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# **JOURNAL**

OF

## **THE HOUSE OF ASSEMBLY**

OF

### **PRINCE EDWARD ISLAND.**

**ANNO SECUNDO VICTORIÆ REGINÆ.**

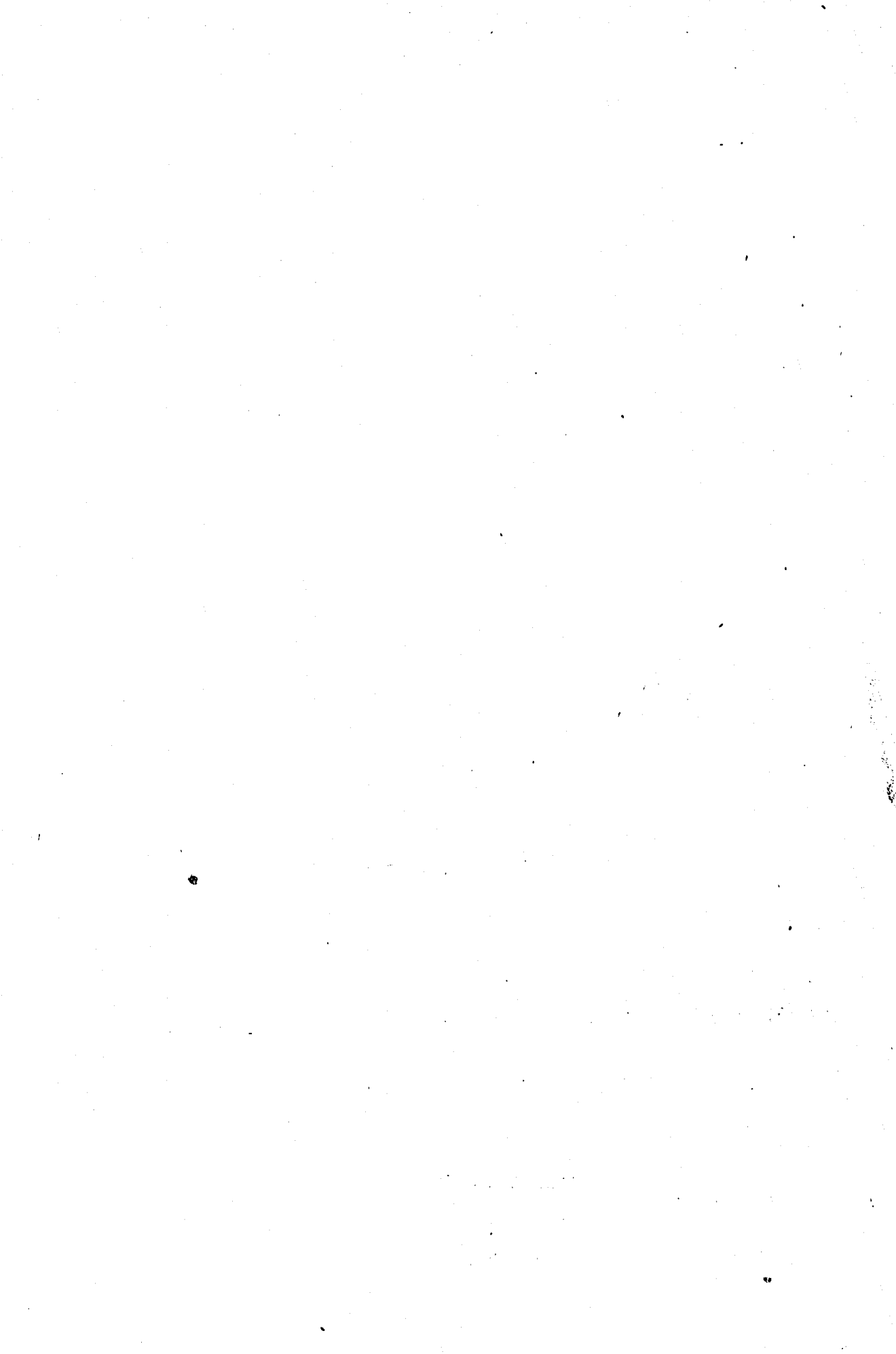
**SECOND SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.**

**CHARLOTTETOWN:**

**JAMES B. COOPER & CO.**

**CORNER OF POWNAL AND WATER STREETS.**

**1839.**





BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

*C. A. Fitz Roy,*  
Lieut. Governor.

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.

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

**W**HEREAS Her Majesty hath been pleased, by Letters Patent, under the Great Seal of the United Kingdom, bearing date at Westminster, the Thirteenth day of December last, to appoint Lieutenant General Sir JOHN COLBORNE, Knight Grand Cross of the most Honorable Military Order of the Bath, to be Captain General and Governor in Chief in and over this Island, in the room of the Right Honorable John George Earl of Durham: And whereas, after reciting Her Majesty's pleasure, that there should be two distinct and separate Councils in the said Island, Her Majesty did, in and by the said Letters Patent, grant and declare, that there should be thenceforward, within this Island, two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of the said Island; and did direct and declare Her Royal pleasure to be, that the powers formerly vested in the Council of the said Island, as far as respected the enactment of Laws, should be and were thereby vested in the Legislative Council; and that all other powers whatever, vested in the said Council, should be and were vested in the said Executive Council; and did declare that the said Councils should consist of such and so many Members as Her Majesty should from time to time nominate and appoint, under Her Royal Sign Manual and Signet, or as should be provisionally appointed by the said Sir John Colborne, until Her Majesty's pleasure should be known—provided that the number of Members for the time being, resident within the said Island, of the said Executive Council, should not be more than nine, and of the said Legislative Council, not more than twelve, by any such provisional appointments.

And whereas Her Majesty hath been pleased to transmit to me the said Letters Patent for my government, and to vest in me, in the absence of the said Sir John Colborne, as her Lieutenant Governor in and over the said Island, all the powers and authorities which by the said Letters Patent are granted to the said Sir John Colborne:

And whereas Her Majesty, by her Instructions, under her Royal Sign Manual, dated at Windsor, on the Thirteenth day of December last, did nominate and appoint George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman and James Peake, Esquires, to be, during Her Majesty's pleasure, Executive Councillors in the said Island; and did further nominate and appoint George Wright, Thomas Heath Haviland, Robert Hodgson, John Brecken, George Richard Goodman, James Peake, Charles Worrell, Donald Macdonald, William M'Intosh, and John Levitt, Esquires, to be, during Her Majesty's pleasure, Legislative Councillors in the said Island:

And whereas I the said Lieutenant Governor, in virtue of the authority in me vested, and for further carrying into effect Her Majesty's Royal intentions, and fulfilling the object of the said Letters Patent in that behalf, have thought fit provisionally to appoint Joseph Pope and John Small Macdonald, Esquires, to be additional Executive Councillors in the said Island:

And whereas two of the said Legislative Councillors, George Wright and James Peake, Esquires, have resigned their seats in the said Legislative Council, I have thought fit, by virtue of the power and authority in me vested as aforesaid, provisionally to appoint George Dalrymple, Samuel Green, Peter Stewart MacNutt, and John Macgowan, Esquires, to be additional Legislative Councillors in the said Island:

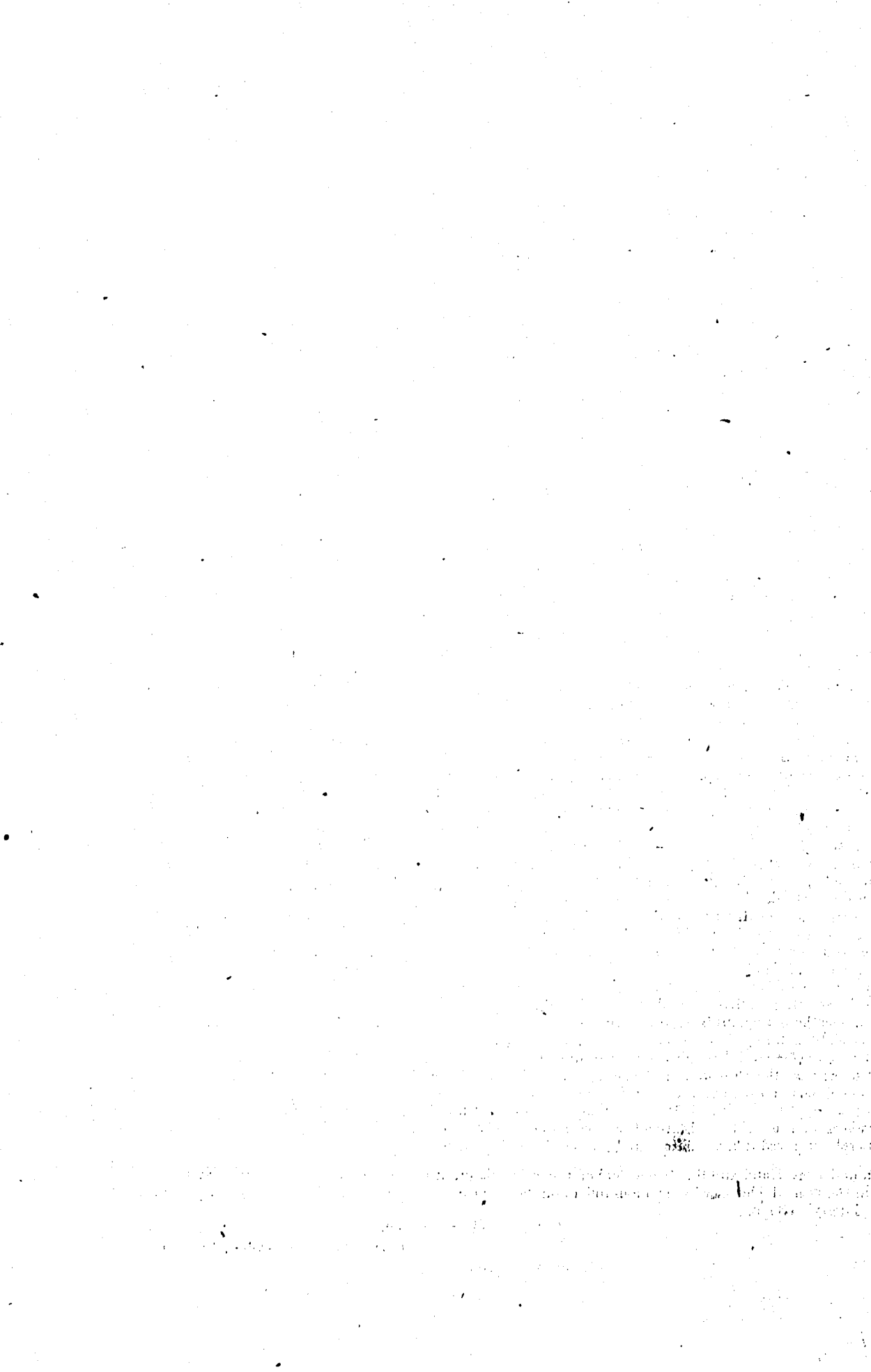
And whereas the General Assembly of this Island stands prorogued until Tuesday the Twelfth day of March instant, then to meet for the Despatch of Business, I have thought fit, by this my Proclamation, to promulgate the said Royal Commission and the several matters aforesaid; and have also thought fit to convene the said General Assembly on the said Twelfth day of March instant, then to meet for the Despatch of Business, of which as well the said Members of the said Legislative Council as the Members of the House of Assembly, and all others concerned, are hereby required to take notice, and govern themselves accordingly.

Given under my Hand and the Great Seal of the said Island, at Charlottetown, this Fourth day of March, in the year of Our Lord One thousand eight hundred and thirty-nine, and in the Second year of Her Majesty's Reign.

By His Excellency's command,

J. P. COLLINS, Colonial Secretary.

*God save the Queen.*



**JOURNAL**  
OF THE  
**HOUSE OF ASSEMBLY**  
OF  
**PRINCE EDWARD ISLAND.**

.....  
**SECOND SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.**  
.....

**TUESDAY, March 12, 1839.**

**T**HE House having been prorogued until this day, then to meet for the dispatch of business:

And being met—

A Message from His Excellency the Lieutenant Governor, by John Cambridge Wright, Esquire, Usher of the Black Rod.

Mr. Speaker,

His Excellency the Lieutenant Governor commands the immediate attendance of this Honorable House in the Council Chamber.

Accordingly, Mr. Speaker and the House went up to attend His Excellency in the Council Chamber—and being returned,

Mr. Speaker reported, that when the House did attend His Excellency this day in the Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Legislature, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which was read by the Clerk, and is as follows:

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

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

Having by the last Packet received Her Majesty's commands to separate and reconstruct the Council of this Island, it became my duty to terminate the late Session of the General Assembly, and to prorogue it for a short period, in order to carry this arrangement into effect. I have now called you together, trusting that you will, without inconvenience, be able to take up and complete such business as remained unfinished at the recent prorogation, or as the interests of the Colony may require.

During the short interval which has elapsed since the termination of the late Session, I regret to have to inform you, that intelligence has reached me of active measures having been taken by the State of Maine, to enforce, by arms, their alleged claims to the territory in dispute between that State and Her Majesty's Province of New Brunswick. This outrage, in defiance of existing treaties, and of the amicable professions of the general Government of the United States towards that of Her Majesty, has created a sensation of general indignation in New Brunswick and Nova Scotia; and although the season of the year precludes the possibility of this Colony rendering any active assistance at the present moment, yet I am

sure it will universally respond to the feeling so forcibly expressed by the Council and Assembly of the neighbouring Province of Nova Scotia.

*Resolved*, That a Committee of five Members be appointed, to prepare and report, with all convenient speed, the draught of an Address in answer to the Speech of His Excellency the Lieutenant Governor, delivered this day to both Houses of the Legislature.

*Ordered*, That Mr. *Rae*, Mr. *Montgomery*, Hon. Mr. *Pope*, Hon. *John S. Macdonald* and Mr. *Longworth* do compose the said Committee.

Then the House adjourned until to-morrow at Eleven o'clock.

## WEDNESDAY, March 13, 1839.

**M**R. *RAE*, from the Special Committee appointed to prepare and report the draught of an Address in answer to the Speech of His Excellency the Lieutenant Governor to both Houses, at the opening of the present Session, reported the draught of an Address, as prepared by the Committee; and the Report being read by the Clerk;

*Ordered*, That the said draught Address be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Montgomery* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Montgomery* reported, that the Committee had gone through the draught Address reported from the Special Committee, paragraph by paragraph, had made an amendment thereto, and then agreed to the same—and the said Address, as amended, was again read at the Clerk's Table, and is as followeth:—

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

We Her Majesty's dutiful and loyal subjects, the Representatives of the people of Prince Edward Island, in Colonial Parliament assembled, respectfully beg leave to thank your Excellency for your Speech at the opening of the present Session.

We beg leave to assure your Excellency, that, so far as is in our power, we will do our endeavour to perfect those measures which may appear to be for the interest of the Colony.

We regret that our brother Colonists in New Brunswick are exposed to the serious inconvenience arising from the menaced attack of the State of Maine, but confidently hope, that an accommodation will be brought about between the Imperial Government and the General Government of the United States. If, unfortunately, however, a war between the two Governments be the result of the recent movement of the State of Maine, we beg to assure your Excellency, that so far as the circumstances of the Colony will admit, we will endeavour to make those arrangements which such a state of our relations may require.

The Hon. Mr. *Pope* moved to amend the said Report, by leaving out the last paragraph of the Address, and substituting the following—

' We sincerely regret to learn, that during the short interval which has elapsed since the termination of the last Session, information has been received of the determination evinced by the State of Maine to take forcible possession of the territory in dispute between the Province of New Brunswick and that State, in defiance of existing treaties, and of the amicable professions of the general Government of the United States towards Her Majesty. While we regret that the season of the year, and our isolated situation, preclude the possibility of our rendering active assistance at the present moment, yet, in common with all loyal subjects, we cannot refrain from expressing our indignation at the daring insult thus offered to the nation to which we belong, and our most lively sympathy with our brave and loyal fellow subjects, the inhabitants of our sister Province of New Brunswick—and we beg to assure your Excellency, that we shall best consult the wishes of the inhabitants of this Colony, by placing at your disposal such means as will enable your Excellency to afford every assistance in our power to repel the aggressions of a Foreign foe, in their treacherous attempts to invade the territory of our sister Colony.'

The House divided on the motion of amendment.

## YEAS :

|                       |                |
|-----------------------|----------------|
| Hon. Mr. Pope,        | Mr. Hudson,    |
| Hon. J. S. Macdonald, | Mr. Yeo,       |
| Mr. Montgomery,       | Mr. Longworth. |

## NAYS :

|                  |                   |
|------------------|-------------------|
| Mr. Thomson,     | Mr. Beck,         |
| Mr. Fraser,      | Mr. Macfarlane,   |
| Mr. W. Dingwell, | Mr. Dalziel,      |
| Mr. Forbes,      | Mr. D. Macdonald, |
| Mr. Gorman,      | Mr. J. Dingwell,  |
| Mr. Macintosh,   | Mr. Rae,          |
| Mr. Le Lacheur,  | Mr. Macneill.     |

So it passed in the negative.

Mr. Speaker having then put the question—  
“Is it the pleasure of the House that the Report of the Committee be agreed to?”

It was resolved in the affirmative.

*Ordered*, That the said Address be engrossed.

*Resolved*, That the said Address be presented to His Excellency the Lieutenant Governor by the whole House.

*Ordered*, That Mr. Rae, Mr. W. Dingwell and Mr. Le Lacheur be a Committee to wait on His Excellency, to know his pleasure when he will be attended by the House with the Address.

*Resolved*, That the several Special Committees appointed last Session, and who had not finally reported, be revived, and have leave to report this Session on the subjects to them respectively referred.

Mr. Thomson moved, that the House do come to a Resolution as followeth:—

Whereas when this House, during its late Session, ordered the printing of the Journals for public Tender, they did so in order that the said printing might be performed on the most reasonable and best terms, and the Tender of Mr.

J. H. White being the lowest, was accepted; and whereas the said J. H. White has not performed the printing of the Journals in a satisfactory manner, nor in the way which he contracted with this House to do; and whereas the next lowest Tender for printing the Journals was that of Messrs. J. B. Cooper & Co.—  
*Therefore, Resolved*, That they be Printers of the Journals for this Session, at the rate of their said Tender, being Two Pounds nine shillings and sixpence per sheet of four pages.

The Hon. Mr. Pope moved, as an amendment to the question, that a Committee be appointed, to advertise for Tenders for the printing of the Journals of this Session.

The House divided on the motion of amendment.

## YEAS :

|                       |                 |
|-----------------------|-----------------|
| Hon. Mr. Pope,        | Mr. Dalziel,    |
| Mr. Longworth,        | Mr. Montgomery, |
| Hon. J. S. Macdonald, | Mr. Hudson.     |
| Mr. Yeo,              |                 |

## NAYS :

|                   |                 |
|-------------------|-----------------|
| Mr. D. Macdonald, | Mr. Macintosh,  |
| Mr. Thomson,      | Mr. Fraser,     |
| Mr. J. Dingwell,  | Mr. Le Lacheur, |
| Mr. Macfarlane,   | Mr. Beck,       |
| Mr. Macneill,     | Mr. Forbes,     |
| Mr. Rae,          | Mr. Gorman.     |
| Mr. W. Dingwell,  |                 |

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

*Ordered*, That a copy of the Journal of this House be sent to His Excellency the Lieutenant Governor each day, as soon as may be after the adjournment.

Then the House adjourned until to-morrow at Eleven o'clock.

## THURSDAY, March 14, 1839.

MR. RAE, from the Committee appointed to wait on His Excellency the Lieutenant Governor, to know his pleasure when he will be attended by the House with the Address, reported, that His Excellency had been pleased to appoint this day, at Two o'clock, to receive the House.

*Resolved*, That a Committee 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. Clark, Mr. D. Macdonald,



Hon. *J. S. Macdonald* and the Hon. Mr. *Pope* do compose the said Committee.

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

*Ordered*, That Mr. *Clark* do carry the said Message to the Council.

Mr. *Clark*, from the Committee appointed to inquire into the Grievances which have agitated this Island for some time past, with a view to provide a remedy, with leave to report from time to time, by Bills or otherwise, presented to the House a Bill for the regulation of the Fishery Reserves in this Island, and the same was read the first time.

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

Mr. *Clark*, from the same Committee, also reported a Bill for regulating the forfeiture of Lands and settlement of the Inhabitants of

this Island, and the same was read the first time.

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

The hour appointed by His Excellency the Lieutenant Governor to receive the Address having arrived, Mr. Speaker and the House went up—and being returned, Mr. Speaker reported that the House had attended upon His Excellency and presented their Address, to which His Excellency was pleased to make the following reply :

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

I thank you for this Address, and for the assurance of your co-operation, as far as the circumstances of the Colony will admit, in case of any emergency that may arise out of the existing state of affairs between the State of Maine and Her Majesty's Province of New Brunswick.

Then the House adjourned until to-morrow at Eleven o'clock.

## FRIDAY, March 15, 1839.

**T**HE House being met—but the Speaker not being present, in consequence of severe illness, it was moved that the House do adjourn until to-morrow at Eleven o'clock.

And thereupon the Clerk (to whom those who spoke addressed themselves, according to

former practice, in the absence of the Speaker,) by direction of the House, put the question for adjourning the House until to-morrow at the hour mentioned.

And the House was accordingly adjourned until to-morrow, at Eleven o'clock.

## SATURDAY, March 16, 1839.

**M**R. *YEO* read in his place a Petition of divers Inhabitants of Township Number Fourteen and its vicinity, praying a grant to aid in completing the Road from Ellis River Chapel to the Cross River, and thence to the main Western Road.

After which Mr. *Yeo* informed the House that His Excellency the Lieutenant Governor being acquainted with the purport of the said Petition, gives his consent that the House may proceed thereon as they shall think fit.

And then Mr. *Yeo* moved, that the said Petition be received and read.

Mr. *D. Macdonald* moved, in amendment to the motion, that all the words after "That" be

struck out, and the following substituted: "owing to the sufficient time afforded by this House in its last Session for receiving Petitions, praying aid for Roads and Bridges, or for objects of a local or private nature, it is inexpedient that any Petitions of such a nature be received by the House this Session"—which being seconded and put, was carried in the affirmative.

The main motion, as amended, was then put and carried.

The Bill for regulating the Fishery Reserves in this Island, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Arbuckle took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

A Message from the Council, by Mr. Desbrisay:

‘ COUNCIL CHAMBER,  
Friday, 15th March, 1839.

‘ 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 the Honorables Mr. Attorney General and Mr. Green do compose the said Committee.

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

And then he withdrew.

Then the House adjourned for one hour.

And being met—

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for regulating the Fishery Reserves in this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Arbuckle took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Arbuckle reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk’s Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act for the regulation of the Fishery Reserves in this Island.*

*Resolved*, That a Committee of five Members be appointed, to prepare and bring in a Bill to regulate the drawing and issuing of Treasury Warrants.

*Ordered*, That Mr. Yeo, Mr. Palmer, Hon. Mr. Pope, Mr. Hudson and Mr. Longworth do compose the said Committee.

Mr. D. Macdonald moved, that copies of the Documents delivered by William Cooper, Esq. at the Colonial Office, in London; and also copies of the Correspondence which took place between him and the Colonial Office in August last, be printed as an Appendix to the Journals of this House, and become part of the Public Records of this Colony; and that the Speaker of this House do furnish copies of the same to Messrs. James B. Cooper & Co. the Printers of the Journals of this House.

The Hon. Mr. Pope moved, in amendment to the motion, that the whole be struck out, and the following substituted:

“ That to place on the Journals of this House copies of any documents or correspondence delivered at the Colonial Office by William Cooper, Esquire, on his own authority, or while acting under the direction of a self constituted Committee or body, with a view to bring about a general confiscation of all real property in this Island, and to libel the constituted authorities of its Government, as well as the character of many of its inhabitants, without the least inquiry into or proof of the allegations contained in such documents, would be highly derogatory to the dignity and character of this House.”

The House divided on the motion of amendment.

YEAS:

|                       |                |
|-----------------------|----------------|
| Hon. Mr. Pope,        | Mr. Yeo,       |
| Mr. Hudson,           | Mr. Palmer,    |
| Hon. J. S. Macdonald, | Mr. Longworth. |

NAYS:

|                   |                 |
|-------------------|-----------------|
| Mr. D. Macdonald, | Mr. Beck,       |
| Mr. J. Dingwell,  | Mr. Fraser,     |
| Mr. Macintosh,    | Mr. Arbuckle,   |
| Mr. Forbes,       | Mr. Thomson,    |
| Mr. Macneill,     | Mr. Clark,      |
| Mr. Le Lacheur,   | Mr. Macfarlane, |
| Mr. Rac,          | Mr. Dalziel,    |
| Mr. Montgomery,   | Mr. Gorman.     |
| Mr. W. Dingwell,  |                 |

So it passed in the negative.

The question being then put on the main motion,

The House again divided :

YEAS :

|                   |                 |
|-------------------|-----------------|
| Mr. D. Macdonald, | Mr. Beck,       |
| Mr. J. Dingwell,  | Mr. Fraser,     |
| Mr. Macintosh,    | Mr. Arbuckle    |
| Mr. Forbes,       | Mr. Thomson,    |
| Mr. Macneill,     | Mr. Clark,      |
| Mr. Le Lacheur,   | Mr. Macfarlane, |
| Mr. Rae,          | Mr. Dalziel,    |
| Mr. Montgomery,   | Mr. Gorman.     |
| Mr. W. Dingwell,  |                 |

NAYS :

|                       |                |
|-----------------------|----------------|
| Hon. Mr. Pope,        | Mr. Yeo,       |
| Mr. Hudson,           | Mr. Palmer,    |
| Hon. J. S. Macdonald, | Mr. Longworth. |

So it was carried in the affirmative ; and Ordered, accordingly.

*Resolved*, That a Committee of three Members be appointed, to examine what Laws have lately expired, or are near expiring, and to report thereon to the House.

*Ordered*, That Mr. Longworth, Mr. Palmer and Mr. J. Dingwell do compose the said Committee.

Then the House adjourned until Monday next, at Eleven o'clock.

## MONDAY, March 18, 1839.

**T**HE Order of the Day, for the second reading of the Bill for regulating the forfeiture of Lands and settlement of the Inhabitants of this Colony, being read ;

The Hon. Mr. Pope moved, that the said Order of the Day be discharged, and made the Order of the Day for this day three months.

The House divided on the question :

YEAS :

|                       |                |
|-----------------------|----------------|
| Hon. Mr. Pope,        | Mr. Yeo,       |
| Mr. Palmer,           | Mr. Longworth, |
| Hon. J. S. Macdonald, | Mr. Hudson.    |

NAYS :

|                 |                   |
|-----------------|-------------------|
| Mr. Clark,      | Mr. J. Dingwell,  |
| Mr. Fraser,     | Mr. Macfarlane,   |
| Mr. Macneill,   | Mr. Thomson,      |
| Mr. Macintosh,  | Mr. Le Lacheur,   |
| Mr. Forbes,     | Mr. D. Macdonald, |
| Mr. Gorman,     | Mr. Beck,         |
| Mr. Montgomery, | Mr. W. Dingwell,  |
| Mr. Dalziel,    | Mr. Rae.          |
| Mr. Arbuckle,   |                   |

So it passed in the negative.

And then the said Bill was read a second time.

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

Then the House adjourned for one hour.

And being met—

Read a third time, as engrossed, the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*.

Mr. Palmer moved that the amendment following be made to the Bill, viz :

To leave out the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Clauses, with the exception of the introductory part of the Preamble, as far as the words "high-water mark," and that the following be substituted :—

"And whereas Twelve of the Original Grants of the Lots or Townships of this Island contain the foregoing Reservations: and whereas Thirty-two of the Original Grants of Townships in this Island contain a reservation as follows, (that is to say)—'and further saving and reserving, for the disposal of His Majesty, his Heirs and Successors, Five hundred feet from highwater mark on the coast of the tract of land hereby granted, to erect stages and other necessary buildings for carrying on the Fishery;' and Her most gracious Majesty hath been pleased, by a Despatch bearing date the Fourteenth day of *September* last, to direct that the lands so reserved for the purposes aforesaid shall be thrown open to all Her Majesty's subjects engaged in the Fisheries of this Island: and whereas but a very small proportion of the said reserves have hitherto been claimed, used or required for the purposes of carrying on a Fishery, and many of them have been unwittingly sold

and leased, with the adjoining lands, by the original Grantees of such Townships, or their Heirs or Assigns, and have also been cleared and cultivated, and Dwelling Houses and other valuable Buildings have been erected thereon, and it is essential to the agricultural interests of this Colony, and indispensable to the commercial pursuits of its inhabitants, that the said Reserves should be used for other purposes than the Fisheries; and it is deemed necessary, for the protection of property, and to prevent litigation and disputes, that the future uses and occupation of the said Reserves should be regulated by Law:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Administrator of the Government, by and with the advice and consent of Her Majesty's Council, to appoint Two or more Conservators or Commissioners, residing in each of the Counties of this Island, who shall be Conservators or Commissioners of the Fishery Reserves within such County, and who shall have full power and authority, when and so often as occasion shall require, to enter into, examine, survey and admeasure any and all parts of the said Reserves within their respective Counties, and to adjudicate and proceed in all matters relating thereto, in such form and manner as they may deem requisite and necessary, to enable them to fulfil and discharge their duties by this Act assigned.

2. "And be it further enacted, That the Reservations so made as aforesaid shall extend five hundred feet inland from highwater mark, by a line running parallel with the boundary lines of the Farms fronting on or adjoining to the said reserved land; and where no farms shall be laid off, then by a line running the same distance, at right angles with the general course of the Coast or Gulf, without regard to minute indentations thereof; and the extent of such reserved Lands shall be deemed and taken to be on all those parts of the several Townships containing the same, which abut on the Scashore, and to the distance of One Mile within the Headlands of all Harbours and Rivers on which said Townships may be bounded, and no farther.

3. "And be it further enacted, That in all cases where any person or persons shall be found to have the beneficial occupation of any of the said Reserves, or of any part thereof, by virtue of any Grant, Deed, Lease, or other Conveyance, or shall be otherwise in the *bona fide* pos-

session of any part of the said Reserves, such persons are hereby confirmed in their respective occupations and possessions, in themselves, their heirs and assigns, respectively, (except as is hereinafter excepted,) according to the nature and quality of their respective Titles; but such right of occupation or possession shall nevertheless cease when and as often as their said Titles shall, from time to time, expire, by efflux of time, or otherwise determine, by act of law, or of the parties interested; and the said Reserves, or parts thereof, so occupied and possessed, shall revert to their original purposes.

4. "And be it further enacted, That whenever any person or persons, desirous of obtaining a part of any of the said reserved Lands, for the sole purposes of carrying on a Fishery, shall apply to the Commissioner residing nearest to the site of the said lands, and shall also make and subscribe an affidavit in the form set forth in the Schedule to this Act annexed, before the said Commissioner (who is hereby empowered to administer an Oath for that purpose), the said Commissioner is hereby directed to proceed, without unnecessary delay, to examine the piece or parcel of ground applied for, and forthwith to grant a Certificate, under his hand, stating the name of the person in possession thereof, and describing the boundaries and the area thereof, and whether in a cultivated or wilderness state, and whether the same is well, or any other adjacent piece, is more eligible for the purpose required; and shall cause a true copy of such Certificate to be served on the person in the occupation of the said Land, or at his dwelling house; and upon due application and production of the said Certificate, so signed as aforesaid, it shall and may be lawful for the Governor in Council to grant to the said applicant a Licence to occupy the Land therein mentioned and described, or such less quantity thereof, for such term of years as to the Lieutenant Governor in Council shall seem requisite and necessary: Provided always, that no Certificate shall be given, nor any Licence granted, of any part of the said reserved Lands in this Clause mentioned, so long as such parts shall be occupied by any Dwelling House, Out House, Mill, Barn, Stable, or any other valuable Building erected thereon, at the passing of this Act, or by any Orchard, Yard, Garden, or Ship Yard, or by any Right of way necessary to have full egress and ingress thereto respectively, and which shall have been held and enjoyed, or used

for such last mentioned purposes at the passing of this Act.

5. "And be it further enacted, That where any person or persons being in the occupation or possession of any of the said reserved Lands in manner mentioned in the Third Section of this Act, shall suffer damage, or be disturbed in or deprived of the possession, profits, or enjoyment of any part of the said Reserves so in his or their *bona fide* possession, by reason of the same being granted by Licence to any other person, nothing in this Act contained shall be construed to deprive such person or persons so aggrieved of any remedy or right of action he or they may have against his or their Landlord, Lessor, Grantor or other person, for or by reason of such damage or disturbance: and in case any such person or persons shall make it appear to the satisfaction of the Lieutenant Governor in Council that without any omission, default or neglect on the part of themselves, or their privies in estate, they have no remedy to obtain compensation for such damage or disturbance, or that such remedy is lost by the continued absence from this Island, or the indigency or other incompetency of the person or persons by law liable for such damage, then, and in every such case, it shall be lawful for the said Commissioner, and he is hereby required, upon request of the party aggrieved, and upon production of the decision of the Governor and Council, to ascertain and appraise the damage so sustained, and award the same upon oath (to be administered by any Justice of the Peace for the said Island); and upon the said award or appraisal being produced to and approved of by the Lieutenant Governor and Council, it shall be lawful for them to order that the amount shall be paid to the party aggrieved, in manner prescribed in the said award or appraisal, out of the public Treasury of this Island.

6. "And be it further enacted, That in all cases where any Grantee or Grantees, his or their Assigns, of any Township lands in this Island, or of the Islands adjacent thereto, shall have sold any of the Reserves as aforesaid, such Grantee or Grantees, his or their Assigns, or their Executors or Administrators, respectively, shall pay into the public Treasury of this Island the amount of all such moneys which he or they shall have received for the purchase of any of the said reserved Lands—the same to be sued for and recovered in the name of Her Majesty, with Costs, by bill, plaint, or information, in the Supreme Court of Judicature of this Island.

7. "And be it further enacted, That in all cases where any person or persons shall or may be, at the passing of this Act, in the possession or occupation of any parts of the lands so reserved, by virtue of any Lease, or other Demise, for any term of years, or any Agreement for a Lease for a term of years, executed or granted by the Grantee, Proprietor, or other Owner of the lands adjoining such last mentioned part of the said reserved land, every such person shall be deemed and taken to be the lessee or tenant of the Crown, and shall henceforth attorn and pay to such person as shall be appointed in the said County by the Lieutenant Governor and Council, so much of the future and accruing rent reserved and payable by any such Lease, Demise or Agreement, as shall arise from or be proportionate to the parts of the said reserved Lands comprised in all and any such Leases, Demises or Agreements respectively, and at such periods as the same would otherwise have become payable to their landlords or lessors; and such attornment and payment by the authority of this Act will be sufficient to preclude and bar any claims or demands by such landlords or lessors to have or receive the same in future; and in case any such person or persons shall neglect or refuse to attorn and pay the aforesaid rent, where the same is payable, according to the true intent and meaning of this Act, then each and every person so neglecting or refusing, shall forfeit all further claim to the possession or enjoyment of the said reserved lands so in their possession or occupation, and the same shall thereupon be subject to be appropriated under the provisions of this Act.

8. "And be it further enacted, That the moneys arising from the last foregoing clause of this Act shall be applied to defray the amount of any compensation awarded to be paid to the tenant or occupier of any of the Reserves, under the provisions of the Fifth Section of this Act, or to such other purposes, connected with the Fisheries of this Island, as the Legislature, with the consent of Her Majesty, may hereafter see fit.

9. "And be it further enacted, That no person or persons shall be deemed to be carrying on a Fishery, unless such person or persons shall keep at least one good and sufficient boat, of not less than sixteen feet keel, properly equipped, and manned with at least three able-bodied men, and shall keep the same exclusively employed, for and during the space of sixty days, between the First day of May and the First day

of October in carrying on the Fishery; and that no person or persons shall occupy more than sixteen feet of the front of the said reserved land for every male person of and over the age of sixteen years, that may be employed by such person or persons in the said Fishery: Provided that nothing in this Act contained shall extend, or be construed to extend, to exclude or prevent any person or persons, owning or occupying the land in the rear of or adjoining to the land reserved as aforesaid, from having a right of way to the shore through the said reserved land.

10. "Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to prevent any of Her Majesty's subjects, engaged in fishing Mackerel, Herrings or Alewives, from drying his, her or their net or nets, or from curing the Fish so taken on any part of the said reserved land, not being previously occupied for the purpose of carrying on the Fishery.

"SCHEDULE to which this Act refers.

"I A. B. of            in            County, do make Oath and say, that I am desirous of embarking in the Fishing Trade of this Island, and intend to prosecute the same to such extent as I conceive will entitle me, under the provisions of the Act [*recite Title*] to a Licence from Government, for a certain piece of Fishery Reserve land, situate at            on Township No.            and fronting on            and that I wish to obtain the said piece of Land, *bona fide*, for the sole purpose of carrying on the business of the Fishery, and such uses as are immediately connected therewith, and for no other use or purpose whatsoever.

Sworn at the            }            A. B.  
day of            A. D. }  
before me,"

The House divided on the question:

YEAS:

|             |                       |
|-------------|-----------------------|
| Mr. Palmer, | Mr. Longworth,        |
| Mr. Yeo,    | Hon. J. S. Macdonald. |
| Mr. Hudson, |                       |

NAYS:

|                   |                  |
|-------------------|------------------|
| Mr. Fraser,       | Mr. Thomson,     |
| Mr. Montgomery,   | Mr. Macintosh,   |
| Mr. Le Lachur,    | Mr. Rae,         |
| Mr. Arbuckle,     | Mr. Gorman,      |
| Mr. Forbes,       | Mr. J. Dingwell, |
| Mr. Macneill,     | Mr. Beck,        |
| Mr. Dalziel,      | Mr. W. Dingwell, |
| Mr. Clark,        | Mr. Macfarlane.  |
| Mr. D. Macdonald, |                  |

So it passed in the negative.

*Resolved*, That the said Bill do pass.

*Ordered*, That Mr. Clark do carry the said Bill to the Council, and desire their concurrence.

A Petition of Henry Douglas Morpeth, the Attorney of John Hunter Littler, Lieut. Colonel in the Honorable the East India Company's Service, was presented to the House by Mr. Rae, and the same was received and read, praying to be heard by Counsel at the Bar of the House, and to examine Witnesses, on behalf of the said Lieutenant Colonel Littler, the owner of Mount Stewart Farm, against the prayer of a Petition presented to the House last Session, signed by divers Inhabitants of Townships Thirty-six, Thirty-seven, Thirty-eight and Thirty-nine, praying that no public money may be expended in repairing the present Bridge across the Hillsborough at Mount Stewart, and that a new one may be erected near it, at a place commonly called the Ferry.

The Hon. J. S. Macdonald, from the Committee to whom was referred the Petition presented to the House last Session, of divers Inhabitants of Townships Thirty-six, Thirty-seven, Thirty-eight and Thirty-nine, relative to the dilapidated state of Mount Stewart Bridge, and the necessity of erecting a new one on a different site, presented to the House the Report of the said Committee, which was again read at the Clerk's Table, and is as followeth:—

Your Committee to whom was referred the Petition of the Inhabitants of Townships Numbers 36, 37, 38 and 39, setting forth the ruinous and dilapidated state of Mount Stewart or Red Bank Bridge, and the serious inconvenience that travellers experience from the road leading therefrom, through Mount Stewart Farm, being carried over a very steep hill; and also suggesting that any expenditure of public money towards replacing the Bridge, would be best applied in building a new Bridge at the place known as Mount Stewart Ferry, respectfully report—That three of the Members of your Committee have examined the proposed site at the Ferry, and also the state of the Bridge at the Red Bank, which they found prostrate on the ice; and as it appeared to them that some of the timber might be made available in constructing a new Bridge, or in the repair of the Wharf at the Ferry, they deemed it advisable to cause the said timber to be landed above highwater mark, in order to prevent it from being dispersed and carried away by the ice in the Spring. That they have, by actual admeasurement, ascertained the width of the River, from the outermost edge of the Marsh, at the site of the old Bridge, to the opposite bank, to be 360 feet; and from the outermost edge of the Marsh to highwater mark,

700 feet; and they ascertained that the road formed over this soft Marsh is now settled so low that travellers are unable to pass dry footed at full tides. That they also ascertained the extreme breadth of the River, at the site proposed for a new Bridge at the Ferry, to be 371 feet, and that the soil is firm and level to the margin of the river on each side. That on the North side, at this site, there is a Wharf which extends 107 feet into the river, from the extremity of which to the opposite Bank the width of the river is 264 feet, and its greatest depth at highwater 16 feet, with a hard bottom, which is not the case at the Red Bank site, the firm sub-soil being in some places there ten feet below the surface of the mud. Your Committee are therefore decidedly of opinion, that a new Bridge is indispensable, and that the proper site for such Bridge is at that part of the river known as the Ferry—and if constructed by building a solid abutment of from eighty to ninety feet in length, on the South side of the river, and connected with the Wharf by constructing in the intervening space four Blocks, of square hemlock timber, loaded with stone, the Bridge would be both substantial and durable, and would cost less money than would be required to rebuild the Bridge at the Red Bank site, and would also be the means of avoiding the steep hill complained of by the Petitioners; but your Committee being aware of the magnitude of the undertaking, and of the limited sum available this Session for Roads and Bridges, are of opinion, that it would not be advisable to contract, at this period of the season, for the completion of the Bridge in the ensuing Summer, but would humbly recommend to the House to appropriate this Session the sum of £120 in aid of that necessary object; and that an Address be presented to His Excellency the Lieutenant Governor, respectfully requesting, that he will be pleased, at his earliest convenience, to direct that a Plan and Specification of the Bridge be prepared, and cause

Tenders to be procured and a Contract to be entered into, for the erection of the Abutment on each side on or before the 1st of October next, and for the completion of the Bridge on or before the 1st day of August, 1840; and that the House do pledge itself, that it will, next Session, appropriate such further sum as may be required for the fulfilment of the contract; and that His Excellency will also be pleased to cause a Road to be opened under the provisions of the Road Compensation Act, in a direct line from the site of the Bridge to the road leading across Mount Stewart farm. The opening of this road your Committee deem highly necessary for the convenience of the inhabitants during the absence of a bridge, and are of opinion that the compensation for a right of way will be moderate, as, in the event of the new Bridge being erected at the site recommended, the present road, which runs 43 chains through Mount Stewart Farm, will be no longer required by the public, and would consequently be surrendered to the proprietor of that property.

*Ordered*, That the Report be received; and further,

*Ordered*, That the said Report be taken into consideration on Thursday next.

*Ordered*, That this House will hear Henry Douglas Morpeth, by his Counsel, at the Bar of the House, on Thursday next, against the prayer of the Petition of divers Inhabitants of Townships Thirty-six, Thirty-seven, Thirty-eight and Thirty-nine, relative to the Bridge and Road referred to in the above Report.

Then the House adjourned until to-morrow, at Eleven o'clock.

## TUESDAY, March 19, 1839.

**T**HE Order of the Day, for the House in Committee on the Bill for regulating the forfeiture of Lands and settlement of the Inhabitants of this Island, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour.

And being met—

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for regulating the forfeiture of Lands and settlement of the Inhabitants of this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again to-morrow.

A motion being made, that the Report of the Committee appointed last Session to inquire whether any and what unclaimed moneys are now in the Treasury, arising out of the sales of Lots in Georgetown, under the Act 6 Will. 4, cap. 2, to provide against accidents by Fire, and for the improvement of property at Georgetown, be now read;

It was carried in the affirmative.

And the same being read—

A motion was made, that the said Report be agreed to;

The House divided on the question :

YEAS 12.

NAYS 9.

So it was carried in the affirmative.

Then the House adjourned until to-morrow, at Eleven o'clock.

## WEDNESDAY, March 20, 1839.

**T**HE Order of the Day, for the House in Committee on the further consideration of the Bill for regulating the forfeiture of Lands and the settlement of the Inhabitants of this Island, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour.

And being met—

A Petition of divers Inhabitants of Princetown Royalty was presented to the House by the Hon. Mr. Pope, and the same was received and read; setting forth—that Petitioners having learned with surprise that a Petition from that quarter had been presented to the House, praying for Legislative aid towards the support of a School taught by Alexander Rae, A. M. in that Royalty; that it having been found necessary, from the dilapidated state of the old School-house, to erect a new one, a public meeting of the Inhabitants was convened, when it was determined, by a large majority, that it should be erected on the same Lot with the old one; that Petitioners having gone to a very considerable expence in erecting a large and commodious

building, adapted for the whole Royalty, on the Church Lot, they humbly submit, that, on reference to a Plan of the Royalty, the House will agree with them, that from the central situation of the present School-house, there exists no necessity for establishing another—and praying that the present School Act may be left to its operation, as far as regards the said Royalty.

*Ordered*, That the said Petition be referred to the Committee appointed to inquire into the expediency of altering and amending the Act for the encouragement and support of District and other Schools.

*Resolved*, That a Supply be granted to Her Majesty.

Mr. *Le Lacheur*, from the Committee to whom was referred the Petition of divers Inhabitants of Murray Harbour, White Sands, Wood Islands, and adjacent Settlements, for an alteration in the mode of forwarding the Inland Mail; and also a Petition of divers Inhabitants of Indian River, Oyster Cove and Shipyard, on the same subject, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as followeth:

Your Committee having maturely considered the subject to them referred, are of opinion, that it is highly expedient to extend the line of the Mail from Pinette to the South side of Murray Harbour, through Flat River; and that Receiving Offices be established at Wood Islands, Flat River and White Sands.

Your Committee likewise suggest, that the Mail Carrier to Princetown be directed to call at some convenient



house, at or near the turn of the Indian River and Oyster Cove Road, on his route either to or from Princetown, as the additional distance does not exceed three-quarters of a mile, and by the proposed alteration, a populous settlement would, in this department, receive a material accommodation.

*Ordered*, That the said Report be referred to a Committee of the whole House to-morrow.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for regulating the forfeiture of Lands and settlement of the Inhabitants of this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again on Friday next.

*Ordered*, That Mr. Yeo have leave to absent himself from this House until Saturday next.

Then the House adjourned until to-morrow at Ten o'clock.

## THURSDAY, March 21, 1839.

**T**HE Order of the Day, for taking into consideration the Report of the Special Committee on the subject of altering the site of Mount Stewart Bridge, being read;

*Ordered*, That the said Report be now committed to a Committee of the whole House.

*Ordered*, That Henry D. Morpeth be heard by Counsel, against the prayer of the Petition of the Inhabitants of Townships Thirty-six, Thirty-seven, Thirty-eight and Thirty-nine, relative to the said Bridge, before the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Mr. Rae, from the Committee appointed to inquire into the Grievances which have agitated this Colony for some time past, with leave to report, from time to time, by Bills or otherwise, presented a Bill for the relief of the Loyal American Emigrants and disbanded Troops, and the same was read the first time.

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

Then the House adjourned for one hour.

And being met—

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Report of the Special Committee on the subject of altering the site of Mount Stewart Bridge.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Hon. J. S. Macdonald reported, that the Committee had come to three Resolutions; which Resolutions being again read at the Clerk's Table, were, upon the question being separately put upon each, agreed to by the House, and are as follow:

1. **RESOLVED**, That it is expedient that instead of rebuilding the Bridge at Mount Stewart on its former site, that a new Bridge be erected lower down the River, at the place commonly called Mount Stewart Ferry.

2. **RESOLVED**, That it is the opinion of this Committee, that an humble Address be presented to His Excellency, praying that he will be pleased, at his earliest convenience, to direct that a Plan and Specification of a new Bridge over the Hillsborough, at the Ferry opposite Mount Stewart, be procured, and a Contract entered into for the erection of the abutments on each side of the River on or before the First of October next, and for the erection and completion of the Bridge on or before the First day of August, 1840—and that His Excellency in Council will be pleased

to cause a Road to be laid out, under the Road Compensation Act, in the most eligible course for the public, from said Bridge to the main Road.

3. **RESOLVED**, That it be recommended to the House, when in Supply, to appropriate the sum of £120, towards the erection of a Bridge at Mount Stewart Ferry.

*Ordered*, That the Hon. J. S. Macdonald, Mr. Palmer and Mr. Le Lacheur be a Committee to prepare and report the draught of an Address to His Excellency the Lieutenant Governor, in accordance with the above reported Resolutions.

