

PRINCE EDWARD ISLAND.

RETURN of PETITION and MEMORIAL of the
LEGISLATIVE COUNCIL and ASSEMBLY of *Prince
Edward Island*, in February 1842, for Admission
of CORN and other Produce of that Colony into
Great Britain free.

(*Mr. Hume.*)

*Ordered, by The House of Commons, to be Printed,
29 July 1842.*

[*Price 6d.*]

506.

Under 8 oz.

PRINCE EDWARD ISLAND.

RETURN to an Address of the Honourable The House of Commons,
dated 5 July 1842.

COPIES of the PETITION and MEMORIAL of the LEGISLATIVE COUNCIL and ASSEMBLY of Her Majesty's Island of *Prince Edward*, in February 1842, to HER MAJESTY, praying for the Admission of Corn and other Produce of that Colony into *Great Britain* free; together with a Copy of the DESPATCH from the LIEUTENANT-GOVERNOR forwarding that Petition:—Of PETITION from the HOUSE of ASSEMBLY of *Prince Edward Island* to HER MAJESTY, in April last, for the Settlement of LAND TENURES in that Island; and, also, a Copy of the RESOLUTIONS accompanying the said Petition:—Of the DESPATCHES from Lord *John Russell*, Nos. 57 and 58, dated the 25th and 28th June 1841, in Answer to the Address of the HOUSE of ASSEMBLY, relating to the state of the Colony, and COUNTER RESOLUTIONS of the LEGISLATIVE COUNCIL on the same subject; and, also, Copy of the DESPATCH from Lord *John Russell*, No. 62, dated the 26th day of July 1841, in Answer to the Address of the HOUSE of ASSEMBLY to The QUEEN, in reference to the Price and the Disposal of the Crown Lands of this Colony to actual Settlers.

Colonial Office, }
29 July 1842. }

G. W. HOPE.

(*Mr. Hume.*)

Ordered, by The House of Commons, to be Printed,
29 July 1842.

SCHEDULE.

No.	DATE.	SUBJECT.	PAGE.
1. Sir H. V. Huntley to Lord Stanley.	18 Mar. 1842	Enclosing Address to The Queen from the Legislature of Prince Edward Island, for the admission of Corn, the Produce of that Colony, into Great Britain, Duty Free; also, Report of the Central Agricultural Society - - - -	3
2. Lord Stanley to Sir H. V. Huntley.	27 May 1842	Acknowledging preceding Despatch - -	9
3. Sir C. A. Fitzroy to Lord John Russell.	4 May 1841	Enclosing Resolutions and Petition of the House of Assembly of Prince Edward Island, relative to the Settlement of Land Tenures in that Island - - - -	10
4. Sir C. A. Fitzroy to Lord John Russell.	5 May 1841	Opinion on the Question of Land Tenures -	23
5. Lord John Russell to Sir C. A. Fitzroy.	25 June 1841	Acknowledging preceding Despatch - -	25
6. Lord John Russell to Sir C. A. Fitzroy.	28 June 1841	Ditto - - Despatch 4 May 1841 -	25
7. Sir C. A. Fitzroy to Lord John Russell.	4 May 1841	Enclosing Address to The Queen from the House of Assembly of Prince Edward Island, complaining of the High Price set on Crown Lands - - - -	26
8. Lord John Russell to Sir C. A. Fitzroy.	26 July 1841	Acknowledges preceding Despatch - -	27
9. Sir H. V. Huntley to Lord Stanley.	22 May 1842	Enclosing Resolutions and Petition of the House of Assembly of Prince Edward Island, relative to the Settlement of Land Tenures in that Island - - - -	28
10. Sir H. V. Huntley to Lord Stanley.	22 May 1842	Enclosing Petition of the House of Assembly of Prince Edward Island, relative to the Tenure of Land; also, Resolutions of the Legislative Council - - - -	43
11. Lord Stanley to Sir H. V. Huntley.	14 July 1842	Acknowledges two preceding Despatches -	44
12. Sir H. V. Huntley to Lord Stanley.	13 June 1842	Enclosing Letter from the Speaker of the House of Assembly of Prince Edward Island, relative to an Error in the Petition to the House of Commons - - - -	45
13. Sir H. V. Huntley to Lord Stanley.	16 July 1842	Enclosing Letter from the Clerk of the House of Assembly, explaining discrepancy between the Manuscript and printed Petitions to the House of Commons - - - -	47

PRINCE EDWARD ISLAND.

— No. 1. —

PRINCE EDWARD ISLAND.

(No. 21.)

EXTRACT of a DESPATCH from Lieutenant-governor Sir *Henry Vere Huntley* to Lord *Stanley*, dated Government House, Prince Edward Island, 18 March 1842.

No. 1.
Extract Despatch from Lieut.-gov. Sir H. V. Huntley to Lord Stanley, 18 March 1842.

I HAVE the honour to transmit the enclosed, being a joint Address from the two Houses of Legislature here, to Her Majesty the Queen, upon the subject of the admission of corn grown in the colony, duty free, into the ports of Great Britain.

I feel it my duty to forward to your Lordship the report issued this year by the "Central Agricultural Society" of this island; it stands in opposition to the inference to be justly drawn from the expression in the Address respecting a "sufficient market."

Enclosure 1, in No. 1.

To The QUEEN's most Excellent Majesty.

May it please Your Majesty,

WE, Your Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of the island Prince Edward, in Colonial Parliament assembled, beg to approach Your throne with the humble request, that You will cause to be taken into consideration the situation of this island in relation to its agriculture.

Encl. 1, in No. 1.

Dependent, in common with our fellow subjects in this colony, exclusively on the cultivation of the soil for our maintenance, without a sufficient market for our surplus produce, we can never hope to attain at any thing like prosperity; and we feel, that whilst we import British manufactures to a large amount, that, if the ports of Great Britain were open to the importation of our corn, unrestricted by any duties, that our condition would be so much ameliorated, that the unemployed population of the mother country would find their way to this and the neighbouring colonies, in numbers affording relief to the agricultural and other districts of Great Britain of a value quite commensurate with any loss that by possibility might be sustained by the competition in the home markets of corn the produce of these colonies; and thus a reciprocal advantage might be derived to both Great Britain and this colony.

Relying on Your Majesty's known solicitude for all parts of Your empire, we beg to lay this our prayer at the foot of Your august throne, on the granting of which our prosperity so much depends.

And we shall, as in duty bound, ever pray.

Council Chamber, 18 February 1842.

John Brecken, President.

House of Assembly, 18 February 1842.

W^m Cooper, Speaker.

Enclosure 2, in No. 1.

CENTRAL AGRICULTURAL SOCIETY'S REPORT, Charlotte-town, 5th January 1842.

The Annual General Meeting of the CENTRAL AGRICULTURAL SOCIETY was held at the Wellington Hotel, on Wednesday Evening last, the 5th instant, at Six o'clock; the Honourable *John S. Macdonald*, President of the Society, in the Chair.

Encl. 2, in No. 1.

THE Secretary stated, that he had been directed by the committee to lay before the meeting the following report of their proceedings during the past year, which, on motion, was then read.

REPORT.

During the fifteen years this society has been labouring to awaken earnest attention on the part of the colonial farmer to his formerly almost entirely neglected but all-important calling—the cultivation of the earth—various and great, although little noticed, has been the progress of agricultural knowledge, and consequent augmentation of the productions of the soil. But yet, how far are we from the manhood of knowledge—very far from the maximum returns our very fertile and admirably adapted soil may be made capable of producing, to reward the cultivator of information, experience and enlarged industry.

Your

PRINCE EDWARD
ISLAND.

Your committee hope there may be scientific branches attached to this practical branch for promoting agriculture—that the rural population may yet benefit by the lectures of a professor of agricultural chemistry—by access to agricultural libraries, furnished with condensed manuals of all the important divisions of science which affect the well-being of the truly scientific, but difficult and intricate pursuits of the farmer.

Your committee, on reviewing the past, must express their grateful feelings that the representatives of the Sovereign in this island, alive to its chief interest, have uniformly patronised this society, and the objects for which it was instituted. Happily for the farmer, it commenced under the auspices of a gentleman, who, though not a practical man himself, appeared devotedly attached to farming, and might be more susceptible of praise on this score than any other.

The society has lately lost a patron, who, by his importations of stock, his example, and urbane respondings to the various calls made on him by the agricultural interest, has a strong claim on the grateful remembrances and hearty good wishes of the farmer.

But we have to express our congratulations to the society, and our joy that the present representative of our truly good and gracious Queen has unequivocally expressed his sense of the importance of the plough to the prosperity of this beautiful colony. May we not expect much from a gentleman who spent his earliest years in a fertile district, having, on one hand, the famed vale of Berkeley—its deep, rich meadows producing vast crops of hay, and great abundance of the noted double Gloucester cheese, with cider of superior strength and excellence; on the other hand, the now productive Cotswold Hills, whose soil, a poor stone-brash, was deemed, at no very remote period, of little value, but, assisted by the sheep husbandry and sainfoin grass, has become famed for capital returns of corn, and great capability of maintaining and fattening vast flocks of improved sheep, &c.

It has been well observed, that the greater part of remarkable improvements in agriculture have emanated from persons not regularly bred to the calling. When a man displays energy, decision and superior talent in his own profession, it may be expected that, should agriculture become the object of his attention, the science will profit by the application of his matured mind.

In retrospection of the past season, your committee express much thankfulness that, while neighbouring countries and our father-land have suffered a diminution of many of the productions of the earth, our own favoured garden-spot has maintained about an average increase, enabling us to dispose of our surplus blessings to our less favoured neighbours. A dry seed-time was succeeded by seasonable rains in June, which carried out the hay to a fair crop; and although the latter part of the season was also dry, the retentive nature of the sub-soil, and the friable condition of the surface, enabled vegetation to perfect its productions, which were well secured in favourable harvest weather.

In regard to our present position and future prospects, your committee discern abundant cause for congratulation. Whilst great commercial and manufacturing countries—most probably from over-production and over-trading—are greatly convulsed in their credit and monetary concerns, this colony stands exempt from such baneful fluctuations. We hear of the storm that is desolating the commercial world, but are mercifully preserved from its ravages—the steady returns of the soil enabling the settler to meet the demands of the merchant, who is thereby placed in a situation to sustain his credit. Here the poor man can support himself, and make continual advances toward independence; whilst the emigrant, with capital or income, may not only employ himself pleasantly, usefully and profitably, but may possess himself of comforts and luxuries sufficient to render life pleasant in any country.

Our future prospects are cheering, and show, that while the culture of the earth is the most happy, independent, rational, natural employment of man, the productions of the soil are the safest staples he can produce or traffic in.

Inquiries for our produce multiply. Our markets increase.* One vessel which arrived late in the season, from Boston, carried away 7,280 bushels of oats, which she obtained at the Queen's Wharf, and completed her loading in the unprecedentedly short period of six days, thus showing the great advantages resulting from the use of threshing machines, as that large amount of grain was threshed out during the six days. Your committee view the increase of those labour-saving machines with much satisfaction.

Another vessel is expected at Three Rivers, from Britain, when the navigation opens to take back a cargo of oats, which are said to be in request in the London market for seed! Barley is sought for in the United States, &c. &c. Ship-building, at present, does not now wear a very prosperous aspect, nor lumbering. The decline of these may induce farmers in general to devote more of their time to the improvement of farming.

During the past year many very respectable persons have come among us to enrich us by their intellectual attainments, by investing their capital, or spending their income. We have room for a great many more; and your committee would rejoice to witness the tide of emigration, of emigrants of a superior class, set in more abundantly to the shores of this island.

Two thousand emigrants have arrived at Charlotte-town during the past season; others at different ports.

During the past year a census and statistical account of the whole island was taken, under the provisions of an Act of the Legislature; but as these interesting documents have not been officially published, your committee have no particular observations to offer on the subject.

The

* This is in opposition to the statement of the Address upon the subject of "sufficient markets and prosperity."

