The Board having given mature consideration to the several documents submitted by His Excellency yesterday, upon the subject of the appointment of a successor to the late Chief Justice Jarvis, and the Honorable the Attorney General, in his place, having stated that he wished to withdraw his claim to, and application for the vacant appointment, (founded on his present position as Chief Law Adviser of the Government), for the following reason, namely :

“ That by the appointment of the Honorable Robert Hodgson the pension of that gentleman, amounting to £200 per annum, will be saved to the Colony, and its best interests will thus be subserved.”

And the Board fully recognizing the validity of the Attorney General's claim, as well as the force of his reason, and the disinterestedness of his conduct, would respectfully recommend to His Excellency, that the Honorable Robert Hodgson be provisionally appointed Chief Justice of this Island.

[A true Extract.]

CHARLES DESBRISAY, C. C.

Extract from the Royal Instructions.

“ And we further direct and appoint that the Members of the said respective Councils shall hold their respective places during our pleasure, and not otherwise, and that the senior Members respectively for the time being of each of the said respective Councils shall preside at all the deliberations thereof, respectively, save only when you the said Earl of Elgin and Kincardine shall be present and presiding at the deliberations of the said Executive Council ; the seniority of the Members of the said Councils respectively, between themselves, being determined by such rules and regulations as are for that purpose provided by such Instructions as are hereinafter mentioned. Provided nevertheless, and it is our pleasure that any Member of the said Legislative Council who shall be appointed by us by warrant under our signet and sign manual to take rank or precedence in the said Council, or who, in the absence of any such appointment by us, may be provisionally appointed by you in our name to take rank and precedence in the said Council, shall, so long as such appointments continue in force, and no longer, be and be taken to be the senior member thereof.”

[Extracted from Her Majesty's Commission to Lord Elgin, dated 16th March, 1846, for the Government of Nova Scotia.]

No. 2.

(See Page 24.)

Despatches relative to the withdrawal of the Troops.

MILITARY, No. 3.

GOVERNMENT HOUSE, PRINCE EDWARD ISLAND, 30th August, 1853.

MY LORD DUKE ;

In reference to my Despatch, marked Military, No. 2, of date the 7th June, 1853, I have now to enclose the Petition of the inhabitants of Queen's County to Her Majesty, relative to the withdrawal of the Troops from this Colony. I was requested not to forward this document until signatures were obtained, and I only received from the Secretary of the Meeting the letter dated the 26th instant, with the duplicate, as he states, signed by 2,000 individuals.

2. As this duplicate would not be laid before Her Majesty, I need not forward it, as it is sufficient your Grace should know the number of petitioners.

3. I have so frequently expressed my opinion on the subject of the withdrawal of the Troops, that I shall not further trouble your Grace, than by earnestly hoping that a small Detachment may still continue in the Colony.

I have the honor to be, your Grace's humble obedient Servant,

A. BANNERMAN, Lieut. Governour.

His Grace the Duke of Newcastle, &c. &c. &c.

MILITARY, No. 4.

DOWNING STREET, 1st December, 1853.

S I R ;

I have to acknowledge your Despatch, No. 3, (Military), of the 30th August, enclosing a Petition from the inhabitants of Queen's County to Her Majesty, relative to the withdrawal of the Troops from Prince Edward Island.

2. I have laid this Petition before Her Majesty, who was pleased to receive the same very graciously.

3. But I have not been able to advise Her Majesty to reconsider the determination already communicated to you, by my Despatch of the 22d of April last. I could not recommend that the Military should be maintained in the Island, to do the duty which ought to be accomplished by an effective local Police, especially when such maintenance is at the cost of repeated and numerous desertions. The establishment of a Police Force to perform the services properly belonging to such a body, and the framing and execution of really effective measures to check desertion, are preliminaries indispensable towards any reconsideration of the decision thus arrived at by Her Majesty's Government.

I have the honor to be, Sir, your most obdt. humble Servant,

NEWCASTLE,

No. 3.*(See Page 24.)*

[COPY.]

Copy of Despatch from the Duke of Newcastle, with copy of Treasury Minute,
on the subject of the amended Currency Act.

No. 43.

DOWNING STREET, 20th January, 1854.

SIR;

Her Majesty's Government having had under their consideration the Act passed, with a suspending clause, by the Legislature of Prince Edward Island, in its last Session, "relating to certain Lease and other Monetary Obligations entered into before the passing of the Currency Act," and the Lord Commissioners of the Treasury have addressed to the Board of Trade the communication on the subject of which I annex a copy.

2. Her Majesty's Government suspend taking Her Majesty's pleasure on the Act, in order that you may be placed in possession of their Lordships' views, and have an opportunity of introducing an amended Act to give them effect.

I have the honor, &c.,
NEWCASTLE.

Lieut. Governor Sir A. Bannerman, &c. &c. &c.
Prince Edward Island.

[COPY.]

TREASURY CHAMBERS, 3d November, 1853.

SIR;

I am directed by the Lords Commissioners of Her Majesty's Treasury to state to you, for the information of the Lords of the Committee of Privy Council for Trade, that my Lords have had under their anxious consideration your letter of the 4th August last, giving cover to a Minute of the Duke of Newcastle, on the propriety of advising the Queen to give her consent to an Act passed by the Legislature of Prince Edward Island, the object of which is to determine the rate at which Rents reserved to be paid in Sterling Money, under Leases made prior to the passing of the Currency Act, in 1849, shall be converted into the present legal Currency of that Island.

According to the Act of 1849, it was declared that the proportion which the currency of the Island shall henceforth bear to Sterling Money shall be as one and a half is to one—that is, that £1 Sterling shall represent 30s. Currency, and that 1s. Sterling shall represent 1s. 6d. Currency, and so on in the same proportion. At the same time it appears that in cases of Rents reserved in Sterling Money, it has been at all times the practice to convert them into Currency by the addition of 1-9th to the amount so reserved in Sterling Money.

