

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below /
Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12x		16x		20x		24x		28x		32x	

JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF
PRINCE EDWARD ISLAND.

ANNO QUINTO
GULIELMI IV. REGIS.

SECOND SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.



CHARLOTTE TOWN:

Printed by JAMES DOUGLAS HASZARD, Printer to the King's Most Excellent Majesty.

1835.



BY HIS EXCELLENCY

Sir **ARETAS WILLIAM YOUNG**,

Knight, Lieutenant Governor and Commander in Chief, in and over His Majesty's
Island Prince Edward, and its Dependencies, Chancellor and Vice-Admiral

A. W. YOUNG, of the same, &c. &c. &c.
Lt. Governor.

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

WHEREAS the General Assembly of this Island stands prorogued to Monday, the
Twenty-fifth day of May next, and it is expedient, for special reasons, that a Meeting
of the said General Assembly should be sooner held, for the Dispatch of Business:

I have therefore thought fit to summon the said General Assembly, and the same is hereby
summoned to meet on Wednesday, the Twenty-ninth instant, for the **DISPATCH** of **BUSINESS**
—of which all Persons concerned are required to take Notice, and govern themselves accordingly.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 13th
day of April, in the year of our Lord One thousand eight hundred and thirty-five,
and in the Fifth Year of His Majesty's Reign.

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

JOURNAL

OF THE

LEGISLATIVE COUNCIL.

COUNCIL CHAMBER,

WEDNESDAY, April 29th, 1835.

In pursuance of the foregoing Proclamation, the Legislative Council met.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables

George Wright,
Ambrose Lane,
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

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

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

Mr. President, and Gentlemen of His Majesty's Council;

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

I regret the occasion which compels me to call you from your homes at a season of the year so inconvenient to your usual avocations; but it is rendered imperative on my part again to meet you thus early in General Assembly, in consequence of being left, at the close of the last Session, without the supplies necessary to the due and effectual support of the Government.

I venture, however, to express my earnest hope, that you will now, in your collective wisdom, be enabled to adopt such measures as will relieve the Colony from those difficulties which at present threaten it.

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

I shall cause the Estimates for the service of the current year to be laid before you, depending upon your liberality to vote such supplies as will enable me to meet the necessary and unavoidable expenditure of the Government.

Mr. President, and Gentlemen of His Majesty's Council;

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

Since the termination of the last Session of the Assembly, I have received communications from His Majesty's Principal Secretary of State for the Colonies, conveying His Majesty's pleasure upon the several Acts passed in the Sessions 1832 and 1834, copies of which I shall take an early opportunity of directing to be laid before you.

I have much satisfaction in being enabled to state to you, among the Bills to which His Majesty's approval has been signified, are the Marriage Bill and the Boundary Bill, which will render unnecessary the transmission of your joint Address to His Majesty upon these highly interesting and important measures.

In leaving you to resume the important duties which now devolve upon you, I trust that your united deliberations will be conducted with that spirit of harmony and good understanding, without which all our exertions to benefit the Colony must prove futile and fallacious.

The Speech being ended, His Excellency was pleased to retire, and the House of Assembly having withdrawn, the President reported His Excellency's Speech, which being read by the Clerk,

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

Ordered, that *Mr. Lane*, *Mr. Brecken* and *Mr. Smith* be a Committee to prepare a draft, pursuant to the above Resolution.

Ordered, that *Mr. Worrell* and *Mr. Attorney General* be a Committee to revise the Journals of the House each day.

Ordered, that *Mr. Wright* be appointed to examine into, and report upon such Laws as are near expiring.

On motion, Ordered, that the *Rev. Louis Charles Jenkins* be appointed Chaplain, and that he be requested to attend the Council to-morrow at 11 o'clock, and each succeeding day during the Session, for the purpose of reading Prayers.

His Excellency the Lieutenant Governor, requiring the personal attendance of *J. P. Collins*, Esquire, the Clerk of this House, *Mr. Charles Desbrisay* was appointed to act as Clerk during the present Session; who having taken the Oath of Allegiance, and also the Oath of Office, took his seat accordingly.

Adjourned until 11 o'clock to-morrow.

LEGISLATIVE COUNCIL.

THURSDAY, April 30th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*
Ambrose Lane,
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

Mr. *Lane*, from the Committee appointed to prepare a draft of an Address, in reply to His Excellency's Speech, reported, that they had prepared a draft of the same, which is as follows, viz:—

To His Excellency Sir JRETTAS WILLIAM YOUNG, Knight, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice-Admiral of the same, &c &c. &c.