The value of land has greatly risen, making it manifest that the powers of the soil are becoming more known and better appreciated; while the acknowledged salubrity of its climate, cheapness of provisions, improved society, means of education, and facilities for enjoying the privileges of public worship, render Prince Edward Island increasingly desirable to the man or family who may desire a social retirement from the busy world, or seek to repair their health or renew their constitution. Hundreds of British farmers, too, men respectable and desirable, would joyfully come here and invest the remnant of their diminished capitals, were the colony made more publicly known in Britain.

Your committee regret to observe how small a degree of public interest the grain show, the cattle show and the fair appeared generally to excite. It has been remarked that farmers bring their worst stock to the fairs! This may do among ourselves; but if fairs are to be what they were intended, marts for the disposal of our surplus stock to strangers from the other provinces, the end and object cannot be answered by exhibiting the refuse of our cattle, which must give the transient observer a very inadequate and erroneous conception of the average quality of our live stock; but although fairs, at present, are used to display horse jockeying in a large latitude, chiefly in the exchange of animals, by which both parties are taken in, the time cannot be distant when public exhibitions of various rural productions and stock, as well as fairs, must exercise their intended beneficial influence in promoting the general advancement of the great object of our attention.

The improved stock which has been and will be introduced must give farmers more correct notions of the just and desirable proportions of animals, technically called "points," and lead them to breed from the truest forms.

Nothing would tend more to an improved quality of our grain than a regular and steady trade in oats, &c., to Britain. The merchant or purchaser would then be obliged to keep a machine, and winnow every parcel of grain when delivered to him. He should also fix a price for the standard weight of 36 lbs. per bushel, allowing a certain advance for weight above the standard required by law, and deducting for deficiencies.

As labour in all new countries must be higher in comparison with the price of land and its productions, it is matter of desire that there may be yet invented a *more simple power* to drive or propel the different machines the farmer has so great an occasion to make use of, to lessen the cost of labour, save his fodder, and expedite many of his most important operations.

Mr. Gurney may remember our requirements in this case; and it is much to be desired that this gentleman will bring out the necessary apparatus for dyeing, fulling and dressing our home-made cloths, if not power-looms. What a reflection on the public spirit of the colonists, that a population of nearly 50,000 souls, possessing so large a number of sheep, should be obliged to send their cloth to a neighbouring colony to get finished; and, after being kept out of it many months, have to deplore that it might have been equally well prepared by the old family process.

Your committee rejoice that a society has recently been formed in Charlotte-town, under the auspices of his Excellency Sir Henry Vere Huntley, for the express purpose of encouraging the domestic manufactures of the country, especially that of cloth. And your committee are informed, it is the intention of that body to make this society the medium of carrying their objects into effect, by offering liberal premiums for the production of the best article.

Your committee, in this report, may have travelled over ground previously occupied, but they take leave to say that there are many subjects vitally affecting the steady and encouraging progress of agriculture which require to be enforced on the minds of the cultivators of the soil, "with line upon line, and precept upon precept."

The subject of live fences, compost and draining might have been enforced; and your committee would not have deemed themselves out of the path of duty had they glanced at the fisheries.

We hear a complaint of the great abundance of *unemployed* British capital, and must express astonishment that so great and culpable supineness has been shown to the unequalled advantages of Prince Edward Island as a grand fishery station. The productiveness of the soil could support a large amount of persons, who might be engaged in fishing, manufactures and commerce. We have timber to construct vessels, and a beautiful expanse of waters surrounding our happy isle, teeming with riches, which are appropriated by our more enterprising neighbours, who jeer at, while they profit by our unaccountable remissness. The complaint is, that there are no openings for the profitable investment of capital—surely then there has been a great general as well as individual want of patriotism in failing to make known the real advantages of this colony for fishing or other enterprise. Will it be credited in other countries, that an island, well peopled and so situated, should purchase the fish it consumes!!!

At the last general meeting of the society, there was one particular object to which the attention of the committee was directed; viz. to apply to the Colonial Legislature for a grant of money to defray the expense of importing live stock from the mother country. In conformity with those instructions, your committee memorialized the late Lieutenant-governor, setting forth the great benefits that would result to the colony by the importation of such live stock. His Excellency Sir Charles A. Fitzroy was pleased to recommend the prayer of the memorial to the favourable consideration of the House of Assembly; that body accordingly granted 150*l.* for that purpose; viz. 50*l.* to the Prince-town Agricultural Society, and 100*l.* to the central board; subject to the condition contained in the following clause of the Appropriation Bill, passed in the last session.

PRINCE EDWARD
ISLAND.

"And a further sum of 50*L.* to William Bearisto, president of the Prince-town Agricultural Society, for the importation of live stock, under the direction of the several agricultural societies in Prince County; and that the same be sold at public auction, to the highest bidder, for the benefit of the said societies, as near the centre of the county as possible.

"And a further sum of 100*L.* to the Central Agricultural Society, to cover any loss on the importation of such denomination of live stock as may be by a majority of the committee of the said society, in conjunction with two members from the committee of each district society, now established in Queen's and King's Counties; which stock when so selected and imported into the colony shall be sold, as near as may be, in two equal portions, to persons resident in each of the said counties; which said purchasers shall be bound to keep such stock in the counties of their respective residences." With the view of complying with these conditions, your committee held a special meeting on the 18th of last June, which was attended by the representatives of the respective branch societies of King's and Queen's Counties, and after some consideration, they resolved upon expending the grant in the importation of sheep and pigs. The secretary of this society then being about to embark for England, undertook to execute the commission, and in the month of October last, nine rams arrived safe in the barque Lady Wood, the tenth having died on the passage out.

The animals were equitably divided by the alternate choice of Mr. Lewellin, on the part of King's County, and Mr. Henry Longworth, for Queen's County; the odd one having been tossed for, and won by Queen's County.

The following is an account of sales :

		Cost:	£. s. d.
Ten rams, with freight, provender, care, &c.	- - - - -		77 13 2
Sales of nine—one died at sea:			
Five Rams sold in Charlotte-town.			
No. 1. Capt. Cumberland	- - - - -	£. 5 2 6	
" 2. Henry Longworth	- - - - -	5 7 6	
" 3. William Douse	- - - - -	4 7 6	
" 4. Alex. Laird	- - - - -	2 17 -	
" 5. James Ferguson	- - - - -	2 17 -	
		20 11 6	
Four Rams sold at George-town, Nov. 8th.			
No. 1. Joseph Wightman	- - - - -	£. 3 8 -	
" 2. Angus M'Donald, East Point	- - - - -	4 - -	
" 3. Thomas Owen	- - - - -	2 - -	
" 4. R. D. Westaway	- - - - -	2 6 -	
		11 14 -	
		32 5 6	
Loss sustained	- - - - -		£. 45 7 8

Account, sales of Rams, imported into Prince County, by James Yeo, Esq. M. P. P.—
Freight free.

		Cost:	Currency.
Four Rams	- - - - -	£. 22 10 -	£. s. d.
Four Boar pigs	- - - - -	11 5 -	
		33 15 -	

Proceeds of sale of Rams, at Port Hill, the 4th Oct.

Stephen Wright	- - - - -	£. 11 5 -	
John Webster	- - - - -	10 10 -	
David Ramsay	- - - - -	10 10 -	
Charles Craswell	- - - - -	10 5 -	
		42 10 -	

Proceeds of sale of Boars.

David Ramsay	- - - - -	£. 3 - -	
Rev. Dr. Wiggins	- - - - -	2 11 -	
James Yeo, Esq.	- - - - -	2 11 -	
Hon. Joseph Pope	- - - - -	- 11 6	
		8 3 6	
		50 13 6	
Amount gained	- - - - -		£. 16 18 6

It is gratifying to notice that, in addition to the stock imported by your committee, the patriotism of private individuals has led to the importation of the following stock :

-A Devonshire cow, by the Hon. James Peake.

-A Leicester tup, and two ewes, by the Hon. Captain Swabey.

-A bull of the pure Durham breed (calved in May 1840), descended from the celebrated "Comet," one Leicester ram, six ewes, and a tup of the Southdown breed, by Edward C. Haythorne, Esq.

A beautiful

A beautiful cow, one Southdown tup and two ewes, also a Berkshire sow and boar, by John Grubb, Esq.

A fine Canadian horse, rising six years old, by Mr. John Hyde.

It is matter of regret that the *ad valorem* impost duty should continue to be exacted upon the importation of live stock, introduced or brought by private persons.

Your committee had the pleasing duty of executing the resolution of the last general meeting respecting the plate which was voted to Mr. David M'Gill, of Dumfries, who has been the faithful and active agent of this society for the last 12 years. The plate, consisting of a tea-pot, sugar-basin, milk-ewer and a quart jug, were prepared in London, with the following inscription engraved on the principal pieces:

"Presented by the Central Agricultural Society of Prince Edward Island, British North America, to Mr. David M'Gill, of Dumfries, as a testimony of the high sense they entertain of the valuable services rendered by him to that institution, 6th January 1841."

In the month of June last, the plate was forwarded to Mr. M'Gill, who has duly acknowledged its receipt in a letter dated the 21st July 1841, which has been already published.

On the 12th May, your committee received an importation of 10 tierces of red clover seed, weighing 4,186 lbs. Four casks have been disposed of; the residue is in store. The past season having been very favourable to the growth and saving of red clover, your committee trust, that what has been saved, together with the stock on hand, will be sufficient to meet the demands of the farmer: during the past year, your committee purchased 2,860 lbs., island growth. At the same time, an importation of 200 sets Wilkie's improved mould plough mounting, weighing 139 cwt., was received with an extra quantity of land-sides and sole-plates: experience having taught your committee the necessity of securing, by the importation of every pattern of plough mounting, an extra quantity of side-pieces, and especially soles, to answer the purpose of necessary repairs.

Your committee have considered whether it would not be prudent and advisable to discontinue the grain show for the present year, since no public benefit appears to result from these exhibitions beyond that of affording a market for seed grain.

Your committee would here remark, that the produce of the Ayrshire cattle fully justify the expectations that were formed of them on their arrival in the colony nearly three years ago; and they are of opinion, that they are of that description of cattle which are most suitable to this climate, as they appear to thrive remarkably well.

It is with pleasure and thankfulness your committee have it in their power to announce the receipt of the following liberal donations:

The amiable and highly gifted Countess of Westmorland has forwarded the sum of 10*l.*, together with an interesting and useful work on farming. The great interest taken by her ladyship in the welfare of the inhabitants of this colony, ever since her visit in 1840, has known no abatement; and the society beg to make this public acknowledgment of the high estimation in which the character of her ladyship is held.

Captain Cumberland has contributed the handsome donation of 5*l.*

Honourable Captain Swabey, a sovereign.

And Honourable C. Young, one pound.

Daniel Brenan, Esq. when last in England took some pains to procure some wirecloth for wheat-flour sifters, and placed the same at the disposal of the committee. It has been tried by several millers, but your committee regret to state that, from some unexplained cause, it has not been found to answer the purpose.

Turnips are so invaluable a crop to the farmer, that your committee cannot but hope that every individual will strive to the utmost to realize the greatest quantity his stock of manure will enable him to cultivate. The drill system of husbandry is peculiarly applicable to the culture of this root, particularly the Swede or ruta бага. Sowing sulphur on the land with the seed is by many practical men said to prevent the fly.

Mangel wurtzel, carrots and parsnips, are each and all of them crops of very great value, and much more sure than turnips, and ought therefore to be grown by every farmer. For feeding milk kine, or for fattening stock, they are equally valuable. The drill system and trench ploughing should be adopted for their culture.

Your committee beg to direct the attention of the society to the public-spirited conduct of W. W. Irving, Esq., of Bonshaw, who has introduced a number of skilful mechanics from Scotland, the past season, for the purpose of making the modern agricultural implements, so necessary to the enterprising cultivator of the soil; and your committee venture to express a hope that this attempt to improve this fine colony will be responded to by adequate encouragement.

Your committee consider it very remarkable that, although there are two large brewing establishments in Charlotte-town, no extensive hopperies are to be found in the colony; although it is manifest that that profitable plant thrives here most luxuriantly with only ordinary culture, and, with the same attention that is bestowed upon the culture of the potatoe, would ensure a much more valuable crop to the grower.

The accounts of the secretary and treasurer for the past year have been audited by Messrs. Henry Longworth, A. Duncan, H. Shearman, and Joseph W. Hodgson, and found to be correct.