The Order of the Day, for the House in Committee on the Report of the Special Committee, to whom was referred the several Petitions on the subject of the Inland Mail, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Le Lacheur took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Le Lacheur reported, that the Committee had gone through the Report of the Special Committee, paragraph by paragraph, and had made the following amendment thereto :

"Your Committee would also recommend, that the Inland Mail be forwarded to Hillstown,

Cascumpeque, and from thence to Tignish ; and that it be also forwarded to Higgins's, on Township Fifteen.

"Your Committee would further recommend, that the Carrier to East Point and Bay Fortune be directed to carry the Mail into the settlement of Bay Fortune, or the Red-house, instead of leaving it at Dingwell's Mill, as formerly.

"Your Committee further recommend, that a Receiving Office be established on the Eastern route, in a central situation, between St. Peter's and St. Margaret's, and are of opinion that Goose River is the most eligible place for that purpose."

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

*Ordered*, That Mr. Le Lacheur, Mr. Arbuckle and the Hon. Mr. Pope be a Committee, to prepare and report the draught of an Address to His Excellency the Lieutenant Governor, in accordance with the said Report.

*Resolved*, That this House will, to-morrow, resolve itself into a Committee of the whole House, on the consideration of Supplies for the public service.

Then the House adjourned until to-morrow, at Eleven o'clock.

## FRIDAY, March 22, 1839.

**MR. LE LACHEUR**, from the Committee appointed to prepare and report the draught of an Address to His Excellency the Lieutenant Governor, on the subject of the Inland Mail, presented the draught of an Address, as prepared by the Committee ; and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency ;

The House of Assembly beg leave to state to your Excellency, that, in consequence of several applications, by Petitions, having been made to them, for extending Inland communication by Post, they have agreed to adopt the arrangements stated in the annexed Report ; and should your Excel-

lency be pleased to approve of the proposed extension of the transmission of the Mail, and the establishment of Post Offices in the respective Settlements mentioned in the said Report, the House of Assembly will make adequate provision for defraying the expenses incurred thereby.

*Ordered*, That the said Address be engrossed.

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

Two Messages from His Excellency the Lieutenant Governor.

Mr. Secretary Collins, by command of His Excellency, delivered the following Messages :

### First Message :

CHARLES A. FITZ ROY, Lt. Governor.

The Lieutenant Governor lays before the House of Assembly the Estimates for the Services of the current year. Accompanying them is a Petition from the Inhabi-

tants of Cascumpeque and vicinity, praying to have a Post Office established in that District; and the Lieutenant Governor recommends the House to make such addition to the Estimate for the Inland Mails as they may think sufficient to enable him to give effect to the prayer of the Memorial.

Government House, 21st March, 1839.

**ESTIMATES for the SERVICE of the YEAR 1839.**

*Salaries and Allowances fixed by Statute.*

|  |      |   |   |
|--|------|---|---|
| Treasurer, - - - - -   | 500  | 0 | 0 |
| Collector of Impost of Charlottetown, -  | 260  | 0 | 0 |
| Ditto Ditto, allowance for Clerk and Office Rent, - - - - -  | 40   | 0 | 0 |
| 4 Sub-Collectors of Customs, at £40,   | 160  | 0 | 0 |
| Travelling allowance to Chief Justice, -   | 100  | 0 | 0 |
| 2 Masters of Central Academy, at £150,   | 300  | 0 | 0 |
| District Schools, including Salary of Visiter, and of Secretary of Board of Education, Allowance to St. Andrew's College, and to Acadian Teachers, - | 1000 | 0 | 0 |
| Steamboat, under Act 6 Will. 4, cap. 11,   | 500  | 0 | 0 |
| 16 Road Commissioners, at £10, -   | 160  | 0 | 0 |
| Adjutant General and Sub-Inspector of Militia,   | 75   | 0 | 0 |
| Wharfinger, - - - - -  | 30   | 0 | 0 |
| Allowance to Protectors of Fisheries,  | 36   | 0 | 0 |
| Bounties on Vessels engaged in the Fisheries, 2d Vict. cap. 6, - - - - -   | 200  | 0 | 0 |

*Salaries and Allowances fixed by Statute.*

|   |    |   |   |
|---|----|---|---|
| 3 High Sheriffs, - - - - -  | 60 | 0 | 0 |
| Master of the National School, - - - - -  | 25 | 0 | 0 |
| Market Clerk, - - - - -   | 40 | 0 | 0 |
| Messenger of Executive Council, Crier of Supreme Court, and Tipstaff in Chancery, | 40 | 0 | 0 |
| Jailer, Queen's County, - - - - -   | 40 | 0 | 0 |
| Ditto, King's Ditto, - - - - -  | 30 | 0 | 0 |
| Ditto, Prince Ditto, - - - - -  | 30 | 0 | 0 |
| Assayer of Weights and Measures, Queen's County, - - - - -                        | 10 | 0 | 0 |
| Medical Attendant on Jail, Charlottetown,   | 10 | 0 | 0 |
| Correspondence with Road Commissioners,   | 30 | 0 | 0 |
| Post Mistress, for management of Inland Mails, for past year, - - - - -           | 20 | 0 | 0 |
| Mauon to Queen's County Jail, - - - - -   | 15 | 0 | 0 |

*Contingent Expenses of Government.*

|   |     |   |   |
|---|-----|---|---|
| Roads and Bridges (see Message), -  |     |   |   |
| Incidental Repairs of Ditto, -  |     |   |   |
| Premiums for killing Bears and Loupcerviers,                                | 40  | 0 | 0 |
| Sheriff's expenses, for the Jails of King's, Queen's and Prince Counties, - | 200 | 0 | 0 |
| Fuel and Bread for three Jails,   | 100 | 0 | 0 |
| Commissioners for issuing Treasury Notes,                                   | 30  | 0 | 0 |
| Colonial Secretary's Fees, - - - - -  | 130 | 0 | 0 |
| Clerk of the Council's do. - - - - -  | 130 | 0 | 0 |
| Crown Prosecutions, including Fees of Crown Officers, &c. - - - - -         | 450 | 0 | 0 |

|  |      |   |   |
|--|------|---|---|
| Crown Officers' Fees, for other services,                      | 50   | 0 | 0 |
| Winter Mails, - - - - -  | 150  | 0 | 0 |
| Inland Mails, - - - - -  | 210  | 0 | 0 |
| Public Printing and Stationery, - - - - -                      | 250  | 0 | 0 |
| Lunatics and indigent persons, - - - - -                       |      |   |   |
| Notes to be cancelled, - - - - -                               | 1000 | 0 | 0 |
| Interest on Warrants, - - - - -                                | 350  | 0 | 0 |
| Expenses of Quarantine, should the same be required, - - - - - | 100  | 0 | 0 |
| Plans and Estimates of Public Works,                           | 20   | 0 | 0 |
| Buoys and Beacons, - - - - -                                   | 250  | 0 | 0 |
| Contingencies, - - - - -                                       | 250  | 0 | 0 |

*Expenses of the last and present Sessions of the Legislature.*

|                                |  |  |  |
|--------------------------------|--|--|--|
| Legislative Council, - - - - - |  |  |  |
| House of Assembly, - - - - -   |  |  |  |

*Miscellaneous.*

|  |     |    |   |
|--|-----|----|---|
| Assessment on Government Pews, - - - - -   | 7   | 0  | 0 |
| Excess of Expenditure on Government House, unprovided for, - - - - -   | 329 | 4  | 5 |
| Probable Expenses of a Building required at the back of the Farm Yard, Government House, and sundry repairs of Barn, Stables, &c.—Also, of a Shed required in the Court Yard at the House, as a place of safety for the double windows, stoves and stovepipes—of a Breastwork, and Well in the Kitchen Garden, and casual repairs, - - - - - | 154 | 16 | 0 |

**Second Message:**

CHAS. A. FITZ ROY, Lt. Governor.

The Lieutenant Governor lays before the House of Assembly the Returns of Statute Labour for the past year, together with the Reports of the Commissioners of the state of the Roads and Bridges in their several Districts.—Also, an account of the application of the amount appropriated for this service last Session; and the Lieutenant Governor leaves it to the House to vote such a sum for the services of Roads and Bridges for the present year as they may feel the resources of the country to justify.

Accompanying these documents are two Petitions, one for a Road from Cape Traverse Settlement to the Shore, the other for a Road from John Mutart's to Robert Forrest's, Lot 28; and the Lieutenant Governor recommends the House to vote the compensation to the owners of the land through which these roads must pass, as agreed upon between the parties and the Commissioner of the District.

Government House, 21st March, 1839.

Mr. Secretary Collins also presented to the House the Documents referred to in the foregoing Messages.

Then the House adjourned for one hour.

And being met—

*Ordered*, That the Order of the Day, for the House in Committee on the further consideration of the Bill for regulating the forfeiture of Lands and settlement of the Inhabitants of this Island, be now read;

And the same being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and had made several amendments thereto.

A motion being made, that the Report of the Committee be agreed to:

The House divided:

YEAS:

Mr. W. Dingwell,  
Mr. Forbes,  
Mr. Macneill,  
Mr. Dalziel,  
Mr. Thomson,  
Mr. Arbuckle,  
Mr. Fraser,  
Mr. Montgomery,

Mr. Gorman,  
Mr. J. Dingwell,  
Mr. Le Lacheur,  
Mr. Macfarlane,  
Mr. D. Macdonald,  
Mr. Macintosh,  
Mr. Beck.

NAYS:

Mr. Longworth,  
Hon. Mr. Pope,  
Mr. Palmer,

Hon. J. S. Macdonald,  
Mr. Hudson.

So it was carried in the affirmative.

*Ordered*, That the said Bill be engrossed, and that the Title be *An Act to regulate the forfeiture of Lands and the settlement of the Inhabitants of this Island*.

The Order of the Day, for the House in Committee on the consideration of Supplies for the public service, being read;

*Ordered*, That the Messages received this day from His Excellency the Lieutenant Governor, with the accompanying Documents, be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

## SATURDAY, March 23, 1839.

**T**HE Bill for the relief of certain American Loyal Emigrants and disbanded Troops in this Island, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour.

And being met—

A Petition of the Trustees of the Princetown Upper School was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit) presented to the House by Mr. Montgomery, and the same was received and read—praying for Legislative aid on behalf of the said School, either by an alteration in the present School Act, or otherwise.

*Ordered*, That the said Petition be referred to the Committee appointed to inquire into the expediency of amending the Act for the encouragement and support of District and other Schools.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on

the further consideration of the Bill for the relief of certain American Loyalists and disbanded Troops in this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again on Monday next.

Mr. *Le Lacheur*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address on the subject of the Inland Mail, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say, that he would attend to the suggestions of the House.

Mr. *Rae*, from the Committee appointed to inquire into the expediency of amending the Act for the encouragement and support of District and other Schools, presented to the House the Report of the Committee; which Report was again read at the Clerk's Table, and is as followeth:

Your Committee beg leave to state, that great changes appear to be requisite, both in the Legislative enactments regarding, and provisions in favour of Education, and also on the conventional arrangements between the supporters of Schools, and between such supporters as a body and the teachers. But as those changes cannot be brought about without the general co-operation of the inhabitants, and as, on many important parts of this matter, the mass of the community have not yet expressed their final opinion, your Committee respectfully recommend that a Bill, comprehending all those changes which, having been agitated amongst the constituency, appear to be thought worthy of the special consideration of all the inhabitants, be drawn up and published in the newspapers. Your Committee further submit, that the present Act be forthwith changed, so far as the general will of the majority has been clearly expressed; and these changes appear to your Committee to be—

1st. The appointment of a Third Class of Teachers, for whom it shall be a sufficient qualification that they have a competent knowledge of reading, writing and arithmetic, including fractions and book-keeping by single entry. That the Legislative aid to such Teachers be £7 per

annum, and that no particular amount of subscription should be required. That in regard to the 18th clause, the complaints of the unnecessary trouble and expence which it imposes on Teachers, are universal; and your Committee respectfully submit, that every requisite guarantee against misapplication of the public money would be attained, by requiring the Teacher to transmit to the Board—1st, a copy of the original agreement made by him, or on his behalf, with the subscribers, with his Affidavit thereto. 2d. A certificate by the Trustees (or if none shall have been appointed, by a majority of the subscribers) stating that the requisitions of the Act, in regard to the amount of salary, the sufficiency of the school-room, and the quarterly examination by the trustees (or by subscribers, if no trustees shall have been appointed,) have been complied with, and also testifying his good conduct, attention and sobriety. That such certificate shall subsequently be signed by such Justices of the Peace or Commissioners of Small Debts as reside within \_\_\_\_\_ miles of such school, or by such Clergymen as reside within \_\_\_\_\_ miles thereof. That thereon the Secretary to the Board of Education shall, within fourteen days after receipt thereof, transmit a certificate to the Colonial Secretary, in which, after specifying the class to which the teacher belongs, he shall testify that he has received these documents, and that he knows no reason to doubt their authenticity, or the correctness of the statements therein contained; and that a certificate by said Secretary, and the accompanying documents, shall be laid before the Executive Council at their first meeting, and if not found incorrect, that the Colonial Secretary shall issue a Warrant on the Treasurer for the amount.

And in regard to the £40 granted "*to deserving Teachers amongst the Acadians*:"

Your Committee submit that, considering the proportion which that race has to the other inhabitants, an allowance so inconsiderable does appear invidious; and they recommend that the Teachers amongst the Acadian French should be on precisely the same footing as Teachers in other Districts, with this difference, that the certificate of the Clergyman who has the spiritual cure of the subscribers to such Acadian French School, should be sufficient, both as regards the qualifications of the Teacher, and all the other requisitions of the Act, antecedent to the transmission of the certificate to the Secretary of the Board. But that in every such instance, such certificate should entitle the Teacher only to the lowest allowance.

In regard to the Visitor's salary, your Committee are aware that were an uniform system of Education adopted in the Island, and were its monetary matters in a more flourishing condition, such an appropriation of public money might be supported; but that at present, it is advisable to discontinue the Salary; while they so do they have to remark, that it is the cost of the office to which they object, and not to the conduct of the individual who fills the situation.

Your Committee further submit, that the 12th clause, regarding School-houses, should be so expressed as not to admit of the interpretation of prohibiting public meetings being held therein, with the consent of a majority of the Subscribers, and prior to or after the regular school hours.

23d. Also, that as the Spring and Fall vacations must be chiefly valuable to the Teachers, by enabling them to engage in some measure in agricultural pursuits, the advantage they may derive therefrom would probably be increased, by allowing the same, with the consent of the Trustees, to be taken—the Spring vacation in May or June, and the Fall vacation in September or October.

24th. In regard to the advance of public money for the purchase of books, your Committee not having received any account of the importations and sales thereof, cannot speak as to whether or not the same has been productive of any beneficial result; it would, however, appear necessary, or at least according to custom, to provide for the same being refunded when no longer required for these purposes, and that in the meantime an account be required.

26th Clause. In reference to this clause, it would appear necessary to make some change in the wording thereof; for though the marginal notes declare that second and third class teachers, who have been found qualified, shall not be required to submit to a second examination, and though the body of the clause will admit of that meaning, and scarcely of any other, yet the Board of Education has interpreted the clause in a contrary manner. Your Committee submit, that the making it imperative on the teachers who have already passed for any class, and especially for the higher classes, to submit to repeated examinations, gives room either to suppose that the former decisions of the Board were unsatisfactory, or that it is purposed to give to certain individuals, appointed by the Executive, an influence over the teachers in matters which regard neither their morals nor their capability; and that every such attempt to control opinion must tend to disgust liberal men with so necessary an occupation, which, by the circumstances of the country, being far from lucrative, should be protected from any unmerited influential insult.

In reference to the Petition from Princetown and Royalty, your Committee have to observe, that they have inquired into the number of the subscribers who are house-

holders in the Town and Royalty, and have referred to the Report of the Visiter, and the plan of the Royalty; and they respectfully submit, that the provision for Ten Pounds additional to a second class teacher be withdrawn—that the Royalty requires two Schools—that as the one at the Cross Roads, on the base line, taught by Alexander Rae, appears by the Visiter's Report to be not only well conducted, but to be attended by a greater number of pupils than the generality of District Schools, the Teacher there should receive Legislative aid, and with such view that the Petition of the subscribers to said School be referred to the Committee of Supply, both for this and the preceding year.

In reference to the other School, the same should also receive aid, but that its location should be determined by a majority of the householders in the Royalty; and on referring to the Census, they find that the Petition last presented to the House does not contain the names of any thing like a majority of the householders. They have further to observe, that though the last Petition objects to any removal from a place, because that during forty years a School has been maintained in the same place, the assertion is unfounded, inasmuch as the very building was within the last 25 or 26 years moved a distance of  $1\frac{1}{2}$  mile from that part of the Royalty, nigh which the School first above referred to is situate.

In regard to the Petition of P. B. Doyle, your Committee, though aware that many of the residents in Charlotetown do not think it advisable to send their children to the Central Academy, yet, considering that the School taught by the Petitioner, and that taught by Mr. Breeding, receive Legislative aid, cannot recommend that any additional aid should be given to the petitioner. They however recommend, that the allowance to the said Mr. Breeding should be no more than would be allowed to a District Schoolmaster of the present first or lowest class—there being, as your Committee are informed, independent of these two Elementary Schools, two other Elementary Schools taught by Females, receiving Legislative aid.

*Ordered*, That the said Report be referred to a Committee of the whole House on Tuesday next.

Then the House adjourned until Monday next, at Eleven o'clock.

## MONDAY, March 25, 1839.

**T**HE Order of the Day, for the House in Committee on the further consideration of the Bill for the relief of certain Loyal American Emigrants and disbanded Troops in this Colony, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Fraser* reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were

again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*.

Then the House adjourned for one hour.

And being met—

*Ordered*, That the Order of the Day, for the House in Committee to consider further of a Supply, be now read;

And the same being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Mr. Palmer, from the Committee to whom was referred several Petitions from and on behalf of persons labouring under bodily and mental infirmities, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as followeth:

Your Committee having maturely considered the subject to them referred, are of opinion that the Petitioners and others for whom aid is solicited, be relieved to the extent of the sums respectively attached to their names in the following scale:

*Prince County.*

|                            |   |   |    |   |   |
|----------------------------|---|---|----|---|---|
| Daniel Quigley, the sum of | - | - | £5 | 0 | 0 |
| Mary Hickey, " "           | - | - | 3  | 0 | 0 |
| James Inglis, " "          | - | - | 3  | 0 | 0 |

*Queen's County.*

|                              |   |   |   |    |   |
|------------------------------|---|---|---|----|---|
| Joanna Redmond's daughter, - | - | - | 5 | 0  | 0 |
| James Conway, -              | - | - | 6 | 0  | 0 |
| Charles Russell, -           | - | - | 5 | 0  | 0 |
| John Ready, -                | - | - | 5 | 0  | 0 |
| Mary Macleod, -              | - | - | 3 | 0  | 0 |
| Rosanna Mitchell, -          | - | - | 2 | 10 | 0 |
| James Maddox, -              | - | - | 8 | 0  | 0 |

|                                   |   |   |    |   |   |
|-----------------------------------|---|---|----|---|---|
| Ann Trueguard, -                  | - | - | 5  | 0 | 0 |
| Nancy Kielly (for her husband), - | - | - | 3  | 0 | 0 |
| Archibald M'Niven, -              | - | - | 5  | 0 | 0 |
| Mary Macaulay, -                  | - | - | 10 | 0 | 0 |
| James Jackson, -                  | - | - | 10 | 0 | 0 |
| Margaret Finlayson, -             | - | - | 8  | 0 | 0 |
| Christiana Macphee, -             | - | - | 3  | 0 | 0 |
| Malcolm Macleod, -                | - | - | 10 | 0 | 0 |
| John Macnamara, -                 | - | - | 5  | 0 | 0 |

*King's County.*

|                                    |   |   |   |    |   |
|------------------------------------|---|---|---|----|---|
| Thomas Devereux, -                 | - | - | 4 | 0  | 0 |
| Margaret Campbell (for her son), - | - | - | 5 | 0  | 0 |
| William Johnston, -                | - | - | 5 | 0  | 0 |
| Elizabeth Brown, -                 | - | - | 2 | 10 | 0 |
| John Smith, -                      | - | - | 3 | 0  | 0 |
| Elizabeth Patience, -              | - | - | 3 | 0  | 0 |
| Angus M'Killoe, -                  | - | - | 3 | 0  | 0 |
| Christiana Maceachern, -           | - | - | 3 | 0  | 0 |

Your Committee are of opinion, that it is inexpedient to grant the prayer of the Petitions from or on behalf of the following persons, viz:

Nancy M'Gillivray, of Township No. 44.

Hector Macniven, of Township No. 30.

John Currie, of Township No. 50.

Maria Fair, of Township No. 50.

John Burns, of Township No. 35.

Peter Creamer, of Charlottetown.

Elizabeth Chaffy, of Grand River, King's County.

Donald Maclauchlan, of Township No. 34.

All of which is respectfully submitted.

*Ordered*, That the said Report be referred to the Committee of Supply.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, to consider further of a Supply.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

## TUESDAY, March 26, 1839.

**T**HE Hon. J. S. Macdonald, from the Committee appointed to prepare the draught of an Address to His Excellency the Lieutenant Governor, on the subject of the Mount Stewart Bridge, presented to the House the draught of an Address, as prepared by the Committee, which said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth:—

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency ;

The Committee of the House of Assembly to whom was referred the Petition of the Inhabitants of Townships Numbers 36, 37, 38 and 39, praying that a Bridge may be erected over the Hillsborough, at the place known as Mount Stewart Ferry, having submitted the accompanying Report, and the House having unanimously adopted the same, would respectfully request your Excellency to cause the measures recommended in the said Report to be carried into effect.

*Ordered,* That the said Address be engrossed.

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

The Order of the Day, for the House in Committee to consider the Report of the Special Committee appointed to inquire into the expediency of amending the Act for the encouragement and support of District and other Schools, being read ;

The Hon. Mr. Pope moved that the said Order of the Day be discharged, and made the Order of the Day for this day three months.

The House divided on the question :

YEAS, 9.

NAYS, 12.

So it passed in the negative.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Thomson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Thomson reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered,* That the Report be received to-morrow.

Then the House adjourned for one hour.

And being met—

The Order of the Day, for the House in Committee to consider further of a Supply, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered,* That the said Committee have leave to sit again to-morrow.

*Resolved,* That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider of Ways and Means.

Then the House adjourned until to-morrow, at Eleven o'clock.

## WEDNESDAY, March 27, 1839.

**M**R. RAE, from the Committee appointed to inquire into the probable expence of establishing and maintaining Buoys and Beacons at the principal harbours in this Island, presented to the House the Report of the said

Committee ; which Report was again read at the Clerk's Table, and is as followeth :

The Committee appointed to inquire into the probable expence of establishing and maintaining Buoys and Beacons at the different harbours of this Island, and into the



amount of funds now at the disposal of the Legislature for these purposes, respectfully submit—

That for this year there be appropriated the sum of One hundred and fifty Pounds, to be divided among the Counties according to the amount respectively collected therein—that is, one half of the above to Queen's County, and the remaining £75 to be equally divided between King's and Prince Counties.

That two different plans of Buoys will probably be adopted, the opinions of British Masters of Vessels being in favour of the kind of Buoys used in Britain, and in most parts of Europe, while the other is recommended by its apparent adaptation to the purpose, and by the judgment of several residents in Prince and King's Counties, conversant with and interested in the maritime business of this Colony—of which last plan a specification is annexed, shewing that the expence of the same is only one-fifth to one-eighth of the estimated expence of the kind of Buoys first mentioned. The judgments in favour of the superiority of this plan, both as regards the distance at which such Buoys can be seen, the small expence requisite for constructing the same, and their durability, appear to the Representatives of King's and Prince Counties, Members of this Committee, clearly to warrant that certain harbours of this Island should be buoyed in that manner.

Your Committee further submit, that it appears advisable that individuals well acquainted with such matters should be authorized to receive tenders for laying down and maintaining Buoys for three consecutive seasons, the tenders to state the cost of the Buoys and the charge per season, for maintaining the same—the Buoys to be laid down every season in presence of one of the established pilots of the harbour, who should be bound (for a certain specific remuneration), to attend at the annual laying down of such Buoys. That the cost of the Buoys should be paid, on a certificate being produced to the Council that same has been done; the annual charge to be paid on a similar certificate, that the Buoys have been laid down at the opening of the navigation, and maintained till the close of the navigation that year. That the person whose tender may be accepted, shall forthwith find security, in double the amount of the tender, for the performance of the contract. That the Buoys and Beacons become the property of the public at the close of the third season, the tender specifying that the Buoys, Chains and Moorings shall be delivered on the shores of the several harbours, at such place as may be specified in the contract.

In reference to the letter of Lord C. Paget, as to making Charlottetown Harbour the rendezvous for British vessels of war on these coasts, the Committee are of opinion, that the facility of entrance, the length of time it remains open after all other harbours are shut up, and the readiness with which British men of war, issuing thence, can traverse those parts of the Gulf where hostile ships would probably be cruising, recommend to the most serious consideration of those who desire that in case of war our traffic with the

neighbouring Colonies should be maintained, and that our coasts should be free from privateering visits, the endeavouring to get such Naval Station established at Georgetown. They submit, that whatever kind of Buoys naval Commanders may think requisite, the expence of establishing the same at Georgetown will be less than at Charlottetown. They also respectfully recommend, that it would appear advisable to submit to the proper authorities a correct description of both harbours—of the mode of laying down Buoys which appeared advisable in this country—and then, after these authorities shall have determined on the harbour most eligible for a rendezvous, to appropriate what might be requisite (if any) for such Buoys and Beacons as they might think necessary.

Your Committee further submit, that in putting down Buoys and erecting Beacons, it would appear advisable, that the Buoys and Beacons laid down at present should be no more than may be necessary for enabling strangers to the harbour to enter safely to mooring ground; and further, that to this extent it would appear preferable, that a few harbours should be completely furnished with Buoys and Beacons, than that the whole should be partially provided, as such partial provision might lead a stranger into damage.

Your Committee submit, that a great number of American fishing vessels frequent the principal harbours of this Island, and that it appears advisable to Address his Excellency, requesting him to appoint, at the principal harbours, competent individuals to collect from these vessels moderate harbour dues.

#### SPECIFICATION.

For 4 to 5 feet water, a spar 25 to 30 feet long, moored by a three quarter inch chain, six to eight feet long, to a stone proportionate to the weight of the spar, so that six feet of the spar may be over the water at highwater, and so in proportion for a less depth of water, one-third of the smaller end of the spar to be tapered off, so as at three-quarters of its length (from the butt) to be only five inches through, and thence gradually tapered to the upper extremity—on which is to be fixed a keg of at least fifteen inches long, painted with stripes or streaks of black and white—should this be liable to partial submersion in heavy storms, an additional buoyancy might be given, by a small frame fixed to the spar nigh the place where the same rises to the level of highwater. The estimated expence of such a buoy in six fathoms of water is from Four to Six Pounds—while that of a buoy constructed as in Britain would, in a similar situation, be from £30 to £40.

And that for sustaining the Report, the Committee divided as follows:

#### YEAS:

Mr. *Le Lacheur*,  
Mr. *W. Dingwell*,  
Mr. *Thomson*,  
Mr. *Montgomery*,  
Mr. *Rac*.

#### NAYS:

Mr. *Palmer*,  
Hon. Mr. *Pope*.

Ordered, That the said Report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and is as followeth:

Resolved, That it is the opinion of this Committee, that a Bill be brought in to authorize the laying down and maintaining of Buoys and the establishment of Beacons at certain of the Harbours in this Island, and to provide for the survey of the harbours of Three Rivers and Charlottetown.

Mr. Palmer moved, in amendment of the said Resolution, that after the word "Island," all be struck out, and the following substituted:

"And also, that it is expedient that a proper survey, to be performed by skilful and competent persons, be made of the entrance of the Harbour of Charlottetown, in order to denote the proper positions to set down Buoys, where it may appear to such persons necessary, to afford every accommodation and protection to shipping, and to hold out every inducement to obtain the advantages which this Island would derive from the said Harbour being made a rendezvous for such Ships of the British Navy as may be appointed to the station."

The House divided on the motion of amendment:

YEAS:

|                       |                |
|-----------------------|----------------|
| Mr. Palmer,           | Mr. Gorman,    |
| Mr. Yeo,              | Mr. Longworth, |
| Mr. Montgomery,       | Mr. Hudson,    |
| Hon. J. S. Macdonald, | Hon. Mr. Pope. |

NAYS:

|                   |                  |
|-------------------|------------------|
| Mr. Thomson,      | Mr. Beck,        |
| Mr. W. Dingwell,  | Mr. Clark,       |
| Mr. Dalziel,      | Mr. Macfarlane,  |
| Mr. Macintosh,    | Mr. J. Dingwell, |
| Mr. Macneill,     | Mr. Arbuckle,    |
| Mr. D. Macdonald, | Mr. Fraser,      |
| Mr. Rae,          | Mr. Forbes.      |

So it passed in the negative.

The Hon. Mr. Pope moved, in amendment of the said Resolution, to leave out the words "Three Rivers and."

The House divided on the motion of amendment:

YEAS:

|                |                       |
|----------------|-----------------------|
| Hon. Mr. Pope, | Mr. Montgomery,       |
| Mr. Hudson,    | Hon. J. S. Macdonald, |
| Mr. Longworth, | Mr. Yeo,              |
| Mr. Gorman,    | Mr. Palmer.           |
| Mr. Macneill,  |                       |

NAYS:

|                  |                   |
|------------------|-------------------|
| Mr. Forbes,      | Mr. Rae,          |
| Mr. Fraser,      | Mr. D. Macdonald, |
| Mr. Arbuckle,    | Mr. Macintosh,    |
| Mr. J. Dingwell, | Mr. Dalziel,      |
| Mr. Macfarlane,  | Mr. W. Dingwell,  |
| Mr. Clark,       | Mr. Thomson.      |
| Mr. Beck,        |                   |

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

Ordered, That Mr. Thomson, Mr. Clark and Mr. Arbuckle be a Committee to prepare and bring in a Bill in accordance with the above reported Resolution.

A Message from His Excellency the Lieutenant Governor.

Mr. Secretary Collins, by command of His Excellency, delivered the following

Message:

CHARLES A. FITZ ROY, Lt. Governor.

The Lieutenant Governor is desirous that the House of Assembly, at its rising to-morrow, should adjourn to Saturday, the 30th instant.

Government House, March 27th, 1839.

Resolved, That this House will, at its rising to-morrow, adjourn until Saturday, the 30th instant.

A Message from the Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council have passed a Bill, intituled *An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein*, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

Then the House adjourned for one hour.

And being met—

Mr. D. Macdonald moved, that the engrossed Bill intituled *An Act to regulate the forfeiture of*

*Lands and the settlement of the Inhabitants of this Island*, be now read the third time.

Mr. *Yeo* moved, in amendment, to leave out the word "now," and at the end of the question to add the words "this day six months."

The House divided on the motion of amendment:

## YEAS:

|                        |                               |
|------------------------|-------------------------------|
| Mr. <i>Yeo</i> ,       | Hon. <i>J. S. Macdonald</i> , |
| Mr. <i>Hudson</i> ,    | Mr. <i>Longworth</i> ,        |
| Hon. Mr. <i>Pope</i> , | Mr. <i>Palmer</i> .           |

## NAYS:

|                           |                          |
|---------------------------|--------------------------|
| Mr. <i>D. Macdonald</i> , | Mr. <i>Macintosh</i> ,   |
| Mr. <i>Thomson</i> ,      | Mr. <i>Macfarlane</i> ,  |
| Mr. <i>Beck</i> ,         | Mr. <i>Arbuckle</i> ,    |
| Mr. <i>Le Lacheur</i> ,   | Mr. <i>Rae</i> ,         |
| Mr. <i>Gorman</i> ,       | Mr. <i>Clark</i> ,       |
| Mr. <i>Dalziel</i> ,      | Mr. <i>Forbes</i> ,      |
| Mr. <i>Montgomery</i> ,   | Mr. <i>Macneill</i> ,    |
| Mr. <i>Fraser</i> ,       | Mr. <i>W. Dingwell</i> . |
| Mr. <i>J. Dingwell</i> ,  |                          |

So it passed in the negative.

The question being then put on the main motion,

It was resolved in the affirmative.

The Bill was accordingly read the third time.

A motion being made that the Bill do pass;

The Hon. Mr. *Pope* moved, as an amendment to the question, that the House do come to a Resolution, as followeth:

"That as the Bill before the House contemplates a general forfeiture of all the lands in this Colony, and is an infringement of the prerogatives of the Crown, as well as an obvious violation of private rights, and is by no means calculated to relieve the tenantry of this Colony from the burthens which a large arrear of rents impose on them: *Resolved, therefore*, that this Bill do not pass until this day three months; but that a Committee be appointed to prepare an Address to Her Majesty, praying that she will be graciously pleased to interpose Her mediation with the Township Proprietors, to obtain for the Tenantry an abatement of rent for which they are now or may be hereafter liable, as the only means of affording that relief which the distressed circumstances of many of them require."

The House divided on the motion of amendment:

## YEAS:

|                        |                               |
|------------------------|-------------------------------|
| Hon. Mr. <i>Pope</i> , | Hon. <i>J. S. Macdonald</i> , |
| Mr. <i>Palmer</i> ,    | Mr. <i>Hudson</i> .           |
| Mr. <i>Yeo</i> ,       |                               |

## NAYS:

|                           |                          |
|---------------------------|--------------------------|
| Mr. <i>Arbuckle</i> ,     | Mr. <i>Fraser</i> ,      |
| Mr. <i>Beck</i> ,         | Mr. <i>Dalziel</i> ,     |
| Mr. <i>Thomson</i> ,      | Mr. <i>Clark</i> ,       |
| Mr. <i>Le Lacheur</i> ,   | Mr. <i>J. Dingwell</i> , |
| Mr. <i>D. Macdonald</i> , | Mr. <i>W. Dingwell</i> , |
| Mr. <i>Rae</i> ,          | Mr. <i>Gorman</i> ,      |
| Mr. <i>Macintosh</i> ,    | Mr. <i>Macneill</i> ,    |
| Mr. <i>Macfarlane</i> ,   | Mr. <i>Montgomery</i> .  |
| Mr. <i>Forbes</i> ,       |                          |

So it passed in the negative.

The question being then put on the main motion, "that the Bill do pass,"

The House again divided:

YEAS, 17.

NAYS, 5.

So it was resolved in the affirmative.

*Ordered*, That Mr. *D. Macdonald* do carry the said Bill to the Legislative Council, and desire their concurrence.

A motion being made, that the House do now adjourn,

It passed in the negative.

Mr. *Clark* moved, that the House do come to a Resolution, as followeth:

*Resolved*, That in addition to the Bill now before the Legislature, an humble Address be presented to Her Majesty, shewing that the authorized mediation between the Proprietors and the Tenantry of this Colony, conducted by the Colonial Government, has failed to produce the effect of lowering the rents, and that it becomes necessary to adopt some general measure for the settlement of the Colony.

Mr. *Palmer* moved, in amendment, to leave out all the words of the proposed Resolution after the word "Resolved," and instead of the words so left out, to substitute the following, viz: "That from the copious and comprehensive provisions embraced in the Bill now before the Legislature, it is already calculated as a general measure for the settlement of the Colony, and it is therefore inexpedient to adopt any additional measure of the same nature."

The House divided on the motion of amendment:

YEAS, 5.

NAYS, 17.

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

*Ordered*, That the Hon. Mr. *Pope* have leave to absent himself from this House until Tuesday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

## THURSDAY, March 28, 1839.

**MR. THOMSON**, from the Committee of the whole House on the consideration of the Report of the Special Committee appointed to inquire into the expediency of amending the Act for the encouragement and support of District and other Schools, reported, according to order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's Table, and are as follow:

1. **RESOLVED**, That it is the opinion of this Committee, that great changes appear to be requisite in the Act for the encouragement and support of District and other Schools; but as those changes cannot effectually be brought about without the general co-operation of the Inhabitants, and as on many important points the mass of the community have not yet expressed their final opinion, that it be recommended to the House, at its next Session, to go fully into the consideration of the said Act; and that in the meantime a Bill be brought in to provide for one year for a third or lower class of Teachers.

2. **RESOLVED**, That it is the opinion of this Committee, that a Special Committee be appointed, composed of Members from the different Counties, for the purpose of acquiring, during the recess, all such information as they may deem necessary or useful, relating to the subject-matter of the Act for the encouragement and support of District and other Schools, and to report thereon to the House at its next Session.

3. **RESOLVED**, That it is the opinion of this Committee, that that part of the Report which refers to the School kept by Alexander Rae, in Princetown Royalty, be referred to the Committee of Supply; and that the sum of Twelve Pounds, being the amount allowed to First Class Teachers, be granted to the said Alexander Rae, for the year ending 15th December, 1838.

4. **RESOLVED**, That it is the opinion of this Committee, that the case of Patrick B. Doyle, a Teacher of youth in Charlottetown, is entitled to favourable consideration, and that he be allowed the sum of Seven Pounds, in addition to the sum to which he is entitled under the Act for the encouragement and support of District and other Schools.

And the First and Second of the said Resolutions being again severally read, were, upon the question being separately put thereon, agreed to by the House.

The Third of the said Resolutions being again read, and the question of concurrence, put thereon;

The House divided:

## YEAS:

|                   |                  |
|-------------------|------------------|
| Mr. Thomson,      | Mr. Beck,        |
| Mr. Forbes,       | Mr. J. Dingwell, |
| Mr. Clark,        | Mr. Macneill,    |
| Mr. Le Lacheur,   | Mr. Montgomery,  |
| Mr. D. Macdonald, | Mr. Macintosh,   |
| Mr. W. Dingwell,  | Mr. Fraser,      |
| Mr. Macfarlane,   | Mr. Gorman,      |
| Mr. Dalziel,      | Mr. Arbuckle.    |

## NAYS:

|                       |                |
|-----------------------|----------------|
| Hon. J. S. Macdonald, | Mr. Longworth, |
| Mr. Palmer,           | Mr. Hudson.    |

So it passed in the affirmative.

The Fourth of the said Resolutions being again read, was, upon the question put thereon, agreed to by the House.

*Resolved*, That a Committee of three Members be appointed, to prepare and bring in a Bill to provide for one year for a third or lower class of Teachers, in accordance with the First of the above reported Resolutions.

*Ordered*, That Mr. Arbuckle, Mr. Palmer and Mr. Clark do compose the said Committee.

*Ordered*, That Mr. Rae, Mr. Hudson, Hon. J. S. Macdonald, Mr. Gorman, Mr. Arbuckle, Mr. Longworth, Mr. D. Macdonald, Mr. Thomson, Mr. Dalziel, Mr. Clark, Mr. Macfarlane and Mr. W. Dingwell be a Committee, for the purpose mentioned in the Second of the above reported Resolutions.

An engrossed Bill from the Council, intituled *An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein*, was read the first time.

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

Mr. Yeo, from the Committee appointed to prepare and bring in a Bill relating to Treasury Warrants, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

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

Then the House adjourned for one hour.

And being met—

The Hon. J. S. Macdonald, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address of the 26th instant, on the subject of building a Bridge at Mount Stewart Ferry, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say, that he would comply with the desire of the House.

*Ordered*, That Mr. W. Dingwell have leave to absent himself from this House until Tuesday next.

Mr. Palmer moved, that this House do now resolve itself into a Committee of the whole House, to consider the expediency of amending the Election Laws.

And thereupon, Mr. Thomson moved that the House do come to the following Resolutions:

*Resolved*, That the present Election Law was concocted in the late House of Assembly, whilst three of the Members for King's County, well known to be opposed to the measure, were, under specious pretexts, placed in charge of the Sergeant at Arms, whereby an undue advantage was taken of the minority then remaining in the late House of Assembly: and whereas the party purposes of the projectors of the amended Election Law have in some measure been realized, by the return to this House of a few Members who are advocates for the payment of Rents to Proprietors who have failed in most instances to perform the conditions of their original Grants, which this House deems tantamount to proprietary bondage, and that this House would have felt bound to adopt some general measure on the subject before the termination of this Assembly; yet, nevertheless, in deference to His Excellency's concurrence in the said Act, the House are willing that the same shall have a fair trial, in order that its projectors may have the full benefit of the advantage the said law affords them.

That while this House perfectly concurs in the representations made to Her Majesty's Minis-

ters by William Cooper, Esquire, against the present Election Law of this Colony, yet, in the present unsettled state of the inhabitants, it is highly inexpedient to produce any further agitation, by making any alteration in the Election Law, until the agricultural inhabitants are settled upon the land: *Resolved, therefore*, that the further consideration of this question be postponed until this day six months.

Mr. Hudson moved, that instead of the said proposed Resolutions, the following be adopted:—"That it is inexpedient at present to make any alteration in the Election Laws."

The House divided on the motion of amendment:

YEA, 1.

NAYS, 16.

So it passed in the negative.

The question being then put on the said Resolutions,

The House again divided:

YEAS:

|                  |                   |
|------------------|-------------------|
| Mr. Thomson,     | Mr. Le Lachur,    |
| Mr. Arbuckle,    | Mr. Macintosh,    |
| Mr. Macfarlane,  | Mr. D. Macdonald, |
| Mr. Fraser,      | Mr. Dalziel,      |
| Mr. Beck,        | Mr. Clark,        |
| Mr. Forbes,      | Mr. Macnicill,    |
| Mr. J. Dingwell, | Mr. Gorman.       |
| Mr. Hudson,      |                   |

NAYS:

|             |                |
|-------------|----------------|
| Mr. Palmer, | Mr. Longworth. |
|-------------|----------------|

So they were carried in the affirmative.

*Ordered*, That Mr. Hudson have leave to absent himself from this House until Tuesday next.

*Ordered*, That Mr. Thomson have leave to absent himself from this House until Monday next.

Then the House adjourned until Saturday next, at Eleven o'clock.

## SATURDAY, March 30, 1839.

**T**HE engrossed Bill from the Council, intituled *An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein*, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

*Ordered*, That His Excellency the Lieutenant Governor's Message of February 2d, on the sub-

ject of Prison Discipline, with the several documents accompanying the same, be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again on Tuesday next.

Then the House adjourned for one hour.

And being met—

Read a third time, as engrossed, the Bill intituled *An Act for the relief of certain of the Ame-*

*rican Loyalists and disbanded Troops, and their Representatives.*

*Resolved*, That the said Bill do pass.

*Ordered*, That Mr. *D. Macdonald* do carry the said Bill to the Legislative Council, and desire their concurrence.

The Order of the Day, for the House in Committee, to consider further of a Supply, being read ;

*Ordered*, That the said Order of the Day be postponed until Tuesday next.

The Order of the Day, for the House in Committee, to consider of Ways and Means, being read ;

*Ordered*, That the said Order of the Day be postponed until Tuesday next.

Then the House adjourned until Monday next, at Eleven o'clock.

## MONDAY, April 1, 1839.

**N**INE Petitions were presented to the House by Mr. *Rae*, viz :

A Petition of divers Inhabitants of the First Electoral District of King's County :

A Petition of divers Inhabitants of the Second Electoral District of said County :

A Petition of divers Inhabitants of the Third Electoral District of said County :

A Petition of divers other Inhabitants of the said Third Electoral District :

A Petition of divers Inhabitants of the Second Electoral District of Queen's County :

A Petition of divers other Inhabitants of the said Second Electoral District :

A Petition of divers Inhabitants of the Third Electoral District of said County :

A Petition of divers other Inhabitants of the said Third Electoral District :

A Petition of divers Inhabitants of the Second Electoral District of Prince County :

And the said Petitions were received and read, each severally setting forth—That Petitioners have heard with surprise and regret, that Her Majesty's Government have advised that a large portion of the proceeds of the sales of the Glebe and School Lands, appropriated by an enactment of the Colonial Legislature, should be placed at the disposal of the Bishop of Nova Scotia—and praying the House to take every constitutional means for the prevention of so manifest a perversion of a public fund.

*Ordered*, That the said Petitions be referred to the Committee to whom was referred the Message of His Excellency the Lieutenant Governor, of the 28th January, with the accompanying documents, relative to the appropriation of the proceeds of the Glebe and School Lands.

Then the House adjourned until to-morrow, at Eleven o'clock.

## TUESDAY, April 2, 1839.

**T**HE Order of the Day, for the House in Committee on the further consideration of an engrossed Bill from the Council, intituled *An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein*, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's Table, and are as follow:

*Folio 1, line 5*—After the word "Island," insert "so far  
"only as such Rules and Regulations can  
"be adopted without erecting any addi-  
"tional Building or Buildings to the Jails  
"lately erected."

*Folio 4, line 9*—Before the words "a Surgeon," insert  
"That when necessary."

Strike out the Second Section, and instead thereof insert the following Clause, marked (A.)

### Clause (A.)

And be it further enacted, That if any person, in contravention of the existing Rules, shall carry or bring, or attempt or endeavour to carry or bring, into any Prison or House of Correction, any Spirituous or Fermented Liquors, it shall be lawful for the Jailer, Keeper, Turnkey, or any other of the assistants to the said Jailer or Keeper, to apprehend, or cause to be apprehended, such offender, and to carry him or her before a Justice of the Peace (who is hereby empowered to hear and determine such offence in a summary way); and if he shall lawfully convict such person of such offence, he shall forthwith commit such offender to the Common Jail of the County in which such offender shall be convicted, there to be kept in custody for any time not exceeding two Months, nor less than five days, without bail or mainprize, unless such offender shall immediately pay down such sum of money, not exceeding Forty Shillings, and not less than Five Shillings, as the Justice shall impose upon such offender—to be paid, one moiety to the Informer, and the other moiety in aid of the maintenance of such Prison; and if any Justice shall receive information upon oath, that any Spirituous or Fermented Liquor is unlawfully kept or disposed of in any Prison, he may enter and search, or issue his Warrant to enter

and search, for such Liquor; and in case it shall be found, it shall be lawful for the person so finding to seize the same, and cause it to be disposed of as the Justice shall direct: and if any Jailer or Keeper of any Prison shall sell, use, lend or give away, or knowingly permit or suffer to be sold, used, lent or given away, in such Prison, or brought into the same, any Spirituous or Fermented Liquor, in contravention of the existing Rules of such Prison, he shall, for every such offence, forfeit and pay the sum of Five Pounds—such Penalty to be recovered in a summary way, before any one Justice of the Peace, upon the oath of one or more credible Witness or Witnesses; and if the said Jailer or Keeper shall not immediately pay down the said Penalty, he shall be dismissed from his office, and be rendered incapable of holding the said office again: and in the event of a second conviction of any Jailer or Keeper of such offence, he shall forfeit and pay the sum of Ten Pounds, and shall be dismissed from his said office, and be rendered incapable of holding the same again; and if he shall not immediately pay down the said Fine, the said Justice is hereby authorized and empowered to issue his Warrant against him, and to cause him to be imprisoned in the Common Jail of the County, for a period not exceeding Two Months—the said Fine or Fines, if recovered from any Jailer or Keeper as aforesaid, to be applied, one moiety to the Informer, and the other moiety to be paid into the Treasury, for the use of Her Majesty's Government.

And the said amendments having been read throughout a first and second time, were, upon the question put thereon, agreed to by the House.

A motion being made, that the said amendments be engrossed;

Mr. Arbuckle moved, as an amendment to the question, that the said Bill be recommitted, for the purpose of further amending the same as follows:—Section 3, line 3—After the word "procure," insert "at the request of any Prisoner or Prisoners:" Line 9—leave out the words "and they are hereby empowered to order the attendance of such Prisoner or Prisoners during such period of Divine service:" Line 12—after the word "Prisoners," leave out "refuse or neglect to obey the order of said Justices in this behalf, or."

The House divided on the motion of amendment:

YEAS :

Mr. Arbuckle,  
Mr. Thomson,  
Mr. Gorman,

Mr. Dalziel,  
Mr. Macintosh,  
Mr. Fraser.