May it please Your Excellency,

We His Majesty's faithful and loyal Subjects, the Members of the Legislative Council, in General Assembly convened, beg leave to thank your Excellency for your Speech delivered at the opening of this Session of the Colonial Parliament.

We extremely regret that your Excellency should have been left, at the close of the last Session, without the Supplies required for the support of your Government, and are fully satisfied of the necessity that existed for again calling us together thus early.

We sincerely hope that such measures may be adopted as will relieve the Colony from the great difficulties which threaten it at present.

The information communicated by your Excellency of His Majesty's pleasure having been signified upon the Acts passed in the Sessions of 1832 and 1834, particularly as regards His Majesty's approval of the 'Marriage Bill' and the 'Boundary Bill,' is truly gratifying; and we thank your Excellency for your intention of causing us to be furnished with copies of the Communications relating to the same—We rejoice that a necessity no longer exists for troubling His Majesty with our Joint Address upon this subject.

Fully convinced that the true interests of the Colony cannot be advanced unless a spirit of harmony and good understanding exists between the several branches of the Legislature, your Excellency may rest assured, that in all our deliberations the best efforts of the Council shall be directed to promote and maintain that desirable end.

Which Address being read by the Clerk, was agreed to by the House, and ordered to be engrossed.

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

Ordered, that a Committee, consisting of Mr. *Lane*, Mr. *Brecken* and Mr. *Smith*, do wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House.

The President laid before the House the following Communication from William Tyng Peters, Esq., the Clerk of the Legislative Council of New-Brunswick, enclosing a Resolution of that House, together with the Journals referred to in the said Communication:

FREDERICTON, NEW-BRUNSWICK,

24th March, 1835.

SIR,

By direction of the Honourable the Legislative Council of this Province, I have the honour to forward to you, by Mail, a copy of the Journals of that House, and also to inclose a copy of a Resolution recently passed that House; and to acquaint you, the Laws of this Province (now under revision), will be forwarded to you at the earliest moment they can be obtained, and in future they will be transmitted to you annually.

I will feel obliged, by any aid you can afford me further, to carry into effect the wishes expressed in the Resolution.

I have the honour to be

Your most obedient Servant,

(Signed)

WILLIAM TYNG PETERS, C. L. C.

J. P. Collins, Esq., Clerk of the Legislative
Council, P. E. Island.

NEW-BRUNSWICK, Legislative Council Chamber,

11th March, 1835.

RESOLVED, That the Clerk be directed to make arrangements for interchanging the Laws of this Province with the General Legislative Councils of Lower Canada, Upper Canada, Nova Scotia and Prince Edward Island, for the Laws of those Provinces respectively, for the use of this House—such arrangement to extend to the existing Laws of the several Provinces, as well as to any future Laws to be passed.

A true Extract.

(Signed)

WILLIAM TYNG PETERS, C. L. C.

Ordered, that the Clerk of this House be directed to acknowledge the receipt of the foregoing Communication from the Clerk of the Legislative Council of New Brunswick, and therein express the thanks of this House for the courtesy of the Legislative Council of that Province, in forwarding a copy of their Journals—and that he do, at the same time, communicate the following Resolution, viz:—

Resolved, That arrangements be forthwith made for an interchange of the Laws of this Island with the Legislative Council of New Brunswick, for the Laws of that Province, for the use of this House—such arrangement to include any Laws hereafter to be passed.

Ordered, that the Clerk do transmit to the Clerk of the Legislative Council of New-Brunswick a copy of the Journals of this House, as far as the same shall have been printed.

Mr. Lane, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House, reported, that His Excellency had been pleased to say that he would receive the Address to-morrow at One o'clock.

Adjourned until 12 o'clock to-morrow.

FRIDAY, May 1st, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables

George Wright,
Ambrose Lane,
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

The Council adjourned, to wait upon His Excellency with their Address: And being again met, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer, viz:—

Gentlemen,

Your assurance that in all your deliberations your best efforts will be directed to promote and maintain a spirit of harmony and good understanding with the other branch of the Legislature, is what I was fully prepared to receive from you.

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

“An Act to explain an Act passed in the Second year of His present Majesty’s Reign, intituled ‘An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future,’ and to provide for the public Registry of the same.”

“An Act to continue four several Acts therein mentioned.”

Read the said Bills a first time.

Mr. *Attorney General* obtained leave to absent himself to-morrow.

Adjourned until 12 o’clock to-morrow.

SATURDAY, May 2d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables

George Wright,
Ambrose Lane,
Charles Worrell,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

Read a second time, the Bill intituled “An Act to continue four several Acts therein mentioned.”