This practice originated on the assumption, which at least approximates to the real state of the case, that the Dollar represented 5s. in the currency of the Island, and that the sterling value was 4s. 6d., in which case the addition of one-ninth to the sterling rent would give, in currency, the full equivalent of the sterling value as long as those relative values continued. It appears, however, that from excessive issues of paper money and other causes, a continued and rapid depreciation of the currency went forward, and in 1833 or 4 the dollar was equal to 6s. currency, and shortly afterwards to 6s. 3d., at which it was finally fixed by the Act, 1849, in the same proportion as 20s. sterling to 30s. currency. My Lords cannot doubt that it would have been competent for the Landlords, under the terms of their Leases, to have disregarded the depreciation in the currency, as it took place, and to have required to be paid either in sterling money or in currency, equivalent thereto, according to the depreciation at the time when each rent was paid, and that it would have been strictly right and just for them to do so, as every depreciation of the currency was equivalent practically to a reduction of rent, to the loss of the Landlord, and the gain of the tenant, inasmuch as the value of the produce would nominally arise just in the proportion as the currency became depreciated. But it appears that in reality both the Crown and the majority of private Landlords, in place of adhering to the strict rights conferred by their original Leases, acquiesced in the depreciation, and habitually received their rents in currency by the addition of one-ninth to the amount reserved in sterling, without any regard to the increasing depreciation. It thus appears that for many years prior to the passing of the Act of 1849, which finally declared the relative value of sterling and currency, that the same proportion of one to one and a half existed, and that that Law made no change, but only declared the relative values as they really existed at the moment, and had so existed for many years, during which these rents so reserved in sterling, were computed in currency by the addition of 1-9th, and that upon this principle, and with this understanding all transactions had for many years taken place in the dealings between buyer and seller, and between Landlord and Tenant. It therefore appears to my Lords, that although it might have been inequitable to the original Landlord to have compelled him to accept the same amount in a depreciated currency, which he had reserved in sterling, yet that it would now be equally inequitable to the present tenants, to compel them to pay in an appreciated rate, after custom, during a long period of years, has practically changed the meaning of the original terms employed to express the rent; nor do my Lords think it can be considered any injustice to the existing race of Landlords, that a practice which has so long existed under a depreciation equal to that now legalised, should be rendered plain by Law, because there can be no doubt that a majority, if not the whole, have become possessed, either by inheritance or purchase of their estates since the currency became depreciated, and for many years have sanctioned by their practice all that the Act in question effects.

These observations apply only to the cases in which the addition of one-ninth has, by practice, prevailed between the parties to contracts for the purpose of converting sterling money into currency; and the Act now before my Lords having for its object the legalising that mode of discharging obligations in sterling, expressly exempts from its operation "all cases where a contrary course may have been mutually recognised and acted upon by the party or parties to any such bond, lease or obligations, either before or since the passing of the Currency Act of 1849," so that it appears to my Lords that the Act now before them will only give legal confirmation to a construction of contract, acquiesced in and for many years acted upon by the parties to it.

My Lords, therefore, are prepared to recommend that the principle proposed by this Act should be sanctioned by Her Majesty's Government. In coming to this conclusion, my Lords are, however, actuated only by the fact that custom has sanctioned what originated, and strict right did not entitle the Tenant to claim; and that practically it would now be an injustice to the Tenant to revive an absolute right, to which in equity the present race of Landlords have no claim. But my Lords cannot disregard the dangerous principle which is involved in the practice which has thus arisen of exposing contracts, providing for a payment of money in a special way, to the effects of continued depreciation, as if no such contract existed, and they are, therefore, not insensible to an inconvenience and injustice which may hereafter be done to the Landlords of Prince Edward Island, in the case of a further depreciation of the currency, beyond that in which the Landlords have practically acquiesced, by the passing of an Act which shall now declare that a payment in currency, by an addition of one-ninth to sterling obligations, shall be a legal acquittance. Suppose that the currency of Prince Edward Island were to become further depreciated, in reality, whether sanctioned by an Act of the Legislature or not, the effect of the proposed Act would be to compel Landlords to receive still the same nominal amount of rent, or in reality to lower rent. By every such further depreciation the Landlord would lose, and the Tenant would gain; and though my Lords are of opinion that, by custom, the Landlords have debarred themselves from now claiming their rents strictly, as originally reserved, yet that, on every consideration of equity, they should be protected against any further loss, consequent upon further depreciation from tampering with the currency, and therefore my Lords are of opinion that the Legislature of Prince Edward Island ought to be required to amend the Act, so that the addition of one-ninth shall be legal only where the currency is not more depreciated than it is at present, or so long as the pound sterling is not worth more than thirty shillings currency, and so that if the currency shall further become depreciated from any cause whatever, the rents originally reserved in sterling, and to which the present Act refers, shall be paid in an increased amount of currency, proportioned to such further depreciation; and that pending the necessary reference to the Colony for this purpose, Her Majesty's pleasure upon the Act should be withheld.

I am, &c.,

(Signed)

JAMES WILSON.

At the Court at Buckingham Palace, the 8th day of August, 1853.

P R E S E N T :

(L. S.)

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

Lord President,

Earl of Aberdeen,

Duke of Newcastle,

Earl of Clarendon,

Lord Chamberlain,

Sir James Graham, Bart.

Marquis of Abercorn,

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, 1853, pass three Acts, which have been transmitted, entitled as follows, viz :

No. 875.—An Act relating to the Highways in Charlottetown, Common and Royalty, and certain other parts of Queen's County, and to the performance of Statute Labour, and the expenditure of Public Money therein.

No. 876.—An Act to regulate the mode of summoning Grand and Petit Jurors, and to provide remuneration for Petit Jurors.

No. 877.—An Act to amend the Free Education Act, passed in the fifteenth year of the reign of Her Majesty Queen Victoria.

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.

C. GREVILLE.

At the Court of Windsor, the 24th day of October, 1853.

P R E S E N T :

(L. S.)

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

Lord President,

Lord Steward,

Duke of Newcastle,

Duke of Wellington,

Marquis of Abercorn,

Earl of Aberdeen,

Earl of Clarendon,

Lord John Russell,

Sir James Graham, Bart.,

Mr. Chancellor of the Exchequer.