NAYS :

|                       |                   |
|-----------------------|-------------------|
| Mr. Palmer,           | Mr. Longworth,    |
| Hon. J. S. Macdonald, | Mr. D. Macdonald, |
| Mr. Yeo,              | Mr. J. Dingwell,  |
| Mr. Hudson,           | Mr. W. Dingwell,  |
| Mr. Macneill,         | Mr. Forbes,       |
| Mr. Le Lacheur,       | Mr. Beck.         |

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

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

Mr. D. Macdonald, from the Committee appointed to inquire into the expenditure of public money on the erection and repairs of the Central Academy, the number of pupils who have attended that Institution, and any other matter concerning the same, of a public nature, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as followeth:

|  |       |    |   |
|--|-------|----|---|
| Your Committee beg to submit, that the amount of the first Contract for the Building was | £1210 | 0  | 0 |
| Additional claim for extra work,   | 36    | 0  | 0 |
| Payment to Mrs. Miller,  | 50    | 0  | 0 |
| Repairs, 1837, and Desks,  | 39    | 3  | 6 |
| Repairs, 1838,   | 20    | 10 | 1 |
|  | 1355  | 13 | 7 |
| Three years' salary for the Masters,   | 900   | 0  | 0 |

Already expended, £2255 13 7

In reference to the advantage which the Colony has derived from the Institution, your Committee have to observe, that the number of pupils for the first term was 58; for the second, 49: for the first term of the second year, 65; for the second of the second year, 59: for the first term of the third year, 50; for the second of the third year, 47: for the present term, 48—shewing the average number of pupils to have been fifty-four. That there are engaged with the study of Greek and subordinate branches, 10 pupils; of Latin and subordinate branches, 19; of subordinate branches, 19—total, 48. That the fees for Reading, Writing and Arithmetic, are, per annum, £2—for Reading, Writing and Arithmetic, including Geography and History, per annum, £3—for any or all of the higher branches of Education, per annum, £4. That taking the above statement, which, so far as respects the number of pupils, the branches taught, and the fees, was derived from the verbal and written statements of the Teachers themselves, the average amount of fees would appear to be

|   |      |    |   |
|---|------|----|---|
| Interest on the cost of the building (say on £1296), at 6 per cent. | 77   | 15 | 4 |
| Average of annual repairs,  | 19   | 18 | 0 |
| Teachers' salaries,   | 300  | 0  | 0 |
|   | £561 | 3  | 4 |

Shewing the average cost for tuition alone to be more than Ten Pounds a year for every pupil; while in the country the average cost does not exceed Two Pounds, or Two Pounds Five Shillings.

Again, taking the relative amount of public money received for the tuition of a pupil in the country, your Committee find, that the number of pupils attending country schools, by the Visiter's Report of 1838, was one thousand six hundred and forty-nine, and that for these there had been paid out of the Treasury to the Teachers

|  |      |   |   |
|--|------|---|---|
| Exclusive of St. Andrew's Academy, £50; and Acadian Teachers, £32; as these did not form any part of the Visiter's Report. | £356 | 0 | 0 |
| To the Visiter   | 100  | 0 | 0 |
|  | £456 | 0 | 0 |

So that there is given annually, out of the public revenue, in aid of the education of every individual pupil in the country, about *five shillings and six-pence* annually; out of the same source, in aid of the education of every individual pupil in the Academy, upwards of Five Pounds Fifteen Shillings; and if the interest on the cost of the Building be taken into account, upwards of Seven Pounds.

Your Committee further submit, that by order of the Trustees of the Academy, offers have been publicly made for the education of four pupils from every County, free of any charge for their tuition; but that only one (and that one from the Royalty of Charlottetown) has been sent, although two years have elapsed since said offers were made known by advertisement. Your Committee must, from this circumstance, conclude, either that the residents in the country considered that their children would not receive in the Academy a better education than would be imparted to them in some of the District Schools, or that the rate of boarding in the Academy was beyond their means. The charge for boarding in the Academy was Twenty Pounds a year, but is now Twenty-four Pounds, for bed, board and washing, exclusive of the charge for tuition.

Your Committee submit, that taking another view of the subject—that is, the proportion of the funds devoted to the encouragement of Education throughout the Colony, the division appears extremely unequal. There was paid from the Treasury, in support of all Schools in the Colony, exclusive of Charlottetown, in 1836

|           |      |   |   |
|-----------|------|---|---|
| Secretary | 15   | 0 | 0 |
| In 1837   | 342  | 0 | 0 |
| Secretary | 15   | 0 | 0 |
| In 1838   | 607  | 0 | 0 |
| Average,  | £441 | 0 | 0 |

Average paid by the Treasury, in support of the Academy, for the last three years, including the interest on the cost of the building, and repairs, £396, being nearly eight-ninths of what was paid by the Treasury in support of Education throughout the rest of the Island.



Your Committee submit, that taking it in another light, as the District Teachers of the highest Class are required to be competent to teach all the branches which are taught in the Central Academy, except General History and the Greek Language—as Teachers of the highest class can scarcely be supposed incompetent to teach General History, and as such Teachers cannot draw from the Treasury more than One Pound for every pupil, and frequently have not drawn more than Ten Shillings per pupil, it seems unjust to give to two other Teachers nearly Four hundred Pounds for fifty-four pupils—that is, about Seven Pounds per pupil.

Your Committee suppose that they may have overlooked some particulars which might make a difference in the above calculations, and that the views they have taken may not in every instance be exactly correct; still your Committee submit, that in the main, they believe the preceding statements contain such proofs of an unequal distribution of the amount of public funds devoted to educational purposes, as to call for the immediate interposition of the Legislature; and they respectfully submit, that the Legislative provision of One hundred and fifty Pounds to each of the two Masters be withdrawn; that these Masters, and their successors, should be allowed, 1st, the benefit of the very ample accommodations which the building affords, both for tuition and comfortable residence; 2nd, an allowance from the Treasury to each Master, equal to the allowance made to the highest class of District Teachers; 3rd, that the fees of tuition for pupils from any part of the Island (exclusive of Charlottetown and Royalty) should be paid by the Treasury.

There has been laid before your Committee a catalogue of the pupils attending the Academy, from which your Committee would infer, that the parents of the pupils are, for the most part, of such a class in society as to be well able to provide, from their own resources, the means of educating their children.

There has also been laid before your Committee a letter from the Rev. Mr. Waddell, one of the Masters, requesting a further outlay of public money, in order that the part of the building appropriated for his residence may be rendered such as he considers suitable for his abode. The opinions which your Committee have previously submitted to your Honorable House, render it unnecessary for them to comment upon this application.

Lastly, your Committee have to remark, that the building shews signs of the materials used in some parts of its construction, or else of the workmanship thereon, having been insufficient.

ALEXANDER RAE,  
ALLAN FRASER,  
DONALD MACDONALD,  
JOHN ARBUCKLE,  
WILLIAM DINGWELL.

Committee Room, April 2d, 1839.

A motion being made, that the said Report be referred to a Committee of the whole House to-morrow;

Mr. Palmer moved, in amendment, that the words "to-morrow" be struck out, and the following substituted—"on Thursday next;" which being seconded and put, passed in the affirmative.

The main motion, as amended, was then put and carried.

Mr. Palmer moved, that the Thirteenth Rule of this House, requiring twenty-four hours' notice of a motion to be given, previous to the same being made, be suspended, as far as respects the presentation of any Petitions this day referable to the Committee of Ways and Means:

Which was ordered.

Four Petitions were presented to the House, and the same were received and read, viz:

By Mr. Palmer—A Petition of Andrew Duncan, Samuel Nelson, Donald Macdonald, and others, interested in the general prosperity of the Island, and particularly in the shipping interest, praying that articles imported for ship-building purposes, and for the fitting out of vessels, may be exempted from the payment of ad-valorem duty.

By Mr. Dalziel—A Petition of Thomas Robin, William Clements, D. Creighton, and others, being persons interested in the general prosperity of the Island, and particularly in shipping, praying an exemption of duty on the articles mentioned in the foregoing petition.

By Mr. Gorman—A Petition of divers Inhabitants of Townships Twelve, Thirteen, Fourteen, Sixteen, and others, praying an exemption of duty as aforesaid.

By Mr. Thomson—A Petition of Angus Macdonald, W. Mackay, Rufus Shattuck, and others, being persons interested in the general prosperity of the Island, and particularly in the shipping interest, praying an exemption of duty as aforesaid.

Ordered, That the four preceding Petitions do lie on the Table.

Then the House adjourned for one hour.

And being met—

The Bill relating to Treasury Warrants, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Longworth reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act relating to Treasury Warrants*.

The Order of the Day, for the House in Committee, to consider of Ways and Means, being read;

*Ordered*, That the several Petitions presented to the House this day, be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered*, That the Report be received to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

## WEDNESDAY, April 3, 1839.

**T**HE engrossed Bill from the Council, intituled *An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein*, with the amendments, was, according to order, read the third time.

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

*Ordered*, That Mr. D. Macdonald do carry back the said Bill to the Legislative Council, and acquaint them that this House hath passed the same, with several amendments, to which it doth desire their concurrence.

Mr. D. Macdonald, from the Committee of the whole House, on the consideration of Ways and Means, reported, according to order, the Resolution of the said Committee; which Resolution was again read at the Clerk's Table, and is as followeth:

*Resolved*, That it is the opinion of this Committee, that the several Rates and Duties imposed by the Act, 1 Vict. cap. 17, intituled "An Act to continue for one year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled *An Act for the increase of the Revenue of this Island*," except the articles mentioned in the Second Section of the said Act, on which a Duty of Two and a half per centum shall be charged, be continued

for one year from the Seventh day of May next, and no longer.

The said Resolution being again read;

The Hon. Mr. Pope moved, in amendment thereto, to leave out the words "except the articles mentioned in the Second Section of the said Act, on which a Duty of Two and a half per centum shall be charged."

The House divided on the motion of amendment:

### YEAS :

|                       |                 |
|-----------------------|-----------------|
| Hon. Mr. Pope,        | Mr. Longworth,  |
| Hon. J. S. Macdonald, | Mr. Montgomery, |
| Mr. Palmer,           | Mr. Hudson.     |
| Mr. Yeo,              |                 |

### NAYS :

|                  |                   |
|------------------|-------------------|
| Mr. Fraser,      | Mr. Thomson,      |
| Mr. Beck,        | Mr. Dalziel,      |
| Mr. Gorman,      | Mr. Le Lacheur,   |
| Mr. J. Dingwell, | Mr. Macneill,     |
| Mr. Macintosh,   | Mr. Arbuckle,     |
| Mr. Rae,         | Mr. Forbes,       |
| Mr. Macfarlane,  | Mr. D. Macdonald. |
| Mr. W. Dingwell, |                   |

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

*Resolved*, That a Committee of three Members be appointed, to prepare and bring in a Bill

to continue and to amend the Act, 1, Vict. cap. 17, for the increase of the Revenue of this Island, in accordance with the above reported Resolution.

*Ordered*, That Mr. *D. Macdonald*, Mr. *Palmer* and Mr. *Yeo* do compose the said Committee.

*Resolved*, That a Committee of this House be appointed, to join a Committee of the Legislative Council, for the purpose of taking charge of the Government House and public Furniture.

*Ordered*, That the Hon. *Pope*, Mr. *Le Lacheur*, Mr. *W. Dingwell* and Mr. *Longworth* do compose the said Committee.

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

*Ordered*, That the Hon. Mr. *Pope* do carry the said Message to the Council.

Then the House adjourned for one hour.

And being met—

*Ordered*, That the Order of the Day, for the House in Committee, to consider further of a Supply, be now read;

And the same being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

## THURSDAY, April 4, 1839.

**R**EAD a third time, as engrossed, the Bill intituled *An Act relating to Treasury Warrants*.

*Resolved*, That the said Bill do pass.

*Ordered*, That Mr. *Yeo* do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. *Yeo*, from the Committee to whom was referred the Petition of divers Inhabitants of Townships Thirteen, Fourteen, Sixteen and Seventeen, presented to the House last Session, praying the House to adopt regulations for the management of Ellis River Ferry, reported, that the Committee having had under consideration the subject to them referred, had agreed to report a Bill providing the regulations prayed for.

*Ordered*, That the Report be received.

The Bill, as reported from the Committee, was then handed in, and read the first time.

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

Mr. *D. Macdonald*, from the Committee appointed to prepare and bring in a Bill to continue and amend the Act, 1 Vict. cap. 17, for the increase of the Revenue of this Island, presented

to the House a Bill, as prepared by the Committee, and the same was read the first time.

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

The Order of the Day, for the House in Committee, to consider the Report of the Special Committee appointed to inquire into the expenditure of public money on the erection and repairs of the Central Academy, the number of pupils who have attended that Institution, and any other matter concerning the same of a public nature, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Hudson* reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and is as followeth:

*Resolved*, That the House be recommended, at its next Session, to order a Bill to be brought in for regulating the affairs of the Central Aca-

demy, and to amend the Act formerly passed for that purpose.

And the said Resolution being again read ;

Mr. Longworth moved, in amendment thereto, to leave out the words "at its next Session."

The House divided on the motion of amendment :

## YEAS :

|                |              |
|----------------|--------------|
| Mr. Longworth, | Mr. Palmer,  |
| Hon. Mr. Pope, | Mr. Yeo,     |
| Mr. Gorman,    | Mr. Thomson. |
| Mr. Hudson,    |              |

## NAYS :

|                   |                       |
|-------------------|-----------------------|
| Mr. Arbuckle,     | Mr. Macneill,         |
| Mr. J. Dingwell,  | Mr. Macfarlane,       |
| Mr. D. Macdonald, | Mr. W. Dingwell,      |
| Mr. Forbes,       | Mr. Montgomery,       |
| Mr. Macintosh,    | Hon. J. S. Macdonald, |
| Mr. Le Lacheur,   | Mr. Fraser,           |
| Mr. Beck,         | Mr. Dalziel.          |
| Mr. Rae,          |                       |

So it passed in the negative.

Mr. Palmer then moved, in amendment of the said Resolution, that after the word "Resolved," all be struck out, and the following substituted : "That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to adopt such measures as may be necessary for causing the Trustees of the Central Academy to review the rates of Tuition as at present fixed and established, and all such existing rules and regulations as affect the admission of pupils from any part of the Island, with a view of rendering that Institution more generally useful to the country at large, and of reducing the present rates of Board and Tuition, as far as the same may be found practicable ; and to cause a Report of their proceedings thereon to be laid before the House of Assembly as early as possible, at its next Session."

The House divided on the motion of amendment :

## YEAS :

|                       |                |
|-----------------------|----------------|
| Mr. Palmer,           | Mr. Dalziel,   |
| Mr. Thomson,          | Hon. Mr. Pope, |
| Mr. Yeo,              | Mr. Longworth, |
| Mr. Hudson,           | Mr. Macneill.  |
| Hon. J. S. Macdonald, |                |

## NAYS :

|                  |                   |
|------------------|-------------------|
| Mr. J. Dingwell, | Mr. Arbuckle,     |
| Mr. Macintosh,   | Mr. D. Macdonald, |
| Mr. Forbes,      | Mr. Rae,          |
| Mr. Macfarlane,  | Mr. Beck,         |
| Mr. Le Lacheur,  | Mr. Gorman,       |
| Mr. W. Dingwell, | Mr. Fraser.       |
| Mr. Montgomery,  |                   |

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

Then the House adjourned for one hour.

And being met—

*Ordered*, That the Order of the Day, for the House in Committee, to consider further of a Supply, be now read ;

And the same being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

*Resolved*, That a Message be sent to His Excellency the Lieutenant Governor, praying that he will be pleased to give directions to the Road Commissioner of District No. 9, for the completion of the Road from Monaghan Settlement to the Georgetown Road.

*Ordered*, That Mr. Le Lacheur and Mr. Arbuckle be a Committee to wait upon His Excellency with the said Message.

*Ordered*, That Mr. Palmer have leave to introduce a Bill for more effectually preventing the sale of strong and spirituous Liquors by persons not duly licensed.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

## FRIDAY, April 5, 1839.

**M**R. *LE LACHEUR*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Message relative to the completion of the Road from Monaghan to the Georgetown Road, reported the delivery thereof, and that His Excellency was pleased to say he would attend to it.

A Message from the Legislative Council, by Mr. Desbrisay:

‘ COUNCIL CHAMBER,  
Thursday, April 4th, 1839.

‘ Resolved, That a Committee be appointed to join the Committee of the House of Assembly, for the purpose of taking charge of the Government House and public Furniture.

‘ Ordered, That the Honorables Mr. Livett and Mr. Dalrymple do compose the said Committee.

‘ Ordered, That the foregoing Resolution be communicated, by Message, to the House of Assembly.’

And then he withdrew.

The Bill to continue for one year and to amend the Act for the increase of the Revenue, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour.

And being met—

*Ordered*, That Mr. *Le Lacheur* be added to the Committee to whom was referred the Message of His Excellency the Lieutenant Governor, of the 28th January, with the accompanying documents, relative to the appropriation of the proceeds of the Glebe and School Lands.

The Bill for regulating the management of Ellis River Ferry, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill to continue for one year and to amend the Act for the increase of the Revenue.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *D. Macdonald* reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act to further continue for one year and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island.*

The Bill for rendering more effectual the Laws now in force for regulating the retail of Strong and Spirituous Liquors, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. *J. S. Macdonald* reported, that the Committee had gone through the Bill, and had made an amendment thereto; which amendment was again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act for rendering more effectual the Laws now in force for regulating the retail of strong and spirituous Liquors.*

Then the House adjourned until to-morrow, at Eleven o'clock.

## SATURDAY, April 6, 1839.

**R**EAD a third time, as engrossed, the Bill intituled *An Act to further continue for one year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island.*

*Resolved*, That the Bill do pass.

*Ordered*, That Mr. Thomson do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Rae, from the Committee to whom was referred His Excellency the Lieutenant Governor's Message of the 28th January, with the accompanying documents, relative to the appropriation of the proceeds arising from the sale of the Glebe and School Lands, presented to the House the Report of the said Committee; and the same having been read by the Clerk;

*Ordered*, That the said Report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Report of the Special Committee, paragraph by paragraph, had amended, and then adopted the same—and he read the Report, as amended, in his place, and delivered in at the Clerk's Table, where it was again read, and is as followeth:—

Your Committee to whom was referred the Despatch from Lord Glenelg of 3d December, 1838, with the accompanying documents, relative to the Glebe and School Lands, and sundry Petitions on the same subject, signed by several hundreds of the Inhabitants, beg leave to submit, that after the most attentive consideration which they have been able to give the matter, it appears to them that the granting the sole control of the funds arising from the sale of the Glebe Lands to the Bishop of Nova Scotia, for the purpose of establishing Schools under the exclusive management of the Church of England, is a violation of the

Colonial Statute of 5 Will. 4, cap. 13, by which such moneys are directed to be applied to the purposes of general Education within this Island; and moreover, that such exclusive controul would deprive at least nine-tenths of the Inhabitants of this Colony of any participation in the advantages intended to be conferred on them by the said Act, inasmuch as they are not in communion with the Church of England, and would not consent to any religious test being required of the Teachers of the Schools, nor to such course of instruction as would be repugnant to the religious opinions of so large a majority of the people. Your Committee are therefore of opinion, that, under all the circumstances of the case, the most advisable course of procedure would be, to forward an Address to Her Majesty, humbly, yet urgently, representing the injustice of granting to the Bishop of Nova Scotia the exclusive right to appropriate the proceeds arising from the sale of the Glebe Lands, and praying Her Majesty, that she will be graciously pleased to review her former decision thereon, and to order the interest of the moneys arising from such sales to be appropriated for the purposes only which are contemplated by the said Act.

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

*Resolved*, That a Committee of five Members be appointed, to prepare and report the draught of an Address to Her Majesty, praying that she will be pleased to review her decision relative to the appropriation of the proceeds arising from the sale of the Glebe and School Lands, as recommended in the foregoing Report.

*Ordered*, That the Hon. Mr. Pope, Hon. J. S. Macdonald, Mr. Montgomery, Mr. Le Lacheur and Mr. Thomson do compose the said Committee.

Then the House adjourned for one hour.

And being met—

Mr. Longworth reported from the Committee to whom was referred the Petition of John H. White, presented to the House last Session; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read, and is as followeth:

Your Committee to whom was referred the Petition of John Henry White, have to report, that the said J. H. White, in the year 1833, became the Contractor for the printing and binding a revised edition of the Laws of this Island, and entered into Articles of Agreement with the Commissioners appointed to carry into effect the Act of 3 Will. 4, cap. 24, for reprinting the Laws; and as such Contract was not duly performed, in the opinion of the Commissioners, who were made the sole judges of the work by the above mentioned Act, your Committee do not feel themselves warranted in recommending the House to grant the prayer of the Petition. But your Committee regret that the Commissioners should have considered it their duty to prosecute Mr. White for the penalty imposed for the non-performance of the Contract, as they consider the rejection of the work was a sufficient penalty, without taking legal steps against him.—Under these circumstances, and when they consider that the Action brought by the Commissioners was not sufficiently sustained, but ended in a verdict in favour of Mr. White, your Committee recommend the House to vote the sum of One hundred and twenty-five Pounds to Mr. White, to reimburse him for the expences he was unnecessarily put to in defending this Action, provided he will relinquish any claim he may suppose he has on account of the Contract entered into for printing the Laws.

A motion being made, that the Report be received;

Mr. Longworth moved, in amendment to the motion, that at the end of the question be added "and amended, by leaving out the words "One hundred and twenty-five Pounds," and instead thereof inserting "One hundred and fifty Pounds."

The Hon. J. S. Macdonald moved, that the words proposed to be left out stand part of the Report—which being seconded and put,

The House divided:

YEAS:

|                       |                   |
|-----------------------|-------------------|
| Hon. J. S. Macdonald, | Mr. Macneill,     |
| Mr. Macintosh,        | Mr. D. Macdonald, |
| Mr. Arbuckle,         | Mr. Yeo,          |
| Mr. Dalziel,          | Hon. Mr. Pope,    |
| Mr. J. Dingwell,      | Mr. W. Dingwell,  |
| Mr. Beck,             | Mr. Forbes,       |
| Mr. Thomson,          | Mr. Le Lacheur.   |

NAYS:

|                |                 |
|----------------|-----------------|
| Mr. Longworth, | Mr. Montgomery, |
| Mr. Palmer,    | Mr. Gorman,     |
| Mr. Rae,       | Mr. Macfarlane, |
| Mr. Fraser,    | Mr. Hudson.     |

So it passed in the affirmative.

The question being then put on the main motion, "that the Report be received,"

It was carried in the affirmative.

*Ordered*, That the said Report be referred to the Committee of Supply.

Mr. Arbuckle, from the Committee appointed to prepare and bring in a Bill to provide for a third or lower class of Schoolmasters, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

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

*Ordered*, That Mr. Longworth have leave to introduce a Bill to amend the Act, 7 Will. 4, cap. 23, for regulating Pounds.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time on Monday next.

Read a third time, as engrossed, the Bill intitled *An Act for rendering more effectual the Laws now in force for regulating the retail of strong and spirituous Liquors.*

Mr. Rae moved, that the following engrossed clause be added to the Bill, by way of Rider, and do make part thereof:

"And be it further enacted, That this Act shall continue and be in force for one year from the passing thereof, and no longer."

The House divided on the question:

YEAS:

|                 |                   |
|-----------------|-------------------|
| Mr. Rae,        | Mr. D. Macdonald, |
| Mr. Macfarlane, | Mr. J. Dingwell,  |
| Mr. Fraser,     | Mr. Gorman,       |
| Mr. Forbes,     | Mr. Macintosh.    |
| Mr. Beck,       |                   |

NAYS:

|                 |                       |
|-----------------|-----------------------|
| Mr. Palmer,     | Mr. Le Lacheur,       |
| Mr. Thomson,    | Mr. Yeo,              |
| Mr. Dalziel,    | Hon. Mr. Pope,        |
| Mr. Montgomery, | Hon. J. S. Macdonald, |
| Mr. Arbuckle,   | Mr. W. Dingwell,      |
| Mr. Macneill,   | Mr. Hudson.           |
| Mr. Longworth,  |                       |

So it passed in the negative.

*Resolved*, That the Bill do pass.

*Ordered*, That Mr. Palmer do carry the said Bill to the Legislative Council, and desire their concurrence.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, to consider further of a Supply.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee

had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again on Monday next.

Then the House adjourned until Monday next, at Eleven o'clock.

## MONDAY, April 8, 1839.

**T**HE Bill to provide for a third or lower class of Schoolmasters, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Le Lacheur took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Le Lacheur* reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act to amend the Act for the encouragement and support of District and other Schools*.

The Hon. Mr. *Pope*, from the Committee to whom was referred the Petition of Angus Macdonald, of Brudenell Point, presented to the House last Session, praying that the Colonial Duties paid by him on certain Ship's stores imported in the year 1837, may be refunded, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as followeth:

Your Committee having consulted the best authorities in the several departments connected with the subject, and having referred to the Laws in force at the time such stores were imported, are of opinion, that the grounds of exemption from Duty claimed by Petitioner cannot be sustained, and consequently cannot recommend the House to grant the prayer of the Petition; although your Committee fully concur with the Petitioner in the hardship and impolicy of the regulations whereby persons engaged in so important a branch of our commerce as that of building and fitting out ships, should be obliged to enter and pay duties on stores required for that purpose, which, in many cases,

are transhipped without even being landed in the Colony, but used in sending its vessels to the British market, for sale—particularly as no duties are imposed on similar articles in the neighbouring Provinces, which gives them a decided advantage over this Colony in that department of our trade.

JOSEPH POPE,  
FRANCIS LONGWORTH,  
EDWARD PALMER.

Committee Room, April 8th, 1839.

A motion being made, that the Report be received;

Mr. *Thomson* moved, in amendment to the motion, that at the end of the question be added "and amended, by leaving out of the Report all after the word "Petition," and substituting the following—"Although the case of the Petitioner appears a hardship, your Committee are of opinion, that a moderate duty on articles used in the building and fitting out of vessels in a Colony like this, where provisions and wood are cheaper than in any of the neighbouring Colonies, is perfectly justifiable, in the present state of the finances of the Colony."

The House divided on the motion of amendment:

### YEAS :

|                   |                 |
|-------------------|-----------------|
| Mr. Thomson,      | Mr. Macintosh,  |
| Mr. J. Dingwell,  | Mr. Beck,       |
| Mr. W. Dingwell,  | Mr. Gorman,     |
| Mr. Macneill,     | Mr. Rac,        |
| Mr. Arbuckle,     | Mr. Le Lacheur, |
| Mr. Dalziel,      | Mr. Macfarlane, |
| Mr. D. Macdonald, | Mr. Fraser.     |

### NAYS :

|                |                 |
|----------------|-----------------|
| Hon. Mr. Pope, | Mr. Montgomery, |
| Mr. Palmer,    | Mr. Longworth.  |
| Mr. Hudson,    |                 |

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.



A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the Bill intituled *An Act to further continue for one year and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island.*

And then he withdrew.

Then the House adjourned for one hour.

And being met—

*Resolved*, That an Address be presented to His Excellency the Lieutenant Governor, thanking him for the several Messages and Documents communicated to the House by His Excellency during the last and present Sessions.

*Ordered*, That Mr. D. Macdonald, Mr. Macneill and Mr. Rae be a Committee to prepare and report a draught of the said Address.

The Bill to amend an Act, 7 Will. 4, cap. 23, for regulating Pounds, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Thomson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Thomson reported, that the Committee had gone through the Bill, and had made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act to amend a certain Act therein mentioned, relating to Pounds.*

The Order of the Day, for the House in Committee, to consider further of a Supply, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had come to several Resolutions,

which he was directed to submit to the House whenever it shall be pleased to receive the same.

*Ordered*, That the Report be received to-morrow.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the consideration of all matters relating to Roads and Bridges.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Palmer took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Palmer reported, that the Committee had come to several Resolutions; which Resolutions were again read at the Clerk's Table, and are as follow:

1. *RESOLVED*, That it is the opinion of this Committee, that the moneys to be appropriated for the service of Roads and Bridges, be expended agreeably to the following scale, viz :

#### PRINCE COUNTY.

##### District No. 1—North Section.

|  |     |   |   |
|--|-----|---|---|
| Bridge to be built at Tignish, and repair of |     |   |   |
| Road from said Bridge to Kildare Bridge,     | £60 | 0 | 0 |
| Roads and Bridges, Lot 11,                   | 30  | 0 | 0 |

##### South Section.

|   |    |   |   |
|---|----|---|---|
| Road from Maclean's Mill to Western Road,   | 60 | 0 | 0 |
| Road on Lot 7, where most wanted,           | 10 | 0 | 0 |
| Road on Lot 8, ditto,                       | 10 | 0 | 0 |
| Road on Lot 12, ditto,                      | 10 | 0 | 0 |
| Road and Bridge from Port Hill to Bideford  |    |   |   |
| Yard,                                       | 18 | 0 | 0 |
| Road leading from Cross Rivers, Lot 14,     |    |   |   |
| towards the Western Road,                   | 10 | 0 | 0 |
| Road and Bridge, from Lot 14 Chapel towards |    |   |   |
| Frederick Macdonald's,                      | 8  | 0 | 0 |

##### District No. 2.

|   |     |   |   |
|---|-----|---|---|
| Repairing Ellis River Bridge,               | 15  | 0 | 0 |
| Road from Lot 15 to Abraham's Village,      | 6   | 0 | 0 |
| Ditto from Quagmire to Egmont Bay,          | 7   | 0 | 0 |
| Ditto from Mascouche to Lot 15,             | 7   | 0 | 0 |
| Ditto from Macgregor's to South West Ferry, | 4   | 0 | 0 |
| For a Bridge near Malcolm Ramsay's, sen.    |     |   |   |
| Lot 17,                                     | 9   | 0 | 0 |
| For a Road from Rogers' towards Alex. Camp- |     |   |   |
| bell's, Lot 16,                             | 6   | 0 | 0 |
| Towards finishing the Main Western Road,    | 150 | 0 | 0 |

##### District No. 3.

|  |    |   |   |
|--|----|---|---|
| Road from New London to Darnley,                 | 18 | 0 | 0 |
| Ditto from Princetown to Charlottetown,          | 10 | 0 | 0 |
| Ditto from Barrett's, Cross Roads, to Irishtown, | 6  | 0 | 0 |
| Bridge on the Baltic River,                      | 5  | 0 | 0 |

|                                  |        |
|----------------------------------|--------|
| Fermoy Road and Bridge, - -      | 6 0 0  |
| Bridge at Jamieson's Mill, - -   | 5 0 0  |
| Roads in Princetown Royalty, - - | 10 0 0 |
| Wilmot Creek Bridge, - -         | 30 0 0 |

*District No. 4.*

|   |        |
|---|--------|
| In aid of opening a Road from the lower Road to Crapaud to James Wood's, -                                | 10 0 0 |
| In aid of repairing the Aboiteau at Tryon, -  | 20 0 0 |
| Road above Gouldrup's Mill, to Tryon, -   | 5 0 0  |
| In aid of opening and repairing Road from Barclay's, on Lot 26, towards Bedeque, -                        | 5 0 0  |
| For raising a Bridge near Deagan's, Lot 28, -   | 5 0 0  |
| For completing Dunk River Causeway, -   | 20 0 0 |
| For completing that part of the Road from Burns's, Lot 25, towards New London (being in Prince County), - | 20 0 0 |
| Repairing South Shore Road, on Lot 27, -  | 5 0 0  |

£600 0 0

QUEEN'S COUNTY.

*District No. 5.*

|   |        |
|---|--------|
| Road from New Glasgow to Fyfe's Ferry, -  | 12 0 0 |
| Bridge over Doiron's Creek, Rustico, -  | 20 0 0 |
| Ditto over Buckingham's Mill Brook, -   | 5 0 0  |
| Road from New Glasgow to Bagnall's, -   | 15 0 0 |
| Bridge over Cousins's Mill Dam, and levelling the road at each end thereof, -           | 15 0 0 |
| Cutting down the Hills opposite Adams's Farm, on the road from New London to Darnley, - | 5 0 0  |
| Road from Grenville Mills to Campbelltown, -  | 11 6 8 |

*District No. 6.*

|  |        |
|--|--------|
| To erect a new Bridge across Hyde's Mill Dam, -                                | 20 0 0 |
| To repair Dog River Bridge, - -  | 4 0 0  |
| Road leading from the Tryon Road through Bannockburn Settlement, - -           | 8 0 0  |
| Road and Bridges between Mackie's Creek and Macneill's Creek, - -              | 12 0 0 |
| In aid of a new Road from Bearisto's Ferry to Dog River Bridge, - -            | 7 0 0  |
| Road leading from Long Creek towards Bonshaw, - - - -                          | 6 0 0  |
| Ditto leading from Elliot River Bridge, through Lot 30, to the Gulf Shore, - - | 10 0 0 |
| In aid of completing the new road from Mabey's to Tod's Mill, - - - -          | 26 6 8 |

*District No. 7.*

|   |        |
|---|--------|
| For putting a new cover on Wright's Bridge, and repairing the St. Peter's Road, - | 30 0 0 |
| Winsloe Road, - - - -   | 10 0 0 |
| Union Road, - - - -   | 5 0 0  |
| Brackley Point Road, - - - -  | 10 0 0 |
| Poplar Island Bridge, - - - -   | 5 0 0  |
| For a small Bridge on the Princetown Road, -                                      | 3 6 8  |
| Repairing a Bridge above Matthewson's Mill Dam, Lot 33, - - - -                   | 10 0 0 |

*District No. 8.*

|  |        |
|--|--------|
| To repair Big Bridge, on the Suffolk road, -   | 11 6 8 |
| Auld's Mill Bridge, - - - -  | 6 0 0  |
| Road from Stanhope to Corranban, - -   | 10 0 0 |
| Ditto from Sandhills to Point De Rouge, -  | 8 0 0  |
| To repair Corranban Bridge, and the road leading from Corranban to the St. Peter's Road, - - - - | 15 0 0 |
| Road between Pisquid and Vernon River, -   | 8 0 0  |
| In aid of a Bridge across Duffy's Creek, and repairing the road South side Hillsborough, -       | 10 0 0 |
| Bridging Britt's Swamp, and improving the public road, Monaghan Settlement, -                    | 15 0 0 |

*District No. 9.*

|   |        |
|---|--------|
| To erect a Bridge on Crooked Creek, on the road from Orwell Head to Milford, -                      | 12 0 0 |
| Road from the Point, East side Seal River, to the main road, - - - -                                | 6 0 0  |
| To open and improve the central Gallows Point Road to J. M'Innis, senior's, Farm, -                 | 8 0 0  |
| To repair the road leading from Georgetown Road to the Back Settlement, Birch Hill, Lot 49, - - - - | 6 0 0  |
| To complete the Road from China Point Ferry to Cherry Valley, - - - -                               | 12 0 0 |
| In aid of a Bridge over Duffy's Creek, South side Hillsborough, - - - -                             | 10 0 0 |
| To repair Hayden's Bridge, near Redmond's, Vernon River, - - - -                                    | 4 0 0  |
| Mill Creek Bridge, - - - -  | 4 0 0  |
| Acorn's Bridge, - - - -   | 2 10 0 |
| Seal River Bridge, - - - -  | 2 3 4  |

*District No. 10.*

|   |        |
|---|--------|
| To erect a new Bridge on Portree Creek, in addition to last year's appropriation, unexpended, - - - -       | 47 0 0 |
| To repair the Big Bridge, Rasay Settlement, Murray Harbour Road, - - - -                                    | 10 0 0 |
| To erect a new Bridge, Little Sands Road, towards County Line, - - - -                                      | 7 10 0 |
| To erect a new Bridge on Montague River, Newton Back Settlement, - - - -                                    | 30 0 0 |
| In aid of building a Slip or Hard at the end of the old Road, Macleod's Creek, above Orwell Bridge, - - - - | 3 0 0  |
| To repair Semple's Bridge, Murray Harbour Road, - - - -   | 2 10 0 |

£500 0 0

KING'S COUNTY.

*District No. 11.*

|   |        |
|---|--------|
| Repairing the Bridge at the head of the Hillsborough, - - - - | £7 0 0 |
| Road from the high road to Charles Dingwell's, -              | 7 0 0  |
| For raising Marie Bridge, - - - -                             | 5 0 0  |

|  |        |   |        |        |
|--|--------|---|--------|--------|
| Road from the County Line to M'Dermor's, Cardigan Road, - - -  | 8 0 0  | Road lately opened from Lot 45 Mill Road, to the line Road between Lots 43 and 44, by Souris Mills, - - -   | 15 0 0 | 15 0 0 |
| Road from the head of St. Peter's Bay to the line of Lot 42, on the Bay Fortune Road,                                  | 7 0 0  | <i>District No. 14.</i>   |        |        |
| Road from St. Peter's Bay to Cablehead, by Leslie's Mill, - - -  | 8 0 0  | In aid of making a Road from the head of Grand River to Cardigan Ferry, - - -   | 8 0 0  | 8 0 0  |
| Road from Donovan's to Whelan's, on the High Road, Lot 41, - - -   | 5 0 0  | For a Bridge on the same line of road over Seal River, - - -  | 10 0 0 | 10 0 0 |
| For repairing Morel Bridge, - - -  | 38 0 0 | Road from the head of Cardigan to Seal River,   | 7 0 0  | 7 0 0  |
| <i>District, No. 12.</i>   |        |   |        |        |
| For repairing Bay Fortune Bridge, - - -  | 10 0 0 | Road from M'Lean's, head of Montague River, to Buck's Road, - - -   | 7 0 0  | 7 0 0  |
| Road from the Red-house to the line of Lot 42, St. Peter's Bay Road, - - -   | 25 0 0 | Road from M'Lean's Road, on Buck's Road, to the end of Montague Bridge, (North side)  | 7 0 0  | 7 0 0  |
| Road from George Banks's to the Red-house,   | 10 0 0 | To open Buck's Road—to commence at Sparrow's, - - -   | 12 0 0 | 12 0 0 |
| Road from James Coffin's to the head of Rollo Bay - - - - -  | 5 0 0  | Georgetown Main Road, - - -   | 15 0 0 | 15 0 0 |
| Road from the head of Rollo Bay to Dingwell's Mill - - - - -   | 13 0 0 | Bridge at Eighteen-mile brook, - - -  | 15 0 0 | 15 0 0 |
| Road from Cooper's Mill to the head of Grand River, and from thence to Little Brook, Bay Fortune Road, - - -           | 10 0 0 | Road from the head of Cardigan to St. Peter's,  | 15 0 0 | 15 0 0 |
| M'Caskil's River Bridge, - - -   | 4 0 0  | Road from M'Donald's, Grand River, towards the Cardigan Ferry (if wanted), - - -  | 4 0 0  | 4 0 0  |
| Fox River Bridge, - - -  | 5 0 0  | <i>District No. 15.</i>   |        |        |
| Hollow River Bridge, - - -   | 3 0 0  | For erecting a New Bridge on South River,   | 70 0 0 | 70 0 0 |
| Cow River Bridge, - - -  | 5 0 0  | Mink River Road, - - -  | 30 0 0 | 30 0 0 |
| Road from Grand River Road, past Joseph Dingwell's, to Little River Ferry, - - -                                       | 10 0 0 | £500 0 0  |        |        |
| And the sums unexpended of former appropriations to be applied for the purposes for which they have been appropriated. |        | 2. RESOLVED, That the sums unexpended of the former appropriations for Queen's County, be applied as formerly directed, with the exception of Twelve Pounds, voted in the Session of 1838, towards the construction of a Slip on the South side of Elliot River, at the end of the Ferry Road, Lot 65, and that the same be applied on the new line of road between Mabey's and Tod's Mill. |        |        |
| <i>District, No. 13.</i>   |        |   |        |        |
| Road from Campbell's, Rollo Bay, to the High-road, - - - - -   | 4 0 0  | 3. RESOLVED, That the sums unexpended of former appropriations for South River Bridge, King's County, be applied for the purpose for which they were originally intended; and that the sum of £5, which has been appropriated for the Road from Aitken's to Wightman's, be applied for that purpose—to commence at Aitken's.  |        |        |
| Road from Sutherland's to Donald M'Phee's, Little Harbour, - - - - -   | 10 0 0 | And the said Resolutions being again read throughout, were, upon the question put thereon, agreed to by the House.  |        |        |
| Bridge at Alexander Scott's, - - - - -   | 4 0 0  | Then the House adjourned until to-morrow, at Eleven o'clock.  |        |        |
| To make straight and repair the Road from the Portage Road to East Point (South Side),                                 | 20 0 0 |   |        |        |
| Murray's Mill Bridge, - - - - -  | 5 0 0  |   |        |        |
| North Lake Bridge, - - - - -   | 5 0 0  |   |        |        |
| Bridge at East Point Chapel, - - - - -   | 3 0 0  |   |        |        |
| Mill Road through Lot 45, - - - - -  | 20 0 0 |   |        |        |
| Line Road between Lots 43 and 44, - - - - -  | 10 0 0 |   |        |        |
| To bridge a Creek at John Gregory's, Souris,   | 4 0 0  |   |        |        |

## TUESDAY, April 9, 1839.

**M**R. D. MACDONALD, from the Committee appointed to prepare and report the draught of an Address to His Excellency the Lieutenant Governor, thanking him for the several Messages and Documents communicated by His Excellency to the House, during the last

and present Sessions, presented to the House the draught of an Address, as prepared by the Committee; and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The House of Assembly beg leave respectfully to thank your Excellency for the several Messages, Despatches and other Documents communicated to the House during the last and present Sessions; and beg to assure your Excellency, that after mature consideration, they have anxiously endeavoured to meet the wishes of Her Majesty's Government and of your Excellency, on the subjects to them referred, as far as a due regard to the best interests of the Colony could suggest.

*Ordered*, That the said Address be engrossed.

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

Read a third time, as engrossed, the Bill intituled *An Act to amend the Act for the encouragement and support of District and other Schools*.

The Hon. Mr. Pope proposed an amendment to the Bill, in Section 3, line 2, by leaving out after the word "sickness," the words "or otherwise."

The House divided on the question:

YEAS:

|                |                |
|----------------|----------------|
| Hon. Mr. Pope, | Mr. Palmer,    |
| Mr. Thomson,   | Mr. Longworth. |

NAYS:

|                   |                       |
|-------------------|-----------------------|
| Mr. Fraser,       | Mr. Dalziel,          |
| Mr. Beck,         | Hon. J. S. Macdonald, |
| Mr. Gorman,       | Mr. Macneill,         |
| Mr. W. Dingwell,  | Mr. Forbes,           |
| Mr. Macintosh,    | Mr. J. Dingwell,      |
| Mr. Arbuckle,     | Mr. Rae,              |
| Mr. Macfarlane,   | Mr. Hudson.           |
| Mr. D. Macdonald, |                       |

So it passed in the negative.

Mr. D. Macdonald proposed to amend the Bill, in Section 3, by inserting, after the word "Teachers," in the 7th line, "by and with the consent of two-thirds of his or their employers," which being seconded and put, was carried in the affirmative—and the Bill was amended at the Table accordingly.

A motion being made to resolve "that the Bill do pass;"

The House again divided:

YEAS:

|                   |                       |
|-------------------|-----------------------|
| Mr. D. Macdonald, | Mr. Macfarlane,       |
| Mr. Arbuckle,     | Mr. Macintosh,        |
| Mr. W. Dingwell,  | Mr. Gorman,           |
| Mr. Beck,         | Mr. Fraser,           |
| Mr. Hudson,       | Mr. Rae,              |
| Mr. J. Dingwell,  | Mr. Forbes,           |
| Mr. Macneill,     | Hon. J. S. Macdonald, |
| Mr. Dalziel,      | Mr. Thomson.          |
| Mr. Le Lacheur,   |                       |

NAYS:

|                |             |
|----------------|-------------|
| Hon. Mr. Pope, | Mr. Palmer. |
| Mr. Longworth, |             |

So it was carried in the affirmative; and *Resolved*, accordingly.

*Ordered*, That Mr. Le Lacheur do carry the said Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by Mr. Desbrisay:

"Mr. Speaker;

"The Legislative Council desire a Conference with the House of Assembly, on the Bill intituled *An Act relating to Treasury Warrants*; and have appointed the Honorables Mr. Brecken and Mr. Dalrymple a Committee to manage the said Conference—to meet in the Committee Room to-morrow, at Two o'clock.

"Council Chamber,  
Monday, 8th April, 1839."

And then he withdrew.

*Resolved*, That this House do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled *An Act relating to Treasury Warrants*.

*Ordered*, That Mr. Palmer do go to the Council, and acquaint them therewith.

*Ordered*, That Mr. Palmer, Mr. Longworth, the Hon. Mr. Pope and the Hon. J. S. Macdonald be a Committee to manage the said Conference.

Mr. Longworth, from the Committee appointed to examine what Laws have lately expired, or are near expiring, presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and is as followeth:

"Your Committee have to report, that the Act, 8 Geo. 4, cap. 7, intituled *An Act to continue and amend an Act passed in the Fifty-*

ninth year of His late Majesty's Reign, intituled 'An Act to regulate the Sale of the Interest of Leasholders, when taken in Execution,' expired on the last day of the Session of the year 1838.

*Ordered*, That the Report be received.

*Resolved*, That a Committee be appointed, to prepare and bring in a Bill to revive and continue the Act, 8 Geo. 4, cap. 7, for regulating the sale of the Interest of Leasholders, when taken in Execution.

*Ordered*, That Mr. Longworth and Mr. Palmer do compose the said Committee.

The time for holding the Conference with the Legislative Council, on the Bill intituled *An Act relating to Treasury Warrants*, having arrived;

And the names of the Managers being called over, they went to the Conference.

And being returned—

The Hon. Mr. Pope reported, that the Managers had been at the Conference, and he stated the substance thereof to the House.

Then the House adjourned for one hour.

And being met—

Mr. Thomson, from the Committee appointed to prepare and bring in a Bill for providing Buoys and Beacons for certain Harbours in this Island, and for other purposes, presented to the House a Bill, as prepared by the Committee; and the same was read the first time.

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

*Resolved*, That a further Conference be desired with the Legislative Council, on the subject matter of the last Conference.

*Ordered*, That Mr. Longworth do go to the Council, and desire the said Conference.

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

The Hon. J. S. Macdonald, from the Committee of the whole House, on the consideration of Supplies for the public service, reported, according to order, the Resolutions of the said Committee; and the said Resolutions were again read at the Clerk's Table, and are as follow:—

1. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Five hundred Pounds be granted, to defray the Salary of the Colonial Treasurer, for the present year.

2. **RESOLVED**, That it is the opinion of this Committee, that the sum of Two hundred and sixty Pounds be granted, to defray the salary of the Collector of Impost for the District of Charlottetown, for the present year.

3. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and sixty Pounds be granted, to defray the salaries of the Sub-Collectors of Customs, for the present year.

4. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and sixty Pounds be granted, to defray the salaries of the Commissioners of Highways, for the present year.

5. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Thirty Pounds be granted, and paid to the person appointed to correspond with the Road Commissioners, for the present year.

6. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty-six Pounds, or as much thereof as may be necessary, be granted, to defray the allowance to persons appointed under the Act, 7 Will. 4, cap. 7., for the protection of the Herring and Alewives' Fisheries.

7. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Seventy-five Pounds be granted, to defray the salary of the Officer appointed under the Act, 3 Will. 4, cap. 39, for receiving the returns from the Commanders of Militia regiments and battalions.

8. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Thirty Pounds be granted, to defray the salary of the Wharfinger of the public Wharf at Charlottetown, for the present year.

9. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Forty Pounds be granted, to defray the salary of the Clerk of the Market at Charlottetown, for the present year.

10. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to the Assayer of Weights and Measures for Charlottetown, in lieu of office rent and other contingent expenses, for the present year.

11. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Forty Pounds be granted, to defray the salary of the Messenger of the Executive Council, Crier of the Supreme Court, and Tipstaff in Chancery, for the present year.

12. **RESOLVED**, That it is the opinion of this Committee, that the sum of Two hundred and fifty Pounds be granted, to defray the contingent expenses of the Government for the present year.

13. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred and fifty Pounds be granted, to defray the expence of public Printing and Stationery, for the present year.

14. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and thirty Pounds be granted, to defray the Fees of the Colonial Secretary ; and a further sum of One hundred and thirty Pounds, to defray the Fees of the Clerk of the Council, should these sums be required, during the present year.

15. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Four hundred and fifty Pounds be granted, to defray the cost of Crown Prosecutions, including fees of Crown Officers—and a sum not exceeding Fifty Pounds for Crown Officers' fees for other purposes, should the same be required, for the present year.

16. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred Pounds be granted, to defray the Chief Justice's travelling charges, for the present year.

17. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three hundred and fifty pounds be granted, to defray the Interest payable on Treasury Warrants at the Treasury, agreeable to law.

18. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred Pounds be granted, and placed at the disposal of the Lieutenant Governor, for carrying into effect the Quarantine regulations, should the same be required, for the present year.

19. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Sixty Pounds be granted, to defray the salaries of the High Sheriffs of the different Counties, for the present year.

20. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred Pounds be granted, to defray the Sheriffs' expenses for the Jails of King's, Prince and Queen's Counties.

21. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred Pounds be granted, to provide Fuel and Bread for the three County Jails, for the present year.

22. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Forty Pounds be granted, to defray the Salary of the Keeper of the Jail at Charlottetown, for the present year.

23. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Sixty Pounds be granted, to defray the salaries of the Keepers of the Jails at St. Eleanor's and Georgetown, for the present year.

24. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to the Medical Attendant of Charlottetown Jail, for his services, and for supplying the Prisoners with Medicines, for the present year.

25. **RESOLVED**, That it is the opinion of this Committee, that the sum of Four Pounds be granted, and paid to the Medical Attendant of the Jail at Georgetown, and for supplying Medicines, for the present year.

26. **RESOLVED**, That it is the opinion of this Committee, that there be granted and paid to the Medical Attendant

of the Jail in Prince County, the sum of Four Pounds, if required.

27. **RESOLVED**, That it is the opinion of this Committee, that there be granted a sum sufficient to defray the salary of the Matron of the Jail at Charlottetown, for the present year, if the same be required.

28. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, and placed at the disposal of His Excellency the Lieutenant Governor, to defray the expence of completing certain alterations necessary for the separation of Prisoners in the Jail of Charlottetown.

29. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Five hundred Pounds be granted, to defray the expence of conveying the Mails, by means of Steam navigation, for the present year, under the provisions of the Act of 6 Will. 4, cap. 11.

30. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and Fifty Pounds be granted, to defray the expence of conveying the Winter Mails to and from the Province of Nova Scotia.

31. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred and forty Pounds be granted, to defray the expence of conveying the Inland Mails, for the present year.

32. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Twenty Pounds be granted, and paid to Elizabeth Chappell, for conducting the business of the Inland Mails, for the past year.

33. **RESOLVED**, That it is the opinion of this Committee, that the sum of One thousand six hundred Pounds be granted, for the service of Roads and Bridges, for the present year, and apportioned as follows—(that is to say)—the sum of One hundred Pounds towards completing the Main Western Road, and the remainder to be equally divided between the three Counties.

34. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred Pounds be granted, to defray the incidental repairs of Roads and Bridges, for the present year—to be equally apportioned among the Counties.

35. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred Pounds be granted, for further opening the Road from Cardigan River towards Mount Stewart.

36. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and twenty Pounds be granted, in aid of erecting a new Bridge over the Hillsborough, at Mount Stewart Ferry.

37. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds, or as much thereof as may be necessary, be granted, for the completion of the Road from Monaghan to the Georgetown Road, should the sum assessed under the Road Compensation Act prove insufficient.

38. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted, towards the repair of the Aboiteau at Tryon River, on condition of the inhabitants subscribing and placing in the hands of the Road Commissioner for that District, the sum of Forty Pounds, in aid of that object.

39. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Twelve Pounds be granted, to defray the expence of exploring and marking out the most eligible direction for a Road from Townships 28 and 29, to the Scotch Settlement, on Township 67.

40. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifteen Pounds be granted, to purchase the right of way from the Highway, at West River, Lot 47, to the shore, near the mouth of the Harbour, where the Road Commissioner for the District may judge the same will be most convenient for public accommodation, providing the individual or individuals through whose land the same may be laid off consent to accept of the above as a full compensation.

41. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty-five Pounds be granted, to purchase a right of way from John Clark, at Cape Traverse; and a further sum of Fifteen Pounds, to be paid to John Nuttall, Cape Traverse, for the like purpose.

42. **RESOLVED**, That it is the opinion of this Committee, that the sum of Seven Pounds Ten Shillings be granted, to purchase a right of way through lands belonging to Widow Praught, when the sum of Seven Pounds Ten Shillings is paid by the Proprietor of the adjoining land.

43. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, to purchase a right of way through the farm of William Mackie, Elliot River, to complete the Settlement Road on the South side of said River, by carrying the same out to his Creek, on the course already laid off by order of the Governor and Council.

44. **RESOLVED**, That it is the opinion of this Committee, that the sum of Four Pounds be granted, and paid to Lauchlan MacLeod, Charlottetown Royalty, as a compensation for damage sustained by him by the running of the new line of the Princetown Road through his Farm.

45. **RESOLVED**, That it is the opinion of this Committee, that the sum of Two Pounds be granted, and paid to Thomas Barrett, of Lot 37, on his producing a Certificate from Mr. Allan Macdonald, of Allisary, of his having landed the materials of the old Bridge at Mount Stewart.

46. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, in aid of building a Wharf at Millford Shipyard, Orwell River, as soon as the inhabitants shall have advanced the sum of Sixteen Pounds towards the erection of said Wharf.

47. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Fifteen Pounds be granted, for repairing the Wharf at Hope River, providing that the

inhabitants who are benefited by the wharf shall put it in a thorough state of repair.

48. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifteen Pounds be granted, to defray the expence of erecting a Hard or Wharf at the South side of the Harbor of Georgetown, at the place nearest to the Queen's Wharf of Georgetown, where the same can be finished at the least cost to the public, and be safe from any damage by ice—being at Mr. John Peters's shore, westward of his house.

49. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be placed at the disposal of the Lieutenant Governor, towards the building of a Horse Boat for Ellis River Ferry.

50. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and fifty Pounds be granted, and placed at the disposal of the Lieutenant Governor, to defray the expence of placing Buoys and Beacons at certain Harbours in this Island.

51. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three hundred and twenty-nine Pounds four Shillings and five pence be granted, to defray the expence incurred in and about Government House, during the past year.

52. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and fifty Pounds sixteen shillings be granted, to defray the estimated expence of certain repairs and additions to the out-buildings on the Government farm, for the present year.

53. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted, to defray the expence of Painting the Court House of Charlottetown, and other necessary repairs to that building.

54. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds, or as much thereof as may be necessary, be granted, to defray the expence of Plans and Estimates of Public Works, during the present year.

55. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three hundred Pounds be granted, to defray the Bounties on Vessels engaged in the Fisheries of this Island, under the Act, 2 Vict. cap. 6.

56. **RESOLVED**, That it is the opinion of this Committee, that the sum of Forty Pounds be granted, to defray the amount of Premiums allowed by law for the destruction of Bears and Loupcerviers, for the present year.

57. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and Fifty Pounds be granted, for the encouragement of Agriculture in the Colony; namely, Fifty Pounds to each County; and that the sum for the County of Queen's County be equally distributed between the Central and the Independent Societies; that Twenty-five Pounds be granted to each of the Societies in King's County; and that the Fifty Pounds for Prince County be equally divided among the four Societies already established in that County.

58. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, and paid to the Office-bearers of the Charlottetown Mechanics' Institute, in aid of the funds of that Institution.

59. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to William Smallwood, of Lot 48, for his improvement on a Horse-power Machine.

60. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and twenty-five Pounds be granted, and paid to J. H. White, to reimburse him in the expences he was put to in defending an Action brought against him by the Commissioners appointed under the Act of 3 Will. 4, cap. 24, for reprinting the Laws—provided he will accept of this amount in full of any claim he may suppose he has on account of his contract for printing the Laws.

61. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to James B. Cooper & Co., to reimburse them for the amount of Colonial Duties paid by them on the importation of a new Iron Printing Press and Printing Materials from the United States.

62. **RESOLVED**, That it is the opinion of this Committee, that the sum of Four Pounds eleven shillings and three pence one half-penny be granted, and paid to the Treasurer of the Prince Edward Island Auxiliary Bible Society, being a remission of Impost Duties on certain Bibles, Testaments, &c. imported by that Society last year.

63. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One thousand Pounds be granted, for carrying into effect the Act for the encouragement and support of District and other Schools, including the allowance to St. Andrew's College.

64. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Three hundred Pounds be granted, to defray the Salaries of the two Masters of the Central Academy, for the present year.

65. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Twenty-five Pounds be granted, to defray the Salary of the Master of the National School at Charlottetown, for the present year.

66. **RESOLVED**, That it is the opinion of this Committee, that the sum of Seven Pounds ten shillings be granted to Hannah Bullpitt, for conducting a preparatory School in Charlottetown.

67. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-four Pounds be granted, and paid to John Arbuckle, for his services as a Teacher, including any sum to which he may be by Law entitled, for his services in that capacity, up to April 28, 1839.

68. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty-nine Pounds one shilling and six-pence, being the unclaimed proceeds of Water Lot No. 15, in Georgetown, sold by the Assessors of the said Town, and paid into the Treasury, be granted, and paid to the Trus-

tees of the School in Georgetown, so soon as the sum of Forty Pounds is subscribed, and paid into their hands, for the like purpose, to aid in the erection of a School-house, in the said Town.

69. **RESOLVED**, That it is the opinion of this Committee, that there be granted, and placed at the disposal of the Lieutenant Governor, a sum sufficient to defray the contingent expences of the Legislative Council and Assembly, for the past and present Sessions.

70. **RESOLVED**, That it is the opinion of this Committee, that there be granted, and paid to the Speaker of this House, the sum of Sixty Pounds; and to each of the Members, the sum of Thirty Pounds, to indemnify them for their disbursements while attending the sittings of the House of Assembly, during the late and present Sessions, with travelling charges, at the rate of Eightpence per mile, for one journey to and from the same—deducting a proportionate rate for each and every day absent, except when sick, and under the charge of a physician.

71. **RESOLVED**, That it is the opinion of this Committee, that the sum of Sixty-four Pounds sixteen shillings be granted, and paid to William Cooper, Esq., the sum of Sixty-three Pounds sixteen shillings to John Macintosh, Esq. and the sum of Sixty-three Pounds, eight shillings to John W. Le Lacheur, Esq., to indemnify them for their disbursements in attending the House of Assembly during the Sessions in the years 1837 and 1838.

72. **RESOLVED**, That it is the opinion of this Committee, that the sum of Forty-five Pounds three shillings and two-pence half-penny be granted, and placed at the disposal of the Lieutenant Governor, to defray the amount due for the purchase of Books for the use of the Legislature.

73. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Fifteen Pounds be granted, and paid to Charles Young, Esq. for his professional services to the Committee of Grievances, in the past and present Sessions.

74. **RESOLVED**, That it is the opinion of this Committee, that the sum of Six Pounds nineteen shillings and six-pence be granted, to defray the amount of Assessment on the Government Pews in the Episcopal Church.

75. **RESOLVED**, That it is the opinion of this Committee, that in the event of its being found necessary, before the close of the present Session, to delegate and appoint any two of the Members of this House to proceed to England to represent the grievances which the people of this Island have long laboured under, that there be granted, and paid to the Members so appointed and named as aforesaid, the sum of Five hundred Pounds, to indemnify them for their necessary and unavoidable expences.

76. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Ninety Pounds, or as much thereof as may be necessary, be granted, and placed at the disposal of the Lieutenant Governor, for the maintenance and safe keeping of insane persons, for the present year.



77. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Elizabeth Le Page, of Township Forty-nine, towards the support of her husband, Andrew Le Page, a lunatic.

78. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, for the support of Amable Bernard, of Township Fifty, an aged and infirm pauper.

79. **RESOLVED**, That it is the opinion of this Committee, that the sum of Seven Pounds be granted, and placed at the disposal of John Dalziel, Esq., towards the support of John Griffin, and his sister, of Lot Sixty-one, who are in a state of idiocy.

80. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Jesse De Roche, of Township Seventeen, for taking charge of William and Magdalen Holmes, two aged and infirm persons.

81. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Hercules Fricze, of New London, a blind person, towards his support.

82. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to William McNeill, a blind person, residing in Prince County.

83. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, and placed at the disposal of James Simpson, New London, for the support of three blind persons named Mackay.

84. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and placed at the disposal of James Simpson, for the support of Joseph A. Betture, an aged and infirm pauper.

85. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to James Arthur, New Glasgow, for the support of Robert Winter, an insane person.

86. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to Elizabeth Crew, of Crapaud, an aged person, in indigent circumstances.

87. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to John Masters, Township No. 50, to aid him in the support of his son, who is an idiot, and who is also afflicted with epilepsy, and other infirmities.

88. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to Robert Hancock, an aged and infirm individual, residing on Lot 15, Prince County.

89. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-nine Pounds be granted, and paid to the Ladies' Benevolent Society, to be by them expended in the following manner (that is to say)—for the relief of John MacNamara, of Charlottetown, a disabled Seaman,

the sum of Ten Pounds; and for the relief of James Conway, of Township No. 32, a blind person, the sum of Six Pounds; and for the relief of William Purcell, of Charlottetown, a blind person, the sum of Ten Pounds; and for the relief of Elizabeth Patience, senior, of St. Peter's Bay, Widow, the sum of Three Pounds.

90. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-nine Pounds be granted, and placed at the disposal of the Reverend John Mc'Lennan, to be by him applied as follows (that is to say)—for the relief of James Maddox, a blind person, Eight Pounds; for the relief of an idiot son of Mary Mc'Aulay, Widow, Ten Pounds; for the relief of Alexander, the son of Margaret Finlayson, an idiot, Eight Pounds; and for the relief of Christiana McPhee, an aged and infirm person, Three Pounds.

91. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and placed at the disposal of the Reverend John MacLennan, for the relief of Ann Macdonald, an aged and infirm person.

92. **RESOLVED**, That it is the opinion of this Committee, that the sum of Six Pounds be granted, and placed at the disposal of the Rev. Robert Douglas, St. Peter's, to be by him applied as follows (that is to say)—for the relief of John Smith, an aged person, Three Pounds; and for the relief of Christina Maceahern, Three Pounds.

93. **RESOLVED**, That it is the opinion of this Committee, that the sum of Nine Pounds ten shillings be granted, and placed at the disposal of the Rev. John Macdonald, St. Margaret's, to be by him applied as follows (that is to say)—for the relief of Thomas Devereux, a blind person, Four Pounds; for the relief of Elizabeth Brow, Two Pounds ten shillings; and to Angus McKellac, towards the support of his daughter, the sum of Three Pounds.

94. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and placed at the disposal of Thomas Owen, Esquire, to be by him applied as follows (that is to say)—for the relief of William Johnston, Grand River, an infirm person, Five Pounds; and to Margaret Campbell, towards the support of her son, a lunatic, Five Pounds.

95. **RESOLVED**, That it is the opinion of this Committee, that the sum of Sixteen Pounds be granted, and placed at the disposal of the Honorable Peter S. MacNutt, to be by him applied as follows (that is to say)—for the relief of Daniel Quigley, a lame person, Five Pounds; for the relief of Mary Hickey, a lame girl, Three Pounds; for the relief of James Inglis, an aged and indigent person, Three Pounds; and for the relief of Anne Trueguard, an aged and infirm person, Five Pounds.

96. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Charles Russell, an aged and infirm person, in indigent circumstances, and formerly a Teacher in this Island.

97. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Archi-

bald Macniven, of Township Thirty, towards the support of two of his sons, in a state of idioy.

98. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and placed at the disposal of Francis Longworth, sen., Esq., to be by him paid to Joanna Redmond, towards the support of a lame daughter.

99. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to John Ready, a blind person.

100. RESOLVED, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Malcolm M'Leod, Scotch Settlement, Township Sixty-seven, to relieve him in his present distressed circumstances.

101. RESOLVED, That it is the opinion of this Committee, that the sum of Five pounds ten shillings be granted, and placed at the disposal of the Hon. Donald Macdonald, to be by him applied as follows (that is to say)—for the relief of Mary M'Leod, Widow, Three Pounds; and to Rosanna Mitchell, towards the support of her husband, an afflicted and indigent person, the sum of Two pounds ten shillings.

102. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to Nancy Kielly, towards the support of her husband, a person afflicted with mental derangement.

103. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to James Jackson, an aged person, in indigent circumstances.

104. RESOLVED, That it is the opinion of this Committee, that the sum of Fifteen Pounds be granted, and placed at the disposal of the Ladies' Benevolent Society of Charlottetown, in aid of their funds, for the relief of poor and indigent persons.

105. RESOLVED, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, and paid to Alexander Rao, for his services as Teacher in Princetown Royalty, for the year ending December 15th, 1838.

106. RESOLVED, That it is the opinion of this Committee, that the sum of Seven Pounds be granted, and paid to Patrick B. Doyle, Teacher, Charlottetown.

And the First to the Sixty-sixth of the said Resolutions, inclusively, being again severally read, were, upon the question of concurrence being separately put thereon, agreed to by the House.

The Sixty-seventh of the said Resolutions being again read, and the question put thereon; The House divided:

YEAS:

|                       |                   |
|-----------------------|-------------------|
| Mr. Montgomery,       | Mr. Fraser,       |
| Mr. Forbes,           | Mr. D. Macdonald, |
| Mr. J. Dingwell,      | Mr. Gorman,       |
| Mr. Macneill,         | Mr. Macintosh,    |
| Mr. Beck,             | Mr. Rae,          |
| Hon. J. S. Macdonald, | Mr. Thomson,      |
| Mr. Le Lacheur,       | Mr. Macfarlane,   |
| Mr. Dalziel,          | Mr. W. Dingwell.  |
| Mr. Hudson,           |                   |

NAYS:

Mr. Palmer, Mr. Longworth.  
Hon. Mr. Pope,

So it was carried in the affirmative.

The Sixty-eighth of the said Resolutions being again read, and the question of concurrence put thereon;

The House again divided:

YEAS:

|                 |                   |
|-----------------|-------------------|
| Mr. Thomson,    | Mr. Forbes,       |
| Mr. Hudson,     | Mr. D. Macdonald, |
| Mr. Gorman,     | Mr. Beck,         |
| Mr. Arbuckle,   | Mr. J. Dingwell,  |
| Mr. Macfarlane, | Mr. W. Dingwell,  |
| Mr. Fraser,     | Mr. Rae,          |
| Mr. Le Lacheur, | Mr. Palmer,       |
| Mr. Dalziel,    | Mr. Macintosh.    |

NAYS:

Hon. Mr. Pope, Hon. J. S. Macdonald,  
Mr. Macneill, Mr. Montgomery.  
Mr. Longworth,

So it was carried in the affirmative.

The Sixty-ninth of the said Resolutions being again read, was, upon the question put thereon, agreed to by the House.

The Seventieth of the said Resolutions being again read:

Mr. Longworth moved, in amendment thereto, that the word "Sixty" be struck out, and "Forty" substituted; and the word "Thirty" struck out, and "twenty" substituted.

The House divided on the motion of amendment:

YEAS:

Mr. Longworth, Hon. Mr. Pope.  
Mr. Palmer,

NAYS:

|                       |                  |
|-----------------------|------------------|
| Mr. Montgomery,       | Mr. Macneill,    |
| Mr. Hudson,           | Mr. Fraser,      |
| Mr. Forbes,           | Mr. Le Lacheur,  |
| Mr. Beck,             | Mr. Arbuckle,    |
| Mr. D. Macdonald,     | Mr. Macfarlane,  |
| Mr. J. Dingwell,      | Mr. Gorman,      |
| Hon. J. S. Macdonald, | Mr. W. Dingwell, |
| Mr. Thomson,          | Mr. Rae,         |
| Mr. Dalziel,          | Mr. Macintosh.   |

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

The Seventy-first of the said Resolutions being again read, and the question of concurrence put thereon;

The House divided :

YEAS :

|                  |                   |
|------------------|-------------------|
| Mr. Forbes,      | Mr. Gorman,       |
| Mr. Montgomery,  | Mr. Arbuckle,     |
| Mr. Beck,        | Mr. D. Macdonald, |
| Mr. Macneill,    | Mr. Macfarlane,   |
| Mr. J. Dingwell, | Mr. Rae,          |
| Mr. W. Dingwell, | Mr. Thomson.      |
| Mr. Fraser,      |                   |

NAYS :

|                |                       |
|----------------|-----------------------|
| Hon. Mr. Pope, | Hon. J. S. Macdonald, |
| Mr. Longworth, | Mr. Hudson.           |
| Mr. Palmer,    |                       |

So it was carried in the affirmative.

The Seventy-second and Seventy-third of the said Resolutions being again severally read, were, upon the question of concurrence being separately put thereon, agreed to by the House.

The Seventy-fourth of the said Resolutions being again read, and the question of concurrence put thereon ;

The House divided :

YEAS :

|                       |                 |
|-----------------------|-----------------|
| Mr. J. Dingwell,      | Mr. Le Lacheur, |
| Hon. Mr. Pope,        | Mr. Rae,        |
| Mr. Macneill,         | Mr. Gorman,     |
| Mr. Montgomery,       | Mr. Fraser,     |
| Mr. Beck,             | Mr. Longworth,  |
| Hon. J. S. Macdonald, | Mr. Palmer,     |
| Mr. D. Macdonald,     | Mr. Dalziel,    |
| Mr. Macfarlane,       | Mr. Hudson,     |
| Mr. Forbes,           | Mr. Mackintosh. |
| Mr. W. Dingwell,      |                 |

NAYS :

|              |               |
|--------------|---------------|
| Mr. Thomson, | Mr. Arbuckle. |
|--------------|---------------|

So it passed in the affirmative.

The Seventy-fifth of the said Resolutions being again read ;

Mr. Thomson moved, in amendment thereto, that after the word "Session," all be struck out, and the following substituted—"to send a Delegation to England, to represent the grievances which the people of this Island have long laboured under ; and, that there be granted, and paid to the Member or Members of such Delegation, the sum of Five hundred Pounds, or as much thereof as this House may deem necessary, to indemnify them for their necessary and unavoidable expenses."

The House divided on the motion of amendment :

YEAS :

|                  |                   |
|------------------|-------------------|
| Mr. Thomson,     | Mr. Fraser,       |
| Mr. Macneill,    | Mr. Arbuckle,     |
| Mr. Montgomery,  | Mr. Dalziel,      |
| Mr. Beck,        | Mr. D. Macdonald, |
| Mr. Forbes,      | Mr. Gorman,       |
| Mr. W. Dingwell, | Mr. Macintosh,    |
| Mr. Le Lacheur,  | Mr. Rae,          |
| Mr. J. Dingwell, | Mr. Macfarlane.   |

NAYS :

|                       |                |
|-----------------------|----------------|
| Hon. J. S. Macdonald, | Mr. Hudson,    |
| Mr. Palmer,           | Mr. Longworth. |
| Hon. Mr. Pope,        |                |

So it was carried in the affirmative.

The question being put on the said Resolution, as amended ;

The House again divided :

YEAS, 16.

NAYS, 5.

And the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative, and stands as follows :

"Resolved, That it is the opinion of this Committee, that in the event of its being found necessary, before the close of the present Session, to send a Delegation to England, to represent the grievances which the people of this Island have long laboured under, that there be granted, and paid to the Member or Members of such Delegation, the sum of Five hundred Pounds, or as much thereof as this House may deem necessary, to indemnify them for their necessary and unavoidable expenses."

The Seventy-sixth to the One hundred and fourth of the said Resolutions, inclusively, being again severally read, were, upon the question of concurrence being separately put thereon, agreed to by the House.

The One hundred and fifth of the said Resolutions being again read, and the question put thereon ;

The House divided :

YEAS :

|                   |                  |
|-------------------|------------------|
| Mr. Macintosh,    | Mr. Arbuckle,    |
| Mr. W. Dingwell,  | Mr. Thomson,     |
| Mr. Gorman,       | Mr. Fraser,      |
| Mr. Forbes,       | Mr. Macfarlane,  |
| Mr. D. Macdonald, | Mr. J. Dingwell, |
| Mr. Beck,         | Mr. Dalziel,     |
| Mr. Le Lacheur,   | Mr. Macneill.    |
| Mr. Montgomery,   |                  |

## NAYS :

Mr. Hudson,  
Hon. Mr. Pope,  
Mr. Palmer,

Mr. Longworth,  
Hon. J. S. Macdonald.

So it was carried in the affirmative.

The One hundred and sixth of the said Resolutions being again read, was, on the question put thereon, agreed to by the House.

*Resolved*, That a Committee of three Members be appointed, to prepare and bring in a Bill for appropriating the Supplies granted to Her Majesty this Session.

*Ordered*, That the Hon. Mr. Pope, Mr. Palmer and Mr. Longworth do compose the said Committee.

Then the House adjourned until to-morrow, at Eleven o'clock

## WEDNESDAY, April 10, 1839.

**R**EAD a third time, as engrossed, the Bill intituled *An Act to amend a certain Act therein mentioned, relating to Pounds.*

*Resolved*, That the Bill do pass.

*Ordered*, That Mr. Longworth do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. D. Macdonald, from the Committee appointed to wait on His Excellency the Lieutenant Governor with the Address, thanking him for the several Messages and Documents communicated to the House, reported the delivery thereof, and that His Excellency was pleased to say, that he thanked the House for this Address.

Mr. Longworth, from the Committee appointed to prepare and bring in a Bill for appropriating the Supplies granted to Her Majesty this Session, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

*Ordered*, That the Tenth Rule of this House be suspended, as far as respects this Bill; and that the Bill be read a second time this day, at the afternoon's sitting.

Then the House adjourned for one hour.

And being met—

A Message from the Legislative Council, by Mr. Desbrisay:

“Mr. Speaker;

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

Committee to manage this further Conference—to meet in the Committee Room instanter.”

And then he withdrew.

Whereupon the Managers went to the Conference;

And being returned—

The Hon. Mr. Pope reported, that the Committee had been at the Conference, and he stated the substance of the Conference to the House.

The Bill for appropriating the Supplies granted to Her Majesty this Session, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. Mr. Pope took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. Mr. Pope reported, that the Committee had gone through the Bill, without making any amendment thereto.

*Ordered*, That the Report be agreed to.

*Ordered*, That the said Bill be engrossed, and that the Title be *An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine.*

Mr. Longworth, from the Committee appointed to prepare and bring in a Bill to revive and continue the Act for regulating the sale of the Interest of Leaseholders, when taken in Execution, presented a Bill, as prepared by the Committee; and the same was read the first time.

*Ordered*, That the Tenth Rule of this House be suspended, as far as respects this Bill.

And then the said Bill was read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Longworth reported, that the Committee had gone through the Bill, without making any amendment thereto.

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

*Ordered*, That the said Bill be engrossed, and that the Title be *An Act to revive and continue an Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution.*

Then the House adjourned until to-morrow, at Ten o'clock.

## THURSDAY, April 11, 1839.

**M**R. ARBUCKLE moved that the House do come to a Resolution as followeth:

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to instruct Her Majesty's Attorney General to release the Farm or other Estate of Coun Douly Rankin, Esq. from an Execution levied thereon, under a prosecution ordered by the House of Assembly in the year 1835, and to discharge the said Coun Douly Rankin from the Government claim thereon, on his paying the full costs of the prosecution.

The Hon. Mr. Pope moved, that the consideration of the said motion be referred to a Committee of the whole House to-morrow.

Which was ordered.

The Bill for providing Buoys and Beacons for

certain Harbours in this Island, and for other purposes, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Thomson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned until to-morrow, at Eleven o'clock.

## FRIDAY, April 12, 1839.

**R**EAD a third time, as engrossed, 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 thirty-nine.*

Mr. Gorman proposed, that the amendment following be made to the Bill, viz:

Folio 8, last line, after the words "Roads and Bridges," insert "with the exception of the sum of £150 for the Main Western Road, which shall be expended on the same in such manner, and on such parts thereof, as may be deemed

most effectual towards its completion;"—which being seconded and put, was carried in the affirmative—and the Bill was amended at the Table accordingly.

*Resolved*, That the Bill do pass.

Read a third time, as engrossed, the Bill intituled *An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders when taken in Execution.*

The Hon. Mr. Pope proposed that the amendment following be made to the Bill, viz:

Folio 2, line 4, strike out the word "two," and insert the word "ten."

The House divided on the question :

YEAS :

|   |                                      |
|---|--------------------------------------|
| Hon. Mr. Pope,<br>Mr. Longworth,<br>Mr. Palmer, | Hon. J. S. Macdonald,<br>Mr. Hudson. |
|---|--------------------------------------|

NAYS :

|  |  |
|--|--|
| Mr. Le Lacheur,<br>Mr. Fraser,<br>Mr. Beck,<br>Mr. Montgomery,<br>Mr. Thomson,<br>Mr. Macneill,<br>Mr. D. Macdonald,<br>Mr. Macintosh, | Mr. W. Dingwell,<br>Mr. Macfarlane,<br>Mr. Forbes,<br>Mr. Arbuckle,<br>Mr. J. Dingwell,<br>Mr. Gorman,<br>Mr. Dalziel,<br>Mr. Rae. |
|--|--|

So it passed in the negative.

*Resolved*, That the Bill do pass.

*Ordered*, That the Hon. Mr. Pope do carry the two preceding Bills to the Legislative Council, and desire their concurrence.

*Resolved*, That Mr. Le Lacheur be added to the Committee appointed to keep up a good correspondence between the two Houses of the Legislature.

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

*Ordered*, That the Hon. Mr. Pope do carry the said Message to the Legislative Council.

*Resolved*, That a Committee be appointed, to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill intituled "An Act to amend the Act for the encouragement and support of District and other Schools."

*Ordered*, That Mr. Arbuckle and Mr. Thomson do compose the said Committee; who, returning, reported, that they had found the following entry:—

LEGISLATIVE COUNCIL CHAMBER,  
Thursday, 11th April, 1839.

Present :

|  |                  |
|--|------------------|
| The Honorable Mr. Haviland, President; |                  |
| Hon. Mr. Attorney General,             | Hon. Mr. Livett, |
| Mr. Brecken,                           | Mr. Dalrymple,   |
| Mr. Worrall,                           | Mr. Green,       |
| Mr. Macdonald,                         | Mr. MacNutt,     |
| Mr. Macintosh,                         | Mr. Macgowan.    |

The Order of the Day, for the second reading of the Bill

intituled *An Act to amend the Act for the encouragement and support of District and other Schools*, being read;

*Ordered*, That the same be discharged, and that the said Bill be read a second time this day three months.

Mr. D. Macdonald, from the Committee appointed last Session to prepare and bring in a Bill to continue for a limited period the Act, 3 Will. 4, cap. 23, empowering the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

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

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker;

The Legislative Council have passed the Bill intituled *An Act for rendering more effectual the Laws now in force for regulating the retail of strong and spirituous Liquors*, without any amendment.

And also—

The Legislative Council have agreed to the amendments made by the House of Assembly to the Bill intituled *An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein*.

And then he withdrew.

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to procure from the Plantation Office, Whitehall, for the use of the Government of this Island, a copy of the Plan of the original Survey of this Island, made between the years 1764 and 1769.

*Ordered*, That Mr. Thomson, Mr. Palmer and Mr. Montgomery be a Committee to prepare a draught of the said Address.

Then the House adjourned until to-morrow, at Eleven o'clock

## SATURDAY, April 13, 1839.

A MOTION being made, that the Order of the Day, for the House in Committee on the consideration of the motion that an Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to instruct Her Majesty's Attorney General to re-

lease the Farm or other Estate of Coun Douly Rankin, Esq. from an Execution levied thereon, under a prosecution ordered by the House of Assembly in the year 1835, and to discharge the said Coun Douly Rankin from the claim thereon, on his paying the full costs of the prosecution, be now read;

And the question being put on the said motion;

The House divided on the question:

YEAS, 14.

NAYS, 3.

So it was carried in the affirmative.

And the said Order of the Day was read accordingly.

Mr. *Le Lacheur* moved, that the said Order of the Day be postponed until Monday next.

The Hon. Mr. *Pope* moved, in amendment, that the said Order of the Day be discharged, and that the consideration of the subject be made the Order of the Day for this day three months.

Which was ordered.

The Bill to continue for a limited period the Act, 3 Will. 4, cap. 23, empowering the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required, was, according to order, read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, without making any amendment thereto.

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

*Ordered*, That the said Bill be engrossed, and that the Title be *An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads.*

Then the House adjourned for one hour.

And being met—

Mr. *Thomson*, from the Committee appointed to prepare the draught of an Address to His Excellency the Lieutenant Governor, praying

that he will be pleased to procure from the Plantation Office, Whitehall, for the use of the Government of this Island, a copy of the Plan of the original Survey of this Island, made between the years 1764 and 1769, presented to the House the draught of an Address, as prepared by the Committee; which said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth:—

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island Prince Edward, and its Dependencies Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

The House of Assembly, taking into consideration the inconvenience frequently experienced by the different branches of the Legislature, as well as by Officers of the various departments of the Government, from the want of a perfect Plan of the original Survey of this Island, respectfully request that your Excellency will be pleased, at your earliest convenience, to take the measures necessary for procuring from the Plantation Office, Whitehall, for the use of the Government of this Colony, a copy of the Plan of the original Survey of this Island, which said Plan was prepared by or under the direction of the late Samuel Holland, Esq. between the years 1764 and 1769, by order of His Majesty's Government—and this House will make good any expense that may be incurred in procuring the same.

*Ordered*, That the said Address be engrossed.

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

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for providing Buoys and Beacons for certain Harbours in this Island, and for other purposes.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned until Monday next, at Eleven o'clock.

## MONDAY, April 15, 1839.

**R**EAD a third time, as engrossed, the Bill intituled *An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads.*

*Resolved*, That the Bill do pass.

*Ordered*, That Mr. *D. Macdonald* do carry the said Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the Bill intituled *An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders, when taken in Execution*, with an amendment, to which they desire the concurrence of the Assembly.

And then he withdrew.

The amendment made by the Legislative Council to the Bill intituled *An Act to revive and continue an Act to regulate the Sale of the Interest of Leaseholders, when taken in Execution*, was read the first time, and is as follows :

*Folio 2, line 4*—Strike out the word "two," and insert the word "ten."

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

Mr. *Thomson*, from the Committee appointed to wait upon His Excellency the Lieutenant

Governor, with the Address relative to procuring a Plan of the original Survey of this Island, reported to the House, that their Address had been presented to His Excellency, and that he was pleased to say, he would comply with the request of the House.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for providing Buoys and Beacons for certain Harbours in this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Fraser* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Fraser* reported, that the Committee had gone through the Bill, and had made several amendments thereto ; which amendments were again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers.*

Then the House adjourned until to-morrow, at Eleven o'clock.

## TUESDAY, April 16, 1839.

**A** MESSAGE from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the Bill intituled *An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads*, without any amendment.

And also—

The Legislative Council have passed the Bill intituled *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*, with

several amendments, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

The amendments made by the Legislative Council to the Bill intituled *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*, were read the first time, and are as follow :

*Folio 1, line 10*—Strike out from the word "Claimants" to the word "accepted," in the third line of the second folio, both inclusive, and insert—'Proprietors of Lands in this Island,



' or their Attorneys for them, signed and  
' delivered a Paper to the Right Honor-  
' able Lord North, at that time one of  
' His Majesty's Principal Secretaries of  
' State, of which the following is a  
' Copy, viz :—

' We the undersigned Proprietors of  
' Lands in the Colony of *Saint John*,  
' being informed that many of the Loyal-  
' ists at *New York* prefer a Settlement in  
' that Island to one in *Nova Scotia*; and  
' being very desirous of encouraging such  
' a preference, and of affording an Asylum  
' to those deserving fellow subjects, do  
' engage for ourselves, or as Attorneys  
' for others, to grant, as we hold of the  
' Crown, and in the same proportions to  
' each family as the other Loyal Emi-  
' grants receive in *Nova Scotia*, One  
' fourth of the quantity of Lands placed  
' opposite to our Names, which they shall  
' receive, upon their arrival at *Charlotte-*  
' *town*, by application to the Governor  
' and Council: and that they may receive  
' the said Lands in the fairest and most  
' impartial manner, we will direct that  
' the whole be divided by the Surveyor  
' General into Parcels, of not less than  
' One Thousand Acres each, and drawn  
' for by Ballot before the Governor and  
' Council. In consideration of the pre-  
' ference expressed by those Loyal Emi-  
' grants, and of the conditions offered  
' by us, we have the fullest confidence  
' that your Lordship will give instructions  
' to the Commander-in-Chief of His  
' Majesty's Forces at *New York*, to fur-  
' nish such Loyalists as prefer a settle-  
' ment in *Saint John's*, with Provisions  
' and Transports to carry them to *Char-*  
' *lottetown*, and every other necessary,  
' such as is given to those who go to  
' *Nova Scotia*: and that your Lordship  
' will also give such instructions to the  
' Governor of *Saint John's*, as will place  
' such Emigrants, in every respect, on a  
' similar footing with their brethren who  
' settle in *Nova Scotia*. The undersign-  
' ed are the more zealous in promoting  
' this measure, as they are persuaded it  
' will greatly advance the prosperity of  
' an infant Colony, which, from its natu-  
' ral and relative situation, is peculiarly  
' adapted to become a permanent and  
' valuable possession to *Great Britain*.  
' And they confide in your Lordship's

' wisdom and equity, that you will obtain  
' for them such an abatement of Quit  
' Rent, as will place them on an equality  
' with their neighbouring Colonies, and,  
' by that means, remove a cause which  
' may prevent many faithful subjects to  
' this Country from emigrating to that  
' Island from the *American States*, and  
' which has hitherto obstructed the settle-  
' ment and prosperity of this Colony.'

(Signed)

|  | Acres. |
|--|--------|
| Edward Lewis   | 20,000 |
| John Townson   | 10,000 |
| John Stuart  | 10,000 |
| Richard Burke  | 15,000 |
| John Morteux   | 20,000 |
| Robert Mackay  | 20,000 |
| Alexander Anderson   | 20,000 |
| John Patterson   | 20,000 |
| John Patterson, Attor-<br>ney for Walter Pat-<br>terson - -  | 40,000 |
| John Patterson, Attor-<br>ney for Andrew Todd  | 21,000 |
| John Patterson, for<br>Isaac Todd - -  | 20,000 |
| John Townson, for<br>Charles Pearce -  | 10,000 |
| Daniel Berreau, for<br>Isaac Panchard -  | 20,000 |
| Lawrence Sullivan  | 80,000 |
| Philip Stephens  | 20,000 |
| Lord Townshend, for<br>Acres and gives<br>Two Thousand to a<br>Loyalist, who is to<br>draw for it in the<br>mode prescribed a-<br>bove - - - | 20,000 |
| Lord Townshend, for<br>General Honeywood   | 10,000 |
| Lord Townshend, for<br>the Lord Chief Baron<br>Montgomery -  | 60,000 |

*Folio 2, line 3*—After the word "accepted," insert the word "and."

*Folio 7, line 8*—After the word "Law," insert "also."

*Folio 16, line 14*—Strike out from the word "on" to the word "Island," in line 19, inclusive.

*Folio 17, line 1*—Strike out from the word "and" to the word "conditions," in the third line of the same folio.

*Same folio, lines 4 and 9*—Strike out the word "that."

*Same folio, line 20*—Strike out from the word "Claimants" to the word "Townships," in folio 18, line 2, and insert 'Proprietors of Townships, who purchased them from the

- ' Grantees, the said Grantees and Purchasers having neglected to perform the conditions of their Grants from the ' Crown.'
- Folio 18, line 6*—Strike out from the word "raising," to the word "instituted," inclusive, and insert the words "did institute."
- Same folio, line 11*—After the word "Chancery," insert the word "and."
- Same folio, line 16*—Strike out from the word "or," to the word "Lands," inclusive.
- Folio 19, line 2*—Strike out from the word "behalf," to the word "the," in the 5th line, inclusive.
- Same folio, line 6*—After the word "Loyalists," insert "and" "disbanded Troops."
- Same folio, line 8*—After the word "locations," insert "and which Act subsequently received" "His Majesty's assent."
- Same folio, line 10*—Strike out from the word "and," to the word "thereof," in the 3d line, folio 20, inclusive.
- Folio 20, line 3*—Strike out from the word "and," to the word "claimants," in line 10.
- Same folio, line 11*—Strike out "the want of means," and insert "their poverty."
- Same folio, line 13*—After the word "Law," insert the words "and Equity, the said Loyalists and" "others."
- Same folio, line 24*—Strike out from the word "and," to the word "Government," in the last line, inclusive.
- Folio 21, line 3*—After the word "all," insert "such."
- Same folio, line 10*—Strike out the words "Proprietary" "Claimants," and insert "Proprietors."
- Same folio, line 17*—After the word "Lands," insert the words "in the proportion hereinafter" "mentioned."
- Same folio, same line*—Strike out from the word "now," to the word "hereafter," and insert "at" "the time being may."
- Same folio, line 23*—Strike out the word "competent," and insert the word "lawful."
- Folio 22, line 8*—Strike out from the word "get," to the word "made," inclusive, and insert the words "and he is hereby empowered to examine" "such Witnesses on oath, and to take" "such affidavits."
- Same folio, line 16*—Strike out the words "every one," and insert the word "each."
- Same folio, line 19*—After the word "all," insert the word "American."
- Same folio, line 23*—After the word "lodge," insert the word "the."
- Folio 23, line 4*—Strike out the word "state," and insert the word "statement."
- Same folio, line 14*—Strike out the words "and attested."
- Same folio, line 15*—Strike out the word "state," and insert the word "statement."
- Folio 25, line 8*—Strike out from the word "providing," to the word "Crown," in the last line, both inclusive.
- Folio 26, line 4*—Strike out from the word "that," to the word "hereafter," both inclusive, and insert "which at the time being may."
- Same folio, line 7*—Strike out from the word "at," to the word "purchase," in the 11th line, inclusive, and insert "a Grant for such quantity of Land as he or his ancestor, or the" "vender under whom he claims, would" "have been entitled to, as such American" "Loyalist, disbanded Officer or Soldier," "as aforesaid."
- " Provided always, and be it further enacted, That if any American Loyalist, disbanded Officer or Soldier, as aforesaid, his Heirs or Assigns, shall succeed in substantiating to the satisfaction of the said Commissioner, and of the said two branches of the Legislature, his or their claim to any particular quantity or description of Land, by virtue of any location, or of any Minute of Council, ordering any such particular quantity or description of Land to be located to such American Loyalist, disbanded Officer or Soldier, which Land, at the time of the passing of this Act, shall continue to remain in the seisin or possession of any Proprietor or Proprietors, by whom or on whose behalf the aforesaid Memorial to the Right Honorable Lord North was subscribed and delivered, or in the seisin or possession of persons claiming by inheritance from or under the said Proprietor or Proprietors, it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being, by and with the advice of Her Majesty's Executive Council, to issue a Warrant of Survey to the Surveyor General, directing him to lay off and survey such quantity and description of Land, as the said American Loyalists, disbanded Officers or Soldiers, their Heirs and Assigns, shall so succeed in establishing their claims to; and upon the due Execution of the said Warrant of Survey, and the return thereof into the Secretary's Office, a Grant shall be issued by the Administrator of the Government for the time being, under the Great Seal of this Island, of the Land so laid off and surveyed to the said American Loyalist, disbanded Officer or Soldier, his Heirs or Assigns; and in case the said Proprietor or Proprietors, their Heirs or Representatives, shall have sold or leased such Lands before the passing of this Act, then it shall and may be lawful for the Lieutenant Governor, or other Administrator of the Government for the time being,

by and with the advice and consent of Her Majesty's Executive Council, to issue a Warrant of Survey to the Surveyor General, directing him to lay off and survey other portions of unoccupied Land remaining in the possession of the said Proprietor or Proprietors, his Heirs or Representatives, to the extent to which the said American Loyalists, disbanded Officers or Soldiers, their Heirs or Assigns, would become entitled by virtue of such claims as aforesaid; and upon the due execution of the said Warrant of Survey, and the return thereof into the Secretary's Office, a Grant shall be issued by the Administrator of the Government for the time being, under the Great Seal of this Island, of the Lands so laid off and surveyed to the said American Loyalist, disbanded Officer or Soldier, his Heirs or Assigns.

*Folio 27, line 9*—Strike out from the word "Provided," to the word "aforesaid," in line 18, inclusive.

#### SCHEDULE (A.)

*Lines 9 & 10*—Strike out the words "hereby certify," and insert the words "make oath and "say."

*Line 10*—Strike out the word "state," and insert the word "statement."

*Line 13*—After the word "attest," insert the word "the."

*Line 18*—Leave out the words "an entire," and insert the word "the."

*Last line*—Strike out the word "in," and insert the words "to substantiate."

#### SCHEDULE (B.)

*Line 7*—After the word "shilling," insert "For every "oath " "

*Ordered*, That the Tenth Rule of this House be suspended, as far as respects the said amendments; and that the same be read a second time in the afternoon's sitting.

The amendment made by the Legislative Council to the Bill intituled *An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders, when taken in Execution*, was, according to order, read a second time.

*Ordered*, That the Tenth Rule of this House be suspended, as far as respects the said amendment.

And then Mr. *Palmer* moved to resolve, that this House doth concur with the Council in the said amendment.

Mr. *D. Macdonald* moved, in amendment to the motion, that after the word "that," all be struck out, and the following substituted—"the "amendment made by the Legislative Council "be disagreed to."

The House divided on the motion of amendment:

#### YEAS :

|                           |                         |
|---------------------------|-------------------------|
| Mr. <i>D. Macdonald</i> , | Mr. <i>Fraser</i> ,     |
| Mr. <i>J. Dingwell</i> ,  | Mr. <i>Le Lacheur</i> , |
| Mr. <i>Montgomery</i> ,   | Mr. <i>Gorman</i> ,     |
| Mr. <i>Rae</i> ,          | Mr. <i>Thomson</i> ,    |
| Mr. <i>W. Dingwell</i> ,  | Mr. <i>Macintosh</i> .  |

#### NAYS :

|                               |                         |
|-------------------------------|-------------------------|
| Hon. <i>J. S. Macdonald</i> , | Mr. <i>Yeo</i> ,        |
| Mr. <i>Longworth</i> ,        | Mr. <i>Clark</i> ,      |
| Mr. <i>Palmer</i> ,           | Mr. <i>Macfarlane</i> . |
| Hon. Mr. <i>Pope</i> ,        |                         |

So it was carried in the affirmative.

Then main motion, as amended, was then put and carried.

*Resolved*, That a Committee of three Members be appointed, to draw up reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the amendment made by their Honors to the said Bill.

*Ordered*, That Mr. *D. Macdonald*, Mr. *Rae* and Mr. *Fraser* do compose the said Committee.

Then the House adjourned for one hour.

And being met—

Mr. *Palmer*, by command of His Excellency the Lieutenant Governor, presented to the House an Estimate of the probable expense of completing certain alterations in the Jail Yard at Charlottetown, and for making an additional Yard, for the separation of Prisoners.

*Resolved*, That the said Document be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Macneill* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Macneill* reported, that the Committee had come to a Resolution, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

*Ordered*, That the Report be received to-morrow.

A motion being made that the engrossed Bill, intituled *An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers*, be now read the third time.

Mr. *Le Lacheur* moved, in amendment, to

strike out the word "now," and at the end of the question insert "this day three months."

The House divided on the motion of amendment :

## YEAS :

|                   |                  |
|-------------------|------------------|
| Mr. Le Lacheur,   | Mr. Dalziel,     |
| Mr. Macintosh,    | Mr. J. Dingwell, |
| Mr. D. Macdonald, | Mr. Beck.        |

## NAYS :

|                       |                 |
|-----------------------|-----------------|
| Mr. Macneill,         | Mr. Forbes,     |
| Hon. J. S. Macdonald, | Mr. Clark,      |
| Hon. Mr. Pope,        | Mr. Gorman,     |
| Mr. Thomson,          | Mr. Longworth,  |
| Mr. Macfarlane,       | Mr. Yeo,        |
| Mr. Palmer,           | Mr. Rac,        |
| Mr. W. Dingwell,      | Mr. Montgomery. |
| Mr. Arbuckle,         |                 |

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

And the said Bill was read the third time.