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

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

Adjourned until 12 o’clock on Monday next.

MONDAY, May 4th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;
 The Honourables { *George Wright,*
 Ambrose Lane,
 T. H. Haviland,
 Charles Worrell,
 The Attorney General,
 J. Spencer Smith.

PRAYERS.

READ the proceedings of Saturday.
~~The~~ Message from His Excellency the Lieutenant Governor, by
 Mr. Secretary Collins:

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, two Despatches from the Earl of Aberdeen, transmitting four Orders of His Majesty in Council allowing various Acts passed by the Legislature in the years 1832 and 1834; and also another Despatch, transmitting two Orders of His Majesty in Council disallowing two certain Acts therein mentioned.

Government House, May 1st, 1835.

[COPY.]

No. 3.

DOWNING STREET, 17th January, 1835.

SIR,

Various Acts passed by the Legislature of Prince Edward Island, in the year 1832, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty their opinion, that these Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 20th ultimo, approving that Report.

I also inclose an Order of His Majesty in Council, bearing the same date, specially confirming and finally enacting Act No. 332.

I have, &c.

(Signed)

ABERDEEN.

Lieut. Governor, Sir A. W. Young.

AT THE COURT AT SAINT JAMES'S, THE 20th OF DECEMBER, 1834.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY,

Lord Chancellor,
Lord President,
Lord Privy Seal,
Duke of Wellington,
Marquis of Winchester,
Lord Chamberlain,
Earl of Aberdeen,
Lord Granville Somerset,

Viscount Lowther,
Lord Maryborough,
Sir Robert Peel, Bart.
Mr. Goulburn,
Sir George Murray,
Mr. Yates Peel,
Mr. Planta.

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass twenty-four Acts in the year 1832, which have been transmitted, entitled as follows, viz:—
 No. 819.—“ An Act to consolidate and amend the several Acts of the General Assembly therein mentioned relating to the Recovery of Small Debts.”

No. 320.—“An Act to prevent the destruction of Oysters, by burning the same, for the purpose of converting the Shells thereof into Lime.”

No. 321.—“An Act to enable certain persons to put their Marriages upon Record.”

No. 322.—“An Act authorizing the removal of Nuisances from the Streets of Charlotte Town.”

No. 323.—“An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act to issue Writs of Summary Capias against persons about to leave this Island.”

No. 324.—“An Act to alter and amend an Act made in the Forty-eighth year of the reign of His late Majesty King George the Third, intituled ‘An Act for repealing an Act intituled An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint Ballast Masters, and to regulate their duty.’”

No. 325.—“An Act for building a Court House and Jail in Prince County, and for appointing Commissioners to superintend the same.”

No. 326.—“An Act to prevent the running at large of Swine within the Town and Royalty of Princetown.”

No. 327.—“An Act for limiting the time for holding the Poll for the Election of Members to serve in General Assembly.”

No. 328.—“An Act for the relief of Solomon Desbrisay, a prisoner in confinement for Debt within the limits of the Jail of Charlotte Town.”

No. 329.—“An Act to prevent Tavernkeepers, Innkeepers, or other persons, from harbouring or entertaining Soldiers at improper hours.”

No. 331.—“An Act to prevent the importation and spreading of Infectious Diseases within this Island.”

No. 333.—“An Act establishing the mode of recovering Penalties and Costs before Justices of the Peace, where the same are imposed by certain Acts of the General Assembly of this Island, and no provision is made for the enforcing thereof.”

No. 334.—“An Act to amend and render more effectual an Act made and passed in the Eleventh year of the reign of His late Majesty, intituled ‘An Act to authorize the conviction and punishment, in a summary way, of persons committing common Assaults and Batteries.’”

No. 335.—“An Act to incorporate the Minister and Trustees of Saint James’s Church, in the Town of Charlotte Town.”

No. 336.—“An Act to incorporate the Minister and Elders of Saint John’s Church, in the District of Belfast.”

No. 338.—“An Act to increase the Revenue, by levying a Duty of Impost on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.”

No. 339.—“An Act to continue an Act made and passed in the First year of His present Majesty’s Reign, imposing a Duty of Impost on Tobacco and Tea.”

No. 341.—“An Act to regulate the Salary of the Collector of Impost and Excise for the District of Charlotte Town.”

No. 342.—“An Act to provide Salaries for Sub-Collectors of Customs.”

No. 343.—“An Act to provide for the better preservation of public and private Property at Georgetown, against Accidents by Fire.”

No. 344.—“An Act to provide for the conveyance of the Mails between Charlotte Town and Pictou, by a Steam Vessel.”