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 last, pass three Acts, which have been transmitted, entitled as follows, viz :

No. 873.—An Act to establish the salaries payable to the Attorney General and Solicitor General, and Clerk of the Crown and Prothonotary of Prince Edward Island, for their public services.

No. 883.—An Act to enable the Government of this Island to take possession of Lands, when required to erect Light Houses, and for other purposes connected with Lights and Beacons, and to pay compensation to the owners or occupiers thereof.

No. 888.—An Act for the purchase of Lands on behalf of the Government of Prince Edward Island, and to regulate the sale and management thereof, and for other purposes therein mentioned.

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 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 Acts, and the same are 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.

WM. L. BATHURST.

At the Court at Windsor, the 24th day of October, 1853.

P R E S E N T :

(L. S.)

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

Lord President,

Lord Steward,

Duke of Newcastle,

Duke of Wellington,

Marquis of Abercorn,

Earl of Aberdeen,

Earl of Clarendon,

Lord John Russell,

Sir James Graham, Bart.,

Mr. Chancellor of the Exchequer.

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 last, pass eleven Acts, which have been transmitted, entitled as follows, viz :

No. 878.—An Act to amend the Act relating to the recovery of Small Debts.

No. 879.—An Act for further improving the administration of Criminal Justice.

No. 881.—An Act to amend the Law of Evidence.

No. 882.—An Act relating to the appointment of Fence Viewers and Constables for Queen's County.

No. 883.—An Act to alter and add to the Act regulating the retail of Spirituous Liquors.

No. 884.—An Act relating to the mode of proceeding against Lands on the several Townships in Prince Edward Island, and the Islands contiguous thereto, for the recovery of arrears of Land Assessment.

No. 885.—An Act relating to the Packet service between Bedeque and Shediac.

No. 886.—An Act to Incorporate the Newfoundland and Prince Edward Island Electric Telegraph Company.

No. 887.—An Act to amend the Act regulating the public Wharf at Georgetown and other Wharfs.

No. 889.—An Act to Incorporate the Charlottetown Gas Light Company.

No. 890.—An Act for appropriating certain Moneys therein mentioned for the service of the year of our Lord, 1853.

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.

WM. L. BATHURST.

No 45.

DOWNING STREET, 4th February, 1854.

I have received and had under my consideration an Act passed by the Legislature of Prince Edward Island, in the month of January last, and transmitted to me in your Despatch noted in the margin.

This Act having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council, their opinion that the said Act should be specially confirmed; and I have the honor to transmit to you herewith an order of Her Majesty in Council, dated the 30th January, approving that report.

I have the honor, &c.,

NEWCASTLE.

Lieut. Governor Sir A. Bannerman, &c. &c. &c.
Prince Edward Island.

At the Court at Buckingham Palace, the 30th day of January, 1854.

P R E S E N T :

(L. S.)

THE QUEEN'S MOST EXCELLENT MAJESTY,

HIS ROYAL HIGHNESS PRINCE ALBERT,

Lord Chancellor,

Lord President,

Lord Privy Seal,

Duke of Newcastle,

Marquis of Landsdowne,

Marquis of Abercorn,

Lord Steward,

Earl of Aberdeen,

Earl of Clarendon,

Lord John Russell,

Viscount Palmerston,

Mr. Herbert,

Sir James Graham, Bart.,

Sir Charles Wood, Bart.,

Sir William Molesworth, Bart.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said I-land, did in the month of April, 1853, pass an Act, which has been transmitted, entitled as follows, viz :

No. S74.—An Act to extend the Elective Franchise.

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.

WM. L. BATHURST.

No. 4.

(See Page 30.)

No. 10.

COLONIAL OFFICE, 5th April, 1853.

S I R ;

Her Majesty's Government greatly regret that you have been left so long, from causes into which I need not enter, without any reply to your confidential Despatch of the 2d January, 1852, in which you submitted a Minute of your Executive Council, proposing an increased issue of Treasury Notes, combined with the final withdrawal of the Warrants bearing interest.

2. After so great a lapse of time Her Majesty's Government, before they proceed further in the matter, would be glad to know from you whether any alteration has, in the meanwhile, taken place in the circumstances of the case, or the views of the local Government.

I have the honor, &c.,

NEWCASTLE.

Lieut. Governor Sir A. Bannerman, Prince Edward Island.

TREASURER'S OFFICE, Prince Edward Island, May 5th, 1853.

SIR;

Your Excellency having done me the honor to refer to me a Despatch from His Grace the Duke of Newcastle, dated Downing Street, 5th April, 1853, requesting to be informed if any alteration in the circumstances of the case having reference to a further issue of Treasury Notes, as recommended by a Minute of the Executive Council of this Island, of the date of December 4th, 1851, has taken place since that time, as also if any change in the views of the local Government, on the subject, has occurred.

I beg to report that the favourable anticipations of the Executive Council, contained in their Minute, have been fully realized, so far as relates to the increase of the Revenue, and to the reduction of the Public Debt. The Revenue being for the year ending, January, 1851 £22,788 18s. 4d., and for the year ended, January, 1853, £31,283 9s., shewing an increase of over 37 per cent. The amount of the public debt in January, 1851, was £16,681 16s. 4½d., which on the 31st January, 1853, had been reduced to £8,940 8s. 6d., or nearly one-half, although many objects of public improvement have been effected in the meantime, and every warrant for sums under £10 have been paid on presentation. A reference to the accompanying report of the House of Assembly of the 21st March last, will shew the progressive reduction of the public debt since the year.

The Assets in the Treasury on the 31st January last were as follows: Bonds for duties secured during the past year, £20,815 0s. 7½., and Cash, £3,854 6s. 11½., making £24,669 7s. 6½., of the above amount of £3,854 6s. 11½., £285 only consisted of Treasury Notes of this Island; the remainder being in Nova Scotia and New Brunswick private Bank paper and specie. Strange as it may appear, your Excellency is nevertheless aware that there is not a Bank yet established in this Island, and although much inconvenience is experienced for the want of such an institution in remitting to other countries, yet, during the two years that I have had charge of this Department no demand has ever been made to fund any of the Treasury Notes, nor to exchange the same for gold or silver.