The receipts for the past year amount to 758*l.* 12*s.*, and the disbursements to 644*l.* 4*s.* 4*d.*, leaving a balance in favour of the society of 114*l.* 7*s.* 8*d.*

PRINCE EDWARD
ISLAND.

Your committee beg to call the attention of the public in general to the vast importance of agriculture to this colony. It alone is the vital principle of the country. By its encouragement alone can the country "go ahead,"—by it must the rising generation stand or fall. This colony has been called the Granary of North America—is it in ridicule or in earnest?—To look at the small portions of cultivated ground, compared with the vast extent of wilderness and waste land, every spectator must naturally suppose the former. Let every farmer, then, strain to rescue the country from such a reproach, and make it what nature has indeed designed it to be, a country of fertility and happiness, or without exaggeration, in the language of holy writ, "a land flowing with milk and honey." Our winters are long, but they are subservient to many useful purposes, and were the powers of the soil fully developed, their length would hardly be felt, so busy would the stall-feeder be with his oxen, his sheep, his pigs and his poultry. One great want to be noticed throughout the country is the inadequate shelter provided for cattle during the severity of the winter months, in consequence of which fodder is wasted, and manure rendered comparatively worthless, by scattering and exhaling its useful chemical properties. Brother farmers, press onward! many difficulties await you in your progress—combat them, and they will flee before you. Our climate is much drier than that of Britain, and our season more steady. Plants thrive here without shelter, that in England require hotbeds to bring them to perfection. What then is required? Perseverance! Steady perseverance!! Be not satisfied until you surpass the mother country in the growth of every article she is able to produce. Fling mediocrity aside, and be foremost amongst the colonies of this vast empire. Blessed with an unrivalled constitution, fostered by a liberal government, our station among the nations is pre-eminently distinguished. Recollect, an eminent statesman of old has said, "he is the truest benefactor of mankind who causes two blades of grass to grow where only one grew before."

In conclusion, your committee, feeling that their dearest interests are bound up in the same bundle with the prosperity of P. E. Island, earnestly hope that their successors in office may accomplish much for the benefit of the farmer, and that every event may be graciously overruled for the common and particular prosperity of every inhabitant of our country.

The following Resolutions were then proposed and unanimously agreed to:

1. On motion of the Honourable Captain Swabey, seconded by James Yeo, Esq., M. P. P., of Port Hill,

Resolved, That the report now read, be adopted and printed.

2. On motion of Daniel Brenan, Esq., seconded by James D. Haszard, Esq.,

Resolved, That the thanks of this meeting be given to the officers of the society, as well as to the committee, for their diligent attention to the business of the society during the past year.

Mr. Haszard said, in rising to second the motion, Mr. President, I would conceive it would be great remissness if some expression were not given, to show how highly indebted the public at large are to the exertions, the zeal and perseverance of the office-bearers and committee of this society. These gentlemen have all faithfully discharged the trust reposed in them; and more especially the secretary, Mr. Macgowan—he has left no stone unturned, where the interest of the society is concerned—he may be considered the main spring in its operations—at home and abroad he has exerted his talents and time in serving you. It is really pleasing to see the precision and accuracy with which the books, papers and correspondence of this society are conducted. This institution is not an exclusive one; gentlemen and farmers are invited to the discussions, and every means are taken to elicit ideas, and to promote and infuse in the country information on every matter relating to the welfare of the husbandman. It therefore behoves us to strain every nerve to aid this society in the development of the resources of this island. Agriculture is the main source from which we are to derive our support. We have a favourable soil, and let us work it scientifically and effectually, and there is no doubt that we shall rise in the scale, if not to surpass, at least to have our standing with other colonies.

3. On motion of Edward Palmer, Esq., M. P. P., seconded by W. S. Macgowan, Esq., of Souris,

Resolved, That the marked and most respectful thanks of this society are eminently due to the Right honourable the Countess of Westmorland, for the warm interest her ladyship has ever evinced in the prosperity of this colony, and in an especial manner for the present of a valuable and useful work on farming, lately forwarded to the secretary of this society, accompanied by a munificent donation of 10 £., and that the secretary be requested to convey to her ladyship a copy of this Resolution.

Mr. Palmer in moving this Resolution stated, that he felt confident it contained that with which every gentleman in his hearing would freely concur. It was well remembered that the noble lady had lately passed a winter in this colony, and the interest she then took, and has ever since manifested, in its general prosperity, has been proved by many laudable and spirited instances of her liberality. Accustomed as her ladyship has been to reside in more genial climates, and amidst the luxuries of life, it was no small sacrifice at her time of life to pass a long winter in comparative exile, in this, to her, remote part of the world; in doing so, she spent in the country hundreds, and perhaps thousands of pounds, in a truly noble and praiseworthy manner; her constant benevolent attentions to the poor are yet gratefully remembered—indeed he doubted whether the extent of her generosity

is even yet known; and her zeal and munificence in the support of religion in the colony is beyond praise. We now find in her present donation to this society, that although distant, she yet maintains a lively interest in the island's prosperity. Did we perceive such exemplary conduct in a few more of the absent proprietors of this island, its effects would soon be sensibly felt in the improvement of the colony. In the Resolution, he must repeat, there was nothing exaggerated, nor any thing, he thought, to which every gentleman present would not cordially respond.

4. On motion of Lawrence C. Worthy, Esq., seconded by J. W. James, Esq.,

Resolved, That this society are highly gratified to find that a society has recently been formed in Charlotte-town, under the auspices of his Excellency the Lieutenant-governor, having for its object the encouragement of the domestic manufactures of the country, especially that of cloth, and that this society pledges itself to co-operate with that institution in the attainment of so laudable a purpose.

5. On motion of A. Duncan, Esq., seconded by Dr. Jardine, of Morell,

Resolved, That the thanks of this society be given to Captain Cumberland, the Honourable Captain Swabey, and the Honourable Charles Young, for their liberal donations.

The following gentlemen were then chosen officers for the ensuing year:

Honourable John S. Macdonald, President.

Francis Longworth, senior, Esq., Vice President.

John Hyde, William Douse, Charles Stewart, Henry Longworth, Charles Haszard, Alex. Laird, George Beer, senior, Henry Shearman, John M'Neill, Cavendish,	}	Committee.
---	---	------------

Peter Macgowan, Secretary and Treasurer.

The chairman having left the chair, the Honourable Captain Swabey was called thereto, when a vote of thanks was passed to the Honourable the President, for his conduct in the chair.

—No. 2.—

(No. 21.)

COPY of a DESPATCH from Lord *Stanley* to Lieutenant-governor
Sir *Henry Vere Huntley*.

Sir,

Downing-street, 27 May 1842.

I HAVE received your despatch (No. 21) of the 18th March, enclosing an Address to the Queen from the Legislature of Prince Edward Island, praying that corn, the produce of that island, may be admitted into the United Kingdom duty free.

No. 2.
Despatch from
Lord Stanley to
Lieut.-governor
Sir H. V. Huntley,
27 May 1842.

I have to instruct you to acquaint the Legislative Council and House of Assembly, that I have had the honour to lay their Address before the Queen; but that, as the Bill for the amendment of the Acts regulating the importation of corn into this country had passed into a law before the arrival of your despatch, it has not been in Her Majesty's power to accede to the wishes expressed by the Council and Assembly on behalf of the inhabitants of the colony.

I have, &c.

(signed) *Stanley*.

PRINCE EDWARD
ISLAND.

— No. 3. —

No. 3.
Despatch from
Lieut.-governor
Sir C. A. Fitzroy
to Lord John
Russell,
4 May 1841.

(No. 14.)
COPY of a DESPATCH from Lieutenant-governor Sir Charles A. Fitzroy
to Lord John Russell.

Government House, Prince Edward Island,
4 May 1841.

My Lord,

I HAVE the honour to transmit a series of Resolutions of the House of Assembly, relating to the present state of this colony, which, by the accompanying Address of that body, I have been requested to forward to Her Majesty's Government. Your Lordship will perceive that, under date of Friday, 5th February, there are two Resolutions, one relating to the Bill for the purchase of the lands, in which the House of Assembly have endeavoured to prove the necessity of again passing this Bill; and the other to the appointment of a committee upon the state of the colony. As I have referred to the subject of the Land Bill in my despatch of the 3d instant (No. 13), I need not trouble your Lordship with any further observation here.

Under date of Friday, 23d April, there are 18 Resolutions; the principal subject embraced in these Resolutions is, the tenure of the lands in this colony; and your Lordship will observe that, finding they have no hopes of succeeding in their endeavours to confiscate the lands by any appeal to the Government, the House of Assembly are trying to awaken the sympathy of the Imperial Parliament, through the influence of Mr. Hume as their agent. Mr. Hume will, in all probability, bring the subject forward in the House of Commons; and, to place before your Lordship such information as will enable you to answer any remark which he may think proper to make, I cannot do better than refer you to my despatch of the 7th May 1839, marked "Confidential," in which the whole of the circumstances connected with the land question are fully detailed.

Under date of April 23, there are three Resolutions upon a communication from the chief justice, showing the necessity for appointing a professional assistant judge of the Supreme Court. I have the honour to enclose a copy of the chief justice's letter, and of the message with which I laid it before the House of Assembly.

With reference to the third of these Resolutions, which expresses a desire that, in the event of the retirement of the chief justice, his successor may not be "a native or a person resident in this island," I deem it due to the bar, the resident members of which are mostly natives of the colony, to express my strong sense of the injustice that would be done to them, collectively and individually, if I were to permit this Resolution to pass without observation.

The bar of this, as well as that of the other colonies, naturally look forward for advancement in their profession as vacancies may occur in their respective courts, and this Resolution infers by implication that no member of the bar of this colony possesses the acquirements necessary to qualify him for the office of chief justice; but I am enabled to state with confidence, that the bar, as constituted in this colony, is equally respectable, both in character and acquirements, with any of the other colonies; and it is necessary and just that I should explain to your Lordship the real motive which has governed the House of Assembly in passing this Resolution.

The peculiar construction of the Assembly, and their views regarding the rights of property, your Lordship is already acquainted with; and because the bar will give no encouragement to these views, but when consulted by any of the tenantry, honestly and conscientiously endeavour to disabuse their minds of the fallacious ideas they have imbibed from political agitators, and to convince them of the ruinous consequences of disputing their landlords' titles, a prejudice has arisen against the bar on the part of the majority of the House of Assembly, and this prejudice has extended to the courts themselves; and I hesitate not to say that, unless a chief justice could be found corrupt enough to warp the existing laws of the realm to suit their purposes, the same objections would be made by them.

The Attorney and Solicitor-general have made themselves more peculiarly obnoxious to the majority of the Assembly by having, in the discharge of their duty, prosecuted to conviction several delinquents who had been instigated by that majority to resist the law when attempted to be enforced between landlord and tenant; and also for having, in their legislative capacity, upheld the views of the

Enclosure, No. 1.
Enclosure, No. 2.
5th February,
2 Resolutions.
Vide Encl. 1, p. 12.

23 April,
18 Resolutions.
Vide Encl. 1, p. 12.

Confidential De-
spatch, 7 May 1839.
23 April,
3 Resolutions.
Vide Encl. 1, p. 15.
19 March 1841,
Enclosure, No. 3.
25 March 1841,
Enclosure, No. 4.

the Imperial Government in opposition to those of the majority of the House of Assembly.

PRINCE EDWARD
ISLAND.

I therefore trust that no weight will be given by your Lordship to this part of their representation, to induce you to depart from the course pursued in the neighbouring colonies, when by any contingency a new appointment of chief justice may be rendered necessary.

Under date of Tuesday, April 27, there are six Resolutions; the first of these states the opinion of the House of Assembly, "That it has been the fashion of interested individuals to exaggerate the value of the soil of this island," which statement they affirm to be substantiated by the evidence of certain individuals named in this Resolution. I have not had access to this evidence, but from my knowledge of the parties examined, I am enabled to state that, although they are all tenants, they have each of them, from their perseverance and industry in cultivating their respective farms, acquired a very substantial competency, and that it is not a great many years since they emigrated to this colony, in comparatively indigent circumstances. The report of Captain Holland, in 1765, is quite inapplicable to the present state of the colony. The fifth Resolution complains of the influence which has prevented this colony from obtaining a court of escheat, and refers to a proclamation of Lord Falkland's, of the 15th April last, in a late number of a Nova Scotia newspaper.