No. 345.—“An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-two.”

No. 346.—“An Act to provide for the contingent Expences of the present Session.”

Which Acts having been referred to the Committee of the Lords of His Majesty Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Acts should be left to their operation—His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report; whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty’s Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

AT THE COURT AT SAINT JAMES’S, THE 20th OF DECEMBER, 1834.

PRESENT:

THE KING’S MOST EXCELLENT MAJESTY,

Lord Chancellor,

Lord President.

Lord Privy Seal,

Duke of Wellington,

Marquis of Winchester,

Lord Chamberlain,

Earl of Aberdeen,

Lord Granville Somerset,

Viscount Lovther,

Lord Maryborough,

Sir Robert Peel, Bart.

Mr. Goulburn,

Sir George Murray,

Mr. Yates Peel,

Mr. Planta.

WHEREAS the Legislative Council and Assembly of His Majesty’s Island of Prince Edward, did pass an Act in the year One thousand eight hundred and thirty-two, which has been reserved for the signification of His Majesty’s pleasure, and transmitted, entitled as follows, viz:—

No. 332.—“An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the public Registry of the same:”

Which Act having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations—the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should receive His Majesty's special confirmation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare His special confirmation of the said Act; and the same is hereby specially confirmed, ratified and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

[COPY.]

No. 4.

DOWNING STREET, 19th January, 1835.

SIR,

I have the honour to transmit to you, herewith, two Orders of His Majesty in Council, dated the 20th ultimo, disallowing Acts Nos. 330 and 337, passed by the Legislature of Prince Edward Island in the year 1832, and the extracts from a Report of the Lords of the Committee of Council for Trade and Foreign Plantations, explaining the grounds upon which His Majesty was advised by their Lordships to disallow the same.

I have, &c.

(Signed)

ABERDEEN.

Lieutenant Governor, Sir A. W. Young.

AT THE COURT AT SAINT JAMES'S, THE 20th DECEMBER, 1834.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

<i>Lord Chancellor,</i>	<i>Viscount Louth,</i>
<i>Lord President,</i>	<i>Lord Maryborough,</i>
<i>Lord Privy Seal,</i>	<i>Sir Robert Peel, Bart.</i>
<i>Duke of Wellington,</i>	<i>Mr. Goulburn,</i>
<i>Marquis of Winchester,</i>	<i>Sir George Murray,</i>
<i>Lord Chamberlain,</i>	<i>Mr. Yates Peel,</i>
<i>Earl of Aberdeen,</i>	<i>Mr. Planta.</i>
<i>Lord Granville Somerset,</i>	

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the year 1832, which has been transmitted, entitled as follows, viz:

No. 330.—“An Act to require Landlords and Claimants of Rents to put the Titles by which they claim upon Record, in the proper Office of Record in this Island:”

Which Act having been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should not receive His Majesty's Royal confirmation. His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty's Island Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

Extract from a Report of the Lords of the Committee of Council for Trade, upon an Act passed by the Legislature of Prince Edward Island, in the year 1832, (No. 330)—dated 8th Dec. 1833.

‘The Lords of the Committee have this day had the said Act under consideration.

‘This Act requires that in every case where the Landlord has a derivative Title, to enforce payment of Rent, he must register the whole of his Title, although it may have been repeatedly acknowledged by the Tenant by the payment of Rent, and sanctions the claim of the Tenant under such circumstances to contest his Landlord's Title: whereas the Law of this Kingdom, and general convenience and justice, alike require, that the Tenant should not be permitted to question the Title of the Landlord from whom he has taken the tenement.

‘ Very little advantage could arise to the Tenant from the proposed Registration of the Landlord’s Title: whereas the Landlord might be seriously aggrieved by the necessity of conforming to the many minute regulations to which this Act would subject him.

‘ For the reasons above stated, the Lords of the Committee are humbly of opinion, that this Act should be disallowed by Your Majesty.’

AT THE COURT AT SAINT JAMES’S, THE 20th DECEMBER, 1834.

PRESENT:

THE KING’S MOST EXCELLENT MAJESTY;

<i>Lord Chancellor,</i>	<i>Viscount Louth,</i>
<i>Lord President,</i>	<i>Lord Maryborough,</i>
<i>Lord Privy Seal,</i>	<i>Sir Robert Peel, Bart.</i>
<i>Duke of Wellington,</i>	<i>Mr. Goulburn,</i>
<i>Marquis of Winchester,</i>	<i>Sir George Murray.</i>
<i>Lord Chamberlain,</i>	<i>Mr. Yates Peel,</i>
<i>Earl of Aberdeen,</i>	<i>Mr. Platta.</i>
<i>Lord Granville Somerset,</i>	

WHEREAS the Governor of His Majesty’s Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the year 1832, which has been transmitted, entitled as follows, viz:

No. 337.—‘ An Act to encourage the settlement and improvement of Lands in this Island, and to regulate the proceedings of a Court of Escheats therein.’