The public confidence in the solvency and character of the Government is such, that no difficulty would arise from the total withdrawal of the warrants bearing interest, and the substitution of Treasury Notes for the same, the amount sought to be issued would be readily absorbed in the local circulation, and supply only in part that accommodation now given by the paper of the private Banks in the Provinces of Nova Scotia and New Brunswick, whose Notes, to the amount of £150,000 and upwards, now circulate in this Island, though not based upon a security at all equivalent to that offered by the Government of this Colony to

the holders of its Notes. I need scarcely observe to your Excellency that the only change which has taken place in the views of the local Government on the question, are confirmatory of the course recommended in their Minute of Council, of 4th December, 1851, and of the increased necessity for their adoption, arising from the extension of the trade and commerce of the Island; and I may further add that these views are held as the unanimous opinion of the present House of Assembly.

I have the honor, &c.,

JOSEPH POPE, Treasurer.

Lieut. Governor Sir A. Bannerman, &c. &c. &c.

No. 16.

GOVERNMENT HOUSE, PRINCE EDWARD ISLAND, May 8th, 1853.

MY LORD DUKE;

I have the honor to acknowledge the receipt of your Grace's Despatch No. 10, of date 5th April, relative to my confidential one of the 2d January, 1852, on the subject of a further issue of Treasury Notes, &c. &c.

I beg leave to enclose a report from the Treasurer of this Colony, and a member of the Executive Council, to whom I referred this matter, and his views accompanied with a report of a Committee of the General Assembly, appointed to examine and report on the state of the public Accounts, 21st March last.

As I shall have to forward very soon several important Acts passed by the Legislature last Session, for the consideration of Her Majesty's Government, I would venture to suggest that the whole state of the case should be fairly considered, in connection with its financial affairs, when I have no doubt every facility will be given by your Grace to the Executive here, to promote the welfare of the Island consistently, with a due regard to the interests of Her Majesty's Colonial subjects.

The Colonial Treasurer, Mr. Pope, intends to leave the Colony, and will proceed to England in Summer, I will take the liberty of introducing him to the Colonial Office, and should your Grace require any information about Prince Edward Island, he is well qualified to afford it.

I have the honor, &c.,

A. BANNERMAN, Lieut. Governor.

His Grace the Duke of Newcastle, &c. &c. &c.

Nc. 44.

DOWNING STREET, 30th January, 1854.

SIR;

With reference to your Despatch No. 16, of the 8th May last, and the previous correspondence on the subject of the proposed measures relating to the Currency of Prince Edward Island, I transmit to you for your information and guidance the annexed copy of a communication received by this Department from the Lords Commissioners of Her Majesty's Treasury.

2. I have to request that you will place your Executive Council in possession of this statement of the views of Her Majesty's Government, and to suggest that publicity should be given to it.

I have the honor, &c.,

NEWCASTLE.

Lieut. Governor Sir Alexander Bannerman, &c. &c. &c.
Prince Edward Island.

[COPY.]

SIR;

TREASURY CHAMBERS, 13th January, 1854.

I am commanded by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Duke of Newcastle, that my Lords have had under their consideration your Letters of the 1st of July, 1852, and of the 6th of June, 1853, the latter giving cover to a correspondence between His Grace and the Lieutenant Governor of Prince Edward Island, the whole relating to proposed changes in relation to the currency of that Colony, which were first submitted in Sir Alexander Bannerman's Despatch of the 2d January, 1852, and referred to this Board by the Colonial Office, with your letter of the 26th February in that year.

After a period of such delay as has occurred in relation to this subject, my Lords feel that it will be at least convenient that they should take a short review of the circumstances which led to the proposal of the Colonial Government, and of the different proposals which have been made in regard to them, in order that the views now entertained by my Lords may be more intelligible. It appears that beginning with 1825 certain issues of inconvertible Notes had been issued by the Government of the Island as a portion of its expenditure, and that at the date of the Lieutenant Governor's Despatch the balance of such Notes issued from time to time, and not redeemed, was £11,500, which formed part of the circulation of the Island.

It also appears that in consequence of a lengthened credit, varying from 3 to 12 months, which the Government gives for the payment of duties and taxes, but for which security is taken, that a practice has risen into use, of anticipating the Revenue, the payment of which has been thus postponed by the issue of Treasury Warrants bearing interest at the rate of 6 per cent, which forms a floating debt exactly analogous to our Exchequer Bills, being drawn for a year, when they may either be redeemed or exchanged for new warrants at the option of either party. In the report of the Executive Council, on which the proposal of the Lieutenant Governor is based, dated December, 1851, it is shown that the amount of these warrants in circulation at the 30th of January preceding was £23,712. The floating debt of the Colony, independent of certain debentures, the amount of which is not mentioned, was thus :

Notes in circulation,	£11,500.
Warrants,	23,712.
	<u>£35,212,</u>

of which £11,500 bore no interest, and £23,712 bore interest at 6 per cent. The convenience of having a public debt bearing no interest was too obvious to escape attention, and the entire

motive and object of the Executive Council was clearly to place the whole debt of £35,212 under the same favourable circumstances, by converting indirectly the Warrants bearing interest into inconvertible circulating Notes bearing no interest. It is, however, apparent to my Lords, that throughout the whole of the consideration of this subject, by the Colonial Government, the distinction between the two species of securities which constituted the entire debt, and which was the most essential point, in order to arrive at a wise conclusion, has been entirely lost sight of. It was assumed by the Executive Council of the Colony that because, in addition to £11,500 of Notes, there were also £23,712 of Warrants kept in circulation, that, therefore, the whole amount might be as easily maintained in Notes.

The difference between the rules which determine the amount of Notes not bearing interest, which can be kept in circulation, and of Securities bearing interest, seems to have been entirely overlooked.