27 April 1841,
6 Resolutions.
Vide Encl. 1, p. 16.

The question of the establishment of a court of escheat in this colony has been so long set at rest, and recognized to be so by the House of Assembly, until they saw this proclamation, that I will not take up your Lordship's time by any comment upon it.

The Resolutions which I have omitted to refer to, contain reflections upon the connexion and proceedings of the Executive and Legislative Councils. With regard to the complaints of the proceedings of the Legislative Council, I have the honour to transmit the Resolutions of that body in reply thereto, and I should not do them justice if I did not express my conviction that their statements are fully borne out by facts. The overstrained efforts of the House of Assembly to show an undue family connexion in the Executive Council are so manifestly absurd, that they scarcely require serious refutation: of the gentlemen composing that board, the only existing near connexion is that which subsists between Mr. Brecken and Mr. Peake, the latter having married a sister of the former since his nomination to a seat in the Executive Council; and it is utterly impossible, in the limited community of this small colony, to select fit and responsible persons for such offices, who are not in some way connected.

Enclosure, No. 5.

With regard to the proprietary connexion and influence complained of in the Legislative Council, the House of Assembly have proved, on their own showing, that one-half of the members are wholly unconnected with proprietors, and Mr. Dalrymple is merely the receiver of an estate in Chancery appointed by the court; while, to show the little reliance to be placed on the statement designating Messrs. Livett, Macintosh and Holl as strangers, I may mention that Mr. Livett has been nine years in the colony, Mr. Macintosh six, and Mr. Holl five years, and that they are all gentlemen of independent means living in the country.

Appended to these Resolutions is the copy of an Address to the Throne, on the subject of the purchase of the lands stated by the House of Assembly to have been proposed in conference to the Legislative Council, as an amendment to an Address passed by the Council on the same subject, and in which they requested the House of Assembly to join them. As the Council have requested me to forward their Address, to be laid at the foot of the Throne, your Lordship will see the reasons assigned by the Council for refusing to join in that prepared by the House of Assembly.

I also transmit a printed copy of the Petition of the House of Assembly to the House of Commons, which is about to be forwarded to Mr. Hume.

Enclosure, No. 6.

I have, &c.

(signed) Charles A. Fitzroy,
Lieutenant-governor.

PRINCE EDWARD
ISLAND.

Enclosure 1, in No. 3.

In the House of Assembly, Friday, 5 February 1841.

Encl. 1, in No. 3.

1. WHEREAS this House, in its last session, passed a Bill to enable the Crown to purchase the township lands of this island, and settle the inhabitants: And whereas the Legislative Council have declared its opinion of the said Bill as follows:—"That it is the opinion of this committee, that any equitable arrangement, by voluntary sale on the part of the proprietors by which the Crown can be re-invested with the said lands, so as to enable the Crown to sell the same at a reasonable rate to actual occupiers, would tend greatly to increase the settlement of this colony, and advance its prosperity, and would be considered as a boon calling for the utmost extent of gratitude from its inhabitants: That although this committee thus far recognize the principle of the Bill, they cannot concur in its details; and, in fact, they deem any enactment on the subject not only premature, but inexpedient and unnecessary, until the consent of the Crown and proprietors to the measure contemplated by the said Bill shall be first obtained:" And whereas the Right honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, by a despatch bearing date the 22d September 1840, has declared, that, "Although this question originates in motives of private interest, shared equally by landlords and tenants, it assumes, in effect, the character of a public question, and as such must be treated. It is Her Majesty's earnest desire to remove every just cause of complaint in all parts of her dominions, and Her Majesty has been accordingly pleased to desire me to enter into communication with the resident proprietors in this country, with a view to learn whether, by any further proposition on their part, means may be found to determine a question which has, for so long a period, agitated the colony:" And whereas the former offers of these proprietary claimants to the tenantry were most unreasonable; and as the whole conduct of the association of these claimants, styling themselves the Proprietary Association, has been most decidedly hostile to the interests of the colony; therefore this committee has no expectation that any proposition which said association may make, in consequence of the communication to be held by the Secretary of State for the Colonies and said association, will be such as the country could accept; but that such negotiation, on their part, will be industriously prolonged, with a view, by delay, to break the opposition to their tyrannical proceedings: Therefore Resolved, That it is the opinion of this committee, that it is expedient to pass a Bill of the same tenor as that passed last year by this House for the settlement of the colony, in the hope that the Imperial Government will either accede to that, or, by some other reasonable measure, decide satisfactorily this question.

2. Resolved, That with a view to prevent the evils which may result from misrepresentation, and to establish, by further evidence, the statements contained in the Addresses and Petitions forwarded by this House, a committee be appointed to take such evidence, with power to send for persons, papers and records.

Friday, April 23, 1841.

1. Resolved, That the people of this colony are highly dissatisfied with the measures pursued towards them by the claimants of townships. That as the conduct of these claimants and their agents has been in almost every instance oppressive, and in many instances both oppressive and fraudulent, there is no prospect of the dissatisfaction being done away with, by refusing, year after year, the popular requests for redress.

2. Resolved, That the House may be dissolved, the representative part of the constitution suspended or abrogated, but these measures will bring neither prosperity nor even peace; because it is not a desire for an extension of political power which mainly agitates the people, but a desire for even-handed justice, and for land on such terms as that, by an union of labour, hardihood and economy, they may live upon it, and leave their dear-bought property to their children; and until this be conceded, every branch of industry must languish; and every impartial man, confessing that the people are deeply wronged, will look for the bitter fruits which spring from oppression long persisted in.

3. Resolved, That this House has derived considerable satisfaction from the despatch of the colonial minister, stating that henceforth the land question "must be considered a public question, and treated accordingly."

4. Resolved, That this House have no expectation that the correspondence which in said despatch the Colonial Secretary purposes to open with the proprietary claimants, will result in any equitable offers being made by said proprietary claimants.

5. Resolved, That this House maintain that the rights of the Crown authorize the escheats of the townships of this island, and that the real interests of the inhabitants would thereby have been greatly promoted, and that the sales of the land would have cleared off part of the arrears of the civil list due by those proprietary claimants to the British Government, amounting to upwards of 120,000 £., and would, at all events, have made ample provision for said civil list, for many years to come.

6. Resolved, That though the colonial minister, in 1802, ordered said escheat to be carried into effect, yet as the Bill prepared in conformity with his instructions, and passed through the Legislature of this colony, was believed to have been concealed or abstracted after the Crown had assented thereto; and as the influence of the proprietary claimants prevailed so far as to throw obstacles in the way of any similar enactment; and as from the year 1830 to 1839, the colonial ministers uniformly refused to sanction escheat; the present House

House, in its second session, passed a Bill for purchasing such alleged claims, as is explained in the third paragraph of their Petition to the House of Commons, forwarded in 1840.

7. Resolved, That considering said Bill, and the opinion expressed by the Legislative Council of the same, in their Resolution of 28th April 1840 (folios 89 and 90 of Legislative Council Journals), and that there was no chance of these proprietary claimants making any offer which would come near to what the colony could pay, the House felt themselves called on to pass said Bill a second time.

8. Resolved, That as the question is to be henceforth a public question, it is expedient to give publicity to all the leading important facts of the case, and that therefore a committee be forthwith named, to make a list of such despatches received from ministers, and of such answers thereto by governors, and of such reports and examinations made by the House of Assembly, and of such petitions and addresses by the House of Assembly, the Legislative Council, or the people of the colony, as may seem necessary. That the same shall be printed, and 500 copies thereof forwarded, under the direction of said committee, to Joseph Hume, Esq. as agent for the House of Assembly, and that said committee be directed to request Mr. Hume to cause same to be distributed to such Members of the Imperial Parliament, and other influential individuals, as he may think most likely to advocate the cause of the oppressed cultivators of this island.

9. Whereas the Legislative Council did, on the 28th April 1840, pass five Resolutions, the third of which distinctly charges the majority of the House of Assembly with deluding the people whom they represent, and is in all its bearings highly insulting—(see folio 90 of Journal of Legislative Council)—

Resolved, That the present House of Assembly, in the various procedures wherein they have had to communicate with the Legislative Council, have shown no disrespect to that body, nor will any part of *their* Resolutions bear any interpretation of reflection on the moral character of any individual of that body. The original and unwise granting the soil of the colony to a few, and providing that these should have a seat in the Legislature, has set those in opposition to the mass of the people on that most important subject, of the price of rent to be paid for the wilderness; and at the same time has given these few the power of exercising a similar influence in all the departments of public business; and therefore, though the members of the House of Assembly, as individuals, entertained no ill-will to the members of the Council, yet, as a public body, the House of Assembly was bound to represent the injuries occasioned by this unfortunate constitution. That under the circumstances of the colony, the House of Assembly could do no less than state the peculiar interests existent in the Legislative Council. How far such statement was consistent with the fact, will appear from sundry of these present Resolutions; and they represented this conduct not as a system propagated by those at present in the Council, but as a necessary consequence of said constitutional defect, particularly alluding thereto in the Resolutions and Addresses of the sessions of 1839, and fully describing same in the sixth Resolution of 1840, (folio 146, of Journals of House of Assembly.) But the Legislative Council, in their reply thereto, refer to alleged "notoriety," represent the majority of the House of Assembly as turbulent demagogues, who had devised a plan for plundering the rich, and who, as the Legislative Council had resisted this, were anxious to divert the popular odium incident on the failure of such scheme from themselves to the Council. How far this is consistent with fact will appear from the subsequent part of this Resolution, and from others of these present Resolutions. But in the mean time it may be remarked, that the making the *present House* the originators of the alleged invasion of the rights of property, is in strange contradiction with the report of the Earl of Durham, particularly that part where he states that "in every other colony there has been such a degree of *laches* on the part of the Government, as in equity to preclude it from any enforcement of the conditions upon which the original grants were made; but in Prince Edward Island, scarcely at any time have five years been suffered to elapse without some appeal to the colonial ministers, praying that the Crown would resume the grants it had made, as a measure not merely justifiable, but as the only measure that could free the province from the evils these excessive grants had inflicted." How far it is fact that the delusion of the leaders of the present majority of the House of Assembly "has been the cause of the tenantry allowing their rents to fall into arrear," may be in part illustrated by an Address to the King, wherein it is stated that *this unfortunate disposition of the lands* has produced great evil, and that "the greater number of our settlers are leaseholders, under the large proprietors, and are at this day sinking under the pressure of accumulated rents, which they are unable to pay"—and this is of date April 1829, when not one of the present members of the House of Assembly had a seat in that body; and when two, now members of the Legislative Council, were members of the House of Assembly, viz. the Honourable the Attorney-general, and the Honourable George Dalrymple, who also were both members of the joint committee of the Council and House of Assembly appointed to prepare such Address.

10. Resolved, further, in regard to said Resolution, that it is unfounded, because that the question was agitated before many of the members of this Assembly were born, before others had left Britain, before any one of their whole body had the most distant idea of obtaining a seat therein. Further, that it was advocated by the Honourable George Dalrymple, now a member of the Legislative Council, then a member of the House of Assembly from 1830 to 1835, and the measure of escheat, which goes farther than the Bill rejected by the Legislative Council, was acknowledged by the Honourable the Surveyor-general, and the then Solicitor-general (Lawson), "to be a lawful measure, and one likely to result in great benefits

PRINCE EDWARD
ISLAND.

to the country," and by the Honourable the Attorney-general Robert Hodgson, that it is "competent for the representative of his Majesty in this colony to appoint a commissioner or commissioners of escheats therein." (See the examination of these gentlemen, March 1832, folios 81 and 82 of Journals of House of Assembly.) Lastly, that in 1832, 1833, 1834 and 1835, the majority of the House of Assembly supported escheat as justifiable, and also as necessary for the welfare of the country, and in that matter showed no determination to reserve aught for the holders of these forfeited claims to townships; whereas the present House in its first measure proposed a reservation, and in its second measure offered a price to said claimants.