Which Act having been referred to the Committee of the Lords of His Majesty’s Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, the said Lords of the Committee have reported as their opinion to His Majesty, that the said Act should not receive His Majesty’s Royal confirmation. His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his disallowance of the said Act, and the same is hereby disallowed accordingly.—Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty’s Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

Extract from a Report of the Lords of the Committee of Council for Trade, upon an Act passed by the Legislature of Prince Edward Island, in the year 1832, (No. 337)—dated 6th of December, 1834.

‘ The Lords of the Committee have this day had the said Act under their consideration.

‘ This Act proceeds on the supposition that Lands forfeited to the Crown for the breach of a condition contained in the original Grant, are the subject of Escheat.

‘ Without the aid of any positive Law, the Crown might take advantage of any such conditions, and by the enactment of such a Law as the present, your Majesty would be fettered in the exercise of your Prerogative, either of enforcing or remitting such Forfeitures, as the merit of each particular case might require.

‘ For the reasons above stated, the Lords of the Committee are humbly of opinion, that this Act should be disallowed.’

[COPY.]

No 6.

DOWNING STREET, 19th February, 1835.

SIR,

Various Acts passed by the Legislature of Prince Edward Island, in the Month of March last, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Plantations, that Committee have reported to His Majesty their opinion, that these Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council, approving that Report.

I also inclose an Order of His Majesty in Council, specially confirming and finally enacting the Acts numbered 397 and 400.

I have, &c.

(Signed)

ABERDEEN.

Licut. Governor; Sir A. W. Young.

AT THE COURT AT BRIGHTON, THE 7th OF FEBRUARY 1835.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

Lord President,
Lord Privy Seal,
Earl of Aberdeen,
Earl Howe,

Mr. Wynn,
Mr. Herries,
Mr. Baring.

WHEREAS the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the year One thousand eight hundred and thirty-four, pass Twenty Acts, which have been transmitted, entitled as follows, viz:—

No. 386.—'An Act for the Encouragement of Education.'

No. 387.—'An Act for the summary Trial of common Assaults and Batteries.'

No. 388.—'An Act for regulating the Toll for the manufacture of Oatmeal and Pearl Barley, and to amend an Act ascertaining the Toll to be taken at Grist Mills.'

No. 389.—'An Act for establishing the size and quality of Fish Barrels and Tierces, and for regulating the Weight of Fish the same shall contain.'

No. 390.—'An Act for the appointment of Sheep Reeves, and to restrain Rams from being at large at improper seasons, and to repeal the Acts formerly passed for that purpose.'

No. 391.—'An Act relating to Costs, in cases of Penalties recoverable before Justices of the Peace.'

No. 392.—'An Act to enable the Supreme Court to give Costs in Cases of Certiorari.'

No. 393.—'An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.'

No. 394.—'An Act for the regulation of the Jails in King's and Prince Counties.'

No. 395.—'An Act for the better preventing Accidents by Fire within the Town of Charlotte Town.'

No. 396.—'An Act to repeal certain Acts therein mentioned.'

No. 398.—'An Act to regulate the conveyance of the Mails by a Steam Vessel, and to repeal an Act formerly passed for that purpose.'

No. 399.—'An Act authorizing Collectors of Impost to appoint Deputies.'

No. 401.—'An Act in further amendment of an Act passed in the Tenth year of His late Majesty's Reign, intituled 'An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.'

No. 403.—'An Act for the better conveyance of the Mails in the Winter Season.'

No. 404.—'An Act to continue an *ad-valorem* Duty on all Goods, Wares, and Merchandise imported into this Island, with certain exceptions.'

No. 405.—'An Act to continue for one year an Act levying a Duty on Tobacco and Tea.'

No. 406.—'An Act for continuing for one year an Act imposing an additional Duty on Wines and Spirituous Liquors.'

No. 407.—'An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island.'

No. 408.—'An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-four.'

And whereas the said Acts have been referred to the Committee of the Lords of His Majesty's Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Lords of the Committee have reported as their opinion to His Majesty that the said Acts should be left to their operation—His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to approve the said Report—whereof the Governor, Lieutenant Governor or Commander in Chief of His Majesty's Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

AT THE COURT AT BRIGHTON, THE 7th FEBRUARY, 1835.