It is undeniable that the amount of Notes not bearing interest, which can be kept in circulation, must be determined entirely by that which is absolutely necessary for a circulating medium; that if more be issued they will be immediately returned, if convertible, and if not convertible, that a depreciation of the whole must take place in proportion to the extent of the over issue.

But it is equally undeniable that securities bearing interest (such as Exchequer Bills or Treasury Warrants) are subject to no such limitation, and liable to no such depreciation, (though, like Exchequer Bills, they may be at a discount), but are regulated by an entirely different principle.

They are taken as an investment of capital, and the amount which can be issued by a Government must depend entirely upon the mixed consideration.

1st. Of the credit of the Government.

2d. Of the rate of interest they are willing to pay.

3d. Upon the amount of capital seeking investment.

In making these observations, my Lords have not overlooked the fact that these Warrants bearing interest were issued for very small sums, and formed a means of making payments in the same way as in the early part of the present century Bills of Exchange were drawn in England for small amounts, £5 and upwards, and used for the purpose of making payments, being received and reissued by Banks till they were due; but my Lords do not regard that fact as affecting the argument, and especially at the present time when all Warrants of a small amount have been paid off.

The Bank of England is able to sustain a circulation of Notes having no interest as currency to the extent of £22,000,000 a year, but if an attempt was made to convert our £17,000,000 of Exchequer Bills bearing interest into Bank Notes not bearing interest, it is too plain to require any argument that if the Notes were still convertible every pound would be returned to the Bank for payment.

In principle, therefore, the proposal of the Colonial Government was fallacious, as it proceeded upon the assumption that because a certain amount of Notes and Warrants were kept in circulation, then the same active amount, if all in Notes, not bearing interest, would also be maintained in circulation. How far this objection would have applied practically, there is not the means on the face of the papers in the collection of showing whether the Government could have sustained a larger circulation of their own Notes, must have depended: 1st. Upon

the fact whether or not the circulation was already full. 2d. Of what it was composed, whether of Specie or of Notes of the Banks of the neighbouring Colonies which are alluded to, but with regard to which nothing is said as to quantity. The fact, however, that a large depreciation had already taken place, and the complaint that no specie was to be found in circulation, lead to the direct inference that the circulation was already overcharged; and that if the Notes of other neighbouring Colonies were in circulation, it arose altogether from the preference given to them as being convertible on demand, and as being useful for remittances to the neighbouring Colonies. However this may have been, it is quite clear to my Lords, that as an amount of Government Notes of £11,500 were already much depreciated, a further issue must only have led to a further depreciation, unless at the same time measures had been taken to render them convertible on demand, the effect of which would have been to deprive the Colony of the advantage it contemplated, because, in order to do so they must have procured a sufficient amount of Specie as would first have paid off the superabundant amount of the circulation, and next, as would be a sufficient reserve to protect the remainder in case of temporary contractions. It cannot, therefore, be matter of doubt that on any sound principle, the plan proposed by the Colonial Government for relieving itself of its floating debt was such that could not receive the sanction of the Home Government. Fortunately, however, the delay of two years which has occurred has tended very much to solve the difficulty. In April last the Duke of Newcastle very prudently, as it appears to my Lords, addressed a letter to the Lieutenant Governor, in order that he might be informed, before taking steps in the matter, whether or not the views of the Colonial Government had undergone any change during the period of delay which had elapsed since the first application. The reply of the Lieutenant Governor is now before my Lords, by which it appears that the Colony has in the meantime become so prosperous that there is every reason to believe that if the whole debt is not by this time liquidated the Colony must be in a condition to do so at a very early period.

My Lords have already observed that in Notes and Treasury Warrants, (exclusive of Debentures) the debt of the Colony was, in January, 1851, £35,512. The Revenue, which in 1825 was only £5000, has increased very rapidly, and in 1852 was £22,897, but that in 1853 it rose to no less than £31,283, while the Expenditure was only £22,285, leaving a surplus of £8,940. On the 31st of January, 1853, (a year ago), the Treasury Warrants, which in 1851 amounted to £23,712, had been reduced to £12,109, by the legitimate and wholesome process of paying them off. The account of the state of the finances of the Island, taken on the 31st January last, taking credit on the one hand for the Bonds on hand, becoming due for duties and for taxes, together with the Cash in the Chest, and taking debit on the other hand for the Treasury Warrants, Debentures and Notes in circulation, showed a balance against the Colony of only £8,940 as its uncovered debt, against £17,988 on the preceding 31st January, thus showing that in a single year since this proposal was first made, debt to the amount of nearly £9,000 was liquidated from surplus revenue. If, therefore, the year just passed has been as prosperous as 1852, which there appears no reason to doubt, my Lords are justified in concluding that by this time the Colony is practically out of debt, that is, that the Assets in the Treasury Chest, consisting of Bonds becoming due, and Cash, will be equal to the whole amount of the Notes, Warrants and Debentures in circulation, and that if the surplus of 1853 has been used in liquidating Treasury Warrants, as in the preceding

year, their amount, which stood in 1851, when Sir Alexander Bannerman first wrote upon the subject, at £23,712, will be reduced to about £3000. It is thus apparent to my Lords that the Colony is rapidly becoming relieved of its debt, and that a perseverance in the same wise and prudent course which it has followed during the last few years, will soon find it not only free from any debt, but also with the means of liquidating the inconvertible paper now in circulation, and that both the Finances and the Currency of the Colony will be thus restored to a perfectly sound and wholesome condition, in the place of being plunged further into derangement by an increase of an inconvertible currency further depreciated. But while these very favourable and sound prospects of the Colony may be considered satisfactorily, to dispose of any question which may have arisen of attempting to economise the interest upon a floating debt, by converting Interest bearing securities into inconvertible Notes, my Lords are not prepared to deny that at the same time it clears the way to the establishment of an issue of Government Notes upon a sound principle, based upon a sufficient metallic resource, and payable on demand—if, upon further consideration it is thought right that the Government of the Colony should assume such a function. But this opens up a much larger question, which must be looked at as although separate and independent of the finances of the Colony, and as bearing more especially upon its Banking operations.