11. Resolved, That unless the House of Assembly could believe that self-interest, relationship, intimate connexion, tenure of lucrative office (which, according to all former precedent, would have been taken from the holders, if they turned against the proprietary claims), would have no influence on the minds of men, they could not exclude the conviction that a majority, both in the Legislative and Executive Councils, would be and had been operated on by these various feelings and motives to resist the demands of the agriculturists.

12. Resolved, That the present House of Assembly, in their Resolutions as to the construction of the Legislative and Executive Councils, independent of their own experience, were borne out by the Resolutions of former Houses, and in particular by the Resolutions of the House of Assembly of 1834 (see Journals of that year, pages 87 and 88), and that the Honourable George Dalrymple, now of the Legislative Council, and the Honourable Joseph Pope, now of the Executive Council, moved for the Legislative Council being elective.

13. Resolved, That the conduct of the Executive Council on sundry occasions is depicted in the Address of the House of Assembly of 1831, at which time only two individuals of the present House (neither of them voting with the present calumniated majority) were members of that House, in which Address it is stated, that a large proportion of the revenue being under the control of the Governor and Executive Council, has enabled them in some instances to administer the Government without the intervention of the House of Assembly, and in direct opposition to the real interests of the colony. (Journals of 1831, folio 71.)

14. Resolved, That the Legislative Council (vaunting its superior "vested interest,") might possibly be supposed more worthy of credence than the House of Assembly, and that therefore the House of Assembly might have felt a doubt how far truth should prevail over prejudice; but that they have the good fortune of possessing the testimony of one in whom the Imperial Government reposed the highest confidence, and who, though dead, yet speaketh,—to the report of the Earl of Durham they refer; and when he describes those claims which the Legislative Council call the sacred rights of property, the committee feel confident that the representatives of the House of Assembly will gain credence.

15. Resolved, That as appears from sundry advertisements in London newspapers, a number of these proprietary claimants have formed themselves into a society styling themselves "The Proprietors of Prince Edward Island." That many of their Resolutions and representations thus published appear deceptive; but the committee not having present access to such papers, can refer specifically to such representations only on one subject, viz. on the "commutation of quit rents," and that in the correspondence thereon, their agent states to the colonial minister, that "at the suggestion of Sir John Harvey, and the present Lieutenant-governor, they have yielded to every reasonable demand made upon them in behalf of their tenantry, they have removed every ground of, or pretence for, complaint, and have actually, and of their own accord, offered to sell their lands upon more liberal terms than if they remained under the control of the Government." (See Letter from G. R. Young to Lord Glenelg, 4th April 1838.)

Whereas at that time the faithful representatives of the people were under arrest, and the people were suffering without abatement all the evils of which they had so long complained; and their acceptance of the deceptive offer made would in nowise have relieved them. That in said correspondence the said society express their unwillingness to "take a position hostile to the officers of the local government," at the danger of their being forced into a controversy with the "local authorities on the island;" and therefore resolved, that said society, styling themselves the Proprietary Association, have been guilty of gross misrepresentation, and of evidently trying to mislead and perplex the colonial minister in regard to the concerns of this colony, and of attempting to control and even to supersede the Colonial Legislature; and that a few interested individuals resident at a distance from the island, but within reach of Downing-street, should be allowed to continue to put forth such falsehoods, and frame such intrigues, has been highly injurious to the prosperity of the colony, and may be destructive of its peace.

16. Whereas, in numerous instances in this colony, individuals have been located on leaseholds in the wilderness, and that such leaseholds are short of the number of acres stipulated, but that such individuals have never been able by proceedings at law to obtain that deduction from their rent corresponding to such deficiency, nor any deduction, and that from the case of James Douglas and Dingwell, detailed in Appendix to Journals 1840, and from the examination of their counsel, Messrs. Binns and Young, there seems no prospect of their attaining it, and as the same appears from the case of Lunn to be the decision of the court as to land within the fishery reserves, therefore it is important to exhibit to the Imperial Government such hardships, and with this view resolved, that the queries put by the special committee of the House of Assembly in 1839, to the Honourables the Attorney and Solicitor-general be printed, and form part of the Appendix to the Journals of this year, and of the documents to be printed for the Imperial Parliament.

17. Resolved,

17. Resolved, That many individuals who have leased or bought land from the claimants of townships have, in process of time, been deprived of access to any public road by the said proprietary claimants leasing or selling the land around such farms, without any reservation of or allowance for roads, and in consequence of such procedure many individuals suffer the most serious inconvenience. That petitions for relief of those labouring under such inconvenience being laid before the Assembly, and the personal knowledge of many members establishing such complaints as well founded, and there appearing to be no remedy at law as here understood, the House of Assembly passed last session and this session a Bill for the relief of such inconvenience, which was rejected by the Legislative Council on both occasions.

18. Resolved, That the proprietary claimants have failed in many other instances to reserve roads or rights for roads, or to deduct on that account the least portion of rent or price of the actual quantity of wilderness land thus rented or sold, and the different districts requiring roads of access to the harbours and other places where produce is shipped, the House of Assembly have been under the necessity of appropriating money raised, in a great measure from those holding under lease, to purchase for them and the rest of the public rights of way over portions of land, for every foot of which the holders have to pay rent to the proprietary claimants, or have already paid the full price.

Saturday, 24th April 1841.

1. WHEREAS the Executive Council of this colony is composed as follows :

- Hon. George Wright, father-in-law to the prothonotary, who is brother to the
- Hon. Robert Hodgson, who is cousin to the
- Hon. John Brecken, who is brother-in-law to the
- Hon. T. H. Haviland (colonial secretary, and a proprietary agent), who is brother-in-law to the Hon. Donald M'Donald, and brother-in-law to
- Hon. James Peake.
- Hon. Joseph Pope, a Government partisan, a proprietary agent, who is connected in marriage with the Hon. George Wright.
- Hon. J. S. M'Donald, who is cousin to the Hon. Donald M'Donald, a proprietary claimant, who is brother-in-law to the Hon. John Brecken, Hon. James Peake, and Hon. T. H. Haviland.
- Hon. Ambrose Lane, who is brother-in-law to the treasurer, who is brother-in-law to the Hon. Robert Hodgson.

Thus showing a family connexion in the Executive Council, however otherwise well qualified for the office in themselves, of eight out of nine Councillors; and how far the House of Assembly were borne out in their Resolution of 25th April 1840.

Resolved, therefore, That conviction is forced upon the mind, that a family compact of such magnitude, however well disposed in advising the Executive, will take care of themselves and their friends in the first place, and the interests of the colony only as a secondary consideration.

2. Resolved, That the Legislative Council is composed as follows :—

- Hon. R. Hodgson, solicitor to a proprietary claimant, and cousin to the
 - Hon. John Brecken, who is brother-in-law to the
 - Hon. Donald Macdonald, a proprietary claimant.
 - Hon. Charles Worrell - - - ditto.
 - Hon. J. H. Peters, who is agent of S. Cunard (recently appointed), a proprietary claimant.
 - Hon. George Dalrymple, receiver of rent for a relative, who is a proprietary claimant.
 - Hon. J. Livett,
 - Hon. W. Macintosh,
 - Hon. J. M. Holl,
- } Comparatively speaking strangers, lately from a rent-paying country, and but little acquainted with the history of this colony, and much less with the toil, labour, hardships and privations of the inhabitants. (Recently appointed.)
- Hon. G. R. Goodman, collector of customs.
 - Hon. P. S. M'Nutt.
 - Hon. Charles Young, lately from Nova Scotia (recently appointed), where he has resided from his infancy.

Showing the connexion and influence of proprietary claimants in the Legislative Council, and how far the House of Assembly were justified in passing their Resolution of 25th April 1840.

In the House of Assembly, Friday, 23 April 1841.

1. RESOLVED, That from the report of the special committee, and evidence reported by the same, it appears, that there are in a year, on an average of the last three years, only 53 days on which the chief justice is occupied on the bench, taking into account all the terms of the supreme court in the whole colony, and only an average of four days occupied by him in hearing counsel at chambers, and only, in the whole of these three years, 115 decisions

PRINCE EDWARD
ISLAND.

decisions on record causes, and 92 in other causes—say, on summary causes and appeals: the natural conclusion appears to be, that the amount of time occupied and business transacted ought not to be considered as excessive for one individual of competent legal acquirements, and in the ordinary state of health.

2. Resolved, That taking the facts referred to in the former Resolution into account, it is inexpedient, at present, to make any provision for a salary for an assistant judge.

3. Resolved, That in case, on the evidence taken before the committee, and on the letter of the chief justice, the Imperial Government should, on his withdrawal, appoint another chief justice, it would be for the benefit of the colony that the said appointment should be conferred on some individual not a native of or long resident in this colony, and still less one connected with the claimants of the townships therein.

27 April 1841.

1. RESOLVED, That it is the opinion of this committee, that it has been the fashion of interested individuals, of late, to represent the soil of the island as much more valuable than the cultivated portions of the neighbouring colonies; but that this is contrary to fact, and that its capabilities for agriculture were faithfully represented in the Resolution of this House, of the 24th April 1839 (folio 78 of its Journals), and are confirmed by the examinations of Messrs. Bell and Miller, of township No. 35, and Messrs. Arthur and Johnston, of township No. 23, taken before the committee of evidence this session; and still more indubitably by the report of the late Captain Holland, who, as Surveyor-general of British North America, examined and reported on this island in 1765.

2. Resolved, That if the Legislative Council, in their representations of the members composing the majority of the present House of Assembly, had stated that many of said majority were cultivators, under lease, of land which they had cleared from the wilderness—that only six or eight of them lived on freehold farms—that many of them were not possessed of more than a very moderate amount of property—that none of them were ashamed to labour to raise the bread they ate—that many of them were pledged by the country to pursue that line which they have followed—that the urgent entreaties of their neighbours prevailed on some to accept an office honourable to them, but exposing them, if they voted according to their conscience and pledge, to the bad offices of men in power—the House of Assembly must have confessed that all these were facts.

3. Resolved, That as the Legislative Council have repeatedly rejected the Bill for the settlement of the Inhabitants—the Bill for opening Roads—the Bill for relieving Tenants from bearing the entire burden of the Land Assessment—the Bill for the relief of the Loyalists and Disbanded Soldiers—and have, by their amendments to the Fishery Reserve Bill, for this and the two previous Sessions, gone contrary to the evident meaning of Lord Glenelg's despatches—therefore, in regard to a joint Address to the Throne, the House of Assembly are obliged to conclude, that there is great doubt whether said Council will agree to any Address making any close approach to a real redress of grievances; and as the Imperial Government seem to think that every colony exaggerates its own grievances, the Address thus frittered down by the Council, and modified in meaning by the Home Government, would end in something akin to nothing: Therefore, resolved, That the House of Assembly must leave to the Council to state its own views to the Imperial Government, with this understanding, that if, any time before the close of the Session, the Legislative Council shall agree to the amended Address transmitted to them by the House of Assembly, the House of Assembly, laying aside a separate procedure, will heartily concur with the Legislative Council in said Address.

4. Resolved, That the Legislative Council having requested a free conference with the House of Assembly, and the House having agreed to the same, the managers of said conference, on the part of this House, on their return handed in, as the subject of said conference, an Address to the Crown, drawn by the Legislative Council, with blanks left at the proper places, to be filled in with the words "House of Assembly," in case the House should agree to said Address—that the House could not agree thereto, for the reasons stated in the Resolutions which they entered into thereon, but sent up such an Address as they could concur with, through the medium of the same committee who managed the former conference, who handed the said original Address, and the amended Address, to the managers on the part of the Council—that the said amended Address was drawn up in regular form, headed "To the Queen's most Excellent Majesty," and was evidently an Address, and not reasons for not concurring, and was not stated to be reasons for not concurring—that it would seem strange how the Legislative Council could ever have mistaken an Address to be concurred in, for reasons for not concurring—that thereafter, when such astonishing misapprehension was removed, the Legislative Council, through the same medium of conference, endeavoured to impress on the House, that, in amending an Address sent down as this had been, the House of Assembly had violated all rule and precedent, and was bound to accept or reject the document as sent down; and that when by undeniable precedent, the House of Assembly proved their own procedure to be correct, the Legislative Council appear to have made some objections to form (which objections, however, the House of Assembly do not think well founded), and having desired no further conference on the said subject: Therefore, resolved, That the House of Assembly have, in the whole procedure,

cedure, shown every readiness to concur with the Legislative Council in any Address which would be so worded as not to sacrifice the rights of the Crown and the country, by acknowledging the claimants of townships to have unchallengeable titles to the said townships, in defiance of the most unquestionable evidence of the same being liable to forfeiture.