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY;

Lord President,
Lord Privy Seal,
Earl of Aberdeen,
Earl Howe,

Mr. Wynn,
Mr. Herries,
Mr. Baring.

WHEREAS the Legislative Council and Assembly of His Majesty's Island of Prince Edward, did in the year 1834, pass two Acts, which have been reserved by the Governor for the signification of His Majesty's pleasure, and transmitted, entitled as follows, viz:

No. 397.—‘ An Act for continuing the General Assembly, in case of the death or demise of His Majesty, His Heirs and Successors.’

No. 400.—‘ An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned.’

And whereas the said Acts have been referred to the Committee of the Lords of His Majesty’s Most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations; and the said Lords of the Committee have reported as their opinion to His Majesty, that the said Acts should receive His Majesty’s special confirmation: His Majesty was thereupon this day pleased, by and with the advice of His Privy Council, to declare his special confirmation of the said Acts, and the same are hereby specially confirmed, ratified and finally enacted accordingly: Whereof the Governor, Lieutenant Governor, or Commander in Chief of His Majesty’s Island of Prince Edward for the time being, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

C. GREVILLE.

Ordered, that the foregoing Documents do lie on the Table.

A Message from the House of Assembly, by Mr. *Thornton*, with the Bill intituled “ An Act for the increase of the Revenue in this Island,” to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until 11 o’clock to-morrow.

TUESDAY, May 5th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, Presiden

The Honourables	{	<i>George Wright,</i>
		<i>Ambrose Lane,</i>
		<i>T. H. Haviland,</i>
		<i>Charles Worrell,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

PRAYERS.

R EAD the proceedings of yesterday.

Read a second time, the Bill intituled “ An Act for the increase of the Revenue in this Island.”

On motion, Ordered, that a Conference be desired with the House of Assembly on the said Bill.

Ordered, that Mr. *Haviland* and Mr. *Smith* be a Committee to manage the same, to meet in the Committee Room instanter.

A Message from the House of Assembly, by Mr. *M’Callum*, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

“ An Act for appropriating certain monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five.”

Read the said Bill a first time.

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

" Mr. President,

" The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled ' An Act for the increase of the Revenue in this Island,' and have appointed Mr. Pope, Mr. M'Donald, Mr. Green and Mr. Thornton a Committee to manage the same."

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

The President, from the Committee appointed last Session to prepare a code of Rules and Standing Orders for the due government of this House, presented the following Rules, which were read and ordered to be engrossed, viz:—

FIRST—That Prayers shall be read every day by the Chaplain of this House at the opening thereof.

SECOND—The Members of this House are to keep their dignity and order in sitting, as much as may be, and not to remove out of their places without just cause, to the hindrance of others that sit near them, and disorder of the House.

THIRD—That immediately after Prayers the Minutes of the preceding day be always read.

FOURTH—That when this House is called together, notice shall be taken of such Members as are absent, unless excused by the King, the Governor in Chief, Lieutenant Governor or Officer administering the Government of this Island.

FIFTH—That for absence every Member is to make his excuse by a Member of this House, and if allowed, he is to be excused, if not, he is to be censured by the House, as the fault requires.

SIXTH—To prevent misunderstandings, and for avoiding offensive speeches, when matters are debating either in the House or at Committees, all personal, sharp, or taxing speeches be forborne; and whosoever answereth another man's Speech, shall apply his answer to the matter without wrong to the person; and as nothing offensive is to be spoken, so nothing is to be ill taken, if the party that speaks it shall presently make a fair exposition or clear denial of the words that might bear any ill construction; and if any offence of that kind be given, as the House itself will be very sensible thereof, so it will sharply censure the offenders, and give the party offended a fit reparation and full satisfaction.

SEVENTH—That for avoiding all mistakes, unkindnesses or other differences which may grow to quarrels, tending to the breach of the peace, if any Member shall conceive himself to have received any affront or injury from any other Member of the House, either in the Council Chamber, or at any Committee, or in any of the Rooms belonging thereto, he shall appeal to the House for his reparation, which, if he shall not do, but occasion, or entertain quarrels, declining the justice of the House, then the Member that shall be found therein offending, shall undergo the severe censure of this House.

EIGHTH—That if any Member have occasion to speak with another Member in this House, whilst the House is sitting, they are to go together below the Bar, or else the Speaker is to stop the business in agitation.

NINTH—The privilege of this House is, that no Member of the said House, during the sitting thereof, or within the usual times of privilege of Parliament is to be imprisoned or restrained without sentence or order of this House, unless it be for Treason or Felony, or for refusing to give Security for the Peace.