A motion being made that the Bill do pass ;

Mr. D. Macdonald moved, as an amendment to the question, that the House do come to a Resolution as followeth :

RESOLVED, That a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to cause a Survey to be made of the Harbours of Charlottetown and Three Rivers, and to give directions for the laying down Buoys and erecting Beacons at the said Harbours, where deemed necessary—to be defrayed out of the sum appropriated by the House this Session for that purpose—and that the further consideration of the Bill be postponed until this day three months.

The House divided on the motion of amendment :

## YEAS :

|                   |                  |
|-------------------|------------------|
| Mr. D. Macdonald, | Mr. J. Dingwell. |
| Mr. Macintosh,    |                  |

## NAYS :

|                       |                 |
|-----------------------|-----------------|
| Mr. Fraser,           | Mr. Yeo,        |
| Mr. Montgomery,       | Mr. Clark,      |
| Mr. Dalziel,          | Mr. Gorman,     |
| Mr. Le Lacheur,       | Mr. Longworth,  |
| Mr. Rac,              | Hon. Mr. Pope,  |
| Hon. J. S. Macdonald, | Mr. Thomson,    |
| Mr. Arbuckle,         | Mr. Macfarlane. |
| Mr. Palmer,           | Mr. Forbes,     |
| Mr. W. Dingwell,      | Mr. Macneill.   |
| Mr. Beck,             |                 |

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass,"

It was resolved in the affirmative.

Ordered, That Mr. Thomson do carry the said Bill to the Legislative Council, and desire their concurrence.

The amendments made by the Legislative Council to the Bill intituled *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*, were, according to order, read a second time.

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

Then the House adjourned until to-morrow, at Eleven o'clock.

## WEDNESDAY, April 17, 1839.

MR. D. MACDONALD, from the Committee appointed to draw up reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the amendment made by their Honors to the Bill intituled *An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution*, presented to the House the Report of the said Committee—and the Report was again read at the Clerk's Table, and is as follows :

The circumstance of a great majority of the cultivators of this Colony holding land in tenancy, would excite in the House of Assembly a desire to prevent cultivators

from being so far at the mercy of rigorous creditors, as to be liable to be turned out of their homes, on a notice of a few days, by a creditor attaching and selling the cultivator's title, by the same short process as a chattel ; but as the majority of the cultivators are unable to pay the rents which are demanded from them by the Proprietary claimants, and are by them or their Agents threatened with ejectment, it seems of less consequence to provide against their being deprived of their farms by another class of creditors—still, however, as the favourable locations of some individuals, and the great improvements made thereon, render their possessions really valuable; and as a change, by which the great part of the cultivators might for a time remain tenants of the Crown, was not improba-

ble, it appeared right to take some measures for the protection of what now is or soon might be valuable.

On examining the measure, it appeared desirable to make a distinction between leases of short duration and leases of long duration; and although in ninety-nine out of one hundred leases, the person claiming rent claims it for land which was a wilderness when the cultivator settled thereon, yet as several freeholders have leased their improved farms to others, sometimes with stock, it appeared necessary to make such provisions as these several cases might require.

A further provision appeared necessary in regard to leased property within the towns; but as on a subject which, if thus entered into, would have so many different bearings, there seemed no prospect of procuring an unanimity of opinion, at this late period of the Session, it appeared advisable to pass, for no longer than two years, an Act wherein none of these separate provisions should enter, in the belief that within that period, and without delaying other public matters, the Legislature could mature a measure which ought to satisfy all those interested therein.

*Ordered*, That the said Report be now taken into consideration.

The House proceeded accordingly to take the said Report into consideration.

Mr. Thomson moved, that the Report be disagreed to, and the following substituted:

“The late period of the Session at which the Bill was brought in, precluded the House from entering minutely into a variety of proposed amendments deemed requisite; the House therefore passed the Bill for two years only, in order that the House, at an early period, might consider maturely such proposed amendments.”

The House divided on the question:

YEAS:

Mr. Thomson, Mr. Gorman.  
Mr. Daziel,

NAYS:

Mr. D. Macdonald, Mr. Montgomery,  
Mr. Le Lacheur, Mr. Yeo,  
Mr. Fraser, Mr. Macneill,  
Mr. J. Dingwell, Mr. W. Dingwell,  
Mr. Longworth, Mr. Palmer,  
Mr. Macfarlane, Mr. Forbes,  
Mr. Hudson, Mr. Macintosh.  
Mr. Beck,

So it passed in the negative.

A motion being made that the Report of the Special Committee be adopted by the House;

The House divided on the question:

YEAS:

Mr. D. Macdonald, Mr. Beck,  
Mr. J. Dingwell, Mr. Fraser,  
Mr. Macneill, Mr. Macintosh,  
Mr. Le Lacheur, Mr. Montgomery,  
Mr. W. Dingwell, Mr. Forbes.

NAYS:

Mr. Hudson, Mr. Palmer,  
Mr. Longworth, Hon. J. S. Macdonald,  
Hon. Mr. Pope, Mr. Thomson,  
Mr. Yeo, Mr. Dalziel,  
Mr. Clark. Mr. Gorman.

And the numbers being equally divided, Mr. Speaker gave his casting vote in the negative.

Then the House adjourned for one hour.

And being met—

*Resolved*, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of drawing up reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the amendment made by their Honors to the Bill intituled *An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders, when taken in Execution.*

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

M. D. Macdonald reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and is as followeth:

*Resolved*, That the following reasons be offered to the Legislative Council, at a Conference, for disagreeing to their amendment to the said Bill:

That the leasehold interests are of unequal value, some being for a long term of years, and others for a shorter period; some leases are at a high rent, and probably of no value, while on other leasehold lands the tenant's improvements far exceed the landlord's fee simple interest, and it is necessary that the Legislature should, at an early period, take the subject into consideration, and bring in a Bill more generally applicable to the different classes of Leaseholders.

That the reason which induced this House to pass the Bill in its present shape was, that the late period of the Session rendered it, in many respects, inconvenient to enter upon the full consideration of a subject on which such a variety of opinions were known to be entertained, and therefore to pass the Bill for a shorter period than that proposed by the Legislative Council, would, without subjecting leaseholders to any practical inconvenience, afford to the Members of both Houses of the Legislature sufficient time to mature their opinions upon a subject so important to a large class of the community.

Mr. Thomson moved, in amendment to the Report, that the said Reasons be disagreed to, and the following substituted:—

“That the House of Assembly, in passing the Bill at so late a period of the Session for the period of two years only, did so in order to afford time to consider such amendments as by many Members of the House were deemed necessary to be introduced into the Bill, relative to the different periods at which Leasehold property of terms of from one year to 999 years ought to be sold.”

The House divided on the motion of amendment:

## YEAS:

Mr. Thomson, Mr. Hudson.  
Hon. J. S. Macdonald,

## NAYS:

Mr. Fraser, Mr. Clark,  
Mr. Le Lacheur, Mr. Yeo,  
Mr. Dalziel, Mr. Gorman,  
Mr. D. Macdonald, Mr. Montgomery,  
Mr. J. Dingwell, Mr. Palmer,  
Mr. Macneill, Mr. Rae,  
Mr. W. Dingwell, Mr. Arbuckle,  
Mr. Forbes, Mr. Macfarlane,  
Mr. Longworth, Mr. Macintosh.

So it passed in the negative.

A motion being made, that the Report of the Committee be agreed to;

The House divided on the question:

## YEAS:

Mr. Clark, Mr. Le Lacheur,  
Mr. W. Dingwell, Mr. Rae,  
Mr. J. Dingwell, Mr. D. Macdonald,  
Mr. Gorman, Mr. Macneill,  
Mr. Fraser, Mr. Arbuckle,  
Mr. Macintosh, Mr. Macfarlane,  
Mr. Forbes, Mr. Dalziel.  
Mr. Montgomery,

## NAYS:

Hon. J. S. Macdonald, Mr. Hudson,  
Mr. Longworth, Mr. Thomson,  
Mr. Palmer, Mr. Yeo.

So it was carried in the affirmative.

Resolved, That a Conference be desired with the Legislative Council, on the subject matter of the amendment made to the Bill intituled *An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders, when taken in Execution*—and that upon such Conference the Committee of this House be directed to communicate to the Committee of

the Legislative Council the reasons agreed to by this House for disagreeing to the said amendment.

Ordered, That Mr. D. Macdonald do go to the Legislative Council, and desire the said Conference.

Ordered, That Mr. D. Macdonald, Mr. Le Lacheur, Mr. Rae and Mr. Fraser be a Committee to manage the said Conference.

Mr. Macneill, from the Committee of the whole House, to consider the Estimate of the probable expense of completing certain alterations in the Jail Yard of Charlottetown, reported, according to order, the Resolution of the said Committee; which Resolution being again read at the Clerk's Table, was, on the question put thereon, agreed to by the House, and is as followeth:

Resolved, That it is the opinion of this Committee, that it is expedient to make certain alterations in the Yard of the Jail at Charlottetown, and also to provide an additional Yard for the separation of criminals, from persons confined for debt; and that an humble Address be presented to His Excellency the Lieutenant Governor, praying that he will be pleased to cause the same to be carried into effect, agreeably to the Estimate furnished by the visiting Magistrates—provided the expense thereof does not exceed the sum of Fifty-five Pounds, in addition to the Twenty Pounds already voted in Committee of Supply; and this House will, at its next Session, provide for the same.

Ordered, That Mr. Palmer, Mr. Longworth and Mr. Thomson be a Committee to prepare the draught of an Address to His Excellency the Lieutenant Governor, in accordance with the above reported Resolution.

The Order of the Day, for the House in Committee, on the amendments made by the Legislative Council to the Bill intituled *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee

had made some progress, and had directed him to move for leave to sit again.

*Ordered*, That the said Committee have leave to sit again to-morrow.

A motion being made, that Mr. *W. Dingwell* have leave to absent himself from this House for the remainder of the Session, on urgent business;

The House divided on the question :

YEAS, 8,

NAYS, 12.

So it passed in the negative.

Then the House adjourned until to-morrow, at Eleven o'clock.

## THURSDAY, April 18, 1839.

**T**HE Order of the Day, for the House in Committee on the further consideration of the amendments made by the Legislative Council to the Bill intituled *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon J. S. Macdonald reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and, on the question put thereon, agreed to by the House, and is as followeth:

*Resolved*, That this House doth concur with the Legislative Council in their amendments to the said Bill.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council do agree to a Conference, as is desired by the House of Assembly, on the amendment made to the Bill intituled *An Act to revive and continue an Act for regulating the sale of the Interest of Leuseholders, when taken in Execution*—and have appointed the Honorables Mr. Attorney General and Mr. Livett a Committee to manage the said Conference—to meet in the Committee Room instanter.

And then he withdrew.

And the names of the Managers being called over, they went to the Conference.

And being returned—

Mr. *D. Macdonald* reported, that the Managers had been at the Conference, and had complied with the Instructions given them by this House.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

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

And then he withdrew.

*Resolved*, That this House do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference.

*Ordered*, That Mr. *D. Macdonald* do go to the Council, and acquaint them therewith.

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

And the names of the Managers being called over, they went to the Conference.

And being returned—

Mr. *D. Macdonald* reported, that the Managers had been at the Conference, and had met the Managers on behalf of the Legislative Council, who had delivered to them their reasons for insisting on their amendment to the Bill; and he delivered in the reasons at the Clerk's Table, where they were again read, and are as follow:

That the adoption by the House of Assembly of the amendment made by the Legislative Council to the Bill to revive and continue an Act for regulating the sale of the

Interest of Leaseholders, when taken in Execution, will not preclude the Assembly, at its next or any subsequent Session, from proposing to the Council any well-matured plan for further protecting the interest of Leaseholders, when taken in Execution; and while no greater inconvenience can possibly arise in altering or amending the Act in question, should the same be deemed necessary, whether it be passed for ten years or for two years, it will effectually secure protection to this deserving class of settlers, under any circumstances, for a longer period of time than that limited in the Bill, as sent up by the House of Assembly.

*Ordered*, That the said Reasons do lie on the Table.

*Resolved*, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of making further provision than that provided by the Act, 7 Will. 4, cap. 31, towards erecting the Colonial Building therein authorized to be built, with a view of rendering the said Building sufficiently commodious for the accommodation of the Supreme Court and its Offices.

Then the House adjourned for one hour.

And being met—

*Ordered*, That the Reasons communicated by the Legislative Council, in Conference, for insisting on their amendment to the Bill to revive and continue the Act for regulating the sale of the Interest of Leaseholders, when taken in Execution, be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Fraser reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and, on the question put thereon, agreed to by the House, and is as followeth:

*Resolved*, That this House doth concur with the Legislative Council, in their amendment to the said Bill.

*Ordered*, That Mr. D. Macdonald do carry back the Bill to the Council, and acquaint them that this House hath agreed to their amendment.

Then the House adjourned until to-morrow, at Eleven o'clock.

## FRIDAY, April 19, 1839.

**O**RDERED, That the Hon. Mr. Pope have leave to introduce a Bill to prevent the issue or circulation of Notes by private Bankers in this Island.

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

*Ordered*, That the Tenth Rule of this House be suspended, as far as respects this Bill.

And the said Bill was read a second time.

*Ordered*, That the said Bill be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. Mr. Pope took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. Mr. Pope reported, that the Committee had gone through the Bill, and made an amendment thereto; which amendment was again read at the Clerk's Table, and agreed to by the House.

*Ordered*, That the said Bill, as amended, be engrossed, and that the Title be *An Act to prevent the issue, re-issue, or circulation of Private Bank Notes in this Island*.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council have passed the Bill intituled *An Act to amend a certain Act therein mentioned, relating to Pounds*, without any amendment.

And also—

The Legislative Council have passed the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, with several amendments, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

The amendments made by the Legislative



Council to the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, were read the first time, and are as follow :

*Folio 1, line 6*—Strike out from the word “issued,” to the word “made,” in the 16th line of folio 19, both inclusive, and insert—  
 ‘ bearing date on the 8th day of July, in  
 ‘ the year of our Lord One thousand  
 ‘ seven hundred and sixty-seven, was  
 ‘ graciously pleased to direct, that in order  
 ‘ to promote and encourage the Fisheries,  
 ‘ for which many parts of this Island are  
 ‘ conveniently situated, there be a clause  
 ‘ in the Grant of each Township that  
 ‘ abuts upon the sea shore, containing a  
 ‘ Reservation of liberty to all His Majes-  
 ‘ ty’s subjects in general, of carrying on  
 ‘ a free Fishery on the coasts of the said  
 ‘ Township, and of erecting Stages and  
 ‘ other necessary Buildings for the said  
 ‘ Fishery, within the distance of five  
 ‘ hundred feet from highwater mark.

And Whereas the Grants of Townships Numbers Two (2), Ten (10), Fifteen (15), Sixteen (16), Nineteen (19), Twenty-one (21), Twenty-three (23), Forty-three (43), Forty-five (45), Forty-seven (47), Fifty-three (53) and Fifty-nine (59) contain the following reservation:—  
 ‘ And further saving and reserving a free liberty to all His  
 ‘ Majesty’s subjects of carrying on a free fishery or fish-  
 ‘ eries on any part or parts of the coasts of the said Town-  
 ‘ ship, and of erecting stages, and other necessary build-  
 ‘ ings for the said fishery or fisheries, within the distance  
 ‘ of Five hundred feet from highwater mark.’ And  
 whereas the Grants of Townships Numbers One (1), Three (3), Four (4), Five (5), Seven (7), Nine (9), Thirteen (13), Fourteen (14), Eighteen (18), Twenty-two (22), Twenty-four (24), Thirty (30), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty (50), Fifty-one (51), Fifty-four (54), Fifty-five (55), Fifty-six (56), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64) contain the following reservation:—‘ And further saving  
 ‘ and reserving, for the disposal of His Majesty, his Heirs  
 ‘ and Successors, Five hundred feet from high water mark,  
 ‘ on the coast of the Tract of Land hereby granted, to  
 ‘ erect stages, and other necessary buildings for carrying  
 ‘ on the Fishery.’—And whereas the Right Honorable Lord Glenelg, Her Majesty’s Principal Secretary of State for the Colonies, by two several Despatches, bearing date respectively the Tenth day of May, and the Fourteenth day of September, One thousand eight hundred and thirty-eight, conveyed authority to the Lieutenant Governor of this Island for throwing open to all British subjects engaged in the said Fisheries, the said last mentioned reservations,

and to place the same under the same conditions and restrictions as those which have been reserved for the use of all British subjects engaged in the Fisheries, to be regulated by such Laws as might be found necessary for preventing improvident and injurious practices in carrying them on : And whereas but a small proportion of the said Reservations has hitherto been required for the purpose of carrying on a Fishery, and many of them have been sold and leased with the adjoining Lands, by the original Grantees of such Townships, or their Heirs or Assigns, and have been cleared and cultivated, and dwelling houses and other valuable buildings have been erected thereon ; and it is but just and equitable that the said Lessees and Purchasers, and their Heirs and Assigns, should be quieted in their respective possessions of the said Reservations, and that the future uses and occupations of the said Reservations should be regulated by Law:—Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That the clause in the Grants from the Crown of the following Townships, to wit, Numbers One (1), Three (3), Four (4), Five (5), Seven (7), Nine (9), Thirteen (13), Fourteen (14), Eighteen (18), Twenty-two (22), Twenty-four (24), Thirty (30), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty (50), Fifty-one (51), Fifty-four (54), Fifty-five (55), Fifty-six (56), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64), reserving Five hundred feet on the coasts thereof respectively, for the disposal of His Majesty, his Heirs and Successors, for a Fishery, shall be construed to have the same meaning and effect, so far as extending the right to all British subjects to the use of the said Reservations, for the purpose of carrying on a Fishery thereon, with the reservations contained in the Grants from the Crown of the following Townships, to wit, Numbers Two (2), Ten (10), Fifteen (15), Sixteen (16), Nineteen (19), Twenty-one (21), Twenty-three (23), Forty-three (43), Forty-five (45), Forty-seven (47), Fifty-three (53) and Fifty-nine (59)—any thing in the said Grants of the said first enumerated Townships to the contrary thereof in any wise notwithstanding.

And whereas no Grants from the Crown of the following Townships appear on record in this Island, to wit, Numbers Eight (8), Twelve (12), Twenty (20), Twenty-five (25), Forty-four (44) and Forty-six (46): Be it therefore enacted, That if, at any period after the passing of this Act, any of the said Grants shall be placed on record, and it shall appear that a reservation on the coast thereof, in the form of either of the Reservations set forth in the preamble of this Act, is contained in the same, then the said Reservation in the said Grant, so recorded, shall be subject to all the enactments and provisions contained in this Act, relating to the Reservations in the Grants from the Crown, of the several Townships herein before enumerated.

And be it further enacted, That in all cases where any

person or persons, who at the time of the passing of this Act shall be in the *bona fide* possession or occupation of any of the said Fishery Reserves, either by virtue of any Deed, Grant, Lease, or Agreement for Lease, or other Conveyance, from any original Grantee, his Heirs or Assigns, every such person or persons, their Heirs, Executors, Administrators or Assigns, shall be, and they are hereby confirmed in their several possessions and occupations as aforesaid, subject nevertheless to the right reserved for a free Fishery for all Her Majesty's subjects, as hereinafter provided, under the following limitation and restriction (that is to say)—that no portion of the said Reserve which shall be occupied by any Building of any description, Farm-yard, Garden, Orchard, Mill-dam or Shipyards, or on the front side, or end nearest the coast of any Building, Farm-yard, Garden, Orchard, Mill-dam or Shipyards, or within the space of Sixty feet of any other side or end of any Building, Farm-yard, Garden, Orchard, Mill-dam or Shipyards, as aforesaid, shall be liable to be occupied for the purpose of carrying on the said Fishery during the continuance of the term for which such person or persons shall be in such *bona fide* possession or occupation, as aforesaid.

And be it further enacted, That to prevent persons holding such Reserves, or any part or parts thereof, under any demise or lease, or agreement for a demise or lease, (whether the same be written or parol), from any Proprietor or Proprietors of any Lands adjoining thereto, from being harassed by suits at Law, for the recovery of any Rent already accrued due, or that might hereafter accrue due, thereon, in respect of such part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, no Proprietor or Proprietors shall be entitled to bring any action, or recover in any Court of Law in this Island, against any Tenant or Tenants, Lessee or Lessees, in the occupation of any part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, for any rent due, or hereafter to accrue due, in respect of such Reserves: And if on the trial of any action for Rent, the Defendant or Defendants shall prove that all the Rent for which such action shall upon such trial appear to have been brought has been paid or satisfied, except such portion thereof as may have accrued due in respect of land on the said Reserve, then such Defendant or Defendants may give this Act in evidence, under the general issue, and the same shall in such case be held a sufficient answer in any Court of this Island, to entitle such Defendant or Defendants to a Verdict in his or their favour; and the said Court shall tax to the said Defendant or Defendants such costs as are usually taxed, when a Verdict is given for the Defendant in the said Court: Provided always, that nothing herein contained shall extend, or be construed to extend, to any suit or suits, action or actions, now instituted or pending, or which shall be brought or commenced before the passing of this Act, in any Court of this Island.

And be it further enacted, That no such Tenant or Tenants, Lessee or Lessees, shall be entitled to bring any action or suit, either at Law or in Equity, against any Proprietor or Landlord who shall have demised or leased, or agreed to demise or lease, any of the said Reserves, or any parts or portions thereof, for any damages whatsoever, by reason of the said Tenant or Tenants, Lessee or Lessees, being evicted from, or disturbed in his or their possession of such Reserves, or any part thereof, by virtue of this Act; and in any action or suit so brought or commenced in any Court of Law or Equity, for the purposes aforesaid, the Proprietor or Landlord may give this Act in evidence, as a full answer thereto; and if such suit or action shall be brought at Law, the Defendant or Defendants shall be entitled to a Verdict in his or their favour, with costs, to be taxed as usual in such cases; and if in Equity, the Complainant's Bill shall be dismissed with costs to the said Defendant or Defendants, as is usual in such cases.

And whereas great mischief and inconvenience may result from permitting persons wrongfully in possession of parts of the said Reserves to hold the same against the Proprietor, Lessor or Owner of the Lands adjacent to, and in the rear thereof, notwithstanding such persons may be liable to be ejected or moved from such Lands in rear thereof:—For the preventing of which, be it therefore enacted, That whenever any Proprietor, Lessor or Owner of Lands immediately in rear and adjacent to the said Fishery Reserves, shall, would or may be able to maintain an action against the Tenant or Tenants, Occupier or Occupiers of such Lands, for recovering the possession thereof, such Proprietor, Lessor or Owner shall also have a right to enter into or maintain an action against such or any Tenant or Tenants, Occupier or Occupiers, having or being in possession of any part or parts of the said Reserves, adjacent to and in front of such Lands, unless such Tenant or Tenants, Occupier or Occupiers, shall shew a good and legal right and title thereto, or to the possession thereof:—And in like manner, be it further enacted, That whenever any Rent shall be due and in arrear, for and in respect of any Lands adjacent to, and in the rear of the said Reserves, and the Lessor or Landlord thereof shall be entitled to distrain therefor on such Lands, it shall and may be lawful for such Lessor or Landlord, to enter upon any part or parts of the said Reserve, and distrain thereon, for the purpose of satisfying such arrears of Rent, although by virtue of this Act, such Rent may be only due and in arrear in respect of or chargeable on the Land adjacent to, and in rear of the part of the said Reserves upon which such entry may be so made, or distress taken: Provided, that the person or persons in possession of the part of the said Reserves, into which such Lessor or Landlord shall go, enter or distrain, be Tenant or Tenants, Occupier or Occupiers of the Land adjacent to and in rear thereof, and in respect of which such Rent shall have accrued due: And further provided always, that nothing in this clause contained shall extend, or be construed to extend, to give

any right of action or suit against, or in any way to enable or empower any Proprietor, Lessor or Owner, to disturb, injure or molest any person or persons in the possession of, or occupying any part of, the said Reserves for fishing purposes, according to and under the provisions of this Act, or to extend, or be construed to extend, to affect, change, alter, take away, or in anywise interfere with the right of Her Majesty, her Heirs or Successors, to the whole, or any part, of the said Reserves; but that as between her said Majesty, her Heirs and Successors, and such Proprietors, Lessors or Owners, the right to the said Reserves shall stand and be in the same plight and condition as if this clause had not been enacted.

And be it further enacted, That where any land that may be bounded by the sea coast of this Island has been granted or sold by the Crown, or on behalf of the Crown, or by the authority of the Act of the General Assembly intitled *An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands*, in pieces or parcels, not exceeding Three hundred acres in one piece or parcel, without any allowance or deduction having been made for the said Reservation in the said Grants or Deeds, then, and in such case, such Grantee or Feoffee shall not be liable or subject to the said Reservation, but shall retain the same, and keep possession thereof, peaceably and quietly, the same as if this Act had not been made.

And whereas it is not reasonable or just that the Freeholders and Tenantry of this Island should be harassed with frequent and expensive litigation, if it can be prevented; but it is nevertheless probable, that in consequence of the numerous disputes and controversies likely to occur, as to the extent of the said Fishery Reserves, they will be exposed to the same, unless the extent of the said Reserves be in some way defined and ascertained—For remedying of which, and for the preventing of harassing and ruinous litigation, be it therefore further enacted, That as soon as conveniently may be, after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, or Commander in Chief, by and with the advice of Her Majesty's Executive Council, to appoint three fit and proper persons (of whom the Surveyor General of this Island for the time being shall be one), to be Commissioners for ascertaining and settling the extent of the said Fishery Reserves, in the manner hereinafter directed; which said Commissioners (being first duly sworn, before some Judge of the Supreme Court of this Island, well and faithfully to discharge the duties of their office, according to the best of their skill and judgment) shall, within Twelve Months after their appointment, examine the Headlands or Entrances of the several harbours or inlets on the coasts of this Island, and define and settle the same, by declaring what respective headlands or points shall be considered and held to form the mouth or entrance of such harbours or inlets respectively: And the said Commissioners shall thereupon make a Report and Plan of their proceedings, under their

hands, clearly pointing out and specifying the respective headlands or points so defined and settled by them as aforesaid, and shall file the same in the office of the Surveyor General of this Island—which Plan or Report, so filed as aforesaid, shall be received and taken as conclusive evidence of the proceedings of said Commissioners, in all the Courts of this Island; and that none of the said Fishery Reserves shall be held or construed to extend or come within the Mouth or Entrance of any harbour or inlet on the coast of this Island, beyond such respective headlands or points so defined and settled as aforesaid: and in case of the death, absence or removal of any of the said Commissioners, before the whole duty of their office shall have been completed, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint another or others in the place of such Commissioner or Commissioners so dying or being absent, or removing. Provided always, that the power of the said Commissioners shall not extend to declare any of the Marshes or Sandhills, or any part thereof, on the coasts of this Island, to be within the said Fishery Reserves; but the same are hereby declared not to extend to the said Marshes or Sandhills, or any part thereof—anything in the Reservations contained in the said Grants from the Crown of the respective Townships or Islands belonging thereto, to the contrary thereof, in any wise notwithstanding.

And be it further enacted, That as soon as may be, after the said Commissioners shall have made a Report and Plan of their proceedings as aforesaid, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint Two or more persons, as Conservators of Fishery Reserves, in each of the Counties of this Island, who shall have full power and authority to enter into, examine, lay off and admeasure any part or parts of the said Reserves, in their respective Counties, in such form and manner as are hereinafter directed by this Act.

And be it further enacted, That when and as often as any person or persons shall be desirous of obtaining any part or parts of any of the said Fishery Reserves, for the purpose of carrying on a free Fishery, he shall apply to one or more of the Conservators appointed for the County in which such Reserve is situated (which application shall be made in writing, on or before the First day of April, in each and every year), and shall also make and subscribe the Affidavit to this Act annexed, marked (A.), before the said Conservator, who is hereby empowered and required to administer the Oath and attest the same; whereupon the said Conservator is authorized and directed to proceed, without unnecessary delay, to examine the particular part of the said Fishery Reserve which the said applicant is desirous of obtaining; and if the said Conservator shall be of opinion that the said situation; so applied for, be eligible for the purpose for which it is required, he shall thereupon lay off a proportion of the said Fishery Reserve,

to the extent to which the said applicant may be entitled, as is hereinafter provided; and shall grant a Certificate, under his hand, stating the name of the person, if any, in the possession thereof, and describing the Boundaries, and the area thereof, and whether the same is in a cultivated or wilderness state—which Certificate shall be furnished to the person or persons applying for the said Fishery Reserve, who is thereupon required to serve a copy of the same at the Dwelling-House of the person in possession of the same, if any; and within ten days next after such service, it shall and may be lawful for the said person or persons, to whom the said Certificate of the said Conservator is granted, to enter into possession, and occupy the said Fishery Reserve described in the said Certificate, so long as it shall be required for the *bona fide* purpose of carrying on a free Fishery as aforesaid: and in case the said Fishery Reserve shall be in a wilderness and unoccupied state, then it shall and may be lawful for the person or persons to whom the same has been allotted by the said Conservator, to enter into, take possession of, and occupy the same immediately upon the Certificate from the said Conservator being granted: Provided always, that if within four months next after granting such Certificate, no possession or occupation shall have taken place by such person or persons obtaining the same, then the said Certificate shall be void, and of no effect: Provided also, that in all cases where any person or persons shall consider himself or themselves aggrieved, by reason of any Station being selected and certified by any such Conservator, and which he or they shall consider ineligible or too extensive for the purposes required, then, and in such case, every such person shall have the right to appeal to the Supreme Court of Judicature, at any time within ten days after service of such Certificate, by giving to the said party applicant notice, in writing, of such his or their intention—which notice shall be in the form of the Schedule to this Act annexed, marked (B.); and upon hearing evidence thereupon, the said Court is hereby authorized and empowered, in a summary way, either to confirm the said Certificate, or vary or lessen the same, as to the said Court shall appear most conducive to the ends of justice, and in its descretion to give to either party such costs as the Court may award.

And be it enacted, That no person or persons shall be deemed to be carrying on a Fishery, under the meaning of this Act, unless such person or persons shall keep at least one good and sufficient Boat, of not less than eighteen feet keel, properly equipped and manned with at least four able-bodied men, and shall keep the same exclusively employed, for and during the space of Ninety days, between the First day of *May*, and the First day of *October*, in carrying on the Fishery; and that no person or persons shall occupy more than twenty feet of the front of the said reserved Lands for every male person.

Provided also, and be it further enacted, That nothing

in this Act contained shall extend, or be construed to extend, to prevent any of Her Majesty's subjects, engaged in fishing Mackerel, Herrings or Alewives, from drying his or their nets, or from curing the fish so taken, on any part of the said reserved Land, not being previously occupied for the purpose of carrying on the Fishery.

And be it further enacted, That nothing in this Act contained shall be construed to prohibit or prevent any person or persons, who shall carry on a Fishery under the provisions of this Act, and who shall erect any Building or Buildings for that purpose on said Reserves, from removing such Building or Buildings, or from disposing, by himself or themselves, or his or their Heirs, Executors, Administrators or Assigns, of the said Building or Buildings, to any other person or persons who may continue to carry on said Fishery, as contemplated by this Act: Provided always, that if any such person or persons shall cease to carry on such a Fishery, between the First day of *May*, and the First day of *November*, in any year, or shall neglect to dispose of or remove such Building or Buildings, during the period aforesaid, then he or they shall forfeit the title of possession to such Premises, and the Buildings erected thereon, and the same may be occupied by any other person or persons, who shall, in the manner hereinbefore directed, have obtained the same for the purposes of the Fishery.

*Folio 20, line 8.*—After the word "thereof," insert "or of the Islands adjacent thereto."

*Folio 21, line 1.*—Strike out from the word "Provided," to the word "Stores," in the last line of *folio 22*, both inclusive, and insert—

"And be it further enacted, That if any person or persons shall knowingly or wilfully make a false affidavit or oath, in any case wherein affidavits or oaths are required to be made or taken, under and by virtue of this Act, such person or persons, on due conviction thereof, shall be subject to the pains and penalties imposed by law upon persons guilty of wilful and corrupt perjury."

SCHEDULE (A.)

I *A. B.* of \_\_\_\_\_ in the County of \_\_\_\_\_ do make oath and say, that I am a British subject, and am desirous of embarking in the Fishing Trade of this Island, and intend to prosecute the same to such extent as I conceive will entitle me, under the provisions of the Act intituled *An Act for the regulation of the Fishery Reserves in this Island*, to a certain piece of Fishery Reserve Land, situate at \_\_\_\_\_ on Township Number \_\_\_\_\_ or Island, in the County of \_\_\_\_\_ and fronting on \_\_\_\_\_ and that I wish to obtain possession of the said piece of Land, for the *bona fide* purpose of carrying on the business of the Fishery, and such uses as are immediately connected therewith, and for no other use or purpose whatsoever.

Sworn at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ before me, }  
*A. B. Conservator.*

## SCHEDULE (B.)

Take notice, that I do appeal against the order made by the Conservator of Fishery Reserves, made in your favour, for a portion of the land in my occupation, situate on Township Number \_\_\_\_\_ in the County of \_\_\_\_\_ for that [here insert the reasons of appeal], and that it is my intention to move the Supreme Court, at its next sitting in the said County, to hear and determine the said appeal according to law.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 183 \_\_\_\_\_  
To Mr. C. D.

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

Then the House adjourned until to-morrow, at Eleven o'clock.

## SATURDAY, April 20, 1839.

**R**EAD a third time, as engrossed, the Bill intituled *An Act to prevent the issue, re-issue, or circulation of Private Bank Notes in this Island.*

Mr. *Rae* proposed that the amendment following be made to the Bill, viz :

Folio 2, line 11—After the word “Ireland,” strike out the words “the United States.”

The House divided on the question :

## YEAS :

|                          |                               |
|--------------------------|-------------------------------|
| Mr. <i>Rae</i> ,         | Mr. <i>Macneill</i> ,         |
| Mr. <i>J. Dingwell</i> , | Mr. <i>Yeo</i> ,              |
| Mr. <i>Clark</i> ,       | Hon. <i>J. S. Macdonald</i> , |
| Mr. <i>W. Dingwell</i> , | Mr. <i>D. Macdonald</i> ,     |
| Mr. <i>Montgomery</i> ,  | Mr. <i>Macintosh</i> ,        |
| Mr. <i>Forbes</i> ,      | Mr. <i>Fraser</i> ,           |
| Mr. <i>Datziel</i> ,     | Mr. <i>Hudson</i> ,           |
| Mr. <i>Beck</i> ,        | Mr. <i>Gorman</i> ,           |
| Mr. <i>Arbuckle</i> ,    | Mr. <i>Le Lacheur</i> .       |

## NAYS :

|                        |                         |
|------------------------|-------------------------|
| Hon. Mr. <i>Pope</i> , | Mr. <i>Longworth</i> ,  |
| Mr. <i>Thomson</i> ,   | Mr. <i>Macfarlane</i> . |

So it was carried in the affirmative—and the Bill was amended at the Table accordingly.

*Resolved*, That the Bill do pass.

*Ordered*, That the Hon. Mr. *Pope* do carry the said Bill to the Legislative Council, and desire their concurrence.

The Order of the Day, for the second reading of the amendments made by the Legislative Council to the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, being read ;

Mr. *Longworth* moved, that the said amendments be now read a second time.

Mr. *Fraser* moved, as an amendment to the question, that the House do come to a Resolution, as followeth :

*Resolved*, That as the Legislative Council

have amended the Fishery Reserves Bill, so as to make void the provisions thereof, which were intended for the benefit of the Fishermen in this Island, and that the said amendments are in order to alter the original intentions of the British Government, as set forth in the Grants with reference to the said Reserves ; and further to empower Proprietary claimants to exercise controul and derive a revenue from the same, which is in direct contradiction to two several Despatches from the Right Honorable Lord Glenelg, Her Majesty's late Secretary of State for the Colonies, bearing date respectively, May 10th and September 14th, 1838—that therefore the said amendments be read a second time this day three months.

A motion being made that Mr. *Fraser* do have leave to withdraw the said motion of amendment :

The House divided on the question :

## YEAS :

|                           |                          |
|---------------------------|--------------------------|
| Mr. <i>Fraser</i> ,       | Mr. <i>Arbuckle</i> ,    |
| Mr. <i>Macfarlane</i> ,   | Mr. <i>Forbes</i> ,      |
| Mr. <i>Clark</i> ,        | Mr. <i>Gorman</i> ,      |
| Mr. <i>Le Lacheur</i> ,   | Mr. <i>Macintosh</i> ,   |
| Mr. <i>Beck</i> ,         | Mr. <i>Rae</i> ,         |
| Mr. <i>Datziel</i> ,      | Mr. <i>J. Dingwell</i> , |
| Mr. <i>Montgomery</i> ,   | Mr. <i>W. Dingwell</i> , |
| Mr. <i>Macneill</i> ,     | Mr. <i>Thomson</i> .     |
| Mr. <i>D. Macdonald</i> , |                          |

## NAYS :

|                               |                        |
|-------------------------------|------------------------|
| Hon. Mr. <i>Pope</i> ,        | Mr. <i>Yeo</i> ,       |
| Mr. <i>Hudson</i> ,           | Mr. <i>Longworth</i> . |
| Hon. <i>J. S. Macdonald</i> , |                        |

So it was carried in the affirmative ; and the said motion was accordingly withdrawn.

Mr. *Rae* then moved, as an amendment to the main motion, that the House do come to a Resolution as followeth :

“Whereas the amendments made by the

Legislative Council to the Bill for regulating the Fishery Reserves, would in some instances infringe on and in others make void the benefits intended to be conferred on Fishermen by said Reservations; and whereas the said amendments would empower Proprietary claimants in all instances to exercise a certain controul over, and in some instances, to raise a revenue from the said Reserves—both of which are contrary to the Despatches from the Right Honorable Lord Glenelg, of 10th May and 14th September, 1838; and whereas they would also impose on the community the burden of the remuneration which might be required by those filling the new offices created by these amendments, which offices are in reality inappropriate and uncalled for: *Resolved, therefore, that the further consideration of the said amendments be postponed until this day three months.*

The House divided on the motion of amendment:

## YEAS:

|                  |                   |
|------------------|-------------------|
| Mr. Rae,         | Mr. Beck,         |
| Mr. J. Dingwell, | Mr. Macintosh,    |
| Mr. Macfarlane,  | Mr. Arbuckle,     |
| Mr. Montgomery,  | Mr. Gorman,       |
| Mr. Forbes,      | Mr. D. Macdonald, |
| Mr. Dalziel,     | Mr. Fraser,       |
| Mr. Le Lachur,   | Mr. W. Dingwell,  |
| Mr. Macneill,    | Mr. Clark.        |

## NAYS:

|                |                       |
|----------------|-----------------------|
| Mr. Thomson,   | Mr. Longworth,        |
| Hon. Mr. Pope, | Mr. Yeo,              |
| Mr. Hudson,    | Hon. J. S. Macdonald. |

So it was carried in the affirmative.

Then the House adjourned for one hour.

And being met—

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council desire a Conference with the House of Assembly, on the Bill intituled *An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers*—and have appointed the Honorables Mr. Attorney General and Mr. Green a Committee to manage the said Conference—to meet in the Committee Room instanter.

And then he withdrew.

*Resolved, That this House do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled An Act to provide Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers.*

*Ordered, That Mr. Rae do go to the Council, and acquaint them therewith.*

*Ordered, That Mr. Rae, Mr. Clark, Mr. Thomson and the Hon. Mr. Pope be a Committee to manage the said Conference.*

So the Managers went to the Conference.

And being returned—

Mr. Rae reported, that the Managers had been at the Conference; and he stated the substance thereof to the House.

Then the House adjourned until Monday next, at Eleven o'clock.

## MONDAY, April 22, 1839.

**R**ESOLVED, That a further Conference be desired with the Legislative Council, on the subject matter of the last Conference.

*Ordered, That the Hon. Mr. Pope do go to the Council, and desire the said Conference.*

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

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council have passed the Bill intituled *An Act relating to Treasury Warrants*, without any amendment.

And then he withdrew.

The amendments made by the Legislative Council to the Bill intituled *An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives*, were read a third time.

*Resolved*, That the said amendments do pass.

*Ordered*, That the Hon. Mr. Pope do carry back the said Bill to the Council, and acquaint them that this House hath agreed to their amendments.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

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

And then he withdrew.

And the names of the Managers being called over, they went to the Conference.

And being returned—

Mr. *Rae* reported, that the Managers had been at the Conference, and he stated the substance thereof to the House.

The Order of the Day, for the House in Committee, to consider the expediency of making provision for making the new Colonial Building sufficiently commodious for the holding of the Superior Courts of Law and Equity, being read:

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Clark took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

A Message from His Excellency the Lieutenant Governor.

Mr. Secretary Collins, by command of His Excellency, delivered the following

**Message:**

CHARLES A. FITZ ROY, Lt. Governor.

The Lieutenant Governor lays before the House of Assembly a copy of a letter from the Lieutenant Governor

of Nova Scotia, transmitting a Resolution of the House of Assembly of that Province, relating to the exaction of Light Duties from Vessels owned in Nova Scotia, on entering the Ports of this Colony. This letter was received by the last night's Post, although by its date it appears as if it ought to have arrived before.

Government House, April 22d, 1839.

GOVERNMENT HOUSE,  
Halifax, 3d April, 1839.

SIR;

I have the honor to transmit to your Excellency a copy of a Resolution of the House of Assembly of this Province, relating to the exaction of Light Duties from Vessels owned in Nova Scotia, on entering the Ports of Prince Edward Island, although no Light House, Beacons or Buoys are provided by the Government of that Island; and request, if, on inquiry, your Excellency should find that practice to prevail, that you will cause it to be discontinued.

I have, &c.

(Signed)

C. CAMPBELL.

His Excellency

Sir Augustus Fitz Roy, &c. &c. &c.

[COPY.]

IN THE HOUSE OF ASSEMBLY,  
14th March, 1839.

Whereas it has been represented to this House, that Light Duties are exacted from Vessels owned in this Province, on entering the Ports of Prince Edward Island, although no Light House, Beacons or Buoys are provided by the Government of that Island—*Resolved*, that a Committee be appointed, to wait upon His Excellency the Lieutenant Governor, and respectfully request His Excellency to cause the facts to be inquired into, and to call the attention of the Government of that Island to the subject, with a view of abolishing, if imposed, such an unwarranted tax.

*Ordered*, That Mr. Macdougall, Mr. Uniacke and Mr. Macdonald be a Committee for the above purpose.

(Signed)

J. WHIDDEN,  
Clerk.

Then the House adjourned for one hour.

And being met—

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council have passed the Bill intituled *An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers.*

And also—

The Legislative Council desire a Conference with the House of Assembly, 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 thirty-nine*—and have appointed the Honorables Mr. Livett, Mr. Green and Mr. Macnutt a Committee to manage the said Conference; to meet in the Committee Room, to-morrow, at twelve o'clock.

And then he withdrew.

*Resolved*, That this House 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 thirty-nine*.

*Ordered*, That Mr. Clark do go to the Council, and acquaint them therewith.

*Ordered*, That Mr. Clark, Mr. Le Lacheur, the Hon. Mr. Pope, Mr. Arbuckle, Mr. Palmer and Mr. Rae be a Committee to manage the said Conference.

*Resolved*, That this House do now resolve itself into a Committee of the whole House, to further consider the expediency of making provision for the accommodation of the Superior Courts of Law and Equity in the new Colonial Building.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Clark took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Clark reported, that the Committee had come to two Resolutions; which Resolutions were again read at the Clerk's Table, and are as follow:

1. *RESOLVED*, That it is the opinion of this Committee, that the suggestion for enlarging the new Colonial Building, so as to afford accommodation for the Supreme Court and its Offices, is deserving of serious consideration, and that this House will, at its next Session, provide for such enlargement as may, upon mature consideration, be deemed necessary; but that it would be inexpedient to commence the said Building, until the money appropriated for its erection be collected, or at least one moiety thereof, otherwise Warrants, bearing interest, must be issued for the payment of such contracts as may be entered into—a measure which, by throwing a great number of Warrants into the market, will not only incur a burden upon the Colony

for the payment of the interest, but will tend to depreciate the value of these Government obligations.

2. *RESOLVED*, That His Excellency be respectfully requested to defer entering into any Contract for the erection of the proposed Building, until two years of the Land Assessment shall have been collected.

And the said Resolutions being again read;

Mr. Palmer moved, in amendment thereto, that from the word "Resolved," in the First Resolution, to the end of the Second Resolution, all be struck out, and the following substituted:

"That the Colonial Building to be erected, in pursuance of the Act of 7th Will. 4, cap. 31, be constructed of sufficient size to admit of the necessary apartments and accommodations for the holding of the Superior Courts of Law and Equity, as are now held in the public Building used for those Courts; and that His Excellency the Lieutenant Governor be requested to authorize the Commissioners appointed to superintend the erection of the said Building, to adopt such measures as may be necessary for the aforesaid purposes; and that, to defray the additional expenses thereof, His Excellency the Lieutenant Governor, with the advice of Her Majesty's Council, be recommended to place at the disposal of the said Commissioners, in addition to the sum already appropriated for the erection of said Building, any sum not exceeding Two thousand five hundred Pounds, and that the House of Assembly will provide for the same out of any funds now or hereafter to be levied, under and by virtue of any Act of the General Assembly for the levying an Assessment on all Lands in this Island: Provided, that the said Two thousand five hundred Pounds shall not be required or drawn from the Treasury of this Island until three years of the present Land Assessment shall have been paid in."

The House divided on the motion of amendment:

YEAS:

Mr. Palmer,  
Hon. Mr. Pope,  
Mr. Thomson,  
Mr. Yeo,

Mr. Hudson,  
Mr. Longworth,  
Hon. J. S. Macdonald.

NAYS:

Mr. Clark,  
Mr. Rae,  
Mr. Le Lacheur,  
Mr. J. Dingwell,  
Mr. Fraser,  
Mr. D. Macdonald,  
Mr. Dalziel,  
Mr. Gorman,

Mr. Macfarlane,  
Mr. Arbuckle,  
Mr. W. Dingwell,  
Mr. Macneill,  
Mr. Montgomery,  
Mr. Beck,  
Mr. Forbes,  
Mr. Macintosh.

So it passed in the negative.



Mr. Clark moved, in amendment to the First of the said Resolutions, to leave out the words "and that this House will, at its next Session, provide for such enlargement as may, upon mature consideration, be deemed necessary."

The House divided on the motion of amendment:

YEAS, 8,

NAYS, 15.

So it passed in the negative.

Mr. Speaker having then put the question, "Is it the pleasure of the House that the Report of the Committee be agreed to?"

The House divided:

YEAS:

Mr. Rae,

Mr. Macintosh,

Mr. Fraser,

Mr. Dalziel.

NAYS:

Mr. Yeo,

Hon. J. S. Macdonald,

Mr. Hudson,

Mr. Palmer,

Mr. D. Macdonald,

Mr. Beck,

Mr. W. Dingwell,

Mr. J. Dingwell,

Mr. Macfarlane,

Mr. Forbes,

Mr. Thomson,

Mr. Le Lacheur,

Mr. Arbuckle,

Mr. Longworth,

Mr. Macneill,

Hon. Mr. Pope,

Mr. Montgomery,

Mr. Gorman,

Mr. Clark.

So it passed in the negative.

*Resolved*, That a Committee be appointed, to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill to regulate the forfeiture of Lands, and the settlement of the Inhabitants of this Island—and also upon the Bill to prevent the issue, re-issue or circulation of Private Bank Notes in this Island.

*Ordered*, That Mr. Clark and the Hon. Mr. Pope do compose the said Committee.

Then the House adjourned until to-morrow, at Eleven o'clock.

## TUESDAY, April 23, 1839.

**R**ESOLVED, That a Committee of five Members be appointed, to examine the Officers' and Contingent Accounts for the present Session, and report thereon to the House—with power to send for persons, papers and records.

*Ordered*, That the Honorable J. S. Macdonald, Mr. Clark, Mr. Arbuckle, Mr. D. Macdonald and Mr. Macneill do compose the said Committee.

The time for holding the 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 thirty-nine*, having arrived;

The names of the Managers were called over; and they went to the Conference.

And being returned—

Mr. Clark reported, that the Managers had been at the Conference; and he stated the substance thereof to the House.