5. Resolved, That, comparing the advertisement, of which the subjoined is a copy, with the reiterated refusals of the measure of escheat to this colony, the conclusion must be, that there is in this island, or in Great Britain, or in both, an influence which prevents this colony from being allowed the same beneficial laws as the neighbouring colonies.

6. Resolved, That his Excellency the Lieutenant-governor be furnished with a copy of the various Resolutions passed by this House during the present session, on the general state of the colony, and in support of the representations made by this House to Her Majesty's Government last session, and other matters connected therewith; also with a copy of the proposed joint Address of the Council and Assembly, on the subject of the purchase of the lands by the Imperial Government, as amended by this House, with an humble Address requesting that he would be pleased to forward the same to Her Majesty's Government.

A PROCLAMATION.

By his Excellency the Right honourable Lucius Bentinck Viscount Falkland, Knight Grand Cross of the Guelphic Order, and Member of Her Majesty's Most Honourable Privy Council, Lieutenant-governor and Commander-in-Chief in and over Her Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

WHEREAS the proprietors of extensive tracts of valuable land in various parts of the province have neglected to fulfil the conditions attached to the grants thereof, and the settlement of the country having been, by such neglect, greatly retarded, the House of Assembly have requested that measures may be adopted "to re-invest the Crown with all wilderness lands owned by absentees who have not complied with the terms of the letters patent, under which the said lands are held."

I do, therefore, by and with the advice of Her Majesty's Executive Council, issue this my proclamation, for the purpose of making it publicly known, that I have directed the Commissioners of Crown lands to furnish me with a report of all tracts of land heretofore granted and now liable to forfeiture, whether belonging to residents or absentees, and that I shall cause the necessary legal proceedings to be instituted, at the expiration of eighteen months from the date hereof, for escheating all such tracts of land as shall not be, at that period, improved to the extent required by the terms on which the Crown parted with its right thereto, in order that the same may be regranted to persons who will become *bonâ fide* settlers.

Given under my hand and seal at arms, at Halifax, this 15th day of April, in the year of our Lord 1841, and in the fourth year of Her Majesty's reign.

By his Excellency's Command,

Rupert D. George.

GOD SAVE THE QUEEN.

In the House of Assembly, Saturday, 10 April 1841.

RESOLVED, That a further conference be desired with the Legislative Council, on the general state of the colony, and that at the said conference the committee of this House be instructed to communicate, that the House of Assembly suggest that the following Address be presented to Her Majesty, as the joint Address of both Houses:

To The QUEEN's most Excellent Majesty.

Most gracious Sovereign,

We, Your Majesty's dutiful and loyal subjects, the _____ and House of Assembly of Prince Edward Island, in Colonial Parliament assembled, beg leave to approach Your Majesty's throne and person, and most humbly to represent,—

That the lands of this colony were originally granted in large tracts of 20,000 acres each to private individuals, the greater part of which is still claimed by the descendants or assignees of such grantees, the majority of the inhabitants on such lands holding as tenants or occupants, and not in fee simple.

That if, by the purchase of these lands from the proprietary claimants, they were again re-invested in the Crown, for the purpose of being sold out in small tracts to the tenantry and occupiers thereof, it would be hailed by the inhabitants of this island as the greatest boon which Your Majesty could bestow upon them, and would, as Your petitioners conceive, be productive of great and permanent benefit to the colony.

PRINCE EDWARD
ISLAND.

Your petitioners are, at the same time, aware, that if the Imperial Government shall determine that the compensation for such claims must be paid immediately, and not by instalments, then this most desirable settlement cannot be attained without the advance, in the first instance, of a much larger, sum of money than the Legislature of this colony can at present command.

That as, during the last eight years, repeated applications for a court of escheat have been rejected by the colonial minister, Your petitioners humbly submit that the mode above referred to, namely, of paying compensation for such claims, is the only other one which to them appears practicable for removing this ground of long-continued dissatisfaction and misery; and whether Your Majesty shall determine that the advances necessary for such arrangement shall be made forthwith by the Imperial Government, or that the claimants shall wait such certain limited time as may appear necessary to enable the colony itself, by instalments, to pay off such claims, whichever of these modes Your Majesty may be graciously pleased to determine, Your petitioners will willingly abide by Your decision; and, though the Legislative Council do not admit that these claims are disputable, and the House of Assembly assert that these claims are all forfeited, yet, to do away with the evils arising from this dispute, both bodies, united as Your petitioners, pledge themselves to pass such legislative enactments as will raise for the discharge of such claims to the land of this colony, and all arrears of rent and obligations for the same, a price which is as high as the cultivators of said land can make good, and higher than the average price of land in the neighbouring colonies, and nearly double the price of that paid by any of the British American land companies, and higher than the average price of such lands in this island, when valued by juries, or when exposed to public sale for non-payment of taxes, as appears from the report by the Earl of Durham.

May it therefore please Your Majesty, taking the premises into consideration, to give such a decision as will free the tenants and occupiers of the lands from the harassed condition in which the majority of them at present are, and the colony from the embarrassment consequent thereon, and will enable the colony, by industry and persevering economy, in the course of years, to arrive at the same condition as the neighbouring provinces.

And as in duty bound the _____ and House of Assembly will ever pray for Your Majesty's Royal Person.

Enclosure 2, in No. 3.

To his Excellency Sir *Charles A. Fitzroy*, K. U., Lieutenant-governor, &c. &c. &c.

Encl. 2, in No. 3.

May it please your Excellency,

WE, the representatives of the people of Prince Edward Island, have in the course of the present session passed various Resolutions on the general state of the colony in support of the representations of the House of Assembly to Her Majesty's Government last session, and have also agreed to join the Legislative Council in an Address to the Queen on the subject of the purchase of the lands of this island by the Imperial Government, as amended by the House of Assembly, copies of which are herewith submitted, and humbly request that your Excellency will be pleased to forward the same to Her Majesty's Government.

House of Assembly, 27 April 1841.

Wm. Cooper, Speaker.

Enclosure 3, in No. 3.

Charlotte-town, Prince Edward Island,
19 March 1841.

Encl. 3, in No. 3.

Sir,

I DEEM it my duty to bring to your Excellency's notice, now that the Legislature is in session, the state of the supreme court in this island, in regard to the daily increasing necessity which in my opinion exists, for the services of a professional assistant judge of that court.

Your Excellency is aware that there are no inferior courts in the island, with the exception of a magistrate's civil jurisdiction, to the extent of 5*l.*, and in very minor criminal cases, and in trifling assaults and batteries, from all which an appeal generally lies, and is frequently carried up to the supreme court. The two assistant judges not being gentlemen of the legal profession, the whole administration of justice in the island (with the above very limited exception) devolves upon myself individually and exclusively.

Those two gentlemen do, indeed, at all times, when called upon, evince the utmost readiness to lend their aid; and Mr. Justice Haviland, who has held that office prior to and during the whole of my residence in the island, renders very valuable assistance; but that gentleman's office of colonial secretary, and his other official avocations, requiring so much of his time and attention, and no salary being provided, I have abstained from ever requiring his services, except upon some slight occasions and during two terms, in one of which, from my extreme illness, he presided in the court, and in the other, whilst I was still an invalid, he regularly attended (I have no doubt much to his inconvenience), and assisted me
with

with much ability. The members of the bar also show an unwillingness to try their causes before judges whose attention has not been particularly directed to legal studies. In this manner I have for upwards of twelve years conducted the business of the supreme court. The frequent and almost absurd appeals from my own decisions to myself sitting alone, is a matter of consideration rather for those who choose to subject themselves to such an anomaly, than an objection on my part; but it is the increasing duties of the supreme court that induces the urgent necessity for further judicial assistance. During the time of my presiding upon the bench in this island, its population has nearly, if not quite, doubled in numbers. For a great part of that time there were but three terms of the supreme court in the year; they have gradually increased to four terms in the year at Charlotte-town, besides four additional circuit courts in the two counties, and the business of the courts has naturally increased nearly fourfold; yet the judiciary remains in the same state as at the first civil establishment in the island, if we except a somewhat increased jurisdiction in the magistrates. In all the neighbouring provinces there have been in each, from the first (and long before they numbered a population equal to that of this island), a chief justice and three efficient puisne judges, besides inferior courts of judicature; this island is the solitary exception to that system. I beg not to be understood by your Excellency, as on the present occasion, complaining of the undue burthen from time to time thus imposed upon myself, although I feel my constitution is beginning to sink under the weight. I have ever scrupulously abstained from such complaints, endeavouring always to go through my labours to the best of my strength and ability. My only object at present is, that the administration of justice in this island may be made more efficient than it can possibly be under the existing system. I am still unwilling, for the reasons before stated, to call upon the assistant judges to take their turn of duty, as is done in all other colonies; but I fear that either this measure, or an increasing deficiency in the administration of justice, must be the alternative, and more particularly as I understand the Legislature have it now in contemplation to increase the duration of the present terms; thus imposing a yet additional duty, the whole amount of which no one individual could by any possibility satisfactorily and efficiently discharge.

I have thus brought to your Excellency's notice some of the reasons why, in my opinion, the time has arrived when the state of the colony renders absolutely necessary the appointment of at least one assistant judge of the supreme court, being a gentleman of the legal profession.

I have shown your Excellency, that with a trifling exception the whole administration of justice in the island devolves upon the chief justice alone; that I have presided in the supreme court upwards of twelve years, during which time the population has nearly doubled, bringing with it a vast increase of legal business; that the terms of the supreme court, from three in number, have increased to eight in the year, and are, some of them, about to be lengthened in duration; that the system in this island, as compared with that in all other colonies, falls far short of the means of obtaining a full and complete administration of justice. I might go on and show to your Excellency, that for want of inferior jurisdiction, so much of the time of the supreme court is necessarily devoted to trifling matters as to render it impossible to complete all the business in progress; that many law points of great moment and of the greatest intricacy are brought and urged before the supreme court, in the investigation and decision upon which much time would be saved, and business would in general be greatly expedited, if there were another legal mind with whom the chief justice could consult, for want of which I have found it necessary, on several occasions, under great disadvantage, to consult with the chief justice of a neighbouring province; and many other cogent reasons might be offered which are obvious to those versed in legal pursuits. But I trust I have stated sufficient to convince your Excellency that an urgent necessity exists, and will continue daily more and more to increase, for the services of an assistant judge of the supreme court, bred to the study of the law, and to which I cannot for a moment think the Legislature, having the good of the country at heart, would hesitate to give a due and ready attention.

I have, &c.

To his Excellency Sir Charles A. Fitzroy,
Lieutenant-governor, &c. &c. &c.

(signed) *E. J. Jarvis.*

Enclosure 4, in No. 3.

THE Lieutenant-governor transmits to the House of Assembly a copy of a letter from the chief justice, representing the necessity which exists for the appointment of a professional assistant-judge of the supreme court, and the Lieutenant-governor hopes that the reasons assigned by the chief justice for such an addition to the judiciary of the colony will receive that mature consideration from the House which the importance of the question entitles them to.

Encl. 4, in No. 3.

(signed) *C. A. Fitzroy, Lieut.-governor.*

Government House, 25 March 1841.

PRINCE EDWARD
ISLAND.

Enclosure 5, in No. 3.

LEGISLATIVE COUNCIL CHAMBER, Thursday, 29 April 1841.

Encl. 5, in No. 3.

WHEREAS the House of Assembly, in the session of 1840, passed certain Resolutions, reflecting upon the proceedings of the Legislative Council, particularly in the 2d and 3d of the said Resolutions, which are as follow:—

2. Resolved, That it is the opinion of this committee, that on many occasions in past times, and more especially for the last eight years, the majority of the House of Assembly, on different occasions, have represented the injustice done to the agriculturists by the grantees of townships, and that in every instance, except in 1803, their representations have been opposed by a majority of the Council.