TENTH—That such Members of this House as shall make protestation, or enter their dissents from any vote of this House, as they have a right to

- do, without asking leave of this House, either with or without their reasons, shall cause their protestations or dissents to be entered in the Clerk's Book the next sitting day of this House, before the rising of the House, and shall then sign the same on such day before the rising of this House.
- ELEVENTH**—That all Orders of the Day, which by reason of any adjournment shall not have been proceeded upon, shall be considered only as postponed to the next day on which the House shall sit.
- TWELFTH**—That when a question is under debate, no motion shall be received in the House, unless for the purpose of amending, committing, or postponing it to a certain day, or for the Order of the Day, or to adjourn.
- THIRTEENTH**—That in all motions, which may be deemed special, two days notice thereof shall be given to this House, and that any motion, with leave of the House, may be withdrawn at any time before amendment or decision.
- FOURTEENTH**—That after the question hath been entirely put by the President, no Member is to speak upon the question before voting.
- FIFTEENTH**—That after a question is put, and the House hath voted thereon, no Member shall depart out of his place, until the House hath entered upon some other business.
- SIXTEENTH**—That in voting, the Contents shall rise in their places, and the Non-Contents continue to sit.
- SEVENTEENTH**—That in all Messages from the Assembly to this House, with a Bill or otherwise, the same cannot be received unless the object of it be expressed verbally, as hath hitherto been the practice.
- EIGHTEENTH**—As it might deeply intrench on the privileges of this House for any Member to answer an accusation in the House of Assembly, either in person, or by sending his answer in writing, or by his Counsel there—it is ordered, that no Member of this House shall either go down to the House of Assembly, or send his answer in writing, or appear by Counsel, to answer any accusation there, upon penalty of being committed to the Black Rod, or to Prison, during the pleasure of this House.
- NINETEENTH**—For our meeting with any of the Lower House, either upon occasion of Messages, which they send up to us, or upon Conference when they come up to us, the manner is thus—When notice is given to the House by the Usher of the Black Rod, that a Message or deputation is sent to us by the House of Assembly, they attend until the House is prepared to receive them; then we being seated, send for them; on their coming up to the middle of the Bar, the President rises and goes down to the Bar, and receives their Message, uncovered; the Message is then read and delivered to the President by one of the members of the deputation; on their retiring, the President resumes the Chair, and standing uncovered, reports the Message for the information of the Members; the House then resumes the business it had before it.
- TWENTIETH**—That each Member of this House has a right to require that the question or motion in discussion be read for his information at any time of the debate.
- TWENTY-FIRST**—Bills are seldom opposed at the first reading, but are generally committed upon motion at the second reading, at which time the principle is usually debated.
- TWENTY-SECOND**—That to annex any Clause or Clauses to a Bill of Aid or Supply, the matter of which is foreign to and different from the matter of the said Aid or Supply, is unparliamentary.
- TWENTY-THIRD**—That when a Bill originating in this House has once passed through its final stage in this House, no new Bill for the same object can afterwards be originated in this House during the same Session.
- TWENTY-FOURTH**—That for the future no motion shall be granted for making any order of this House a Standing Order, or dispensing with a Standing

Order the same day it is made, nor before the Members of this House in Town shall be summoned to consider of the same motion.

TWENTY-FIFTH—That Bills brought up from the House of Assembly, when reported by the President and handed to the Clerk, shall be carefully read over by him, and all verbal mistakes, if any, noticed by him to the Speaker in writing.

TWENTY-SIXTH—The President, when he speaks to the House, is always to speak uncovered, and is not to adjourn the House, or do any thing else as mouth of the House, without consent of the Members first had—except such things as are of course, wherein the Members may likewise overrule, and in case of difference amongst the Members, it is to be put to the question; and if the President will speak to any thing particularly, he is to go to his own place as a Member.

TWENTY-SEVENTH—That every Member previous to his speaking to any question or motion, or other matter before the House, shall rise from his seat uncovered, and address himself to the House.

TWENTY-EIGHTH—When a question is decided by vote, the number of both the affirmatives and negatives shall be inserted in the minutes, and also the Members' names, if desired.

TWENTY-NINTH—That the Black Rod do not permit any person to come within the House while it is sitting, except the Members and Officers attending, and the Members of the House of Assembly, and such person or persons as may receive a Ticket from any Member of this House.

THIRTIETH—That any Member who brings up a Petition, shall, in his place, acquaint the House of the general purport of such Petition, and ask leave for it to be read, which must be seconded before it is read.