In the report of the Executive Council of December, 1851, upon which the Lieutenant Governor's Despatch was framed, the Council expressed their desire that no such issue of Notes should be made as would affect the exchanges (although, at the same time they stated that even then all the specie was collected as fast as it came, in order to remit to the other Colonies, and that no Government Bank should be established, all the functions of which they thought would be best secured by private enterprise; their object was obviously confined to what they thought would be an economy in their finances. Again in the Treasurer's report to the Lieutenant Governor, dated in May last, when the Duke of Newcastle's letter was referred to him, he says:—"Strange as it may appear, your Excellency is nevertheless aware that there is not a Bank yet established in this Island, and much inconvenience is experienced from the want of such an Institution in remitting to other countries." But it appears to my Lords that if the Government of Prince Edward Island had properly considered the effects of their own acts, they should have felt no surprise that private enterprise did not move in that direction. One of the chief, and certainly one of the most profitable functions of a well managed and soundly established Bank in the Colonies is the issue of Notes, but which it is the duty of the Government to permit only on safe principles. But so long as the Government itself had a circulation of inconvertible Notes, and in the face of a proposal to take Legislative power to increase that circulation, so long as the currency continued in a greatly depreciated condition, with complete uncertainty as to the future, and as to whether that depreciation would become greater or not, or in what degree it appears to my Lords that it was perfectly vain to expect that private enterprise in Banking should enter the field in competition with Government, and with measures so much opposed to sound policy and so uncertain in their consequences. On the other hand, my Lords cannot doubt that, in a Colony containing upwards of 70,000 inhabitants, and possessing a trade so large that the customs revenue alone last year reached £25,702, if the Government had not, most unwisely, as my Lords think, tampered with the circulation, and proposed to do so still further by the measures which it was intended to adopt—Banking establishments, based on private enterprise and

sound principles would have been established long since. Separating then the question of issuing Notes altogether from financial considerations, and confirming it to those of Banking, my Lords would then shortly examine whether it would be better that such a function should rest in the hands of the Government, or in private Banks. My Lords readily admit that it is quite practicable to establish a Government issue upon a sound and unobjectionable principle, so far as mere currency considerations are concerned, retaining such a metallic reserve as should at all times secure the convertibility of the Notes; and that an arrangement might be made with private non-issuing Banks to issue such Notes, and that the Government might make a small profit by the operation. After much consideration of this subject, and the experience which has attended an experiment of this kind in the Mauritius, under the most favourable circumstances, my Lords have arrived at the conclusion, that it is a plan which ought not to be adopted elsewhere; that when the expense of management is provided for, including the increased trouble it gives to high officers in the state, the very small rate of interest which a private Bank can allow for the use of the Notes would leave little or nothing of profit to the public Exchequer. The average annual profit in the Mauritius has been but £421. But even in this view, my Lords have in mind only when such operations are conducted upon most unexceptionable principles. It is, however, impossible to deny that, especially in small communities, when such a power is placed in the hands of the Executive, although it may be nominally guarded by Currency Commissioners, it would be exposed to great abuse at times of pressure. But altogether independent of these considerations, my Lords are of opinion that there are other objections of the most serious nature to Governments undertaking such functions, and especially in small communities. In the first place, even the small profit which may be obtained from the circulation is not any gain to the community. What profit the Government would make would otherwise be made by the Banks, of which the community would have the advantage; and to a much greater extent, as the operation would be conducted with greater economy and with greater efficiency and benefit for the trade of the Island; so as in any other branch of trade which might be undertaken by a Government, the real profit derived by the community would be less than if undertaken by private enterprise, it would be the same as regards the profit derived from the circulation of notes. But a still graver objection exists and has operated most prejudicially in the Mauritius. Such a Government issue can only be made against bullion. If it goes beyond that and issues notes against Securities, it at once adopts the business and the risk of Banking without the same means of doing it securely as Bankers are possessed of. Where a Banker finds that he has a larger reserve of bullion than is necessary, he is willing to increase his advances to his customers by discounting bills, or upon other securities; and by these means, through the operations of the exchanges, the surplus bullion is at once exported and turned to profitable uses: so again when the amount of bullion is smaller than is convenient for the community, by restricting his accommodation, which in self defence he is obliged to do, again by the intervention of the exchanges affected by the contraction of accommodation by the Banks, or the higher rate of interest charged for it, the requisite amount of bullion is restored. It is through the aid of the banking operations, that is of the advances made to the public in discounting Bills &c., the extent to which they are made from time to time, that the exchanges are most easily affected, and the circulation maintained in its proper amount from time to time. A Government, therefore, which issues only against bullion has

no facilities for this purpose, such as are possessed by a Banking establishment which performs all the necessary functions. For example, the issue department of the Bank of England, which is regulated by fixed rules in relation to the bullion held, *is daily acted upon only by the policy pursued by the Bank in the Banking Department.* It would not be impossible to manage the two by different bodies and altogether apart; but there can be no doubt that they are much more easily and for the public more beneficially managed together, and the difference would be even more perceptible in a small colony.

It is, therefore, in the opinion of my Lords clear that the best course for the Government of Prince Edward Island to pursue, would be to persevere in the recent course, and by carefully confining their expenditure within their income, to provide for the liquidation of their debt; which it is plain may be accomplished at no distant day. And my Lords think that with a view of hastening that object, and of adopting at the same time a revenue system more consonant with sound principles, it may be well for the Secretary of State to point out to the Government of the Colony, that it would be desirable to shorten the period for which credit is given for the payment of duties and taxes, with a view of gradually abolishing a system of credit altogether, the only effect of which has been to impose upon the public the necessity of borrowing upon warrants and paying interest thereon, to place funds in the Treasury which are due from individual traders and others. This being done, and arrangements made for withdrawing the present inconvertible notes from circulation, or at least an intimation being given that they would be withdrawn, and that the idea of any further issues had been abandoned, my Lords have the greatest confidence that a Banking Establishment would very soon be proposed with an actual paid up capital, which would be a sufficient guarantee for its transactions, and on which a paper circulation might be permitted with the checks and controul which have been imposed upon other Banks, and which have been found ample for all purposes; or it is possible that a Branch of some well known Bank of large capital in the North American Colonies might be established, which would answer all the purposes required, and afford ample security to the public.