Then the House adjourned for one hour.

And being met—

Mr. Clark, from the Committee appointed to search the Journals of the Legislative Council, as to the proceedings had on the Bill to regulate the forfeiture of Lands, and the settlement of the Inhabitants of this Island; and upon the Bill to prevent the issue, re-issue or circulation of Private Bank Notes in this Island, reported, that they had found the following entries:—

LEGISLATIVE COUNCIL CHAMBER,

Monday, 22d April, 1839.

PRESENT:

The Honorable Mr. Haviland, President;  
 Hon. Mr. Attorney General, Hon. Mr. Livett,  
 Mr. Brecken, Mr. Dalrymple,  
 Mr. Goodman, Mr. Green,  
 Mr. Worrell, Mr. M'Nutt,  
 Mr. Macdonald, Mr. Macgowan,  
 Mr. Macintosh,

The Order of the Day, for the second reading of the Bill intituled *An Act to regulate the forfeiture of Lands, and the settlement of the Inhabitants of this Island*, being read;

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

On motion, *Ordered*, that the Bill intituled *An Act to prevent the issue, re-issue or circulation of Private Bank Notes in this Island*, be read a second time this day three months.

On motion of the Hon. Mr. *Pope*;

Whereas a large amount of private Notes, issued by persons in New Brunswick, and payable in Halifax, Nova Scotia, are now in circulation in this Island, and are transferable by delivery only; and whereas the issue of such Notes is not authorised by any Law of this or any other of the British Provinces, or of the Imperial Parliament, nor is any security provided for the redemption thereof, but the circulation or passing thereof within the said Province of New Brunswick has been prohibited, under a penalty of Five Pounds for each offence, by a Law passed for that purpose: and whereas a Bill (being a transcript of the New Brunswick Act referred to,) was unanimously passed by this House, during the present Session, to prevent the further circulation of such Notes, after the First day of October next, which Bill has been rejected by the Legislative Council: and whereas the most serious consequences may hereafter be felt by the inhabitants of this Colony, if the circulation of the said Notes is not restricted: *Therefore, Resolved unanimously*, That this House pledges itself to take the subject again into its most serious consideration at its next Session.

*Ordered*, That the foregoing Resolution be twice published in the *Royal Gazette* and *Colonial Herald*, newspapers, that the public may be sufficiently apprised of the intention of this House, and of the consequence of receiving in the mean time such irresponsible paper as a valuable consideration.

His Excellency the Lieutenant Governor's Message of the 30th January, transmitting a Despatch from the Right Hon. Lord Glenelg, in reply to the application of the late House of Assembly, for a part of the fund arising from the sale of Crown Lands, for the purpose of building an Asylum for insane persons and other objects of charity, was taken up and again read;

And thereupon the Hon. Mr. *Pope* moved, that a Committee of five Members be appointed,

to prepare the draught of an Address to His Excellency the Lieutenant Governor, requesting that he will be pleased to transmit Plans and Estimates of the proposed Building, for the information of the Lords Commissioners of the Treasury, and also that he will use his influence to obtain a sum in addition to that formerly applied for; and pledging this House to make suitable provision for the maintenance of the proposed Institution.

The House Divided on the question:

YEAS, 17,

NAYS, 5.

So it was carried in the affirmative.

*Ordered*, That the Honorables Mr. *Pope* and J. S. *Macdonald*, Mr. *Thomson*, Mr. *Longworth* and Mr. *Montgomery* do compose the said Committee.

*Resolved*, That a further Conference be desired with the Legislative Council, on the subject matter of the last Conference.

*Ordered*, That Mr. *Clark* do go to the Council, and desire the said Conference.

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

Mr. *Thomson* reported from the Committee appointed to examine and report on the documents laid before this House relative to Georgetown, and into the circumstances connected with the granting of a certain portion of the said Royalty to Dr. *Cumming*; and he read the Report in his place, and afterwards delivered it in at the Clerk's Table, where it was again read.

[For the said Report, see Appendix B.]

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

Then the House adjourned until to-morrow, at Eleven o'clock.

## WEDNESDAY, April 24, 1839.

THE Hon. Mr. *Pope*, from the Committee appointed to prepare the draught of an Address to His Excellency the Lieutenant Governor, on the subject of the proposed Building for a Lunatic Asylum, and other objects of

charity, reported the draught of an Address, as prepared by the Committee; and the said draught Address was again read at the Clerk's Table, and, on the question put thereon, agreed to by the House, and is as followeth:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. II., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The House of Assembly having taken into consideration your Excellency's Message of 30th January last, transmitting a Despatch from the Right Honorable Lord Glenelg, stating that the Lords of Her Majesty's Treasury would not be unwilling to allow a portion of the proceeds arising from the sale of Crown Lands in this Island to be expended for the erection of an Asylum for insane persons, and for other charitable uses, and requesting Plans and Estimates of the proposed building, respectfully beg leave to request, that your Excellency will, at your earliest convenience, transmit to Her Majesty's Government the accompanying Plans and Estimates. We feel assured that the necessity of such an Institution in this Colony must be so apparent to your Excellency as to insure your best interest in aid of those objects, to obtain permission to expend such portion of the moneys already realized from the sale of Crown Lands, (which amount at present to £1200), as is not immediately required for other objects of local improvement. And as this fund may reasonably be expected to be increased by at least £5000 by future sales, we trust Her Majesty's Government will authorize your Excellency to apply such further sum out of the accruing fund as will make up the amount of £1500, being the lowest estimated expense of the proposed building—and this House will make suitable provision for the future maintenance of so humane and indispensable an institution.

*Ordered*, That the said Address be engrossed.

*Ordered*, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same; who, returning, reported to the House, that their Address, and the papers therein referred to, had been presented to His Excellency, and that he was pleased to say he would comply with the desire of the House.

Mr. Longworth, from the Committee appointed to prepare the draught of an Address to His Excellency the Lieutenant Governor, relative to certain proposed alterations in the Jail at Charlottetown, and for procuring an additional Jail Yard, reported the draught of an Address, as prepared by the Committee; and the said draught Address being again read at the Clerk's Table, was, upon the question put thereon, agreed to by the House, and is as followeth:

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. II., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The House of Assembly deeming it necessary that certain alterations should be made in the Jail at Charlottetown, and that an additional Yard be provided for the separation of Criminals from persons confined for debt, agreeably to the Estimate furnished by the Visiting Magistrates of the Jail, have therefore respectfully to request that your Excellency will be pleased to cause the proposed alterations to be carried into effect—and the sum required for the purpose, in addition to Twenty Pounds already voted, will be Fifty-five Pounds, which sum this House will, at its next Session, make provision for.

*Ordered*, That the said Address be engrossed.

*Ordered*, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same; who returning, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say he would comply with the desire of the House.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

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

And then he withdrew.

And the names of the Managers being called over, they went to the Conference.

And being returned—

Mr. Clark reported, that the Managers had been at the Conference, and had complied with the instructions of this House.

M. Palmer, from the Committee appointed to inquire into the state of the Library, presented to the House the Report of the Committee, and the said Report was again read by the Clerk.

*See Appendix (C.)*

A motion being made, that the Report of the Committee be adopted,

Mr. *Rae* moved, in amendment, to strike out the words "be adopted," and instead thereof, insert "do lie on the table."

The House divided on the motion of amendment:

YEAS, 5,

NAYS, 14.

So it passed in the negative.

The main motion was then put and carried.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

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

And then he withdrew.

*Resolved*, That this House do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the last Conference.

*Ordered*, That Mr. *Clark* do go to the Council, and acquaint them therewith.

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

And the names of the Managers being called over, they went to the Conference.

And being returned—

Mr. *Clark* reported, that the Managers had been at the Conference; and he stated the substance thereof to the House.

Then the House adjourned for one hour.

And being met—

*Resolved*, That a further Conference be desired with the Legislative Council, on the subject matter of the last Conference.

*Ordered*, That Mr. *Clark* do go to the Council, and desire the said Conference.

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

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council do agree to a further

Conference, as is desired by the House of Assembly, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference a Committee to manage this further Conference—to meet in the Committee Room instanter.

And then he withdrew.

And the names of the Managers being called over, they went to the Conference.

And being returned—

Mr. *Clark* reported, that the Managers had been at the Conference, and had complied with the instructions of this House.

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, on the subject of that portion of the State Records, and the Journals of the House of Commons, which were omitted to be sent from England, for the use of the Legislature; and that the Legislative Council be requested to concur therein.

*Resolved*, That a Committee be appointed to prepare the said Address, and also to frame Rules for the Legislative Library, jointly with the Committee of the Legislative Council.

*Ordered*, That Mr. *Palmer*, Mr. *Arbuckle*, and the Honorables Mr. *Pope* and J. S. *Macdonald* do compose the said Committee.

*Ordered*, That the foregoing Resolutions be communicated, by Message, to the Legislative Council.

*Ordered*, That Mr. *Palmer* do carry the said Message to the Council.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council have passed 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 thirty-nine.*

And also the following written Message—

COUNCIL CHAMBER,

Wednesday, April 24th, 1839.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to prepare an humble Address to His Excellency the Lieutenant Governor, upon the subject of that portion of the Public Records, and the Journals of the House of Commons, which were omitted to be forwarded from England,

for the use of the Legislature; and also to join the Committee of the House of Assembly to frame Rules for the Legislative Library.

Ordered, That the Honorable Mr. Attorney General and Mr. Dalrymple be a Committee for that purpose.

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

And then he withdrew.

Then the House adjourned for one hour.

And being met—

Mr. Clark moved that the House do come to a Resolution as followeth, viz :

RESOLVED, That this House, in its present Session, acting under a deep impression of the responsibility which devolves upon them, and actuated by an anxious desire to provide an efficient remedy for the grievances which the people of this Colony endure, and against which they have, during a long series of years, repeatedly, although fruitlessly, complained, did, upon the most mature consideration, pass a Bill, calculated, in their opinion, to satisfy the just and reasonable demands of the cultivators of the soil, by pointing out the mode by which, upon just and equitable principles, they would be relieved of the burdens by which they are borne down and oppressed, and secured in that interest in the soil to which, by their labour, they are entitled. That this House views with deep regret the rejection of this just and equitable measure by the Legislative Council, and that under circumstances which damp every reasonable expectation of that body, as at present constituted, being ever likely to co-operate with the House of Assembly in affording that relief to the occupants of the soil which this measure was calculated to afford.

The House divided on the question :

YEAS :

|                  |                   |
|------------------|-------------------|
| Mr. Clark,       | Mr. Macneill,     |
| Mr. J. Dingwell, | Mr. Arbuckle,     |
| Mr. Forbes,      | Mr. D. Macdonald, |
| Mr. Fraser,      | Mr. Gorman,       |
| Mr. Beck,        | Mr. Macintosh,    |
| Mr. W. Dingwell, | Mr. Macfarlane,   |
| Mr. Dalziel,     | Mr. Thomson,      |
| Mr. Le Lacheur,  | Mr. Rac.          |

NAYS :

|                       |                |
|-----------------------|----------------|
| Mr. Palmer,           | Hon. Mr. Pope, |
| Hon. J. S. Macdonald, | Mr. Hudson,    |
| Mr. Yeo,              | Mr. Longworth. |

So it was carried in the affirmative.

Mr. Arbuckle then moved that the House do come to the following Resolution :

RESOLVED, That, under existing circumstances, it is indispensably necessary that some person, having the confidence of this House, should proceed forthwith to England, to represent to Her Majesty's Government the interests and sentiments of the inhabitants of this Colony, and support the views entertained by this House before Her Majesty,—and, if necessary, the Imperial Parliament.

The House divided on the question :

YEAS :

|                   |                  |
|-------------------|------------------|
| Mr. Arbuckle,     | Mr. Gorman,      |
| Mr. Dalziel,      | Mr. W. Dingwell, |
| Mr. Le Lacheur,   | Mr. Beck,        |
| Mr. Macneill,     | Mr. Fraser,      |
| Mr. D. Macdonald, | Mr. Forbes,      |
| Mr. Rac,          | Mr. J. Dingwell, |
| Mr. Thomson,      | Mr. Clark,       |
| Mr. Macfarlane,   | Mr. Montgomery.  |
| Mr. Macintosh,    |                  |

NAYS :

|                       |                |
|-----------------------|----------------|
| Hon. J. S. Macdonald, | Mr. Longworth, |
| Mr. Palmer,           | Hon. Mr. Pope, |
| Mr. Yeo,              | Mr. Hudson.    |

So it was carried in the affirmative.

Mr. Arbuckle then moved that the House do come to the following Resolution :

RESOLVED, That William Cooper, Esquire, the Speaker of this House, be appointed for the purpose mentioned in the foregoing Resolution.

The House divided on the question :

YEAS, 17,

NAYS, 6.

And the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative.

On motion of Mr. Le Lacheur,

RESOLVED, That the sum of Three hundred Pounds, granted for that purpose this Session, be paid to the said Delegate, to defray his unavoidable disbursements.

RESOLVED, That the Clerk of this House be directed to furnish the said Delegate, for the information of Her Majesty's Government, with a copy of the Bill previously referred to, as having been passed by this House, and rejected by the Legislative Council, for regulating the forfeiture of the lands, and the settlement of the inhabitants of this Colony : and also a copy of the Bill relating to the Fishery Reserves, with the amendments proposed thereto by the Legislative Council, and the reasons of this House for their rejection, as stated in the Journals.

Mr. Le Lacheur then moved that the House do come to the following Resolution :

RESOLVED, That this House are aware of the various documents which were furnished to the Right Honorable Lord Glenelg, by William Cooper, Esq, in the year 1838,

have ordered the same to be printed as an Appendix to the Journals of the present Session; and that as the authorised Delegate of this House, the said William Cooper, Esquire, be directed to urge, by every means in his power, the consideration of their contents upon Her Majesty's Government, with such further details as might be deemed necessary for the elucidation of the subject.

Mr. Palmer moved, as an amendment to the said proposed Resolution, that after the words "are aware" in the first line, the words "of the various documents which," be struck out, and the following substituted—"that various documents."

The House divided on the motion of amendment:

YEAS :

|                       |                |
|-----------------------|----------------|
| Mr. Palmer,           | Mr. Hudson,    |
| Mr. Thomson,          | Mr. Longworth, |
| Hon. Mr. Pope,        | Mr. Yeo,       |
| Mr. Clark,            | Mr. Gorman.    |
| Hon. J. S. Macdonald, |                |

NAYS :

|                   |                  |
|-------------------|------------------|
| Mr. Le Lacheur,   | Mr. Arbuckle,    |
| Mr. Rac,          | Mr. Montgomery,  |
| Mr. Fraser,       | Mr. Forbes,      |
| Mr. Macfarlane,   | Mr. W. Dingwell, |
| Mr. J. Dingwell,  | Mr. Macintosh,   |
| Mr. D. Macdonald, | Mr. Macneill,    |
| Mr. Beck,         | Mr. Dalziel.     |

So it passed in the negative.

The Honorable Mr. Pope then moved, in amendment of the said proposed Resolution, that after the words "One thousand eight hundred and thirty-eight," all be struck out, and the following substituted—"but as no copies of the 'correspondence and documents referred to were 'at any time laid before this House, consequently the Members thereof cannot have any 'official knowledge of their contents.'

The House divided on the motion of amendment:

YEAS :

|                       |                |
|-----------------------|----------------|
| Hon. Mr. Pope,        | Mr. Palmer,    |
| Hon. J. S. Macdonald, | Mr. Yeo,       |
| Mr. Hudson,           | Mr. Longworth. |

NAYS :

|                  |                   |
|------------------|-------------------|
| Mr. Gorman,      | Mr. Beck,         |
| Mr. Fraser,      | Mr. W. Dingwell,  |
| Mr. Montgomery,  | Mr. D. Macdonald, |
| Mr. Le Lacheur,  | Mr. Macintosh,    |
| Mr. Macfarlane,  | Mr. Arbuckle,     |
| Mr. Macneill,    | Mr. Rac,          |
| Mr. Forbes,      | Mr. Thomson,      |
| Mr. J. Dingwell, | Mr. Clark.        |
| Mr. Dalziel,     |                   |

So it passed in the negative.

The Honorable Mr. Pope again moved, in amendment of the said proposed Resolution, that after the word 'Resolved,' all be struck out, and the following substituted: 'That it be an 'instruction to the Delegate appointed by this 'House to proceed to England, that he bring 'before the attention of Her Majesty's Govern- 'ment all the grievances, if any, which the 'inhabitants of this Island at present labour 'under; and that the said Delegate be entitled 'to copies of any documents to be found among 'the records of this House, or in any of the 'public offices of the Colony.'

Mr. Le Lacheur moved, in amendment of the said proposed amendment, that after the word 'Grievances,' the words 'if any' be left out—which being seconded and put, was carried in the affirmative.

Mr. Arbuckle moved, in further amendment of the said proposed amendment, that between the words 'Her Majesty's Government' and the words 'the Grievances,' the word 'and' be struck out.

The House divided on Mr. Arbuckle's motion of amendment.

YEAS :

|                   |                  |
|-------------------|------------------|
| Mr. Arbuckle,     | Mr. Le Lacheur,  |
| Mr. Rac,          | Mr. Montgomery,  |
| Mr. Fraser,       | Mr. Forbes,      |
| Mr. W. Dingwell,  | Mr. Macfarlane,  |
| Mr. Macintosh,    | Mr. J. Dingwell, |
| Mr. D. Macdonald, | Mr. Macneill,    |
| Mr. Dalziel,      | Mr. Beck,        |
| Mr. Thomson,      | Mr. Clark.       |
| Mr. Gorman,       |                  |

NAYS :

|                |                       |
|----------------|-----------------------|
| Mr. Hudson,    | Hon. Mr. Pope,        |
| Mr. Yeo,       | Hon. J. S. Macdonald, |
| Mr. Longworth, | Mr. Palmer.           |

So it was carried in the affirmative.

The amendment proposed by the Hon. Mr. Pope, as amended, was then put from the chair, and the House divided thereon, as follows:

YEAS :

|                |                       |
|----------------|-----------------------|
| Hon. Mr. Pope, | Mr. Thomson,          |
| Mr. Longworth, | Hon. J. S. Macdonald, |
| Mr. Yeo,       | Mr. Palmer,           |
| Mr. Clark,     | Mr. Hudson.           |

NAYS :

|                  |                   |
|------------------|-------------------|
| Mr. Rac,         | Mr. Arbuckle,     |
| Mr. Macintosh,   | Mr. D. Macdonald, |
| Mr. W. Dingwell, | Mr. Beck,         |
| Mr. Dalziel,     | Mr. J. Dingwell,  |
| Mr. Forbes,      | Mr. Macneill,     |
| Mr. Macfarlane,  | Mr. Le Lacheur,   |
| Mr. Montgomery,  | Mr. Fraser.       |
| Mr. Gorman,      |                   |

So it passed in the negative.

Mr. *Rae* then moved, in amendment of the Resolution originally proposed, to leave out the words 'are aware of,' in the first line, and instead thereof insert 'being fully aware of the import of the.'

The House divided on the motion of amendment:

## YEAS:

|                           |                          |
|---------------------------|--------------------------|
| Mr. <i>Rae</i> ,          | Mr. <i>Montgomery</i> ,  |
| Mr. <i>Macfarlane</i> ,   | Mr. <i>Fraser</i> ,      |
| Mr. <i>Macintosh</i> ,    | Mr. <i>J. Dingwell</i> , |
| Mr. <i>Le Lacheur</i> ,   | Mr. <i>W. Dingwell</i> , |
| Mr. <i>Gorman</i> ,       | Mr. <i>Macneill</i> ,    |
| Mr. <i>D. Macdonald</i> , | Mr. <i>Arbuckle</i> .    |

## NAYS:

|                        |                               |
|------------------------|-------------------------------|
| Mr. <i>Beck</i> ,      | Hon. <i>J. S. Macdonald</i> , |
| Mr. <i>Yeo</i> ,       | Mr. <i>Longworth</i> ,        |
| Hon. Mr. <i>Pope</i> , | Mr. <i>Palmer</i> ,           |
| Mr. <i>Dalziel</i> ,   | Mr. <i>Hudson</i> ,           |
| Mr. <i>Forbes</i> ,    | Mr. <i>Clark</i> .            |
| Mr. <i>Thomson</i> ,   |                               |

So it was carried in the affirmative.

The question being then put on the original Resolution, as amended,

The House again divided.

## YEAS:

|                          |                           |
|--------------------------|---------------------------|
| Mr. <i>Le Lacheur</i> ,  | Mr. <i>Montgomery</i> ,   |
| Mr. <i>W. Dingwell</i> , | Mr. <i>Clark</i> ,        |
| Mr. <i>J. Dingwell</i> , | Mr. <i>Fraser</i> ,       |
| Mr. <i>Macneill</i> ,    | Mr. <i>Gorman</i> ,       |
| Mr. <i>Arbuckle</i> ,    | Mr. <i>D. Macdonald</i> , |
| Mr. <i>Rae</i> ,         | Mr. <i>Macfarlane</i> .   |
| Mr. <i>Macintosh</i> ,   |                           |

## NAYS:

|                               |                        |
|-------------------------------|------------------------|
| Hon. <i>J. S. Macdonald</i> , | Mr. <i>Hudson</i> ,    |
| Mr. <i>Thomson</i> ,          | Mr. <i>Palmer</i> ,    |
| Hon. Mr. <i>Pope</i> ,        | Mr. <i>Yeo</i> ,       |
| Mr. <i>Beck</i> ,             | Mr. <i>Longworth</i> , |
| Mr. <i>Dalziel</i> ,          | Mr. <i>Forbes</i> .    |

So it was carried in the affirmative.

Mr. *Rae* then moved that the House do come to the two following Resolutions:

RESOLVED, That the said Delegate be directed to convey to Her Majesty's Government the settled conviction of this House, that the proprietary claimants have, in many instances, defrauded the cultivators, in regard to the security of deeds and leases, and in regard to the quantity of land sold and leased; that they have exacted rents for land which really belonged to the Crown—that they have, in many instances, sold to men incapable of reading any document, portions of land which really belonged to the

Crown—and that, in almost every instance, the rents and prices demanded by them are far beyond the value of the land, whether estimated by what its products will afford, or by the prices of wilderness land in Nova Scotia, New Brunswick, or the more favourable climate of the United States. That the whole procedure of the great majority of the said proprietary claimants, for the last forty years, up to this date, affords abundant proof of what has been herebefore stated—that such conduct, in regard to an entire Province would call for some remedy—some intervention on the part of Government—had the Titles of the proprietary claimants been, by their performance of all the conditions of the Grants, rendered unchallengeable—but that there is no such difficulty, for that whether the Imperial Government look to the non-settlement of the lands, or to the non-payment of what these proprietary claimants pledged themselves to pay to the Crown, it will, in either instance, find means for resuming the Grants, and then for making such arrangement as to the demands which such proprietary claimants can make for outlay, and as to terms on which the cultivator ought to receive the land, as the Privy Council, or the Imperial Parliament, may see meet.

RESOLVED, That the indulgences extended to the proprietary claimants, since the year 1783, have been grounded on allegations of the difficulty of the proprietors getting people to settle in the Island; and that said allegations were, in a great measure, unfounded—but that the truth was, though neither the soil is by any means strong, and though the climate is far inferior to that of Upper Canada and the United States, yet these were not by any means the only or the chief impediments to the settlement thereof, but that the settlement was mainly prevented by the demand of prices exorbitant in regard to the value of the land, and beyond the means of most emigrants, and of rents still more exorbitant.

The House divided on the question:

## YEAS:

|                           |                          |
|---------------------------|--------------------------|
| Mr. <i>Rae</i> ,          | Mr. <i>Fraser</i> ,      |
| Mr. <i>Macfarlane</i> ,   | Mr. <i>J. Dingwell</i> , |
| Mr. <i>Macintosh</i> ,    | Mr. <i>W. Dingwell</i> , |
| Mr. <i>Le Lacheur</i> ,   | Mr. <i>Macneill</i> ,    |
| Mr. <i>D. Macdonald</i> , | Mr. <i>Arbuckle</i> ,    |
| Mr. <i>Gorman</i> ,       | Mr. <i>Beck</i> ,        |
| Mr. <i>Montgomery</i> ,   | Mr. <i>Dalziel</i> ,     |
| Mr. <i>Clark</i> ,        | Mr. <i>Forbes</i> .      |
| Mr. <i>Thomson</i> ,      |                          |

## NAYS:

|                        |                        |
|------------------------|------------------------|
| Mr. <i>Palmer</i> ,    | Hon. Mr. <i>Pope</i> , |
| Mr. <i>Longworth</i> , | Mr. <i>Yeo</i> .       |
| Mr. <i>Hudson</i> ,    |                        |

So it was carried in the affirmative.

The Honorable Mr. *Pope* moved that this House do now adjourn; which being seconded and put, passed in the negative.

Mr. Rae moved that the House do come to the following Resolution :

RESOLVED, That the Assessment on Wilderness Land is not by any means adequate to produce any relief to the Tenantry, and can have very little effect in making the proprietary claimants reduce the price or rent of wilderness land, as the amount of the tax is not more than a twenty-fifth part of the rent generally demanded by them for wilderness land.

The House divided on the question :

YEAS :

|                  |                   |
|------------------|-------------------|
| Mr. Fraser,      | Mr. Rae,          |
| Mr. J. Dingwell, | Mr. Macfarlane,   |
| Mr. W. Dingwell, | Mr. Macintosh,    |
| Mr. Macneill,    | Mr. Le Lacheur,   |
| Mr. Arbuckle,    | Mr. D. Macdonald, |
| Mr. Beck,        | Mr. Gorman,       |
| Mr. Dalziel,     | Mr. Montgomery,   |
| Mr. Forbes,      | Mr. Clark.        |

NAYS :

|                |                |
|----------------|----------------|
| Mr. Palmer,    | Mr. Yeo,       |
| Hon. Mr. Pope, | Mr. Longworth. |

So it was carried in the affirmative.

Mr. Arbuckle then moved that the following Address to Her Majesty, founded on the above Resolutions, do now pass :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

[The humble Address of the House of Representatives in General Assembly.]

Most Gracious Sovereign :

We the Representatives of your Majesty's faithful people of Prince Edward Island, in Colonial Parliament assembled, humbly submit for your royal consideration—that while other provinces occasionally complain of alleged misapplications of public revenue, we have to implore the redress of a more intolerable grievance. We have to state, that those who, by undergoing the most severe labour, and submitting to the greatest privations, have converted the forest into cultivated land, receive nothing but a bare subsistence, are harassed in mind during the years of their activity, by claims which they are unable to discharge, and, in old age, are, by means of those claims, deprived of any benefit from the previous labours of their life. We submit, that in the case of a single individual, this seems grievous; but that when it is an evil which impends over the great majority of the productive classes of a community, it destroys the prosperity and comfort, and threatens the good order of society; and even when such claims are unchallengeable, involves the necessity of an abatement in the rigour of the exaction.

But we most respectfully submit that these claims, which have produced so much distress and dissatisfaction in this Island, nearly from the commencement of its government,

are not rights, but *claims* long since forfeited, though the declaration of forfeiture has been withheld. We submit, that false representations, made on the part of such claimants, are the only grounds (as your Petitioners believe) on which such declaration of forfeiture has been withheld; and as such forfeiture seems the only mode by which the cultivators can be relieved from the oppression of these claimants, your petitioners pray that such declaration be no longer withheld.

Without entering into an elaborate detail of the means that have been from time to time adopted, in order to procure redress, and the causes of the failure of the remedial measures which have been suggested, your petitioners, reposing every confidence in the zeal, prudence and discretion of William Cooper, Esquire, Speaker of this House of Assembly, have adopted the resolution of empowering him to proceed to England, for the purpose of laying their humble remonstrances at the foot of the Throne, and for affording your Majesty's Ministers such information and explanation, relative to their wants and wishes, as may be necessary for the clear elucidation of a subject possessing so deep an interest in the estimation of the Inhabitants of this Colony, as to absorb almost every other consideration.

Confiding in the sincerity of your Majesty's most gracious assurance, in reply to the joint Address of the Council and Assembly, congratulating your Majesty on your accession to the Throne of your ancestors, as communicated to the Lieutenant Governor, in a Despatch from your Majesty's Secretary of State, that "it will ever be Her Majesty's anxious wish to consult the wishes and promote the interests of her faithful subjects, the inhabitants of Prince Edward Island"—your petitioners upon whom devolves the duty of representing those wishes and interests, are encouraged to hope that your Majesty will lend a favourable ear to the representations of the Delegate whom they have chosen, and be governed in your decision by the facts set forth in the documents which he will have the honour of submitting—documents which bear incontrovertible proof of the wrongs of which the inhabitants of this Colony have long fruitlessly complained, and the reiterated rejection of measures for the redress of which, has occasioned, and is now occasioning, great misery and dissatisfaction :

And, as in duty bound to do, we shall ever pray for your Majesty's sacred person.

Mr. Palmer moved, as an amendment of the question, that the said draught Address be referred to a Committee of the whole House to-morrow.

Mr. Clark moved, by way of amendment of the proposed amendment, to leave out the words 'to-morrow,' and insert the word 'now;' which being seconded and put, was carried in the affirmative.



And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Arbuckle took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Arbuckle reported, that the Committee had gone through the said Address, paragraph by paragraph, and had agreed to the same, without any amendment.

Mr. Speaker having put the question, "Is it the pleasure of the House that the Report of the Committee be agreed to?"

The House divided:

YEAS:

- |                   |                 |
|-------------------|-----------------|
| Mr. Macintosh,    | Mr. Arbuckle,   |
| Mr. D. Macdonald, | Mr. Macfarlane, |
| Mr. W. Dingwall,  | Mr. Macneill,   |
| Mr. Dalziel,      | Mr. Clark,      |
| Mr. Beck,         | Mr. Montgomery, |
| Mr. Thomson,      | Mr. Fraser,     |
| Mr. J. Dingwall,  | Mr. Gorman.     |
| Mr. Le Lacheur,   |                 |

NAVS:

- |                |             |
|----------------|-------------|
| Hon. Mr. Pope, | Mr. Palmer. |
| Mr. Longworth, |             |

So it was resolved in the affirmative.

Ordered, That the said Address be engrossed.

Mr. Arbuckle then moved as follows:

Resolved, That the said Address, together with a copy of the Resolutions on which it is founded, be transmitted to Her Majesty's Ministers, by William Cooper, Esquire, the Delegate appointed by this House, for the purpose of being laid at the foot of the Throne.

The House divided on the question:

- |           |
|-----------|
| YEAS, 15, |
| NAVS, 3.  |

And the names being called for, they were taken down as in the last preceding division.

So it was carried in the affirmative.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, April 25, 1839.

**T**HE Hon. John S. Macdonald reported from the Committee appointed to examine and report on the Officers' and the other contingent Accounts for the past and present Sessions; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read.

Ordered, That the said Report be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had gone into the consideration of the Report of the Special Committee referred to them, had amended and then adopted the same—and the Report, as amended, was again read at the Clerk's Table, and is as followeth;

The Committee appointed to examine and report on the Officers' Accounts and contingent expenses of the past and present Sessions, report, that they have examined the same, and recommend that they be allowed as follows:—

|   | £   | s.  | d.   |
|---|-----|-----|------|
| <b>WILLIAM CULLEN,</b>  |     |     |      |
| For his services as Clerk of this House, including the indexing the Journals of the past and present Sessions,                                  |     | 180 | 0 0  |
| <b>SOLOMON DESBRISAY, Sergeant at Arms,</b>   |     |     |      |
| 75 days' attendance, at 9s.   | £33 | 15  | 0    |
| His Account for Fuel for the Legislative Council and the House of Assembly, and other articles for the use of the House, as per Bill furnished, | 66  | 13  | 4    |
|   |     | 100 | 8 4  |
| <b>HENRY W. LOBBAN, Messenger,</b>  |     |     |      |
| 77 days' attendance, at 7s. 6d.   |     | 28  | 17 6 |
| <b>WILLIAM BIRCH, Doorkeeper,</b>   |     |     |      |
| 81 days' attendance, at 6s. 8d.   | 27  | 0   | 0    |
| For other services,   |     | 0   | 19 6 |
|   |     | 27  | 19 6 |
| <b>J. H. WHITE,</b>   |     |     |      |
| For printing Journals of the last Session, on his delivering the requisite number of copies to the Clerk of this House,                         | 32  | 10  | 0    |
| For covering one copy of the Journals for Legislative Council,  |     | 0   | 2 0  |
|   |     | 32  | 12 0 |

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*Ordered,* That the Report be agreed to.

On motion of Mr. *Rae*,

Whereas a Petition, very numerously signed, has been presented to His Excellency Sir Charles Augustus Fitz Roy, Lieutenant Governor, setting forth the advantages which would accrue to Prince County, were Princetown made a free port; and the Members of this House who presented the same, having stated in their places that His Excellency had been pleased to give in answer that he would transmit the same to Great Britain, accompanied by any Memorial which might be drawn up in support thereof: *Therefore Resolved*, that in concurrence with such transmission, and in support of said Petition, William Cooper, Esquire, as Delegate appointed to proceed to England, be authorized to forward, when in Great Britain, by every means in his power, the prayer of said Petition.

Mr. *D. Macdonald* moved that the following Address do pass, and be presented to His Excellency the Lieutenant Governor:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

We the House of Assembly respectfully beg to state to your Excellency, that in pursuance of your Excellency's suggestion, as to the propriety of passing such Laws for the

regulation of the Fishery Reserves in this Island as might prevent improvident and injurious practices, on the part of those who might desire to avail themselves of the benefit of the said Reservations, did pass a Bill for that purpose, calculated, in our opinion, to meet the end in view, and to carry out the liberal intentions of Government in that behalf, upon the principle of extending every facility to the Fisherman, without imposing unnecessary restrictions upon their cultivation and improvement in an agricultural point of view. It is with regret we have to add, that the Bill passed by this House was sent down from the Legislative Council, with such amendments as to completely alter its nature, and which, if adopted, would, in a great measure, have rendered nugatory the views we entertained on the subject, and which we were consequently under the necessity of rejecting.

We trust, however, that notwithstanding the failure of our endeavours to frame a measure such as to accord with the views of all the branches of the Legislature, your Excellency will be pleased to exercise the discretion vested in your Excellency by Her Majesty's Government, and give such directions that the said Reserves may no longer remain unavailable for the purposes for which they were intended; and this House will, at its next Session, again enter upon the consideration of the subject, and endeavour to frame such a measure as will settle the question in a satisfactory manner.

The House divided on the question:

**YEAS:**

- |                           |                          |
|---------------------------|--------------------------|
| Mr. <i>D. Macdonald</i> , | Mr. <i>Macintosh</i> ,   |
| Mr. <i>Montgomery</i> ,   | Mr. <i>Clark</i> ,       |
| Mr. <i>Forbes</i> ,       | Mr. <i>W. Dingwell</i> , |
| Mr. <i>Le Lacheur</i> ,   | Mr. <i>Beck</i> ,        |
| Mr. <i>J. Dingwell</i> ,  | Mr. <i>Gorman</i> ,      |
| Mr. <i>Fraser</i> ,       | Mr. <i>Macneill</i> ,    |
| Mr. <i>Rae</i> ,          | Mr. <i>Macfarlane</i> .  |

**NAVS:**

- |                               |                        |
|-------------------------------|------------------------|
| Mr. <i>Palmer</i> ,           | Mr. <i>Longworth</i> , |
| Hon. <i>J. S. Macdonald</i> , | Hon. <i>Mr. Pope</i> . |
| Mr. <i>Hudson</i> ,           |                        |

So it was resolved in the affirmative.

*Ordered*, That the said Address be engrossed.

*Ordered*, That *Rae*, Mr. *Fraser* and Mr. *Macneill* be a Committee to wait upon His Excellency with the said Address; who returning, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say, he would transmit the same to Great Britain.

Mr. *Palmer*, from the Committee appointed to join a Committee of the Legislative Council, to prepare a Joint Address to His Excellency the Lieutenant Governor, acquainting him that

a part of the State Records and the Journals of the House of Commons had been omitted to be forwarded from England, for the use of the Legislature, presented to the House the draught of an Address, as prepared by the said Joint Committee; and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

[The Joint Address of the Legislative Council and House of Assembly.]

May it please your Excellency;

The Legislative Council and Assembly beg leave respectfully to request, that your Excellency will be pleased to convey their grateful thanks to Her Majesty's Government, for their liberality in having directed the several departments to transmit to this Island, for the use of the two Branches of the Legislature, copies of the Journals of the Houses of Lords and Commons, and of the Records published by the Record Commission—these valuable documents have arrived, with the exceptions mentioned in the list hereunto annexed.

The Council and Assembly further humbly request, that in conveying their thanks to Her Majesty's Government, your Excellency will be pleased to use your influence to obtain those portions which are yet required to complete them.

The Council and Assembly avail themselves of this opportunity of expressing their undiminished confidence in your Excellency's exertions, to meet the views and wishes of the Legislature, and to subserve the true interests of the people.

*Ordered,* That the said Address be engrossed.

*Ordered,* That Mr. Palmer, Mr. Longworth, Mr. Montgomery and the Honorable J. S. Macdonald be a Committee to join a Committee of the Legislative Council, to wait upon His Excellency with the said Address.

*Ordered,* That Mr. Palmer do go to the Legislative Council, and acquaint them therewith.

Mr. Palmer moved that the following Address do pass, and be presented to His Excellency the Lieutenant Governor:

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

The House of Assembly having had under their consideration certain Plans and a Specification of the intend-

ed Colonial Building, procured by order of your Excellency for the Commissioners appointed to superintend the erection of the said Building, would respectfully submit, that in laying the same before the said Commissioners, your Excellency will be pleased to bring under their consideration the necessity of so far altering and modifying the present design of the proposed Building as to render it sufficiently commodious, and in other respects adapted for the additional purpose of holding therein the Superior Courts of Law and Equity now held in the public Building used for those purposes.

And the House of Assembly, considering the demand which the want of such accommodations would in a few years hence inevitably entail upon the resources of the Colony, respectfully request that your Excellency will authorize the said Commissioners to defer entering into any Contract for the erection of the said Building until the next Session of the Legislature, and that in the meantime your Excellency will cause Specifications to be procured, with an estimate of the additional expence which will be incurred for the purposes mentioned aforesaid, and cause the same to be laid before this House at its next Session, in order that provision may be made for such additional expence, to such amount as this House may then deem necessary for the occasion.

The House divided on the question:

YEAS, 9,

NAVS, 10.

So it passed in the negative.

A Message from the Legislative Council, by Mr. Desbrisay:

‘ COUNCIL CHAMBER,

Thursday, April 25th, 1839.

‘ Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor, with the Joint Address to His Excellency, on the subject of the State Records, and the Journals of the House of Commons.

‘ Ordered, That the Honorables Mr. Attorney General and Mr. Dalrymple do compose the said Committee.

‘ Ordered, That the foregoing Resolution be communicated, by Message, to the House of Assembly.’

And then he withdrew.

Mr. Palmer, from the Committee appointed to wait upon the Lieutenant Governor with the said Joint Address, reported the delivery thereof, and that His Excellency was pleased to say he would comply with the desire of the Council and Assembly, as expressed in the said Address.

*Resolved*, That a Committee of five Members be appointed, for the purpose of corresponding, if necessary, during the vacation, with the Delegate appointed by this House to proceed to Great Britain on the business of the Colony.

*Ordered*, That Mr. Arbuckle, Mr. Clark, Mr. Le Lacheur, Mr. Rae and Mr. D. Macdonald do compose the said Committee.

On motion of Mr. Rae,

*Resolved*, That the Delegate to Great Britain be instructed to use every endeavour to obtain from Her Majesty's Government an order for carrying into effect the intentions of the Legislature with regard to the Act for the sale of the Glebe and School Lands in this Island.

A Message from His Excellency the Lieutenant Governor, by John Cambridge Wright, Esquire, Usher of the Black Rod.

Mr. Speaker;

His Excellency the Lieutenant Governor commands the immediate attendance of this Honorable House in the Council Chamber.

Accordingly, Mr. Speaker and the House went up to attend His Excellency, when His Excellency was pleased, in Her Majesty's name, to assent to the several Bills following, viz :

*An Act for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives.*

*An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein.*

*An Act to amend a certain Act therein mentioned, relating to Pounds.*

*An Act to revive and continue an Act for regulating the sale of the Interest of Leaseholders, when taken in Execution.*

*An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads.*

After which, Mr. Speaker spake as follows :

May it please your Excellency ;

In the name and on behalf of Her Majesty's faithful Commons, I have the honor to present several Bills of aid granted this Session to Her Majesty, and to request your Excellency's assent to the same, viz :

*An Act to further continue for one year and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island.*

*An Act for rendering more effectual the Laws*

*now in force for regulating the retail of strong and spirituous Liquors.*

*An Act for providing Buoys and Beacons for the Harbours therein mentioned, and for a nautical Survey of the Harbours of Charlottetown and Three Rivers.*

*An Act relating to Treasury Warrants.*

*An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-nine.*

To each of which His Excellency was pleased, in the Queen's name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses :

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

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

The labours of the Session having terminated, I have much pleasure in enabling you to return to your homes, after so long and close an attendance upon your legislative duties.

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

The readiness and liberality with which you have voted the Supplies for enabling me to carry on the public service, for the current year, demand my warmest thanks.

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

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

Among the important matters which have engaged your attention, I have to regret that you have not been able to agree upon some measure for the regulation of the Fishery Reserves, so as to have given effect to the liberal concession proposed by Her Majesty's Secretary of State for the Colonies, of opening those Reserves which remained at the disposal of the Crown to all Her Majesty's subjects engaged in the Fisheries. I, however, hope, that during the approaching recess, the means will suggest themselves of bringing to a satisfactory conclusion, this important question.

After which, the Honorable the President of the Legislative Council said—

Gentlemen,

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



**APPENDIX**

TO THE

**JOURNAL**

OF

**THE HOUSE OF ASSEMBLY**

OF

**PRINCE EDWARD ISLAND,**

*FOR THE SESSION COMMENCING THE TWELFTH DAY OF MARCH,*

*AND ENDING THE TWENTY-FIFTH DAY OF APRIL,*

IN THE YEAR OF OUR LORD

1839.



# APPENDIX

## (A.)

[SEE PAGE 9.]

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*LIST of DOCUMENTS delivered by William Cooper, Esquire, at the Colonial Office, London; and Copies of the Correspondence which took place between him and the Colonial Office, in August, 1838.*

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- No. 1. Petition to the Queen of the Inhabitants of this Island, the transmission of which was deferred in consequence of the arrival of the present Lieutenant Governor in this Island in June, 1837.
  2. Address to His Excellency Sir Charles Augustus Fitz Roy, from the Inhabitants of the Northern Section of King's County, presented to His Excellency at St. Margaret's, September 6th, 1837; together with His Excellency's Reply thereto.
  3. Address to the Lieutenant Governor from the Inhabitants of King's and Queen's Counties, agreed to at a Public Meeting held November 8th, 1837.
  4. Petition of the Inhabitants of Prince Edward Island to His Excellency the Lieutenant Governor.
  5. Address to His Excellency, transmitting the foregoing Petition, from the Committee who prepared it, delivered March 7th, 1838.
  6. Memorial of a Committee of the Inhabitants for managing proceedings connected with the Escheat question, to the Right Honorable Lord Glenelg, agreed to at a Meeting held at Charlottetown, 24th March, 1838.
  7. Address to the Lieutenant Governor, with a copy of the foregoing Memorial; and a Schedule shewing the unequal division of the Island into Electoral Districts.
  8. Copy of a Letter from Lord Glenelg to William Cooper, Esq., dated Downing Street, 14th August, 1838.
  9. Copy of a Letter from Mr. Cooper to Lord Glenelg, in answer to the foregoing, dated Savile Place, Mile End, 16th August, 1838.
  10. Copy of a Letter from Sir George Grey to Mr. Cooper, dated Downing Street, 25th August, 1838.
- 

### No. 1.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

*[The humble Petition of the Inhabitants of Prince Edward Island.]*

Most Gracious Sovereign;

**WE** your Majesty's dutiful and loyal subjects, the Inhabitants of Prince Edward Island, most respectfully approach your Throne, with sentiments of the most profound respect and veneration for your royal person, to make known to your Majesty the grievances of your Colonial Subjects of Prince Edward Island, in the ardent hope of obtaining their redress.

That on the acquisition of this Island by Great Britain, and the removal therefrom of the greater part of its French inhabitants, it then became

necessary to settle this Colony with other persons; and when the Grants were made out, British subjects were not inclined to settle in a Northern Colony, but preferred emigrating to a Southern climate, which was more congenial to their constitutions, and in which they enjoyed, not only the essentials but also the luxuries of life; it therefore became likewise expedient, for political reasons, to settle the lands of this Island with Foreign Protestants; and as such settlement would require a considerable outlay of capital, the Grants were made out to many individuals possessing the same, subject to the condition of settlement with Foreign Protestants within a limited period, which settlement, together with the Quit Rents, payable annually, was the sti-



pulated terms required of the Grantees, and the forfeiture of the Grants became the penalty imposed for non-performance thereof. The more distinctly to point out the terms and nature of the Grants, your Petitioners beg leave to insert the following extract, taken therefrom, which will thereby set forth the nature and principles of Petitioners' case, which your Petitioners deem it their duty to submit to your Majesty, under the full hope and confidence that your Majesty will be pleased to cause a due investigation to take place, in order that justice may be meted out to your Majesty's Petitioners.

That the lands of this Colony were granted in the year 1767, subject to the payment of an annual Quit Rent to the Sovereign, as also to the following conditions of settlement, viz :

" The said Grantees further bind and oblige themselves, their Heirs and Assigns, to settle the said Lot or Township hereby granted, within ten years from the date hereof, with Protestant settlers, in the proportion of one person to every two hundred acres—the said Protestant settlers to be introduced from such parts of Europe as are not within His Majesty's dominions, or to be such persons as have resided within His Majesty's dominions of America two years antecedent to the date hereof; and if the said Grantees shall not settle one-third of said Lot or Township in the proportion aforesaid, within four years from the date hereof, then the whole of the said Lot or Township shall become forfeited to His Majesty, his Heirs and Successors, and this Grant shall be void and of no effect."

That it is notorious that the Grantees, by an act of their own deliberate free-will, choice and approval, accepted the Grants of this Colony, and to all appearance faithfully pledged themselves duly to fulfil and comply with the whole of the covenants therein mentioned, an undertaking they ever after studiously endeavoured to evade; for which purpose they had recourse to every stratagem that sophisticated art and wily subterfuge could suggest, and bearing before their domineering current all opposing obstacles, even causing the removal of His Excellency Governor Smith, who endeavoured to stem the rapid torrent of their devastating devices: thus they in no instance procured, nor does it appear on record or otherwise, that they ever attempted to procure, the settlement in this Colony of the before mentioned Protestant settlers: And your Petitioners further shew, that they also successfully evaded paying the Quit Rents due to His Majesty for a long series of years—consequently the production and view of the original Grants, to the most superficial observers, will enable them

to pronounce their forfeiture; after which all the efforts resorted to by the said defaulting Grantees, to sustain their titles to the lands of this Colony (as set forth by the said original Grants), or by indulgences obtained from the Sovereign, (no doubt through fraud and false suggestions,) will turn out equally nugatory, particularly when such indulgences operate against the rights and interests of third parties, who were in the actual possession and cultivation of the aforesaid lands so forfeited, for 20 years and upwards, and sought to be recovered afterwards by the defaulting Grantees, through the aforementioned indulgences.

That as a further proof that the Grantees never intended to perform the covenants entered into with their Sovereign, as set forth by the original Grants, is evident, for soon after obtaining them, they petitioned His Majesty King George the Third to erect this Island into a separate Government from that of Nova Scotia, to which it was then attached; and further to illustrate the deceptive system adopted, they endeavoured to get the Colony completely under their controul, by spontaneously promising to defray the annual expenses of its Civil List. Their Petition had the desired effect; a separation was made, suitable to their views, and in return, the assumed grantees again became defaulters, for the Imperial Parliament has, notwithstanding, had to appropriate an annual supply to defray the Civil List of this Colony, from the first establishment of its Government up to the present time, thus far succeeding in jeopardizing the councils and good intentions of the Sovereign. Some of the principal officers of our Colonial Government, through the sordid hope of realizing a property at the expense of all that is valued by loyal subjects, became the purchasers of a part of the foregoing forfeited Grants, which they obtained for a trifling sum; whilst other subordinate officers of the said Government became the authorized agents of the assumed Grantees, thereby frittering away all connexion between the oppressed inhabitants and their Sovereign—the nominal Grantees, their assigns and their agents, representing both lords and landlords of the soil. Vested with such unbounded authority, the complaints and grievances of the oppressed inhabitants, if not suppressed altogether, were misrepresented, their reputation sullied, justice denied them, and their degradation apparently fixed.