THIRTY-FIRST—No Member is to speak twice to any Bill at one time of reading it, or any other proposition, unless it be to explain himself in some material point of his speech, but no new matter, and that not without leave of the House first obtained. Every Member speaks standing uncovered, and names not Members of the House commonly by their names, but “the Member that spoke last”—“last but one”—“last but two, &c.—or some other note of distinction.

THIRTY-SECOND—To have more freedom of debate, and to facilitate business, Committees are appointed either of the whole House, or of Individuals; Committees of the whole House sit in the House, but then the President sits not in the Chair as President.

THIRTY-THIRD—Every Member is to sit in his due place when the House is put into a Committee.

THIRTY-FOURTH—If it be desired by any Member that the House be put into Committee, it ought not to be refused.

THIRTY-FIFTH—That every Member who shall introduce a Bill, Petition, or motion, upon any subject which may be referred to a Committee, shall be one of the Committee, without being named by the House.

THIRTY-SIXTH—That in a Committee of the whole House, the Rules of the House shall be observed in so far as they may be applicable, excepting the Rule limiting the times of speaking; and that no motion for the previous question, or for adjournment, can be received, but a member may at any time move that the Chairman do leave the Chair, or report some progress made, and ask for leave to sit again.

THIRTY-SEVENTH—That no Bill, Resolution, or other proceeding founded upon any application addressed to the House of Assembly, be sustained by the Council, unless an application to the same effect, with such documents as may accompany the same, be also presented to the Council in General Assembly.

THIRTY-EIGHTH—That when any Bill shall be sent by this House to a Committee, such Committee shall examine in the first place whether the Standing Orders of this House have or have not been complied with, and shall report the same to the House.

Adjourned until 11 o'clock to-morrow.

WEDNESDAY, May 6th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>George Wright,</i> <i>Ambrose Lane,</i> <i>T. H. Haviland,</i> <i>Charles Worrell,</i> <i>The Attorney General,</i> <i>John Brecken,</i> <i>J. Spencer Smith.</i>
-----------------	---	--

PRAYERS.

READ the proceedings of yesterday.
 On motion, Ordered, that the Bill intituled “ An Act to explain an Act passed in the Second year of His present Majesty’s Reign, intituled ‘ An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future,’ and to provide for the public Registry of the same,” be read a second time this day three months.

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

“ *Mr. President,*

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

On motion, Ordered, that this House do agree to a further Conference, as desired by the House of Assembly, and that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee Room instanter.

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

Thereupon the Committee went to the Conference—and having returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled “ An Act for the increase of the Revenue in this Island.”

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

Read a second time, the Bill intituled “ An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five.”

On motion, the said Bill was read a third time and passed.
 Ordered, that the said Bill be sent down to the House of Assembly.

Read as engrossed, the Rules for the guidance of proceedings in this House, and the same, on motion, were ordered to be established.

A Commission under the Great Seal, signed by the Lieutenant Governor, having been issued, in consequence of the severe illness of His Excellency, authorizing and empowering the Honourables *Edward James Jarvis*, the Chief Justice, and *Ambrose Lane* and *Thomas Heath Haviland*, Assistant Justices of the Supreme Court, or any two of them, to give the Lieutenant Governor's assent to such Bills as had passed the Council and the House of Assembly—and a Commission under the Great Seal having also been issued, authorizing and empowering the said Commissioners to prorogue the General Assembly—the said Commissioners, in pursuance of the powers in them vested, did, by Message, require the attendance of the House of Assembly in the Council Chamber.

The House of Assembly having attended accordingly, the said Commissions were publicly read; and then the said Commissioners, in the name of the Lieutenant Governor, gave His Excellency's assent to the following Bills.

An Act to continue Four several Acts therein mentioned.

An Act for the increase of the Revenue in this Island.

An Act for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five.

The Chief Justice then, on behalf of the said Commissioners, delivered the following Speech to both Houses:—

Gentlemen of His Majesty's Council;

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

We are commanded by His Excellency the Lieutenant Governor, in releasing you from further attendance in General Assembly, to express his pleasure that you have brought to a satisfactory conclusion the business for which he felt it his duty to call you again together.

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

His Excellency further commands us to thank you for the Supplies, and to assure you, that they shall be faithfully applied to the purposes for which they are intended.

After which, the Chief Justice said—

Gentlemen of His Majesty's Council;

Gentlemen of the House of Assembly;

It is His Excellency the Lieutenant Governor's will and pleasure, that this General Assembly be prorogued until Wednesday the First day of July next; and this General Assembly is accordingly prorogued until Wednesday the First day of July next.

End of the Second Session.