3. Resolved, That the change which in 1839 was made in the construction of the Legislative Council has been productive of additional evil; and that, as no prosperity nor peace can be expected in this island till an amelioration on the tenure of land be effected, and no House of Assembly, elected by the unbiassed suffrages of the people, can refrain from endeavouring to effect that most important object; so, whoever looks to the individuals composing the Council must see that, on this important subject, the majority of them have an interest contrary to and subversive of the general interests of the inhabitants of the colony, by their being proprietors, land agents, connexions of such land agents, or persons, in the opinion of this committee, warmly biassed in favour of the proprietors, and that the House of Assembly cannot, in consequence thereof, have any confidence in the Legislative Council, so long as it shall remain so constructed.

And whereas the Legislative Council, in reply to the said Resolutions of the Assembly, stated,—

“That it was a matter of notoriety, gathered from the public prints and other sources, that the said majority of the House of Assembly had attained their present position in that House by deluding the tenantry of this colony into a belief that, if elected as their representatives, they would relieve them from the payment of rents, and obtain for them grants from the Crown, confirming them in their several possessions; and that this system of delusion had been practised by the leaders of the said majority for several years past, whereby the tenantry had been encouraged to withhold the payment of their rents, until, in numerous instances, they had incurred arrears which their utmost exertions never could enable them to discharge; and that the leaders of the said majority, finding that they could not carry out their delusive promises, attempted to relieve themselves from the just odium of their constituents, by representing the Legislative Council and the Executive Government as inimical to the interests of the people, an imputation no less unjust than untrue, the sympathies of both the Legislative Council and the Executive Government having been invariably evinced in favour of the true interests of the people of this colony, at the same time that they had endeavoured to awaken the tenantry to the ruin which would inevitably follow their fatal delusion:—

And whereas the House of Assembly, in another series of Resolutions, passed on the 22d and 23d instant, declared, that the said Resolution of the Legislative Council “is in all its bearings highly insulting:”

Resolved, That the Legislative Council disclaim all intention of acting discourteously in any manner towards the House of Assembly by the said Resolution, otherwise than by a desire to defend themselves from the unjust and unfounded charges made against them by the House of Assembly.

Resolved, That the House of Assembly, in the said series of their Resolutions, have entirely failed to impugn the correctness of the facts stated in the said Resolution of the Council, by attempting to shift from themselves to a former House of Assembly the odium of encouraging the tenantry of this colony to withhold the payment of their rents, for that, in no proceedings of any former House of Assembly, can the slightest encouragement be found to induce the tenantry to believe that they could, by any measure, relieve them from the payment of their rents, but that the whole odium and responsibility of such encouragement are solely chargeable upon the leaders of the majority of the present House of Assembly, and that the Address to the King, which is contained in the Journals of the Assembly of 1829, to which the present majority of the House of Assembly refer, to bear them out in such attempt, had no tendency to induce the tenantry to withhold the payment of their rents, the simple object of that Address having been merely to relieve the tenantry from the payment of a large arrear of quit-rent due to the Crown, and at that time threatened to be enforced.

Resolved, That the imputation contained in the 11th of the said series of Resolutions passed by the House of Assembly, charging the Legislative Council to be “operated on by self-interest,” to the prejudice of the interests of the agriculturists of this colony, is grossly untrue, inasmuch as the Legislative Council have on all occasions earnestly advocated those measures which tended to the true interests of the people, and have only rejected those wild and unconstitutional measures which attacked the sacred rights of property, or invaded the prerogative of the Crown; whilst, on the other hand, the Legislative Council have originated many Bills, particularly during the present session, most useful to the community, which have been rejected by the House of Assembly; viz. “A Bill relating to the Limitation of Personal Actions,” rendering the law similar to that prevailing in England, and in the neighbouring colonies; “A Bill to regulate and declare the Qualifications of Jurors,” which by the existing laws are totally undefined; “A Bill to compel Constables to serve,” the necessity of which was suggested in a presentment of a grand jury of King’s County,

County, and recommended to both Houses by message from the Lieutenant-governor; "A Bill to amend the Act passed in the seventh year of the reign of his late Majesty King William the Fourth, intituled, 'An Act to amend the Law relating to the Admission of Barristers, Attornies and Solicitors, and to regulate the Admission of Advocates and Proctors in the Court of Vice-Admiralty and Court of Probate in this Island,'" the object of which Bill was to promote the respectability of the bar, in unison with the Acts and Regulations on that subject in the neighbouring colonies; "A Bill against Forestallers and Reqraters," similar to the laws prevailing in all populous places for the prevention of such abuses, and which is much called for, in consequence of complaints made by the inhabitants of the capital of this colony; "A Bill to establish Criminal Sessions in Queen's County," a measure recommended by the chief justice, which was intended for and would have relieved the Supreme Court of Queen's County from the trial of petty offences, the delay consequent upon which is productive of the greatest injustice and inconvenience to all civil suitors in that court, whose causes are deferred from term to term, to afford time for the trial of those offences.

And in further proof of the desire of the Legislative Council to meet the views of the House of Assembly, the Council, in giving their reasons for rejecting the Bill passed by the House of Assembly, on the subject of the purchase of the lands, in the session of 1840, expressed their readiness to join the House of Assembly in an Address to the Throne, praying Her Majesty to take the measure contemplated by the Bill into her favourable consideration, and to grant the means for effecting the purchase of the said lands, provided the proprietors should be found willing to dispose of the same; and when in this present session the House of Assembly sent up to the Council a similar Bill, the Council, upon again rejecting it, prepared an Address to the Throne, praying Her Majesty to order a negotiation to be entered into with the proprietors, to ascertain the prices at which they would respectively agree to dispose of the whole of their lands in this island, together with the arrears of rent now due thereon, with a view to their being re-invested in the Crown, for the purpose of being re-granted in small tracts to the tenantry and settlers thereon; and in the event of the proprietors being willing to accept a reasonable price for the same, that Her Majesty would be graciously pleased to order that the funds necessary for making such purchase should be in the first instance advanced from the Imperial Revenue, and sent the same down to the House of Assembly, with a request that the Assembly would join them in the said Address; but to the great surprise and disappointment of the Council, the House of Assembly refused their concurrence thereto, because it did not go to the extreme and unconstitutional length of praying that a particular price should be fixed for the lands, and the proprietors thereof arbitrarily compelled to receive it, although they must have been well aware that such an extravagant request could not receive the sanction of the Imperial Government, thereby evincing the insincerity of their professions, and showing, in the plainest manner, a manifest disposition to keep up a system of agitation, for the sole purpose of retaining their own popularity, at the expense of the deluded tenantry.

Resolved, That the construction of the Legislative Council differs materially from that of the year 1834, alluded to in the 12th of the said series of Resolutions passed by the House of Assembly, inasmuch as it is asserted, in the Address of the Assembly of the year 1834 to the King (miscalled a Resolution), that, out of the nine members composing the Council, six of them held situations of emolument at the pleasure of the Crown; whilst of the present Legislative Council, composed of twelve members, three only hold offices under the Crown, and but two of which are offices of emolument; and there are only two proprietors, and two agents of proprietors, in the Legislative Council, one of the latter having been appointed subsequent to the session of 1840.

Resolved, That the complaint against the Legislative Council, for the rejection of the Bill, intituled, "An Act to provide Right of Access to one Public Road to Individuals occupying Land from which there is no such Access," is wholly unfounded, the provisions of that Bill being based on the most absurd and inequitable principles, inasmuch as it went to compel, not only the proprietors, but also the heirs and assigns of proprietors, who at a remote period had disposed of wilderness lands in the rear of farms now under cultivation, at merely nominal prices, to bear the expense of making roads to communicate with such wilderness lands, and which expense, in numerous cases, would far exceed the original sum paid for the land itself.

Resolved, That although the majority of the House of Assembly have thought fit, in their Resolutions passed this session, by absurd deductions of what they term "connexion," said by them to exist between some of the members of the Legislative Council individually named, and by charges of "ignorance" against others, also individually named, as to the true "history of this colony, and of the toil, labours, hardships and privations of its inhabitants," to draw inferences from such supposed "connexion" and "ignorance," false in themselves, and personally offensive to those members of the Council, thus affording a sufficient excuse to the Council, if so inclined, for adopting a similar course; yet the Council do not deem those charges worthy of any very grave refutation, because it is notorious that by far the greater majority of the members of the Assembly are ignorant and illiterate men, having but a trifling stake in the country, and possessed of no influence whatever in society, beyond that based on their advocacy of the question of escheat, by which alone they have been enabled to attain their present position as representatives, and on the keeping alive of which question their continuance as representatives depends; while the fact of the greater portion of them being tenants, and, in many instances, largely in arrear of rent, clearly shows that they are interested, not only in keeping up the excitement,

PRINCE EDWARD
ISLAND.

ment, on which their ephemeral influence depends, but that they have a direct personal interest in the success of any attack on the property of their landlords, and who are therefore in no way scrupulous in creating charges against, and imputing unworthy motives to, the Council, who have endeavoured to control and check their extravagant and unconstitutional proceedings.

And whereas the House of Assembly, in the third of certain other Resolutions passed on the 27th instant, state that the Council have repeatedly rejected several Bills passed by the House of Assembly, among others, one for relieving Tenants from bearing the entire burthen of Land Assessment; and the Bill for the relief of the American Loyalists and Disbanded Soldiers; and have by their amendments to the Fishery Reserves Bill, for this and the two previous sessions, gone contrary to the evident meaning of Lord Glenelg's despatch: And whereas the first-mentioned Bill was sent up from the Assembly but once, and that in the session of 1840; and the provisions of the said Bill went to make void the covenants contained in the leases in this colony, which are generally of long duration, by releasing the tenant from the payment of the present and all future land assessment, which, as the land becomes more valuable, might be assessed at a sum far exceeding the rent reserved by the Landlord; and the Bill for the relief of the American Loyalists and Disbanded Soldiers was rejected by this House in the session of 1840, in consequence of a despatch from the Secretary of State for the Colonies, laid before this House by his Excellency the Lieutenant-governor, and again in the present session on the same grounds, and the course adopted by this House in this respect was further approved by another despatch from the Secretary of State for the Colonies, laid before this House by his Excellency the Lieutenant-governor, a few days subsequently to the rejection of the said Bill in this session; and the Bill for the regulation of the Fishery Reserves of this island, in the sessions of 1839, 1840, and this present session, was amended in this House, and with said amendments sent down to the House of Assembly for their concurrence, but which amendments were in each session by them disagreed to, and the Bill itself thrown out, without previously desiring a conference with this House, to signify their disagreement to such amendments, contrary to parliamentary practice, the regular course being, under such circumstances, to have desired a conference with this House, and therein to have stated that they had disagreed to the said amendments, and then to have returned the Bill to the committee of this House, in order to afford this House an opportunity of considering whether they would adhere to their amendments, or whether they would agree to the Bill in its original form, as sent up by the House of Assembly: Therefore, resolved, that in the rejection of the two first-mentioned Bills, this House exercised a proper and sound discretion; and with regard to the Fishery Reserves Bill, this House was precluded from exercising any discretion whatever by the unparliamentary proceeding adopted by the House of Assembly; and as to that part of the Resolution which expresses a doubt whether the Legislative Council would concur "in any Address making any close approach to any real redress of grievances:"

Resolved, That the Resolution itself clearly shows how impossible it would be to concur in an Address framed in accordance with such Resolution, implying as it does, that the Address and representations of the House of Assembly are exaggerated,—a course of proceeding to which this House can never be parties, it being in their opinion highly derogatory to any legislative body to misstate or exaggerate facts, in making representations to the Imperial Government, which should contain nothing but absolute truth.

Enclosure 6, in No. 3.

In the House of Assembly, Saturday, April 24, 1841.

Encl. 6, in No. 3. To the Right Honourable and Honourable the Knights, Citizens and Burgesses of Great Britain and Ireland, in Parliament assembled.

The PETITION of the House of Assembly of Prince Edward Island.