That the assumed Grantees once more mani-

fested a spirit of loyalty and liberality, by surrendering to his late Majesty King George the Third, 200,000 acres of land for the permanent location of his faithful but unfortunate Loyal American refugee troops; and by a Proclamation issued by Governor Patterson, and industriously circulated throughout the neighbouring Provinces, holding out the most bounteous encouragement (such as was given in Nova Scotia) to those deluded persons, in locating them in this colony, on landing here. Such inducements caused many of those highly deserving people to visit this colony, under the full hope of obtaining a resting place as promised; as also the other bounteous assistance, as set forth in the foregoing Proclamation. This they had every hope to realize under the protection of a King and Government, for whom many of their kindred lost their lives, and themselves were deprived of a home; but dire experience convinced them of the duplicity and base intentions of the aforesaid assumed Grantees; for those bewildered people, on landing in this colony, suffered a series of disappointments, hardships and privations, of the most appalling description. Such proved to be the realized rewards held out and conferred by the foregoing Proclamation, by which the majority of these deluded people were compelled to flee from death which threatened them in many shapes in this colony, and thus they wandered as an outcast race, without a dwelling or a home; whilst the few that remained in the country overcame the opposing obstacles and difficulties which surrounded them, kept possession of the wilderness in which they were placed, and many of them were afterwards obliged, through hardships, intrigue, and compulsory attornment, to become the abject vassals of the aforesaid Grantees, who tenaciously kept in their possession the greater part of the aforesaid 200,000 acres of land, and have since disposed of the same for their own use and benefit whenever an opportunity offered.

That in the original grants, a reservation of 500 feet from highwater mark was made on the coast of this colony, in the majority of its Townships, in order that the inhabitants might be enabled to prosecute the Fisheries with facility and convenience, and thereby add to the resources of the colony, by the product of its surrounding waters, which abound with fish of various descriptions, the benefits of which the inhabitants of the United States principally reap, through the bounties held out by their Govern-

ment; an advantage our colonists do not enjoy, by reason of its depreciated and limited finances, which are drawn off to other countries, through the exactions of rent and purchase money, made by the assumed Grantees, some of whom are citizens of the United States. Such, may it please your Majesty, your Petitioners humbly conceive, is sufficient to damp the spirit of a British Merchant and Agriculturist, and tends to retard the advancement of this colony to any thing like prosperity, whilst it enables a rival state in the neighbourhood to nurture, and bring forth, at a future period, a supply of hardy seamen, to contest the sovereignty of the surrounding waters with Great Britain.

That British subjects who emigrated to this Island at their own expense, and became inhabitants thereof, at the early period of the year 1787, made known their complaints to their Sovereign; as also in the year 1797, when His late Majesty King George the Third was graciously pleased to take the representations of his subjects of this colony into his favourable consideration, and to signify his Royal pleasure on the 6th day of August, 1802, through his Minister, the Rt. Hon. Lord Hobart, by a Despatch to the Lieutenant Governor of this Island, of which the following is an extract:—

“That the Colonial Government should be prepared to pursue, without loss of time, when circumstances should render it advisable, the requisite and legal steps for effectually re-vesting in His Majesty such lands as might be liable to be escheated and forfeited to His Majesty, either by non-improvement, non-payment of the Quit Rent, or non-performance of any of the conditions of the Grants thereof.”

Agreeable with this Despatch, on the 3rd day of April following, the Colonial Legislature passed an Act for effectually re-vesting in His Majesty all such lands as “are or may be liable to forfeiture within this Island;” but this salutary Act, instead of being carried fully into operation, as required by the Sovereign, who gave his most hearty assent thereto, served to call forth the blighting energy of the then Lieutenant Governor Fanning, who became a large Proprietor himself, and, in conjunction with other powerful and influential assumed Grantees, completely succeeded in stifling this equitable and judicious Act, and thereby prevented its salutary operation in this ill-fated colony.

That in 1818, through petitions preferred to the late Lieutenant Governor Smith, he promptly decided in escheating:vo Townships, viz: Lots

55 and 15, and the inhabitants then in occupation of the lands thereof he caused to be settled, by giving them Grants in fee simple from the Crown for their respective locations, demanding only the very moderate fees of office for the same, thereby rendering justice to whom it was due, which in all probability His Excellency would have judiciously followed up, in reference to other lands similarly situated to the foregoing, were not His Excellency's administration put an end to, through his removal from the Government of this colony—an event accomplished by the most perverse, vile and calumnious charges, which were brought against him through the instrumentality of the defaulting Grantees, which no doubt operates against his straight-forward and honorable character to this day.

That in justice to the Colonists, their Parliamentary Representatives were in duty bound to maintain the rights of their constituents, and follow up the equitable and judicious measures adopted by the late Lieutenant Governor; but this object the assumed Grantees effectually prevented, by the undue influence they are accustomed to exercise over the harassed people of this colony, in electing their Parliamentary Representatives—for they not only cause the return of their own Land Agents to serve in Colonial Parliament, but also those subservient thereto, by which means the Colonial Minister cannot obtain a true or accurate statement, setting forth the wants and wishes of the inhabitants of this colony. That such is virtually the case, will be easily perceived, by reference to Lord Goderich's despatch, bearing date 1st August, 1832, and Lord Glenelg's Despatch, bearing date 1836, (both of which are at variance with the despatch of Lord Hobart, transmitted in 1802, as before mentioned,) viz :

"The Assembly would consider it sufficient, as may be inferred from the proceedings before the Committee on this subject, that a Township should be proved to contain a certain number of acres, and not to contain a certain number of settlers. The establishment of this point might be enough to justify a forfeiture under the letter of the Grants; but I cannot feel that it would form a fair and equitable ground for proceeding to that extent. I am assured, and the statement is supported by its intrinsic probability, that some Proprietors have sent out more than the number of persons which would have settled their property in the prescribed proportions, but that the persons have subsequently changed their residence to other lands. \* \* \* Thus, it is obvious, that the proposed course could not be followed without great injustice. \* \* \* It may

be suggested, that the course could be amended, by requiring Proprietors whose lands do not contain a proper number of settlers to prove that at least they have made the attempt to provide that number of settlers. In this manner, however, a long and doubtful inquiry would often become necessary, while I consider it essential to the institution of proceedings for forfeiting lands to the Crown, that they should be capable of a speedy decision, and of one capable of being foreseen nearly with certainty. Unless with these conditions, I never should consent to unsettle the minds of the colonists, by appointing a Court of Escheat.

(Signed)

GODERICH."

That many of your Majesty's Petitioners are of the oldest residents of this Colony, and are thereby well acquainted with its passing events, and assure your Majesty, it never came to their knowledge, up to the present period, that any one of the assumed Proprietors ever made the attempt to export emigrants into this Colony at their own expense, or ever attempted to locate such Emigrants on the aforesaid lands; but Petitioners are aware that many of the aforesaid Grantees hitherto derived an extraordinary and lucrative traffic by freighting ships in European ports, and transporting passengers therein to this Colony, on paying them a freight of the most exorbitant description—therefore the forfeiture of the Grants on this head is easily foreseen, and is capable of a certain and speedy decision.

The following despatch will be elucidated equally as satisfactory :

"Downing Street, 10th August, 1836.—Before His Majesty's Government could be a party to the forfeiture of any Estate, for the non-performance of any of the settlement duties, they would require to be satisfied, not only that there are not at the present moment, but that there has not been at any time, the stipulated number of settlers on that Estate, and that this circumstance has arisen from the wilful neglect of the Proprietor. It is needless to say, that such an inquiry could scarcely be now undertaken with any success.

(Signed)

GLENELG."

That in reference to the latter Despatch, it is necessary to observe to your Majesty, that the Legislature of this Colony has represented to your Majesty, by addresses to the Throne, the distressed circumstances of the agricultural inhabitants of this Colony, wrought through Proprietary oppression, and to remedy the same, has prayed your Majesty to establish a Court of Escheat in this Colony, that two or three Townships only might thereby revert to the Crown, on which the stipulated number of inhabitants

did not reside, agreeably to the Proclamation of 1816. This superficial representation of the grievances of your Majesty's subjects of this Colony, no doubt, was made with an idea of extracting an answer from the Colonial Minister, similar to the above extract, as the Legislature omitted pointing out, clearly and distinctly, without the least ambiguity, difficulty or doubt, the assumed proprietors' repeated forfeiture of their original Grants, through a breach of each and every covenant therein mentioned, as well as their delinquency in exacting from your Majesty's Royal predecessors indulgences which were not only illegal in their operation, but were also extremely injudicious in their nature, for it is a well-known principle in the administration of justice, that suspending or dispensing with Laws, or the execution of Laws (where the rights of the subject are at issue) by Royal authority, without consent of Parliament, is illegal. That the Imperial Parliament has not, in this instance, neither has the Legislature of this Colony, consented to a compromise of the foregoing breaches of the original Grants, nor have they consented to the before mentioned indulgences. It is also laid down as a maxim of law, that if a Crown Grant has been obtained by fraud, false suggestions, or be injurious to third persons, the King is bound, on proper petition to him, to allow a subject to use his Royal name to repeal it; but it is now asserted, by those adverse to the claims of your Majesty's Petitioners, that the Crown has lost its title to the lands of this Colony, being more than Sixty years in the possession of the reputed grantees and their assigns. In answer to this allegation, petitioners beg your Majesty to understand, that as early as the years 1787 and 1797, and almost every other year up to the present period, the inhabitants of this Colony, by applications and petitions, prayed for the Escheat of the forfeited lands in the same, well aware that the assumed grantees have forfeited every lawful and equitable right and title thereto, as also, that the equity of our constitutional laws enjoins on all living under their benign jurisdiction, the salutary maxim, that the delay of the law must do no man an injury. The foregoing, with other numerous facts, calculated to establish the case of your Majesty's petitioners, will be adduced, when it suits your Majesty's pleasure to appoint a tribunal to investigate the matters at issue between them and the assumed proprietors.

That the present House of Assembly has created alarm in the minds of the people of this

Colony, by giving publicity to the following extract of a despatch transmitted here by Lord Glenelg, viz:

"That even should His Majesty be advised, in any case, to proceed against lands liable to forfeiture, the Crown would, in the event of its success, exactly step into the place of the former proprietors, and would enforce the observance of every contract which might have been made with them by the tenant; and that, under no circumstances which it is possible to anticipate, would gratuitous Grants of land be ceded to any person whatever."

Your Majesty's petitioners shew, that this extract has been industriously circulated (through proprietary intervention), in order to create an undue impression on the minds of the actual cultivators of small tracts, possessed by them as freeholders, that their possessions would likewise be forfeited, if a Court of Escheat were established; the consequence has been, to prejudice the illiterate portion of that class of people in this Colony against seeking the establishment of the required and prayed for redress, and tends to effect an hostile feeling to the measure, which your Majesty's Ministers never contemplated.

That it further appears to your Majesty's petitioners, that the impositions, hardships and privations imposed on them by the assumed proprietors, have been industriously withheld from the Royal ear, as also their application for justice has been prejudiced, through the intriguing and powerful influence of those whose interests it is to oppose the claims of your Majesty's petitioners; the consequence has been, that an apparent hostility has arisen in your Majesty's councils, to resist the equitable claims of your Majesty's petitioners, which is evinced by reference to the above extract, wherein it is set forth, that in case the lands were forfeited, your Majesty's Royal person would assume the exact place of the defaulting, and thereby endeavour to enforce the performance of all contracts and engagements now existing between the assumed Proprietors and the oppressed agriculturists of this Colony, which contracts, we beg leave to inform your Majesty, originated in intrigue, fraud and deception; in such case, your Majesty's Petitioners could not entertain the foregoing idea alluded to in the said Despatch for a moment; but are convinced quite otherwise—that in exercising your prerogative, in locating your Petitioners in this Colony, through the prerogative vested in your royal person, your Majesty would do all with an equitable, laudable and

unprejudiced intention, which would add stability to the settlement of your Petitioners and their descendants, without exacting from them a greater value for the lands on which your Majesty would locate them, than they were actually worth in their wilderness state, and in such case free your Petitioners from paying an impost for their excessive, laborious and personal improvements thereon.

That his late Majesty was graciously pleased to order the sale of the reserved Glebe Lands of this Colony, in order to appropriate the funds arising therefrom, to promote the education of your Majesty's Colonists: your Majesty's Petitioners beg to state, that several of those reserves were occupied for a series of years, and much improved by those who resided on them; and that the Bill which originated in the Lower House of Assembly, by one of its clauses provided, that the improving occupants of said lands should be paid for their improvements thereon, and the residue of the purchase money realised by the sale thereof, after deducting incidental expenses, should be vested in the Colonial Treasury for the above purposes; but the foregoing equitable clause, which awarded to the occupying labourer the value of his improvements, was sternly rejected by the Legislative Council, and the aforesaid lands have been sold by public auction (by virtue of the foregoing Act), with all improvements, to the total ruin of the said occupants; and the most valuable tracts of the aforesaid lands were purchased by Members of the said Legislative Council.

That the improvements so made on the said lands, by the before mentioned occupants, considerably enhanced the price thereof, that the uninformed might be induced to believe, that the upset price laid on the wilderness lands by the Surveyor General of this Island, was an equitable valuation, and which in fact and in truth is no such thing, as the majority of the back lands of this Colony are not worth more than one-fourth of the price mentioned as aforesaid; but this systematic calculation is made to serve Proprietary ends, and is conclusive in its effects, in preventing the inhabitants from seeking an Escheat of the forfeited lands, which they occupy and have improved.

That in no instance have the Grantees complied with the terms of settlement upon which the validity or forfeiture of their grants depended, as before mentioned, therefore the unoccupied lands in this Island have induced many of your Majesty's subjects to emigrate to this Colony, at

their own exclusive expense, and to reside thereon, and improve the same; after which, by the oppression and delusion of the assumed Grantees, the aforementioned persons were induced or compelled to comply with an extorted attornment: and in this illegal act wholly centres the claim set up in a court of law by said Grantees, to demand and enforce the rents and issues of the foregoing land, in which they are borne out by the whole of the legal authorities of this Island; which lands would yet remain in their wilderness state had not the tenantry improved them, surrounded by hardships, privations, difficulties and oppressions of which the most abject slave hitherto existing in a West India colony knew nothing; add to which, the fluctuation of the seasons in this Northern climate, thereby creating the uncertainty of realizing a crop, and also the uncertainty of the moment when a plurality of assumed Landlords would visit them and distrain for rents, said to be due, all tending to create alarm, and agitate the minds of your Majesty's petitioners, alternately suspended between hope and fear—fear from the foregoing circumstances, and hope, in expectation of receiving the Sovereign's paternal protection and assistance, amidst the suspension and despondency before mentioned, whilst the assumed Landlords, by proceedings of the most harsh description, have dispossessed some of your Petitioners of their improvements, and ejected them from their homes, and also inflicted on their persons penalties and imprisonment, for the non-payment of rents to which the Grantees had no legal right, and which the coerced tenantry were wholly unable to pay, and rather than submit to such a state of degradation, numbers of the tenantry have fled from the colony; in such case the assumed Proprietors laid claim to their dwellings, and took possession of their improvements.

That the Leases given by the assumed Grantees for wilderness lands are frequently for a term of 30 years, compelling the abject tenant to pay an exorbitant rent in sterling money, which is difficult to be realized in this colony, and completely gives the said Grantees an opportunity of ejecting the ill-fated tenant out of his improvements, when he thinks fit, if the same is not duly paid; and the tenants also compelled by the aforesaid Leases to pay all quit rents, land taxes, and all other dues, assessments or taxes imposed, or to be imposed within this colony, thereby making it the interest of the tenants to withhold the necessary supplies destined for the support of your Majesty's Government, by removing all

such responsibility from the Proprietor; and also rendering nugatory, or extremely oppressive, the plan struck out by your Majesty's Colonial Minister, to encourage the further settlement of this colony by a land tax, as such in its bearings tends to oppress the actual cultivators of the soil, rather than forward the improvement of the colony, which hitherto, with a trifling exception, has been accomplished by the exclusive exertions of its agricultural population, who, after their arrival here, at their exclusive expense, until very recently, have created and made the roads and bridges throughout the colony, and also, without fee or reward, constituted a body of Militia for its defence, and have hitherto performed all other duties required of loyal subjects.

That your Majesty's petitioners have submitted the foregoing statement of grievances, under the full hope of obtaining justice, well aware your Royal Throne is founded thereon, and that such has supported the honour and dignity of your illustrious ancestors. We therefore indulge the hope, that your Majesty's Royal Prerogative will extend to the protection of your Petitioners, and thereby effectually secure to them and their descendants the actual possession of those lands on which they reside, for which your Majesty's Petitioners object not to pay that reasonable annual rent your Majesty may require.

Therefore, most gracious Sovereign, your Petitioners most humbly beseech your Majesty, that you would take the foregoing grievances into your royal consideration, and cause a competent tribunal to be established within this colony, that your Majesty's rights in behalf of your oppressed Colonial subjects thereof, together with their grievances, may undergo a constitutional and impartial investigation, that the forfeited lands of this colony may be reinvested in your Majesty's Royal Person, and your Majesty's Petitioners permanently located thereon; for which, as in duty bound, your Majesty's most loyal and dutiful Petitioners shall ever pray.

#### No. 2.

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

We Her Majesty's loyal subjects, the Agricultural Inhabitants of the North Section of King's County, beg leave to approach your Excellency, to congratulate you on

your safe arrival with your family in this Island; to thank your Excellency for your visit to this portion of the Colony, and to express our loyalty and attachment to Her Majesty and the British Constitution. We are sure that it was the wish of our late lamented Monarch, that his subjects should always have the laws administered to them in justice and equity; and we feel confident it is Her Majesty's gracious intention that these blessings of the British Constitution should be extended to us.

We hope your Excellency will pardon our taking this early opportunity of stating, that the agricultural inhabitants are not that contented and happy people which the natural advantages of this Island, and the British Constitution, would confer upon them. We therefore beg to submit to your Excellency the grievances of which we complain.

This Island was laid out and granted conditionally to a very limited number of Grantees; and it is an undisputed fact, which we beg your Excellency to observe, that the conditions of settlement were not in any one instance complied with—the Grants therefore became void and of none effect, and the Lands were forfeited to the Crown.

About the time when this Island was granted, the British Government were of opinion that they might tax or impose burthens upon their Colonial subjects; and according to these opinions, it appears that the Grants of this Island were made to enable the Grantees to reap a benefit or emolument by imposing burthens upon the persons they were to settle on their Grants.

The impolitic measures of those times produced the successful resistance of the greater portion of the American Colonies, and those obnoxious measures were eventually abandoned by the Declaratory Act passed in 1778, whereby Government enacted, that they would no longer tax Colonies having Colonial Legislatures, except for the benefit or regulation of Trade and Navigation. Now, we humbly submit to your Excellency, that as the Grants were void and of none effect, and the Lands became forfeited to the Crown, the claim of the Grantees to impose rents on British subjects for Wilderness Lands, either through the ignorance or necessity of emigrants who arrived to settle, or from the delay of Government to re-vest the forfeited Lands in the Crown, or by any other indulgence or cause whatsoever, is a direct or indirect violation of the Declaratory Act of 1778—the Grantees being placed beyond the control of the Colonial Legislature, and the rents now imposed amount to more than double the revenue of this Island.

We shall not now trouble your Excellency to listen to the number of extreme cases wherein the Inhabitants have suffered by unconstitutional proceedings. We, however, solicit your Excellency's favourable attention to three recent cases. Angus Macdougald and Neil Robertson are confined in the Jail of Georgetown, for resisting the execution of a bench warrant against the person of Macdougald. It appears, Thomas Owen, Esquire, some years ago, acted as principal in a case for rent, which gave rise to his subsequent resistance as High Sheriff, in which Neil

Robertson is implicated. It is far from our intention to encourage offences, by pleading an extenuation of guilt in resisting the execution of the laws; but as these offences grew out of unconstitutional proceedings for rent, we pray your Excellency to pardon their offences, and release them from further confinement.

A John M'Innis has lately been taken in execution for rent, and lodged in the Jail of Charlottetown, and he has obtained his release on giving bail to proceed to a trial in the Supreme Court, *as between Landlord and Tenant*. As we have already explained to your Excellency that the rents imposed on the Inhabitants for Wilderness Lands are levied contrary to the Declaratory Act of 1778, and unless this Act, and the forfeiture of the Grants, can be sustained in Court as a plea for the tenant, we deem the proceedings against John M'Innis an act of oppression, directed against the whole of the Agricultural Inhabitants of this Island.

We have repeatedly prayed for a full investigation into the claims of the Grantees by a Court of Escheat, but up to this period a faction at the ear of Government has frustrated our humble endeavours; our condition is now insupportable. We therefore implore your Excellency to protect us against all proceedings for rent of the wilderness lands, until a competent Court is instituted, according to the British Constitution, to try the question at issue, and set the matter at rest for ever.

We are convinced nothing would yield your Excellency greater pleasure, than to see the people under your government contented, happy and free; and we beg leave to assure your Excellency, these ends are attainable by the application of genial measures, according to the British Constitution.

That your Excellency's and Lady Fitz Roy's residence in this Island may prove highly agreeable to yourselves, is the sincere wish of—

Your Excellency's obedient humble servants.

[Signed, on behalf of the Inhabitants of the North Section of King's County,]

JOHN MACDONALD,  
*Chairman.*

[His Excellency's Reply.]

*To the Inhabitants of the North Section of King's County.*

Gentlemen,—I feel grateful to you for your congratulations on my arrival, with my family, in this Island, and for your thanks on my first visit to this part of the Colony; and I accept, with much satisfaction, the expression of your loyalty and attachment to our most gracious Sovereign and the British Constitution.

You do justice to the memory of our late lamented King, in the opinion you have formed of his character. No Sovereign who ever sat on the British Throne had the interests of his Colonial Dominions more at heart.

I regret deeply to hear you assert that the Agricultural Inhabitants do not experience such contentment and hap-

pinness as the natural advantages of this Island, and the British Constitution, would confer upon them; but that regret would be infinitely increased, if the knowledge I have already acquired of the general state of the Colony could justify me in concurring in this assertion. I have already visited, in no careless or cursory manner, by far the greater portion of the Island—I have every where, and on all occasions, held the most frank and unreserved communication with all classes of the inhabitants—and it has been a source of the highest pleasure to me to have found, hitherto, a contented and happy population. I venture to hope, therefore, that you refer only to the Northern Section of this County.

I cannot help expressing my disappointment at your having reverted to the question of Escheat. This question has been already so fully discussed, and the decision of the Sovereign and the Home Government so firmly and unequivocally expressed—and so very recently, in the letter from Her Majesty's Secretary of State for the Colonies, dated the 1st of May last, which letter has been published for general information—that I did hope this subject would not have been revived. As this decision is founded upon no partial or prejudiced advice or reports, but upon the broad basis of the security of all property, it would be as useless, as it would be unbecoming to that character for plain dealing which I hope on all occasions to maintain, were I to hold out to you the slightest hope of being able to obtain the object of your wishes.

Without entering into any discussion as to the circumstances under which the original grants of Land in this Island were made, it is my duty to point out to you, that the Act of 1778, on which you ground your claims, refers only to the right of the Mother Country to tax her Colonial subjects without the consent of the local Legislatures; but it in no way bears on the question of the right of the Crown to make grants of land in the Colonies. This prerogative has never been disputed; and it is equally indisputable, that as the Crown had this undoubted right in the first instance, under any conditions it might please to impose, it has unquestionably at any time the power of waiving those conditions. Moreover, as you were acting under no compulsion when you became the tenants of the soil, but of your own free will entered into voluntary compacts with your landlords, I tell you plainly, as honest men you are bound to fulfil the contracts you have made, to the best of your ability. Wherefore, I advise and entreat you, as men of sense, (and I offer this advice with as fervent an interest in your welfare as any man among you can feel,) to dismiss this subject at once, and for ever, from your minds.

I wish on the present occasion to take the opportunity of making myself fully and clearly understood, in order, as far as may be in my power, to prevent you from any longer entertaining delusive hopes; but I would not have you depart with the impression on your minds that I am not fully aware, and that I do not sympathise with and lament the distress under which many of you are labouring; and I

most cheerfully and cordially offer you my mediation with your landlords, and with the proprietors of lands in this Island generally, to obtain for you such liberal terms as will be for the mutual advantage of both landlord and tenant. Should my remonstrances, joined to those which have been made before my appointment to this government, induce your landlords to extend the hand of conciliation, and shew in earnest that they feel for your situation, and are not inattentive to your interests, I implore you to meet their advances in the same spirit.

I regret that I cannot coincide in your view of the case of the prisoners Angus Macdougald and Neil Robertson; nor can I hold out an inducement to other misguided or ignorant persons, to set the laws they are bound to obey at defiance. I should do this if I was to remit the punishment these men have brought upon themselves by their resistance—a resistance accompanied by violence—to those laws which I have sworn to put in force, and which it is my duty, and my firm and unflinching determination, to uphold, as long as I remain in this government.

With respect to the case of John M'Innis, it is one in which it is beyond my power to interfere.

In conclusion, I will beg you to believe, that if I have felt it to be incumbent upon me to use strong and plain language, I have used it in no spirit of resentment or unkindness; and giving you credit for loyalty equal to that existing in any other section of the Colony, I trust I may live to see you a contented, happy and thriving community.

CHARLES AUGUSTUS FITZ ROY.

Sept. 6, 1837.

No. 3.

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

We the inhabitants of King's and Queen's Counties, assembled to take into consideration your Excellency's Answer to an Address from the Inhabitants of the North Section of King's County, presented to your Excellency at St. Margaret's, on the Sixth day of September last, and having carefully considered the same, together with the Address, in all their bearings, beg leave to submit to your Excellency our views and opinions thereon.

We most cordially agree with and adopt those sentiments of loyalty and attachment to the British Crown and Government, and respect for your Excellency's person and family, as conveyed in that Address of the agricultural inhabitants of the North Section of King's County.

Your Excellency was pleased to remark, in your answer to that Address, that popular discontent appeared to be confined to the North Section of King's County. We beg leave respectfully to assure your Excellency, that proprie-

tary oppression has been a source of discontent in this Colony throughout the agricultural inhabitants, from the first recollections of the oldest men in this Island up to the present day; and the degradation of the people has been so established through coercion, they have been compelled to suffer in silence, and to speak a language foreign to their sentiments; therefore their complaints can only be made known where there are men of inflexible probity, possessed of talent to express the true sentiments of the agricultural people, and to bring the subject matter of their grievances before government.

We submit another cause, which might lead your Excellency to form an incorrect opinion in this case. On your Excellency's arrival to assume the Government, delegates from the several settlements met in Charlottetown, to prepare an Address to your Excellency on behalf of the agricultural people, and also a copy of a Petition to the Sovereign, expressive of their grievances, and prayers for redress; but from unforeseen causes, these were delayed until the 4th of September last; and as the people depended on their being submitted to your Excellency, they had no desire, through importunity, to mar your Excellency's pleasure with sectional or individual complaints; but continued acts of oppression being instituted against the inhabitants in the North Section of King's County, we deem it became necessary for them to bring the subject before your Excellency in the Address of St. Margaret's, to which (with every deference for your Excellency's opinion) we are bound by conscience and truth to give our full support.

On reference to the decision of the Home Government, on the inexpediency of appointing a Court of Escheat in this Island, we beg leave to submit to your Excellency, that we could not expect a Court of Escheat, until sufficient cause was shewn to Government, founded upon principles of justice and equity, that such a Court was necessary—and we hope to be able to explain, in a clear and satisfactory manner, that the applications forwarded to Government, to attain that object, were founded upon principles quite the reverse. The representations which were prepared by the House of Assembly on the subject of Escheat, in the year 1835, were unanimously agreed to (as the representatives were then newly elected), and were carried up to the Lieutenant Governor, to be forwarded to his late Majesty, but were detained until the Session of 1836, which gave the assumed proprietors time and an opportunity to secure a majority of *one* in the House of Assembly, to clog the representations of 1835 with another Address, having the following words for its prayer—"We therefore humbly pray your Majesty so to exercise your Royal prerogative, by establishing a Court of Escheats, for revesting in the Crown such lands as are liable to forfeiture for non-settlement, unless in such cases, where, after a full investigation, the grantees may be found deserving of your Majesty's most gracious consideration, under the indulgences granted by your Majesty's royal predecessors." The representations of 1835 detailed the op-



pressed and unsettled state of the Colonists, and prayed, as a remedy for these grievances, that the Colonial Act of 1832, for the regulation of a Court of Escheat, be carried into operation. But in the latter Address, justice for the inhabitants, according to the merits of the case, was not sought. The whole prayer went to say, that the lands, if unsettled, of such grantees only who were found upon investigation to be undeserving of His Majesty's gracious consideration, should revert in the Crown, and other lands, though unsettled and forfeited, should remain to the defaulting grantees, as a proof of His Majesty's gracious consideration. Now, it will appear obvious to your Excellency, that under our happy constitutional monarchy, such an investigation could not take place without a specific charge against the persons of the grantees, to prove whether any of the grantees were deserving or undeserving of His Majesty's gracious consideration, under the indulgences granted by His Majesty's royal predecessors; therefore the prayer of the latter Address is evidently intended to deceive the people, to deprive them of justice, and to obtain from the Home Government the decision to which your Excellency refers. Such, we humbly submit, will point out to your Excellency these deplorable and important truths—1st. The proprietary faction have corrupted a majority of the House of Assembly, and have rendered it a tool of deceit and oppression. 2dly, The people have just grounds to be dissatisfied with a majority of the House of Assembly, and also with such a proprietary faction.

We humbly crave permission of your Excellency to explain our views of the declaratory Act of 1778, as we conceive it applies to our case; and in order to be fully understood, we revert to its origin, and we find that from the year 1764 the British Government were of opinion that the Colonies should defray the expense of their defence, either by the direct taxation of the British Legislature, or by the colonies granting the Parent Government such a sum as might be required for that purpose. But as the Colonies were not disposed to defray the expense of their defence, the declaratory Act of 1778 was passed as a conciliatory measure, to quiet the people in the (now) United States, then in a state of hostility, and to secure the allegiance of the other Colonies; and it does not appear to be contemplated by that Act, wherein the British Legislature abandoned the right to tax Colonies for their defence, that the Crown would authorize or indulge grantees, to enable them to impose a tax upon Colonial improvement, for their own emolument, by demanding a rent from British emigrants for permission to clear, to cultivate, and occupy wilderness lands; and British emigrants had no choice or alternative but to submit to such taxation, or depart from the Colony. Therefore the whole produce of man's labour from the soil is not only taxed, contrary to the said Act, but is the principal cause to disturb and defeat the intention of settlement, as contained and set forth in the conditions of the Grants, and latter indulgences of the Crown to the Grantees.

We fully admit, without dispute, the right of the Crown to grant the lands of the Colonies, or to waive the conditions of such grants, when not contrary to law and equity; but it being our opinion and firm belief, that the Crown, by the declaratory Act of 1778, abandoned the right to tax the land in Colonies having Colonial Legislatures, and the prerogative being thereby fettered by law, could not, by a grant, or waiver of conditions, authorize any person or persons to impose a burthen upon the inhabitants for wilderness land—therefore the grantees have not complied with the intentions of the Crown for the settlement of the inhabitants, in accordance with the conditions of the original grants, or latter indulgences; and in support of these our opinions, we refer to a fair example set by the Crown upon the Townships of Fifteen and Fifty-five, for the settlement of this Colony, where the charges for a grant in fee simple did not exceed one shilling per acre of land, which charge was considered to have been sufficient to cover all the expenses of settlement; and the grantees had every opportunity to avail themselves of that example. But instead of carrying into effect the intentions of the Crown, given by precept and example, for the settlement of the inhabitants, the grantees impose a tax upon the industry of those who improve the land, by demanding a rent upon their improvements, which rent is so exorbitant, and the leases of so short a duration, in many cases, that the grantees evidently intended thereby to deprive and dispossess the tenantry of the value of all their labour.

Now, as we are fully convinced that the exaction of rent for wilderness land is contrary to the declaratory Act of 1778, and contrary to the Royal intentions for the settlement of the inhabitants; and as Her Majesty's Courts of Justice in this Colony, as at present constituted, decline to investigate the matter, or to afford any relief, but, on the contrary, have invariably given judgment in favour of the grantee, against the tenant, with threatenings from the bench, without regard to the justice or equity of the case, which case is of such a peculiar and distressing nature, the grantees' exactions daily adding to the burthen of the people, that a delay of justice is a great oppression—we, therefore, as loyal men of sense and honesty, humbly implore your Excellency for a legal and constitutional remedy for these our real grievances.

Your Excellency was pleased to offer your mediation with the proprietors, to obtain for the tenantry more liberal terms from their landlords. We have, therefore, at your Excellency's earnest desire, taken the same into our consideration, and we find, upon a careful inquiry into the circumstances of the case, and give it as our opinion, that the grantees have already had sufficient indulgences from Government, at the expense of the inhabitants of this Colony, and can have no claim upon the gratitude of the tenantry. If terms were made with pretended proprietors, there can be no doubt but they will, as formerly, upon every favourable occasion, continue to display the lust of

avarice and power, to deprive the inhabitants of their privileges and their property.

We further beg leave to submit to your Excellency another cause of popular discontent. At a meeting of the people, held at Hay River, the 20th of December last, at which three of the County Members presided, a Petition to the King was agreed to; and it was further resolved, that as the landlords were not entitled to demand rent, the tenantry would preserve their property until a legal investigation was had, and a decision obtained according to the merits of the case. The proceedings agreed to at Hay River were again submitted to a meeting at St. Peter's Bay, where the Petition was unanimously agreed to; and finally, by all the representatives for King's County, and the resolutions passed with only two dissenting votes.

The then Lieutenant Governor, Sir John Harvey, instead of instituting a Court to inquire into the grievances of the people, or of sending the same to the Home Government for investigation, and awaiting an answer, sent orders down to the House of Assembly to reprobate the conduct of the three Members who presided at the Hay River meeting, for the passing of such Resolutions. The House, therefore, instituted proceedings, but passed on from the Resolutions to find fault with the Petition which had been agreed to by the four county representatives—proceedings as unprecedented by any deliberative Assembly as they were notorious for personal vindictive rancour, to coerce the three selected Members to make them say that the 22d paragraph of the people's Petition, which related to the apostacy of the House of Assembly, was a misrepresentation; and this coercion was enforced under the penalty of being deprived of their seats, and detained in Charlottetown, under confinement and expenses—which said three Members were not permitted to make a defence to the charge preferred against them. And the said House of Assembly, after having deprived a sixth part of the representatives of their franchise, continued to legislate, to the detriment of the Colony, and to attach the blame to his late Majesty, for the non-appointment of a Court of Escheats, which their unconstitutional Address to the Throne produced, as will appear on reference to an Act passed the 20th April last, entitled "An Act for levying an Assessment on all Lands in this Island," in the following words— "Whereas by a despatch from the Right Honorable Lord Glenelg, His Majesty's principal Secretary of State for the Colonies, bearing date the Tenth day of August, One thousand eight hundred and thirty-six, his gracious Majesty was pleased to disallow the appointment of a Court of Escheat in this Island,"—thereby to insinuate to the suffering inhabitants of this Island, that our late Monarch, of blessed memory, was not disposed to do justice to his subjects.

Such, may it please your Excellency, are but the natural consequences which proceed from a system of fraud, protected by Government, and will continue, while the property and labour of an industrious people are held out as a reward for deceit and misrepresentation.

We therefore pray your Excellency to allay excitement by dissolving the House of Assembly.

May it please your Excellency; we have with one accord of the most numerous meeting that ever assembled together in Prince Edward Island, humbly endeavoured, with truth and reason, to support the Address of St. Margaret's, and former proceedings had on the question of Escheat, to us the most important that could occupy our attention; all which are humbly submitted for your Excellency's favourable consideration: and we turn from matters of grievances with pleasure, to thank your Excellency for your kind sympathy with our distress, expressed in a manner peculiar to yourself—sentiments to which we have long been strangers.

That your Excellency, upon a further acquaintance with the people, and on mature consideration of their case, may become convinced that they are entitled to justice, and that you may have the pleasure to see it administered to the settlement of the inhabitants, and to receive their grateful acknowledgments, is the sincere desire of your Excellency's

Most obedient and  
humble servants,

WILLIAM COOPER,  
J. W. LE LACHEUR,  
JOHN MACINTOSH

[Agreed to 8th November, in County Meetings, and again in a meeting of Delegates, the 15th November, 1837.]

#### No. 4.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

The Petition of the inhabitants of Prince Edward Island humbly sheweth—That your Petitioners, Her Majesty's subjects, are a loyal, patient and an industrious people, who have from year to year, and from time to time, reiterated their complaints of having been led into bondage by the Grantees and their Assigns, who deprive the Agricultural inhabitants of the proceeds of their industry, to draw a revenue, or tribute, from the Colony.

2d. The oppression of which your Petitioners complain has not originated so much from any defect in the Constitution of the Colonial Government, as from a misconstruction of the Constitution by self-interested, designing persons, who claim indulgences from Government which are contrary to law, justice and equity, and such as the Crown never intended to grant.

3rd. To avoid repetitions, your Petitioners beg leave to refer your Excellency to a Report from a Special Committee of the House of Assembly, agreed to in the Session of 1835, and forwarded to His late Majesty in the year 1836; to a Petition addressed to Her Most Excellent Majesty the

Queen, presented to your Excellency the 4th of September; to the Address at St. Margaret's, presented on the 6th of September; and also to the Address from King's and Queen's Counties, presented to your Excellency on the 17th of November—which, collectively, convey considerable information respecting the grievances complained of.

4th. The representations referred to in these Documents having met with objections on the part of Government, viz: "That the Crown, by prerogative, might waive the conditions of the original grants," to remove these objections, your Petitioners will endeavour to show that the waiver of conditions by the Crown is not considered a grievance. But the *claim* set up by the Grantees to *indulgences, which are not authorized* by the waiver of conditions, is a grievance which appears contrary to justice and equity.

5th. In the year 1816, His Royal Highness the Prince Regent, by Proclamation, released the Grantees from the obligation of settling the lands with Foreign Protestants, provided that within ten years the lands shall have been settled with other persons, in the proportions specified in their original grants.

6th. The Grantees have promulgated that they had accepted the grants of land in consideration for services rendered by them to the Crown, and that they were to obtain the consideration due to them for such services, or the interest thereof, from the labour of Foreign Protestants.

7th. But as the introduction of Foreign Protestants was deemed impracticable, the Proclamation of 1816 was claimed by the Grantees as an indulgence, to enable them to obtain a high rent or price for wilderness land, through the improvements to be made by the labour and capital of British subjects; and emigrants were induced by such misrepresentations, from necessity, or threats of prosecution, to attorn, or execute a Lease, to the Grantees. Such lease or attornment thus obtained was construed to have set aside the Declaratory Act of 1778, and also to have concealed the deception. The necessity or compulsion under which the person respectively became Tenant, and the rent thus fraudulently reserved, was made a debt good in Law by Courts of Justice in the Colony, in favour of the Landlord, to deprive the Tenant of a settlement upon the land, and of any plea, in justice or equity, to obtain a compensation for his labour.

8th. Such being the construction of the Proclamation of 1816, by the Grantees and their abettors, Petitioners beg leave to shew its construction according to the British Constitution.

9th. When His Royal Highness was graciously pleased to release the Grantees from the obligation of settling the land with Foreign Protestants, he reserved, in express words, that his subjects should have a settlement upon the land before the year 1827.

10th. Your Excellency will be pleased to observe, that when His Royal Highness stipulated to have a settlement

for his subjects, it was not contemplated that such settlement was to subject them to the deceptions and impositions of the Grantees, nor to place them under conditions of settlement inferior to those of other subjects of the same class who were settled by the Crown.

11th. And when the lands are not settled agreeably to the Proclamation, and the munificent intentions of his Royal Highness—however numerous the inhabitants may be—when they are not settled, the grantees can have no claim to any indulgence whatever; therefore the lands are to be forfeited, in order that the inhabitants may be settled; as it follows, of course, from the justice and liberality of the British Government, that when His Royal Highness stipulated with the Grantees to have his subjects settled upon the land, it was a pledge from the Government to the inhabitants that they were to be settled either by the Grantees or by the Crown.

12th. It has been a general rule with the British Government, in the settlement of Colonies, that the people should be placed in a condition to enjoy the fruits of their labour, so as to be enabled by their industry to support themselves, at some period, in the rank of British Freemen—the Grantees' claims must, therefore, be such as could be borne consistently with the independence of the people, with a possibility and a fair prospect of the expenses for their location being paid at the time limited for settlement.

13th. It would be absurd, and contrary to the Declaratory Act of 1778, to impose a tax of such magnitude, so that generation after generation should remain in debt and bondage, for the settlement of their ancestors upon the wilderness lands in a British Colony; or what is still more unjust, when the Grantee will not afford other terms than a lease of short duration, or demands such a rent as will enable him at pleasure to claim the Tenant's improvements, and thereby to dispossess the persons whom he engaged to settle.

14th. But the Grantees having asserted that they have not recovered the expenses disbursed by them for the settlement of the inhabitants, it becomes the duty of your Petitioners to shew that they are not actuated by any other motives than those of justice and equity, and so to define the charges to which the Grantees would be entitled for the settlement of the inhabitants, and the charges which the Grantees have made contrary to law and to the intentions of settlement.

15th. The charges to which the Grantees would be entitled are—1st. Grantees who have, at their own expense, introduced emigrants, would be entitled to the expense of their introduction. 2d. To a fair remuneration for their location and settlement. 3d. To the value of any improvements made upon the land by the Grantee, for the benefit of the Settler. 4th. For supplies of provisions, implements, seed or stock. 5th. And to the price of the land—to be valued according to what it would yield (if any thing) in its wilderness state, as forest or pasture.

When these sums were obtained by the Grantee, or secured to him upon the land, together with the interest, as a rent, until the principal was paid, the Grantee could have no further claims upon the Settler.

Charges which the Grantees have made contrary to law, and to the intentions of settlement, to which the Grantees were not entitled, are—1st. To demand a rent from the Tenant's improvements, over and above the charges herein before stated, as the Tenant has first to sink a capital to clear land and erect buildings, is virtually to compel a Tenant to pay interest for his own capital. 2d. To demand either rent, or a price for the land reserved by the Crown for the Fisheries, 500 feet from highwater mark. 3rd. To demand an enhanced price for land, proceeding from the increase of population, and public improvement—the increased value being but the natural consequence of the increase of population and public improvement—therefore the value and amount of which belong to the public, for the support of Government, and not to the Grantee, who ought not to gain by his neglect to fulfil the conditions for settlement. 4th. To demand any sum whatever, to disturb a settler, after the year 1827, being the term for settlement limited by Government, which gives the Grantee forty-eight years of indulgence since the forfeiture of the grants—a time sufficient for the Grantees to have recovered all the expenses for settlement.

Your Petitioners being accused of having a desire for extreme measures, or a general Escheat, beg leave respectfully to submit to your Excellency, that they only desire to be settled upon the land they have improved with their labour and capital through many privations, and to be enabled to enjoy the fruits of their industry, unmolested by Grantees and Land-jobbers. Your Petitioners therefore pray your Excellency for the appointment of a Court of Escheat, as the means of obtaining so desirable an end, in order that justice may be extended to all parties interested in the welfare of the Colony; and to rebut the charges of designing men, who claim the Proclamation of 1816, as a license from His Royal Highness the Prince Regent to defraud the Agricultural inhabitants in this Island of their property, your Petitioners beg leave to adopt and introduce a proposal for the settlement of this Colony, upon principles of justice and equity, as laid before the House of Assembly in the year 1835, namely—“That were the lands liable to Escheat re-vested in the Crown, there would be little difficulty whatever in carrying into effect a measure so essentially necessary for the future settlement of this Colony, by which the claims of all parties therein interested might be fairly considered and justly set at rest, by having recourse to a scale something like the following:—To afford Grantees or Landholders a free grant of such lands as they have improved and settled upon; and in like manner, a free grant to actual Settlers, for such tracts as they have purchased of the Grantees; to the Tenantry, a grant in fee, on their paying the price of the land, in its wilderness state, for such tracts as they occupy—time to be allowed for payment, without interest, to such as have paid

their rent; and those who have not paid their rent, to be charged with the interest on the fee simple price, until the principal is discharged. To Squatters, a grant on the same terms. The rest of the land might be valued, and sold to such persons as are to become actual Settlers—the Grantees to receive from the proceeds of sale the balance arising (if any) between the sums expended by them for the settlement and improvement of the Colony, deducting the sums received by them for rents and sale of land, and the residue, which may be considerable, for the use of [Her] Majesty. This, or a similar plan, which the wisdom of [Her] Majesty's Ministers may devise, for the settlement of the Colony, would give general satisfaction.”

Your Petitioners believe they have shewn, in a manner which cannot be mistaken, that the Grantees have not settled the inhabitants agreeably to the Proclamation of 1816, and that it is incumbent upon the Government to interfere, for the protection and settlement of the people, who are disturbed and unsettled—and therefore pray your Excellency's protection from the distress of the Grantees or their Assigns.

It has been made known to your Excellency, in the Address of the 17th of November, that a majority of the House of Assembly do not represent the people; your Petitioners therefore pray that your Excellency will be pleased to withhold your assent from any measures that may retard the Escheat of the forfeited lands, and the settlement of the inhabitants; and further, that your Excellency would be also pleased to transmit this Petition, and the several Addresses and public documents referred to in the premises, to Her Majesty's Ministry, for their consideration, in order to disabuse their minds, and furnish a fair and faithful representation of public opinion, and the grievances which prevail in this oppressed Colony. And your petitioners, as in duty bound, will ever pray.

#### No. 5.

*To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

We a Committee nominated by the People to prepare the above Petition (which is loyally and constitutionally worded,) have sent it to the people in printed copies, so as to be easily read and perfectly understood before it is signed; but the bad roads and snow drifts may delay its presentation to your Excellency for some time, and in the interim the proceedings of the Legislature may be submitted to your Excellency, for the Royal Assent—we therefore deem it our duty to inform your Excellency that such a Petition is in progress of being presented.

We also deem it our duty to pray your Excellency's consideration to the measure now before the Legislature, to change the construction of the House of Assembly. We beg leave to assure your Excellency that such changes are

not desired by the people, and even the proceedings can only be known to a few. It will appear to your Excellency that when *thirteen* members have carried and do carry such high-handed measures, it would be unnecessary to have twenty-four to transact business of minor importance. To add to the number of Representatives will add to the annual expense of the Legislature; to divide the Counties into districts will disfranchise the people, and deprive them of two-thirds of their former privileges, by confining the elector to a small District, and to two Representatives, where he has at present a vote for the whole County and the four Representatives.

We therefore pray your Excellency to withhold your assent to any such enactment, and to forward these representations to Her Majesty's Ministers, lest misrepresentations, together with the lapse of time and silence, should induce Ministers to advise Her Majesty to give the Royal Assent to measures which would prove a serious grievance to this Colony.

And your Petitioners will ever pray, &c.

[Signed by Nineteen of the Committee, and delivered at the Colonial Office two days prior to his Excellency's giving his assent to the Act to amend the Election Law.]

#### No. 6.

*To the Right Honorable Lord GLENELG, Her Majesty's Principal Secretary of State for the Colonies, &c.*

The Memorial of a Committee in Prince Edward Island, nominated by the Inhabitants, to manage the proceedings for obtaining an Escheat of the forfeited lands, and a settlement, free from proprietary thrall, for the people who have improved and supported this Colony.

*May it please your Lordship:*

WE respectfully submit the grievances of the Agricultural people of this Island, for the information of the Home Government, and have taken the liberty to forward these by Post. If it can be admitted, in any case, to deviate from the regulations for forwarding all communications through the Administrator of the Colonial Government, we trust that the brief statement herein submitted will not only plead our excuse, but claim your Lordship's favourable consideration.