In any arrangement which might be made, either with a Bank, or with a branch of an existing Bank, the Government would be in a condition to stipulate for terms very favourable to itself, for keeping the public account, for making advances upon the bonds for duties and taxes, so long as the system continued in whole or in part, which would render a resort to Treasury warrants unnecessary, and would enable the Government the sooner to discharge the Debentures which are out, and even further for affording means for the withdrawal and extinction on very favorable terms to the Government of the notes now in circulation, which would be a matter of importance to such a Bank. In the last report of the Colonial Treasurer it is said that notes of private Banks in the Provinces of Nova Scotia and New Brunswick to the amount of £150,000, circulate in Prince Edward Island. If this be so, or if the amount of notes in circulation approaches near to such a sum, it is evident that there is abundance of room for a Banking establishment of large capital and great respectability, and the absence of which can only be attributed to the interference of the Government in Banking matters and with the Currency, nor can there be any doubt that a Bank now starting with such an arrangement with the Government, that all the public business would be done through it, and based on such principles as would secure the confidence of the public, would immediately command the whole of the circulation. The notes now in circulation would

gradually be paid into such a Bank as deposits of private persons, or as public revenue, while all the notes paid out would be their own; so that in a very short time the whole circulation of the Island would be the notes of such Bank, convertible on demand, and therefore never in excess, but always proportioned to the demand and wants of the time. The Government would find its direct advantage in such Bank, by the favorable terms on which it would be prepared to redeem the notes now in circulation, and to manage the public account in future, making such advances where necessary, as the Government may require within legitimate bounds. To the commercial community such an establishment would be of indescribable advantage, not only in performing all the functions of Banking, in keeping deposits and discounting Bills, but also in furnishing the means of making remittances and conducting their foreign exchanges, the want of all of which they now feel so much, and for which they have only to blame the tampering of the Government with the circulation. To a young, prosperous and enterprising community, the advantages and facilities which would thus be afforded by a sound system of Currency and Banking, would be of infinitely greater importance than any trifling and miserable temporary advantage or profit, which could be derived from a further tampering with the circulation, only to end in further depreciation, or even by the establishment of a Government circulation, on any principles, however sound.

(Signed)

I have, &c.

JAMES WILSON.

No. 5.

(See Page 38.)

(COPY.)

Opinion of the Hon. William Young on the Sheriff's Return to the Writ of Election for the First District of Queen's County.

I have considered the return of Mr. Sheriff Binns on the writ of Election for the first district of Queen's County, dated 9th August last, and the Act of the Prince Edward Island Legislature, 11 Victoria, chap. 21, referred to therein; and taking the facts as they are set out in the return, I perceive so strange a misapprehension of the object and meaning of the Act, and the powers of the Sheriff, that I shall be more explicit on these points than I should otherwise have thought it necessary to be. The Act is evidently founded on the Nova Scotia Act of 1847, and the two principal sections in our present inquiry, to wit, the 40th and 42nd of the Island Act, are transcripts of the 37th and 38th sections of the Nova Scotia Law. Now, it is a distinguishing feature of both Acts, which was carefully preserved and guarded in the passage of the Nova Scotia bill, that the powers of the Sheriff and Presiding Officers should be exactly defined, and no larger discretion entrusted to them than was indispensable for the working of the law. No House of Assembly, having a just regard to its own rights and those of the constituencies, would transfer to a subordinate officer powers that belong only to themselves, and are among their most valued privileges. In this light nothing can be more clear than the duty of the Sheriff after the Poll Books are returned. We have

never had a doubt of it in our own Province, and looking to the 40th section, I am at a loss to conceive how any doubt could have arisen. The poll books being all returned, the Sheriff shall openly break the seals thereon and cast up the number of votes as they appear on the said several poll books, and shall then openly declare the state of the poll, and if within one hour thereafter no objection shall be made on the ground of persons having voted out of their proper polling division, or more than once for the same election, the Sheriff shall forthwith thereafter make proclamation of the Members chosen, and shall forthwith make return of such persons as have a majority of votes. It is difficult to imagine in what way the intention of the Legislature could have been expressed more clearly. The Sheriff is to be governed by the number of votes as they appear on the poll books. Whether they were good or bad, objected to or no, sworn or unsworn, is no inquiry of his—he is to cast them up as he finds them, and is forthwith to make proclamation of the members chosen, and forth with to make return of the person or persons having the majority. If, indeed, within one hour after the state of the poll is declared, objection is made by a candidate or any three electors, upon the two specific grounds of electors having twice voted or voted at a wrong polling place, or upon either of these grounds, the Sheriff is to investigate such objections, and for that purpose is to postpone his return. The time within which such objection may be made is limited in the Act, and I take it to be perfectly clear that the instant the hour after the state of the poll has been declared expires, the right to interpose such objection and stay the return, is at an end. If it could be made one minute or five minutes after, why not one hour or five hours. The Sheriff, after the expiration of the hour, is forthwith to make proclamation—that is, he is required to do it immediately, without any thing else intervening. How is it possible then that he can be legally receiving or listening to an objection, when the law requires him to be in the act of making his return? The expiration of the hour has given the Candidate having the majority of votes on the poll books and his party, whoever they may be, a vested right, subject to inquiry by the House, not by a Sheriff. Now, it appears by this return that the hour elapsed without objection having been made, and that the Sheriff did thereupon forthwith thereafter proceed to make proclamation and return of Messieurs Coles and McLeod, when Mr. Beer demanded a scrutiny of votes polled for Mr. Coles which had been marked objected to on the poll book. This Mr. Beer had a perfect right to do after the hour, for the purposes in the 42nd section, but this demand ought to have had no effect on the return. The Sheriff has entirely misapprehended his duty and the scope and meaning of the Act. When objection is duly made of votes having been twice polled, or polled at the wrong place, and it shall appear to him after hearing evidence that such objection is sustained, he is empowered to strike out such votes from the poll book, and for that purpose he is a judicial officer. But he has no authority to strike out or expunge votes upon any other ground, except indeed under the 14th section, when he is casting them up; and his functions in the prosecution of a scrutiny are of a totally different kind. Such a scrutiny is held merely to receive the evidence on which the House is afterwards to judge, and there is not a syllable in the Act authorising the Sheriff to adjudicate upon or expunge a single vote. Such scrutinies have frequently come before our Assembly, and have never been supposed to have any other object, nor the Sheriff or his assistants to have any other power, than the receiving or rejecting of such evidence. Mr. Coles's demand of a scrutiny, though after the hour, was also regular, and he might prosecute or abandon it as he thought fit. Of course it could have no effect on the return to which he was already entitled.