The agricultural inhabitants of this Island are principally tenants, who have been led, by various deceptions and coercion, to atorn to pay a rent for wilderness land, which is not worth more when cleared than the price of the labour required to clear and prepare it for cultivation. The land was generally let on lease, in its wild state, for one or more years, without rent, and then to commence with a rent, increasing for several years, in proportion to a supposed enhanced value which the land might acquire from the progressive labour and improvement of the tenant; but the anticipation has not been realized, the arrears of rent have therefore accumulated, and put it beyond a doubt that the rents cannot be paid; and to pay any part thereof gives no relief or security to the tenant, as his per-

son and property remain at the disposal of the landlord. But it greatly aggravates the distress, when it becomes known and understood that the power which the landlord exercises over the person and property of the tenant is imputed to the ignorant but honest intentions of the latter, in making an attornment to the pretended landlords, who fraudulently and deceitfully took advantage of the uninformed Emigrant; and to a Colonial Government that paved the way and encouraged such transactions, by misrepresenting the intentions of the Crown.

When the present Lieutenant Governor commenced his administration, reasonable hopes were entertained that an investigation of the grievances would take place, and that justice would be administered, by the establishment of a Court of Escheat. But the proceedings have been very different. His Excellency, the Representative of our Sovereign in this Colony, instead of desiring justice to be administered, has recommended a compromise—has said and unsaid—has ordered printed letters to be sent to the proprietors, to say that the Tenantry were distressed, and has written private letters to the Proprietors, to say that the Tenants were "prosperous and contented," as will appear by the enclosed copy of a letter addressed to the Earl of Selkirk.\*

When we see the liberality of the British Government extended to the sister Colonies, we are encouraged to hope that the inhabitants of this Colony will not be forgotten. For instance, the lands in Lower Canada were granted in feudal times, under the feudal tenure, and were secured to the grantee both by treaty and statute; the grantees had not neglected to perform their duties for the benefit and convenience of their tenantry, and the tenantry have not been burthened nor oppressed, to cause any complaint. But the British Legislature have seen the justice and necessity of recommending that the feudal system should be abolished, and that the inhabitants should be permanently settled.

But the grants of this Island were made upon conditions which were not complied with, and, consequently, the grants are void and of none effect. The grantees have taken the advantage of British subjects, to induce them to emigrate, and thereby to defraud them of their property, under colour of defraying the expenses of emigration, and sums of money charged for land to which they had no claim but the indulgences of the Crown. The inhabitants of this Colony have unremittingly complained of grantee oppression, and prayed the Crown for justice; therefore there is less difficulty, and a greater necessity, in this Island, than there is in Canada, to settle the inhabitants, and to secure to them "that interest in the soil they are justly entitled to by their labour." We therefore pray your Lordship to advise Her Majesty to extend justice to her subjects in this Colony, who are a loyal and industrious people.

\* The copy of the letter referred to was handed in to Lord Glenelg with the other documents.

We were instructed to forward to your Lordship copies of the Petitions and Addresses which have been presented to the present Lieutenant Governor, on the subject of grievances; but as His Excellency has been requested to forward them, there can be no doubt that your Lordship has received them, and therefore we inclose only two Petitions, which refer to the rest of the documents—one Petition, which is printed, is from the inhabitants of the Island generally, and the other is from the tenants of Lot or Township Fifty-six.

The Petition from the inhabitants generally refers—1st. To a report from a Select Committee of the House of Assembly—2nd. To a Petition addressed to the Queen's Most Excellent Majesty, presented to His Excellency the 4th September last—setting forth the impositions practiced by the grantees—the distress and impoverished condition of the inhabitants—and praying for the appointment of a Court of Escheat, or other tribunal, to afford justice—3rd. To an Address presented to the Governor at St. Margaret's, on the 6th September last, to shew that the rents demanded for wilderness land is a tax imposed contrary to the intentions of the Declaratory Act of 1778, and is double the amount of the Colonial Revenue.—4th. To the Address of King's and Queen's Counties, presented to the Governor on the 17th November, explanatory of the former Address, and showing the corruption of the House of Assembly, and praying for its being dissolved.

The other Petition from the tenantry of Township Fifty-six was addressed to the Lieutenant Governor, and presented last January, praying His Excellency to forward the same to Her Majesty's Ministers, together with other documents therein referred to, namely—1st. A letter from Mr. Waller to the tenantry, threatening them with force to drive them from off the land. 2d. A Report of a Select Committee upon said letter, contrasted with another letter sent by Mr. Waller to your Lordship, and published in this Island on the 14th November last.

In reference to a Memorial from the Proprietors' Association (Great Russell Street), and a letter from Henry R. Hill (Throgmorton Street), addressed to your Lordship, to prevent the passing of an Act levying a tax upon wilderness land—without entering into the merits of their arguments, it will be sufficiently evident to your Lordship, that the reasons which they have advanced against a land tax of Four shillings per hundred acres, *for the support of Government*, will apply with far greater force against a tax of from Five to Ten Pounds per hundred acres, *for the support of Land-jobbers*, as demanded of the tenant for wilderness land, which will cost him another Ten Pounds per acre to bring it into cultivation.

Government appears to have given implicit credit to the assertion "that the grantees have been at considerable expense to introduce Emigrants to settle the lands, who left their lands to settle upon other lands more favourably situated;" and Mr. Hill asserts, with regard to a family property of 80,000 acres, that considerable expense had

been incurred to improve and settle the land as early as the year 1770. But the truth is, there are but few people settled upon the property to which Mr. Hill pretends ownership, or the adjoining Townships, up to this present day. In the year 1833, when the census was last taken, there were three hundred and one persons in occupation of land upon the twelve Westernmost Townships, containing 240,000 acres; and out of the three hundred and one occupants, there were only twenty-seven persons settled—the rest being no better than tenants at will.

It is believed that there have been a great many mechanics and agriculturists, men of some property, deluded from their homes to this Island, at their own expense, under promises of obtaining valuable land, upon easy terms, from Mr. Hill; but after a few years' occupation of his land, they found themselves reduced to poverty, and in debt to Mr. Hill (as the people upon his property were not allowed to deal with any other person), and were glad to get away with such portable articles as they could carry with them.

When the Government is disposed and desirous of obtaining correct information on the state of the inhabitants, and the treatment they have met with from the Grantees and Land-jobbers, the Crown will first have to afford protection, that the people may not be turned out of their possessions for declaring the truth; and then it will be found out, that while Great Britain has been negotiating with other nations, to prevent Negro Slavery, it must appear inconsistent to cherish a system in North America calculated to defraud and enslave her own children.

It will appear to your Lordship, that while the Government upholds the grantees with indulgences, to oppress the inhabitants, without allowing either inquiry or trial, it will create jealousy and distrust—as all upright men, who support the rights of the agricultural people, on the principles of justice and honor, are subjected to persecution on that score alone.

The inhabitants have repeatedly expressed themselves dissatisfied with the House of Assembly, and prayed for its dissolution, for deceiving the Colony on the Escheat question; but the House of Assembly, to maintain their opposition, passed an Act to alter the Election Law, that, by dividing the Counties into Districts, they might have a better opportunity of securing their re-election, by being returned in some of the Districts where the landlords can command the votes. This Act passed the Legislature with unusual haste, contrary to the wish of the people, expressed by upwards of two hundred persons, who prayed the Legislative Council to withhold their assent from such an arbitrary measure; but the prayers of the people met with neglect and insult, which conduct gives countenance to a rumour, that the Executive intend to set aside the Colonial Act which limits the duration of the House of Assembly to four years. We therefore pray your Lordship, that measures may be taken to secure the Constitution, as by law established, to restore confidence in the Govern-

ment, and that Her Majesty may be advised to withhold the Royal Assent from the enactment to alter the construction of the House of Assembly.

We beg leave to assure your Lordship, that the people are a loyal and faithful people, and have no other complaint but the oppression of landlords; and the most sanguine supporters or agitators for an Escheat would not desire that the tenants should obtain a freehold interest under a less sum than from three to six shillings per acre, according to local advantages; the prospect of redeeming their freedom would be a stimulus to industry; it would prevent freeholders from complaining of the purchase money which they had paid; and the money to be realized would enable Government to satisfy all equitable claims on the part of the Proprietors.

These are humbly and respectfully submitted by those whose highest ambition and only desire is, to see justice administered to the Agricultural people of this Colony, for the honor and stability of Her Majesty's Government.

No. 7.

To His Excellency Sir CHARLES AUGUSTUS FITZROY, K. H., Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince Edward, and its Dependencies, &c. &c.

May it please your Excellency;

We, a Committee appointed by the people to manage the proceedings for obtaining an Escheat of the forfeited lands, and a settlement for the inhabitants, deem it our duty most respectfully to furnish your Excellency with the copy of a Memorial to the Right Honorable Lord Glenelg, Her Majesty's principal Secretary of State for the Colonies; and also a Schedule, shewing the unequal division of the Counties into Electoral Districts, which, together with other Documents therein referred to, have been forwarded to England by Post.

We beg leave to point out to your Excellency a paragraph in the Memorial, relating to a rumour afloat, which produces considerable excitement, that the Executive intends to set aside the Law limiting the duration of the House of Assembly to four years. If such rumour is without foundation, your Excellency will see the necessity of contradicting such report.

We respectfully request your Excellency to inform the Committee, whether any answer has been received to the St. Margaret's Address, or latter Documents, which may have been forwarded to Her Majesty's Ministers, praying for the appointment of a Court of Escheat.

(Signed) MUNGO MACFARLANE,

Chairman.

Charlottetown, April 4th, 1838.

| Prince County.              |              |        | Queen's County.                  |              |        | King's County.              |              |        |
|-----------------------------|--------------|--------|----------------------------------|--------------|--------|-----------------------------|--------------|--------|
| Townships.                  | Inhabitants. | Total. | Townships.                       | Inhabitants. | Total. | Townships.                  | Inhabitants. | Total. |
| <b>1st District.</b>        |              |        | <b>1st District.</b>             |              |        | <b>1st District.</b>        |              |        |
| 1                           | 459          |        | 20                               | 655          |        | 47                          | 755          |        |
| 2                           | 173          |        | 21                               | 611          |        | 46                          | 265          |        |
| 3                           | 111          |        | 22                               | 221          |        | 45                          | 502          |        |
| 4                           | 169          |        | 23                               | 545          |        | 44                          | 464          |        |
| 5                           | 213          |        | 24                               | 1002         |        | 43                          | 473          | 2,450  |
| 6                           | 131          |        | 33                               | 521          |        | <b>2d District.</b>         |              |        |
| 7                           | 99           |        | 34                               | 1270         |        | 38                          | 322          |        |
| 8                           | 100          |        | 67                               | 119          | 4,947  | 39                          | 330          |        |
| 9                           | 33           |        | <b>2d District.</b>              |              |        | 40                          | 409          |        |
| 10                          | 36           |        | 29                               | 575          |        | 41                          | 318          |        |
| 11                          | 163          |        | 30                               | 159          |        | 42                          | 358          |        |
| 12                          | 127          |        | 31                               | 348          |        | 45                          | 362          |        |
| 13                          | 275          |        | 32                               | 774          |        | 56                          | 516          | 2,614  |
| 14                          | 367          | 2,453  | 35                               | 657          |        | <b>3rd District.</b>        |              |        |
| <b>2d District.</b>         |              |        | 36                               | 453          |        | 54                          | 121          |        |
| 15                          | 575          |        | 37                               | 404          |        | 53                          | 319          |        |
| 16                          | 409          |        | 49                               | 515          |        | 52                          | 219          |        |
| 17                          | 835          |        | 65                               | 820          | 4,704  | 51                          | 171          |        |
| 18                          | 753          | 2,572  | <b>3rd District.</b>             |              |        | 66                          | 50           |        |
| <b>3rd District.</b>        |              |        | 49                               | 889          |        | 59                          | 325          |        |
| 19                          | 773          |        | 50                               | 857          |        | 61                          | 231          |        |
| 25                          | 349          |        | 57                               | 1099         |        | 63                          | 256          |        |
| 26                          | 455          |        | 58                               | 590          |        | 64                          | 528          |        |
| 27                          | 374          |        | 60                               | 336          |        | <b>Total.</b>               |              |        |
| 28                          | 923          | 2,874  | 62                               | 356          | 4,096  |                             |              | 2,219  |
| <b>Total.</b>               |              |        | <b>Total.</b>                    |              |        | <b>Total.</b>               |              |        |
| 7,899                       |              |        | 13,747                           |              |        | 7,292                       |              |        |
| Princetown and Royalty, 474 |              |        | Charlottetown and Royalty, 2,541 |              |        | Georgetown and Royalty, 244 |              |        |
|                             |              |        | St. Peter's Island, 28           |              |        | Panmure Island, 18          |              |        |
|                             |              |        | Rustico Island, 4                |              |        | Boughton Island, 39         |              |        |
|                             |              |        | Governor's Island, 19            |              |        |                             |              |        |
| <b>Total.</b>               |              |        | <b>Total.</b>                    |              |        | <b>Total.</b>               |              |        |
| 8,373                       |              |        | 16,339                           |              |        | 7,563                       |              |        |

It will appear, according to the Act passed 9th March, 1838, to alter and amend the Act intituled "An Act to consolidate and amend the Election Laws," and on reference to the above schedule, that the Electoral Districts are divided to suit party purposes. The Counties are divided according to the number of acres of land, and the subdivisions are made to bear some proportion to the number of inhabitants, so that the first fourteen Townships, containing 280,000 acres, are only to have two Representatives; and the next nine Townships, which include Princetown, give a representation of six members, for 184,000 acres of land—a combined influence in a small tract of country; while one of the Districts in Queen's County contains the same quantity of acres, and number of inhabitants, with only two Representatives. The rest of the divisions are equally objectionable, although the difference is not so great.

No. 8.

Downing Street, 14th August, 1838.

Sir;—Having, in my recent interview with you, received your statements, and entered fully with you into the representations which you were prepared to make, on the state of the Tenantry of Prince Edward Island;

and having also considered the documents which you placed in my hands, I think it necessary, before further communication with you on the subject of your mission, to apprise you of the recent steps adopted by Her Majesty's Government, in regard to the affairs of the Colony.

In the course of last winter, several of the largest Proprietors concurred in selecting, as their Agent, Mr. G. R. Young, of Nova Scotia, who was at that time in this country. After many interviews with this gentleman, I received from him the document, of which a copy is herewith inclosed, being a proposal for the sale and settlement of lands in Prince Edward Island. It appeared to me that the terms thus proposed would, if acted on, be generally advantageous no less to the Tenantry than to the Proprietors; and in transmitting a copy of them to the Lieutenant Governor, I expressed to him that opinion, and directed him to endeavour, on all fit occasions, "to remove every unreasonable mistrust or apprehension under which the less informed classes of society may labour." You will, of course, understand that Her Majesty's Government have not directed Sir Charles A. Fitz Roy to interfere in any authoritative manner between the proprietors and their tenants, but have merely sanctioned such a mediation, on his part, as may appear most likely to restore harmony between all parties; and to promote the peace and welfare of the Island.

In regard to the Act to amend the Election Law of the Island, I have already informed you, that it had been sanctioned by Her Majesty in Council prior to the receipt of the Petition against it. I have therefore only to mention, that it was received at this office on the 25th April, and was submitted to Her Majesty in Council, and specially confirmed, on the 15th of last May—the Petition against its confirmation, signed by Mr. Collins, and others—a copy of which you delivered to me—was not received at this office until after that time.

I have the honor to be, Sir,

Your most obedient, humble serv't.

(Signed) GLENELG.

W. Cooper, Esqr.

15, Savile Place, Mile-End Road.

#### PRINCE EDWARD ISLAND.

*FIRST. Proposed Terms for conducting Sales of Lands in the Island of Prince Edward.*

Each Township belonging to the undersigned will be surveyed as the demand for land rises, roads laid out in the most judicious direction, and the land be parcelled out in lots of 100 or 200 acres each, with a frontage on the road of 10 chains to each 100 acres.

An upset price will be set on each lot, regard being had to quality and location, varying from six shillings

and three-pence; Halifax currency, to twenty shillings, Halifax currency, per acre; the great body of lands to be offered at the lesser or intermediate prices, and the higher for those lots only of the first quality, as to soil and convenience of location. The Government demand, for ungranted lands in the Island, twenty shillings per acre. The average price of land sold by the British North American Land Company last year, was nine shillings and two-pence per acre. The timber lands, sold in New Brunswick to Americans in large tracts, brought from ten shillings to fifteen shillings per acre. A tract belonging to the heirs of Sir John Wentworth, situate in the district of Pictou, in the Province of Nova Scotia, sold in 1835, from fifteen shillings to twenty shillings per acre; and the undersigned have the best authority for asserting their lands to be equal in soil, and more eligible for settlement, than any of the above referred to. By the British Packet, which arrived in December, one of the undersigned has received a proposal from a resident in the Island, for the purchase of 500 acres of his estate, at the price of twenty shillings currency per acre.

*Sale to be offered on the following Terms and Conditions.*

The purchaser, on paying 25 per cent. of the price, to be let into possession of the land, under an agreement to pay the interest annually, and to be entitled, on one half of the purchase money being paid, to have a deed in fee simple. The agreement to be in writing, and signed by both parties. Before going into possession, the buyer to execute a Warrant of Attorney in Ejectment, to be acted upon, if failure be made in the payment of interest or purchase money. To secure the other half of the purchase money, the purchaser to give a mortgage over the land, with a power of sale contained in it, and to execute a Warrant of Attorney in Ejectment, both to be drawn in conformity with the agreement.

As the purchaser is to receive the balance, if a sale should take place, over the money owing by him, it is his interest, as much as that of the Proprietor, that suits and legal expenses should be avoided. The power of sale and warrant are insisted upon, to save unnecessary expense.

The Proprietor to be bound in the said agreement and mortgage, to receive the balance of the purchase money, with the interest due, whenever tendered.

The purchaser to pay the remaining moiety in five equal annual instalments, with interest, charged at the rate of five per cent., due at the time of each instalment being paid; on failure of payment, the Proprietor to have the right of selling the lot.

If the Proprietor, in default of payment by the purchaser, determine to sell, four months' notice by adver-



tisement in an Island newspaper, must be previously given; and, upon a sale being made, the balance (if any), after deducting expenses, to be paid over by the Proprietor to the owner. After the four months' notice, the Proprietor to have the power of selling, at any future time, by public or private sale.

The purchaser, after he obtains his deed, to have the right to sell at any time to a third party; but the Proprietor to have the option of accepting the new purchaser as his debtor, for the balance of purchase-money due, or of retaining for such balance the liability of the first purchaser.

The buyer to take the land subject to the payment of quit rent, and any tax now imposed, or that may hereafter be imposed, upon the land.

**SECOND. Terms of settlement proposed to the present Tenantry.**

The occupying tenants to have the option of purchasing their farms at twenty years' purchase in every case, supposing the rents to be One Shilling per acre; if more rent be paid, this sum and proportion to be adopted as the maximum, and the tenantry to be allowed the same liberal conditions for paying the purchase-money as already stated; or they may continue to hold on lease, as may be most agreeable to them.

It is impossible to fix a standard to meet the circumstances of each individual case.

The Proprietors bind themselves absolutely, not to exceed the years of purchase above proposed with any tenant; but they are ready to open a negotiation with each of them, and to take into favorable consideration the circumstances, which the tenant is of opinion entitle him to a deduction.

The Proprietors have the clearest evidence to prove, that many settlements have been effected in past years by the tenants upon these terms, and that they will be most acceptable, at the present time, to the great body of the tenantry.

**LEASES.**

**THIRD. Terms proposed to Emigrants and New Settlers for Leases.**

To those who, in place of purchasing, prefer to remain as tenants, to emigrants, and to new settlers, the lands will be let in lots of 100 acres each, upon the following terms:

Leases will be granted for sixty-one years certain, or the longest of *Three Lives*, to be named when the Lease is executed, or for ninety-nine years, upon the following rents:—

First and Second year - - No Rent.

s. d.

Third year - - 0 3 per acre

Fourth year - - 0 6 ditto

Fifth year - - 0 9 ditto

Sixth year - - 1 0 ditto

} Sterling.

And to continue for the remainder of the term, at the rent of one shilling per acre, or five pounds sterling per 100 acres. The tenant to pay the quit rent, and all taxes now existing, or to be hereafter imposed upon land.

The rents to be paid by the tenant, either in money, or in grain, salted beef, pork, or butter, raised from the land, at the market price, to be delivered either at Charlottetown, or at some other shipping port, as may be decided upon by the Proprietor; and a written or printed notice to be given to the tenant, or left at his usual place of abode, at least one month previous to the day of payment. The grain and other articles named to be delivered in good marketable or shipping condition.

The rent to be paid in labor, if the Proprietor require it; but the tenant to have the option of paying in money, or produce raised from the land.

The tenant, at any future time during the continuance of the lease, to have the right of purchasing upon the same terms as before detailed.—This will appear as a condition in the lease.

The Term Day, for the payment of rents, to be the 20th of November in each year.

The undersigned hereby agree to be bound, absolutely, to the terms above stated, for the period of five years, from the 1st of May next.

They submit those terms as to price, and for the facility and purposes of settlement, as more liberal and advantageous than if the lands were ungranted, and remained now under the control of the Government. If still at the disposal of the Crown, the upset price would be as high, if not higher, than they demand, and the purchasers could not enter upon the land, or enjoy title, until the whole of the price had been paid down: they offer to receive their payments by instalments. To lease the lands, as they propose, is a plan which the Government has not attempted in any other Colony, and which could not be introduced, except at an expense which the undersigned believe would exceed the receipts. Their proposal to accept the rents in labor, or in produce, it is clear, could not be done, except by private individuals. They accept interest at 5 per cent. in place of 6 per cent. which is the legal rate in the Island, and in the neighboring Colonies of Nova Scotia and New Brunswick.—Further, the above terms now proposed are even more liberal and conciliatory than those suggested by Sir John Harvey, while he held the administration of the Government; and they have his assurance by letter, that if the terms submitted by him were agreed to, every ground of dissatisfaction would be removed.

They refer, in conclusion, to the third head of the proposals, as a fresh proof of the anxiety they really feel, to promote the settlement of the Island, and to

carry on a regular and extensive system of emigration; if the local authorities and the legislature would employ their influence to suppress the present disturbances, to vindicate the execution of the laws, and to support the rights of the undersigned, which are founded upon the sanction of the law, and entitled as they are to favour, from the liberal spirit in which they have been, and are still, disposed to exercise them.

(Signed) *George R. Young*, Solicitor and  
Counsel for  
*A. Colvile*, Executor of Thomas  
Earl of Selkirk.  
*David Stewart*.  
*Robert Stewart*.  
*Robert Bruce Stewart*,  
*Sir Thomas Sorrell*, and others.

London, 27th January, 1838.

No. 9.

15, Savile Place, Mile End,  
16th August, 1838.

MY LORD;—I have to acknowledge the receipt of your Lordship's Letter of the 14th inst., together with a document purporting to be 'A proposal for the sale and settlement of lands in Prince Edward Island, by Mr. G. R. Young, of Nova Scotia, as Agent to several of the Proprietors of the Grants of this Island.'

Proposals for a compromise between the Grantees and the Inhabitants were made by the present Governor shortly after his arrival in the Island, and I beg leave to refer your Lordship to the Address of the inhabitants of King's and Queen's Counties, presented to the Governor on the 17th November last, where their answer will appear in these words—'Your Excellency was pleased to offer your mediation with the proprietors to obtain for the tenantry more liberal terms from their landlords. We have, therefore, at your Excellency's earnest desire, taken the same into our consideration, and we find, upon a careful inquiry into the circumstances of the case, and give it as our opinion, that the grantees have already had sufficient indulgences from Government, and can have no claim upon the gratitude of the tenantry. If terms were made with pretended proprietors, there can be no doubt, but they will, as formerly, upon every favourable occasion, continue to display the lust of avarice and power, to deprive the inhabitants of their privileges and their property.' At the time when the above address was agreed to, it was generally understood that the grantees would reduce the rents to Sixpence per acre, and extend the term of leases to 999 years.

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To treat with the grantees under any proposals would be to sanction a system of fraud, to deprive the Crown of its rights, and the inhabitants who have improved the Colony of the value of their labour and capital. My duty is therefore to solicit the Crown for justice, that the forfeited lands may be revested in the Crown, and the inhabitants settled, to secure to them that interest in the soil they are justly entitled to by their labour.

Your Lordship has been pleased to inform me that the Act to amend the Election Law of the Island received Her Majesty's special confirmation on the 15th last May, and (if I have rightly understood your Lordship) the Royal Assent was given to it, in consequence of the Governor withholding the necessary information, which would have enabled Her Majesty's Government to see the partiality and injustice of such an enactment.

I can only say, that every possible exertion has been made by the inhabitants for two years past, to prevent factious and oppressive measures being enacted into laws; and the Act in question has not received the sanction of the people, nor is entitled to the solemnity of a law by receiving the Royal Assent. It was got up and hurried through every stage, as a proof of guilt, hastened away to be disposed of like a thing stolen; and it is my duty in behalf of the injured portion of the inhabitants, to enter my solemn protest against its going into operation.

The Government might in some measure prevent its injurious effects, by the Escheat of the forfeited lands and the settlement of the inhabitants; in that case there would be less inducement for factions to oppress the people, and consequently a more general desire for the welfare of the colony.

I have the honor to be,

My Lord,  
your Lordship's most ob't.  
humble servant,

(Signed,) WILLIAM COOPER.

To the Right Honorable  
Lord Glenelg,  
Colonial Office, Downing Street.

No. 10:

Downing Street, 25th August, 1838.

SIR;—I am directed by Lord Glenelg to acknowledge your letter of the 16th inst., offering some observations in regard to the terms proposed by certain proprietors of land in Prince Edward Island to their tenants.

Until Lord Glenelg shall be informed of the manner in which those terms have been received by the tenants, he must decline canvassing the question with any third party. But in order to prevent misconstruction, his Lordship takes this opportunity of apprizing you, that is not the intention of Her Majesty's Government to establish a general Court of Escheat in Prince Edward Island, or to take proceedings for enforcing the forfeiture of the lands on which the original conditions of the Grants have not been complied with. After very fully considering the subject, Her Majesty's Government decided, and announced their decision, that such a course would be inconsistent with justice, with sound policy, and would tend only to unsettle the minds of the inhabitants of Prince Edward Island, and to shake the rights of property in that Colony.

Having attentively weighed the observations which you have submitted to Lord Glenelg in more than one interview, his Lordship does not see any reason for departing from that decision. If, however, under the

special circumstances of any individual case, steps should be taken for forfeiting a grant, the Government would not, as appears to be anticipated, make a free Grant of the lands so forfeited to the actual settlers, but would then consider what conditions should be imposed on the purchase or lease of that land, whether to the persons in actual possession or to others.

With regard to the Act for amending the Election Law in Prince Edward Island, I am to state, that that Act having become law, it is not possible for Her Majesty's Government to alter it, except with the consent of the Local Legislature; and until it be so altered, it is of course obligatory on all Her Majesty's subjects inhabiting the Colony.

I have the honor to be, Sir,  
your most obedient  
humble servant,

(Signed,)

GEORGE GREY.

W. Cooper, Esq.

# APPENDIX

## (B.)

[SEE PAGE 73.]

**Y**OUR Committee, appointed to examine into and report upon the documents laid before the House of Assembly, relative to the extent and boundaries of the Royalty of Georgetown, and the circumstance of a certain portion of the lands within the limits of that Royalty having been declared and acted upon by the Surveyor General of this Island as lands not within, but adjoining, the said Royalty; and also on the fact of so much as Four hundred Acres of the said portion of Royalty Lands having been, in the year 1834, granted, under the Great Seal of this Island, to one individual, namely, R. S. Cumming, Esq., M. D., having had the several matters under their consideration, have to report—that having had before them the Hon. George Wright, Her Majesty's Surveyor General of Lands in this Colony, the information obtained from him on the several matters on which he was interrogated by your Committee, is as follows:—

COMMITTEE ROOM,  
House of Assembly.

The SURVEYOR GENERAL examined.

**Q.** How long have you been Surveyor General?

**A.** Eleven years.

**Q.** On your appointment, did you receive any Plans, and Books descriptive of the plans?

**A.** I received all the Plans found in the Office of my predecessor, but no Books descriptive thereof.

**Q.** Was a Plan of the Town and Royalty of Georgetown among the Plans?

**A.** There were three Plans of the Town and Royalty of Georgetown among the Plans delivered to me.

**Q.** Is there a description of the Town and Royalty of Georgetown in the Book descriptive of the Lands of this Island which you received?

**A.** I received no Book containing a description of the Town and Royalty of Georgetown.

**Q.** Can you give any reason why a description of Georgetown is wanting?

**A.** I can give no reason why a description of Georgetown is wanting.

**Q.** After all the Townships in this Island, in the Book descriptive of the Plans, are numerically stated to No. 65, why is there a full half leaf of the Book taken out, and the writing on the back thereof rendered illegible?

**A.** The Book referred to in this question is private property.

**Q.** As there does not appear to be any authentic description of the Royalty of Georgetown, in any of the

Government Offices, on what authority did you describe the Grant to Doctor Cumming as land adjoining the Royalty of Georgetown?

**A.** By the authority of the documents of my office, and in obedience to a Warrant of Survey, to me directed, bearing date the 17th day of May, 1834.

Here your Committee beg to remark, that the documents referred to are mere Plans, and not written descriptions, and that the information on which the Warrant of Survey was drawn must have emanated from the Surveyor General himself.

**Q.** After the arrival of Doctor Cumming in this Island, were you requested to furnish to the Government a statement of the quantity of land held by the Crown?

**A.** In the year 1832, I received instructions from the late Lieut. Governor Sir Aretas William Young to furnish him with a Return of all Lands then at the disposal of the Crown.

**Q.** Under what description did you give the lands North-eastward of the Town and Royalty of Georgetown?

**A.** I described the lands North-east of the Common of Georgetown as land "adjoining the Royalty of Georgetown."

**Q.** On what authority did the Lands receive this description?

**A.** On the authority of the documents of my Office.

**Q.** How many acres do the Town and Royalty of Georgetown contain?

**A.** The Town, Common and Royalty contain 2,745 acres.

**Q.** How many Pasture Lots are there in Georgetown Royalty?

**A.** Two hundred and eighty-six.

**Q.** How many Pasture Lots are there in Princetown Royalty?

**A.** Four hundred and twelve.

**Q.** How many Town and Water Lots are there in the original Plan of Georgetown and Royalty?

**A.** Three hundred and fifty-two Town Lots, but no Water Lots.

**Q.** How many Town and Water Lots are there in Princetown Royalty?

**A.** Five hundred and twenty-nine Town Lots, but no Water Lots.

Your Committee, on referring to the mutilated remains of the original Plan [of the first Survey of this Island, as performed by Captain Holland, in the year 1764, and now kept in the office of the said Surveyor General, observe, that no distinction of Lands for different purposes is given

on that laid off for Georgetown and Royalty, but the same is merely described as one tract of 4000 acres.

That upon reference to the records of the proceedings of the Land Commissioners of his late Majesty King George the Third, for Trade and Plantations, relative to this Island, they find, that on the 5th July, 1767, the following method was arranged and adopted by that Board, for the settlement of the several tracts of Land laid off for the Towns of this Island, viz:—

(EXTRACT No. 1.)

(Copy.)

WEDNESDAY, July 8, 1767.

AT A MEETING OF HIS MAJESTY'S COMMISSIONERS FOR TRADE AND PLANTATIONS.

Present,

Lord Clare,

Mr. Fitzherbert, Mr. Robinson.

Resolved, That it be recommended, that all such parts of the Island of St. John's as have been reserved and set apart for the building of Towns, as delineated upon the Survey, and expressed and described in the explanatory Table referring thereto (Appendix No. 2, hereunto annexed), be laid out for that purpose in manner following, that is to say:—

That the number of Lots for Houses in each Town, and the extent of the Town itself, be determined at the discretion of the Surveyor appointed to lay out the said Town, and who is to exercise his judgment in this matter, according to the nature and situation of the ground.

That great care be taken in laying out the ground for each Town, that proper parts thereof are reserved and allotted for the site of a Church, Town House, Market, and other necessary Public Buildings.

That the Lots for Houses be of different extent, so that none do exceed sixty feet in front, and one hundred feet in depth.

That after the site of the Town shall have been so laid out, fixed and ascertained, the remainder of the Land contained in the reservation marked upon the survey, be disposed of in manner following, that is to say:—

That a proper district and in a convenient situation be marked out and set apart for a Common to each Town, of such extent as shall be proportioned to the size of the Town.

That the residue of the Lands be laid out into Pasture Lots, proportioned in number and extent to the number and size of the Town Lots, allowing one acre of Pasture Lot for every ten feet in front of the Town Lot.

That if the residue of the Town Lots, over and above what shall be necessary for the Town, shall not be sufficient in quantity for Common and Pasture Lots, according to the above plan, that the Land to be assigned to each Town Lot for a Pasture, shall be less in quantity, keeping, however, the same proportion; and if, on the contrary, there should be more than a sufficiency for the above purpose, according to the said proportion, the surplus to remain as demesne Lands of the Crown, subject to such future disposition as His Majesty shall direct.

Resolved, That it be recommended that the above mentioned Town and Pasture Lots be granted in fee simple, under the Seal of the Province of Nova Scotia, to such person or persons as will give proper security to build within a reasonable time upon the Town Lot, and to enclose and fence and properly clear for Pasture, the Lots set apart for that purpose, but no one person to have a grant of more than one Town and Pasture Lot.

That in every Grant of a Town and Pasture Lot there be a reservation to His Majesty, his Heirs and Successors, of a ground rent on the Town Lot of One Penny, for every foot in front, and a Quit Rent on the Pasture Lot, of Three-pence per acre.

And it further appears, that such proceedings were annexed to and formed part of the Royal Instructions of his said Majesty King George the Third, issued to the Governor of this Island in the year 1769; but on reference to those Instructions in the Colonial Secretary's Office, that part referred to in the above Resolution, as Appendix No. 2, has, from accidents, the effects of time and usage, or some other unaccountable cause, been detached from the original document, and is not now forthcoming. This defect, however, has been supplied by the copy of those Instructions deposited in the Library of the House of Assembly, which your Committee have every reason to believe authentic, inasmuch as it had been claimed by the late Lieut. Governor Sir A. W. Young, as part of the Government Records, and originally belonged to Lieut. Governor Desbrisay, and from which the following is an extract:—

(EXTRACT No. 2.)

"Georgetown, 4000 Acres, bounded as follows:—on the North, by Cardigan River; on the South, by Brudenell and Montague Rivers; on the East, by Cardigan River; on the West by the Division Line of Lot No. 53, North and South, One mile and 4000 feet.

"This County Town Lot has a great many advantages from its situation, as having the inland communication by Montague, Cardigan and Brudenell Rivers; and is surrounded by water. It is set by the Division Line of Lot No. 53."

That upon ascertaining how far the aforesaid recommendations of the Commissioners for Trade and Plantations were carried into effect, your Committee find, that with respect to Charlottetown, the Lots within the said Town, although one-fourth more in area than those within Georgetown, have only the same extent of front, viz: 84 feet; and the Pasture Lots of Charlottetown are 12 acres each—by which relative proportion of land between the Charlottetown Pasture and Town Lots, it appears, that even a greater extent of the Lands laid off for Charlottetown were appropriated for its Royalty, than was recommended by the said Commissioners. The number of Town Lots in Georgetown being 352, the quantity of Land necessary to afford each of those Town Lots a Pasture Lot of the proportionate size recommended by the said Commissioners, for Pasture only, would be 2958 acres: whereas, the quantity of Land at present in the Royalty of Georgetown, as deduced from the aforesaid statement of the Surveyor General, is only 2288 acres, which would leave a deficiency, in acting on the above arrangement, of 669 acres; and if we add to this a Pasture Lot for each of the 32 Water Lots contained in Georgetown, the deficiency would be increased to 940 acres, which quantity comes to within 60 acres of the contents of the tract described by the Surveyor General as "adjoining the Royalty;" therefore, it evidently appears, that if any Lands were in fact originally reserved as demesne Lands of the Crown, they could only amount to sixty acres. On making a calculation at 8 acres for such Pasture Lot, being the quantity actually laid off, it would further appear thus—

Town and Common, as deduced from the Surveyor General's statement,

Quantity of Royalty Land required to admit of a Pasture Lot of 8 acres to each of the Town Lots

Total quantity of land returned by the Surveyor General, in Town, Common and Royalty

Difference,

To this, if we add Pasture Lots required for 32 Water Lots in the said Town, not included in the above, at 8 acres each

Acres,

Thus it would appear, that if the recommendations of the said Commissioners had been adhered to, by allowing an 8 acre Pasture Lot for each and every Lot in the Town, there would be required 784 acres of Royalty Land, in addition to the quantity of Royalty Lands returned by Mr. Wright—making it therefore evident to your Committee, that the land stated by the Surveyor General as "adjoining the Royalty," is part and parcel of the Royalty itself.

It further appears to your Committee, that if it were originally intended that the said Royalty should contain only 2288 acres, according to Mr. Wright's calculation, the recommendations of the Commissioners for Trade and Plantations, and Royal Instructions hereinbefore recited, could not have been complied with, as there are nearly 100 Pasture Lots wanting, to give a Pasture Lot to each Town and Water Lot—there being 384 Town and Water Lots, and only 286 Pasture Lots.

Your Committee herewith submit an office copy of the Plan of the Town and Royalty of Georgetown, whence it appears that the tract of land stated by the Surveyor General as reserved Lands, lies East and North of the Common of said Town; and although distinguished on said Map by a line purporting to divide it from the Royalty, it appears to be merely a continuation of the Western Boundary Line of the Common to Cardigan River shore. Your Committee cannot discover that such line was run or laid down by any authority of the Government of this Island, and no circumstance within the knowledge of your Committee could, in their opinion, have warranted the Surveyor General in acting on and representing such line as the limit of the Royalty, and thereby excluding a portion of about 1000 acres of the most convenient and valuable part of the Royalty.

That on the said land being described by the Surveyor General as adjoining the Royalty, and at the disposal of the Crown, 400 acres thereof were granted to one individual, namely, R. S. Cumming, Esq., M. D., late of the 7th Hussars, and valued at only Ten Shillings sterling an acre; while 120 acres adjoining that granted to Doctor Cumming were, at the same time, sold by the Surveyor

General at the sum of Two Pounds currency per acre; and while the Water Lots in Georgetown, some of which are less than 70 paces from the land so granted to Doctor Cumming, and averaging about half an acre each, were sold by the said Surveyor General at prices varying from Twenty to Thirty Pounds each.

That in addition to the loss of £200 to £500 sustained by the Crown in its Territorial Revenue, by the aforesaid Grant, independent of the £200 to which Doctor Cumming was entitled, it appears unnecessary for your Committee to remark on the great impolicy of granting, to one individual, such a large proportion of the said Royalty Land, namely, one tenth part thereof, with power of holding the same at pleasure, and of exercising that undue influence at Elections, in so limited a constituency, which such an extensive Grant would in future insure for its owner.

Your Committee, however, are sensible, that had the Home Government been made acquainted with the facts of the case, they would not, under any circumstances, have allowed the said lands to be diverted from their originally intended purposes, as recommended by the Commissioners of the Board of Trade and Plantations.

Your Committee have also had the Hon. Robert Hodgson, Her Majesty's Attorney General, before them, whose examination, touching the several matters to your Committee referred, is as follows:—

The ATTORNEY GENERAL, Examined.

Q. How long have you been Attorney General of P. E. Island?

A. I have been Attorney General of this Colony for upwards of Eleven years last past.

Q. From the Extract of the Royal Instructions now exhibited, marked No. 1, what do you think the original intentions of Government were for the settlement of the Towns and Royalties?

A. I should suppose that the original intentions of Government for the settlement of Towns and Royalties were only those expressed in the Extract from the Royal Instructions referred to, marked 1, which are so clearly stated therein, that it is unnecessary to embody them in this answer.

Q. Were you in Charlottetown when Doctor Cumming received the grant of 400 acres of the said Royalty of Georgetown?

A. No—I was in England at the time.

Q. Have you any reason to doubt that the Royalty of Georgetown is not 4000 acres, and that the land granted to Doctor Cumming, as land adjoining the Royalty of Georgetown, forms part of the Royalty, as declared by all the Colonial Enactments referring thereto, and the Extract marked No. 2?

A. From the Extract marked 2, I am of opinion that the Royalty of Georgetown was intended to contain 4000 acres of land; and by the Acts of the General Assembly of this Island, 6th Will. 4, cap. 24, and 7th Will. 4, cap. 31, it appears to me that the Legislature has declared such reserved Lands to be a part of the Royalty of Georgetown, and that they must be now so taken. But I am aware that the Surveyor General has always contended that the said reserved lands formed no part of the said Royalty, and stated his opinion to be founded on Plans and Documents in his office, to which I have had no reference.

**Q.** Had you been at home, and consulted as a Crown Officer, would you have advised the Administrator of the Government to grant such a quantity of the Royalty of Georgetown as 400 acres, to any individual, under any circumstances—particularly when there was every prospect that Georgetown must rapidly advance in importance, having a harbour second to none in the Gulf of Saint Lawrence?

**A.** Had I been in the Colony, and consulted as a Crown Officer on the occasion alluded to, my present impression is, that I should have advised against making a Grant of such a quantity of said reserved land to any individual, unless it had appeared to me that the order for making such Grant from the Home Government was so peremptory as to admit of no discretion on the part of the Administrator of the Government.

**Q.** Are you of opinion, from all the circumstances of the case, and from the state of the Town and Royalty at the passing of the Grant, that it was an improvident grant?

**A.** Considering the purpose for which said land was reserved (which I understand to be for carrying on a fishery), and the facilities afforded by the situation of the harbour of Georgetown for carrying on an extensive fishery, I have always considered it an improvident grant.

[The extracts referred to in the foregoing examination are those respectively marked Nos. 1 and 2, in the former part of this report.]

Your Committee further beg leave to submit a copy of the order by which Doctor Cumming received the said Grant, viz:—

(Copy.)

DOWNING STREET, 4th April, 1834.

No. 9.

SIR;

I have the honour to acknowledge the receipt of your Despatch, No. 69, of the 21st of January last, transmitting a copy of a letter from three officers on half pay, who claim land under the General Order of the 1st of August, 1831; and considering the impression under which those officers emigrate, I am willing to authorise you to make them an allotment of Wilderness Land, commensurate, at

the rate of Five Shillings per acre, with the amount of the remission of purchase money, to which they are entitled.

I have the honour to be, Sir,

Your most obedient humble Servant,

(Signed)

E. G. STANLEY.

Lieut. Governor Young, &c., &c., &c.,

Your Committee beg leave to remark, that the said Order does not appear to be peremptory, nor could it have been so taken, as the land was sold to Doctor Cumming at ten shillings, sterling, per acre; whereas, had the order been considered peremptory, the Administrator of the Government would not have felt at liberty to have acted otherwise than in strict conformity therewith. The reference, therefore, by the Attorney General to a peremptory order, appears decidedly against those who concurred in passing said Grant.

From the several examinations and documents now humbly submitted by your Committee, they have come to the following conclusions:—

1st. That the land said by the Surveyor General to be adjoining the Royalty of Georgetown, forms part and parcel of the Royalty itself.

2nd. That the Grant to Doctor Cumming was given under suggestions which appear to be unfounded in fact.

3d. That a Grant of so great a portion of the Royalty as one tenth part thereof, or 400 acres, to one individual, is improvident.

Under these circumstances, your Committee humbly recommend to your Hon. House, to address Her most gracious Majesty on the subject, praying, for the aforesaid reasons, that the said Grant to Doctor Cumming be rescinded, and other provision made for that individual in lieu thereof. All which is humbly submitted.

JOHN THOMSON,  
JOSEPH DINGWELL,  
DONALD MACDONALD,  
J. W. LE LACHEUR.

Committee Room, 23d April, 1839.

# APPENDIX

## (C.)

[SEE PAGE 74.]

**Y**OUR Committee, appointed to inquire into the state of the Library of the Legislature, respectfully report, that the Books now contained therein amount to 530 volumes, comprising many highly valuable Works, among which is a part of the Public Records of the United Kingdom, received from London in the month of July last, having been beneficently presented by direction of the Parent Government, for the use of the Legislature; a large proportion of this handsome donation, however, together with a copy of the Journals of the House of Commons, intended to have been forwarded with the above works, your Committee regret to find, have not reached the Colony, and upon comparing the works received with the list of those transmitted to the other Colonies, the following appear to be deficient, viz:—

Statutes of the Realm,  
Acts of Parliament of Scotland,  
Rymer's Fœdera,  
Inquisitionum ad Capillam Domini Regis Retornatarum  
qua in Publicis Archivis Scotiæ adhuc servanter,  
abbreviatio.  
Inquisitionum Post Mortem Calcedarium.  
Ducatus Lancastriæ—Calendar to Pleadings.  
Calendarium Rotulorum Chartarum et Inquisitionum ad  
quod Damnum.  
Calendarium Rotulorum Potentium.  
Valor Ecclesiasticus. Hen. S.  
Ecclesiasticus Taxatio. Cuca A. D. 1291.  
Registrum Magni Sigilli, 1306, 1424.  
Testa de Neville sive Liber Fiodorum in Curia Scaccarii.  
Manuscripts in the Cottonian Library,  
*Id.* Harleian Collection,  
Catalogue of Lansdowne Manuscripts in British  
Museum.  
Proceedings in Chancery. Queen Eliz.  
Placita de Quo Warranto, Temp. red. 1, 2 & 3.  
Reports of Commissioners on Public Records, from 1819.  
Rotulus Cancellarii.  
*Id.* Magnus Pipæ.  
Journals of the House of Commons.

As no Catalogue or list of the Books has yet been received in this Island, your Committee are at a loss to account for the deficiency, but have no doubt it has proceeded from some mistake or inadvertency, on the part of those entrusted with the business of transmitting them to this Colony; and they therefore recommend that an humble address be presented to His Excellency the Lieutenant Governor, expressive of the grateful thanks of the Legislature for the Works already received, and respectfully requesting that His Excellency will be pleased to apply to the proper authorities for the Books enumerated above, with any supplementary volumes belonging to the set, when your Committee have every confidence that such application will be readily attended to.

Your Committee, on considering the accommodation of issuing Books to the Members of the Legislature, which will in future be required as well during the adjournment as during the Session thereof—and the necessary safe-keeping and preservation of the works themselves, many of which are bound in a handsome style, respectfully suggest the necessity of the appointment of a Librarian, with a salary not exceeding Ten Pounds per annum, who should be held responsible for the safe keeping of the books.

Your Committee would recommend that, for the guidance of the Librarian, the use of the Library, and its general management in future, should be subject to certain Rules, to be established by a Joint Committee of the Council and Assembly, which Committee shall have power to appoint a Librarian, and also be empowered to act during the vacation.

EDWARD PALMER,  
DONALD MONTGOMERY,  
FRANCIS LONGWORTH,  
JOSEPH POPE,  
THOMAS GORMAN,  
JOHN ARBUCKLE.

Committee Room,  
April 24th, 1839.





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2. Letter from the Bishop of Nova Scotia to Lord Glenelg, on same subject, dated 23d July, 1838.

3. Observations on the Joint Report of the Council and Assembly, on the subject of the Glebe and School Lands, by certain individuals in Charlottetown, and transmitted by the Bishop of Nova Scotia to Lord Glenelg.

4. Second Letter from the Bishop of Nova Scotia to Lord Glenelg, of the same date as the former.

5. Report of the Law Officers of the Crown, relative to the exclusive right of the Church of England to the Lands reserved for Churches and Glebes.

(B.) 1. Despatch from Sir Charles A. Fitz Roy to Lord Glenelg, on the subject of the Fishery Reserves.

2. Return of the Reservations for carrying on a Fishery, contained in the original Grants of the several Townships in Prince Edward Island.

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5. Despatch from Sir Charles A. Fitz Roy to Lord Glenelg, dated 26th July, 1838.

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6. Despatch from Lord Glenelg to Sir Charles A. Fitz Roy, dated 14th September, 1838.

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