Such being the view which I take of the return, I am now to enquire how it can be rectified or amended. Now, it is perfectly clear that this can only be done by the House itself. It would be unconstitutional and dangerous for the Governor or his Executive Council to interfere with the return of an Election writ, nor has any such attempt ever been made that I am aware of, either in England or the Colonies. If this Election had taken place while the House was in session, they might possibly have interposed in the first instance, and refused to allow the returned member to take his seat, though of that course I find no example in England. But the present being a new House, I know of no constitutional method by which Mr. Beer can be prevented from taking the oath and his seat, if he so determine. The law as administered in the House of Commons is to be found in Rogers's Law of Election, seventh edition, and the cases cited therein. "Where a return has once been made, no person is to presume to make any alteration in it without the express order of the House." "If a man be duly elected and yet not well returned, he cannot sit in the House until the return be amended"; and a distinction is taken between a petition against the return only, and a petition against the sitting member upon the merits, and returns wrongfully made have been frequently amended by order of the House, or of an Election Committee, giving the party thereby ejected time to petition upon the merits. The leading case upon this subject is that of Middlesex in 2 Peckwell, to which I have turned. The case of Caernervon, in Cockburn and Rowe, is also to be found in our Library. The other cases cited in Rogers are not within our reach, but the rule is well established; and therefore, however anomalous it may be thought that a return bad in itself should entitle the returned member to a seat in the Assembly where his vote may be of great moment, I cannot advise his Excellency the Governor or the Executive Council of Prince Edward Island to undertake to amend the return, or to issue a Commission inconsistent therewith, and for which there is no authority to be found.

(Signed)

WILLIAM YOUNG.]

HON. JOSEPH HENSLEY, &c. &c. &c.
Halifax, 14th October, 1853.

[COPY.]

GOVERNMENT HOUSE, 29th October, 1854.

DEAR ATTORNEY GENERAL—

I have read Mr. Young's opinion on the Election for the first district of Queen's County. It is such as I quite expected from a gentleman of his great Parliamentary experience, for no Governor or Council could be justified, if they ventured to amend a return, which is entirely the province of the House of Assembly, nor should a Governor, I think, issue a *Commission* at variance and inconsistent with such a return. It is, therefore, to the *issuing of the Commission* alluded to by Mr. Young, that I wish to direct his attention, and with that view I enclose a copy of the proceedings which take place at the opening of a newly elected Assembly in this Colony. What says the Governor's Commission? "Whereas our said High Sheriffs have as commanded, held the said Elections, and returned to our Secretary, &c. the names of twenty four proper and fit persons, *duly elected* and *qualified* to serve us in our said Assembly." Now, at the recent election our Sheriffs, in strict conformity with the forego-

ing, did return the names of twenty three members, but our Sheriff for Queen's County did also return the name of one other member, for the first district of that County, to be *duly elected*, as having the majority of votes, *subject to the determination of the House of Assembly, on the scrutiny herebefore mentioned, and of facts hereinbefore set forth*. It appears to me, therefore, that by following the usual course, I do issue a Commission inconsistent with the return, because I tell the Commissioner that twenty four members have been *duly elected* to serve in the Assembly, and command them to be sworn, while the Sheriff's return declares one of them to be duly elected, subject to the determination of the House of Assembly; and yet *before* the House can possibly determine on the validity of a return, in which *facts* are left for its decision, the member in question, in virtue of my *Commission*, takes the oaths and his seat, and may vote on cases of great importance!

In the House of Commons, at the opening of a new Parliament, the Chief Clerk, a permanent Officer, is furnished by the Clerk of the Crown with a list of the members returned, and all of them may vote for the choice of a Speaker, but after that no member can sit or vote until the oaths are administered to him, and had such a case as the present occurred in England, I think the Speaker would have directed the attention of the House to so unusual a return, even if it was not petitioned against, and *before* the oaths were administered to the member so returned.

The return for Queen's County at the recent election involves important considerations. Similar returns may hereafter be made, and when parties are nearly balanced, and party spirit runs high, the consequences are easily foreseen—public business neglected, from prolonged political struggles in the Assembly, and no alternative left to the Lieutenant Governor but dissolution. The Law of Election in P. E. Island is nearly the same as that in Nova Scotia, and as Mr. Young states that great pains seem to have been taken clearly to define the duties of a Sheriff, who I see is subject to a penalty for *willful* neglect of duty. The law I think requires further amendment. In the mean time, I am desirous to have Mr. Young's opinion, whether in issuing the Commission on the meeting of the new Assembly, the Lieutenant Governor should follow the usual course. You will oblige me by forwarding this letter to Mr. Young, and with his convenience, I shall be glad to hear from him professionally through you.

Yours faithfully,

A. BANNERMAN, Lieut. Governor.

HON JOSEPH HENSLEY, Attorney General, &c. &c. &c.

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Orders of Her Majesty in Council, confirming various Acts passed by the Legislature.

No. 4. Copy of Despatch from the Duke of Newcastle, on the subject of a further issue of Treasury Notes, with other despatches and documents relative thereto. Also, Report and Minute of the Lords of the Treasury

No. 5. Copy of opinion of Hon. William Young on the Sheriff's Return to the Writ of Election for the First Electoral District of Queen's County.