Most respectfully sheweth,

THAT last year a Petition from the House of Assembly was presented to your Honourable Body, and it was understood, from the reports of the proceedings in Parliament, that the colonial minister had expressed himself determined, in one way or other, to redress the grievances complained of.

That the Lieutenant-governor of this colony has laid before your Petitioners a despatch, received from the colonial minister, stating, that "although this question originates in motives of private interest, shared equally by landlords and tenants, it assumes, in effect, the character of a public question, and as such must be treated. It is Her Majesty's earnest desire to remove every just cause of complaint in all parts of her dominions; Her Majesty has been, accordingly, pleased to desire me to enter into communication with the resident proprietors in this country, with a view to learn whether, by any further proposition on their part, means may be found to determine a question which has for so long a period agitated the colony."

Your Petitioners crave leave to state, that from the oppressive policy long practised by those who style themselves proprietors (but who are, in reality, only the holders of claims to

to the townships of this island, which claims were long since liable to forfeiture), your Petitioners have no reason to expect that those individuals will voluntarily accept such amount of compensation for these claims as would be in proportion to the value of the land, or in the power of the colony to make good.

The House of Assembly beg to state, that the history of the management pursued, in regard to these claims, is to be found at length in the Journals of the House of Assembly for 1833, 1834 and 1835, as well as in the Resolutions of the present House, and is concisely stated in the report of the late Earl of Durham, and in the evidence thereunto appended—particularly the letter of his Excellency the present Lieutenant-governor of this colony.

And as the measures proposed by this House, for the settlement of the colony, have been rejected by the Legislative Council, and as, from the Resolutions passed this session by the House of Assembly, as well as in the sessions of 1839 and 1840, it will appear that there is no prospect of their agreeing; and from the whole facts of the case, it is evident that the proprietary constitution of the colony, like that of Carolina, Pennsylvania, Maryland, and all other proprietary colonies, cannot either operate beneficially, or amend any of the evils resulting from such constitution—and much less, the principal evil, which is, the thralldom of the cultivators—and therefore we most humbly crave your Honourable Body to amend that principal evil, the source of so many others.

Your Petitioners beg again this time to state, that if the population of this island be put, in respect of the tenure of land, on an equal footing with the other colonies, or on any footing, so that they may live free from perpetual harassment, they believe the country will, for the sake of such boon, effectually secured, at present forego any of the well-founded complaints against the undue influence which the Legislative Council exercises, in regard to all other matters within the colony—though, while such are alleged to be grievous in so many other colonies, they are more especially galling and insulting in this.

Your Petitioners, with the view of putting your Honourable Body in possession of the matter, have caused to be printed certain documents, showing the principal facts of the case, but if any part, which to those in this island may seem fully proved, shall to your Honourable Body appear doubtful, we pray that you will not, on account of such defect, reject our petition, but will give opportunity to supply what may be judged wanting.

And as the representatives of the people of Prince Edward Island, we do most respectfully, and yet with all earnestness, beseech and implore the Honourable the House of Commons so to order the matters submitted, that the people may cultivate the wilderness with a fair prospect of retaining it; that the soil of this island—situated under the same rigorous climate as that of Nova Scotia and New Brunswick, and which during more than five months in the year is covered with snow, and during that same period is, by an icy barrier around the shores, precluded from any possibility of tillage or of export or import—may no longer be so managed as that those who bring into cultivation the wilderness shall be under perpetual bondage to those who use a territory (unadvisedly granted to them, under conditions which they have never fulfilled, and all liable to forfeiture,) solely for their own pecuniary and political aggrandizement.

And, as in duty bound, your Petitioners shall ever pray.

— No. 4. —

(Confidential.)

EXTRACT of a DESPATCH from Lieutenant-governor Sir *Charles A. Fitzroy* to Lord *John Russell*, Government House, Prince Edward Island, 5 May 1841.

My despatches of the 3d and 4th instant (Nos. 13 and 14), will have made your Lordship fully aware of the proceedings of the Legislature of this island during the late session, and of the feeling which exists among the majority of the House of Assembly, relative to the land question.

My confidential despatch of the 7th of May 1839, entered into a complete detail of the origin and progress of the disputes between the proprietors and tenants, and of the advantage that had been taken of the general ignorance of the tenantry by certain designing members of the House of Assembly, to influence their minds against the proprietors, and to lead them away by delusive hopes, that by persevering in a system of agitation and resistance to the payment of rents, they would eventually obtain free grants of their farms; I need not, therefore, trouble your Lordship now with any recapitulation on that subject.

But I feel that your Lordship has a right to require that I should express my opinion without reserve upon the state of this question as it at present stands

PRINCE EDWARD
ISLAND.

(particularly as the House of Assembly have forwarded a Petition to Mr. Hume, to be presented to the House of Commons), and that I should endeavour to suggest some practicable means of putting a final stop to the excitement which has so long prevailed, to the serious injury of the interests of all classes in this community, and of none more than the deluded tenantry themselves.

Before, however, I give my opinion or propose a remedy for this evil, I feel it necessary to request your Lordship to bear in mind that there exists no parallel or analogy between this colony and any other in British North America, and therefore that the same rules applicable to the general government of those colonies will not in all cases suit this. In the other colonies the people have complained of real or fancied political grievances, which have led to collisions between the executive and the representatives of the people: here the people have no political grievances, and make no complaint of the manner in which the government is administered. The only point in dispute is the terms on which they hold their lands, and the discontent is confined to the tenantry alone; to this body nine-tenths of the constituency belong. The franchise approaches nearly to universal suffrage; while the qualification of a member of the House of Assembly is the possession of either freehold or leasehold property to the amount of only 50*l.* currency—not more than 35*l.* sterling. I may add, that in the other colonies—I allude to Nova Scotia and New Brunswick—the leaders of the Assembly are men of education and property; and all the members, however much they may be divided in opinion upon political subjects affecting the general welfare of their respective colonies, are men who have considerable stakes in them, and are of respectable callings; while here the majority of the Assembly have been chosen from the lowest and most ignorant class, men without property and without education.

* * * * *

There is another inducement, also, and a very powerful one, which leads persons of indifferent character and small means to endeavour to secure seats in the Assembly, viz., the pay which they are in the habit of voting themselves at the close of each session, and which is an object of very great consideration with by far the larger portion of the present House of Assembly. I am not aware of any power derived from the constitution of the colony which authorizes the members to vote themselves pay. There is no Act of the Legislature giving them this power, and I believe it is entirely derived from precedent and custom, both of comparatively recent date, as I find by the Journals of the Assembly that no pay was voted from the year 1812 to the year 1825, since which period it is notorious that the House of Assembly has declined materially in respectability. As a proof that their pay is a paramount object with the majority of the present House, I may mention the fact that every item in the Appropriation Bill sent up from the Assembly to the Council in the recent session, and objected to by the latter, (there were several, including one voting 150*l.* to Mr. Hume), was immediately and without hesitation struck out by the Assembly, solely from the fear that if they refused, the Council would throw out the Bill, and that without it they would lose their pay.

* * * * *

At the present day it would be useless to inquire whether the proprietors or the tenants were originally most to blame, although there can be no doubt that, as has often occurred in cases of greater importance, the want of timely concessions and redress of real grievances on one side has led to extravagant and unreasonable demands on the other. My duty now is to point out such a course as may, I trust, enable your Lordship to terminate the disputes which have up to this time most unfortunately prevailed.

Your Lordship has given your opinion, that any attempt on the part of the Crown to purchase the lands from the proprietors is impracticable, and you have decided that the terms proposed by Mr. G. R. Young, which were transmitted to me in Lord Glenelg's despatch of the 16th of March 1838, should be the basis on which Her Majesty's Government would recommend that the question at issue between the proprietors and tenants should be arranged. Bearing in mind this recommendation, I feel it my duty to state that, at length, the proprietors in general have complied with these terms. I trust, therefore, that the question may now be set at rest, as far as the Government can effect that object.

—No. 5.—

(No. 57.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-governor
Sir *C. A. Fitzroy*.

Sir,

Downing-street, 25 June 1841.

No. 5.

I HAVE to acknowledge the receipt of your despatch, marked "Confidential," of the 5th of last May, in which you explain your views of the manner in which the controversy between the proprietors and tenants in Prince Edward Island may be terminated.

Despatch from
Lord John Russell
to Lieut.-governor
Sir C. A. Fitzroy,
25 June 1841.

I have to acquaint you in answer, that Her Majesty's Government having reviewed the whole progress of the discussion regarding the tenure of land, have arrived at the following conclusions :—

First, That the original terms of settlement were impracticable, and that any escheat at the present day, on the ground of the failure to fulfil such conditions, would be unjust.

Secondly, That Her Majesty's Government consider it right to state, that the Crown has not at its disposal any funds out of which the lands could be purchased by the Crown, to be afterwards sold or granted to the tenants.

Thirdly, That the terms proposed by Mr. G. R. Young, or terms equivalent to those, seem to have been acceded to by the great majority of proprietors.

Fourthly, That, under these circumstances, the best course which Her Majesty can recommend is, that the Assembly and Council should turn their attention to the improvement of the resources, and the encouragement of the growing wealth, of Prince Edward Island, and leave to the gradual operation of time the settlement of a question, which offers no sound footing for direct legislation.

Lastly, I have to state, that Her Majesty is not disposed to blame any party for the mode in which this discussion has been prosecuted; but Her Majesty's anxiety for the welfare of the province makes Her desirous to see the termination of a fruitless and irritating contest.

I have, &c.

(signed) *J. Russell*.

—No. 6.—

(No. 58.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-governor
Sir *C. A. Fitzroy*.

Sir,

Downing-street, 28 June 1841.

No. 6.

I HAVE to acknowledge the receipt of your two despatches, Nos. 13 and 14, of the 3d and 4th of May, the former containing your report upon the proceedings of the last Session of the Legislature of Prince Edward Island, and the latter enclosing a series of Resolutions of the House of Assembly relating to the state of the colony, together with the counter Resolutions of the Legislative Council, and the copy of a Petition from the House of Assembly to the House of Commons, the original of which has been intrusted to Mr. Hume to present.

Despatch from
Lord John Russell
to Lieut.-governor
Sir C. A. Fitzroy,
28 June 1841.

I have to convey to you the expression of my thanks for the copious explanations with which you have furnished me in respect to the various subjects referred to in the Resolutions of the House of Assembly, and in regard to the Petition to the House of Commons. I do not, however, consider that it is incumbent on me to advert to the different topics comprised in these papers, having, on the principal question relating to the lands sufficiently explained to you in my despatch, No. 57, of the 25th instant, what were the views of Her Majesty's Government; I confine myself, therefore, on this occasion to the remark, that I have no further proposition to make, and that I regret to see such a fruitless prosecution by the Assembly of measures on which the opinion of Her Majesty's Government has been so frequently and decisively expressed.

I have, &c.

(signed) *J. Russell*.

PRINCE EDWARD
ISLAND.

—No. 7.—

(No. 16.)

COPY of a DESPATCH from Lieutenant-governor Sir C. A. Fitzroy to Lord John Russell.

No. 7.
Despatch from
Lieut.-governor
Sir C. A. Fitzroy
to Lord John
Russell,
4 May 1841.

Government House, Prince Edward Island,
4 May 1841.

My Lord,

I HAVE the honour to transmit an humble Address of the House of Assembly of this island to The Queen, complaining of the high price set on Crown lands, and "praying Her Majesty to order me to use my discretion as to the price and disposal of Crown lands in this colony to actual settlers;" together with an Address to myself, requesting me to recommend the subject matter of it to Her Majesty's Government.

I have referred the Address to Her Majesty to the Surveyor-general, and I take the liberty of enclosing a copy of that officer's report for your Lordship's information; it will be seen from the Surveyor-general's letter that a similar application was made by the House of Assembly in 1836, when Lord Glenelg transmitted those discretionary instructions which have since governed the sales of Crown lands in this colony: these lands, however, are now of very limited extent and value, and in the event of any portion of them being required for actual settlement, your Lordship will probably sanction their disposal at such prices as I, in conjunction with the Surveyor-general, may deem reasonable.

I have, &c.

(signed) C. A. Fitzroy,
Lieut.-governor.

Enclosure 1, in No. 7.

To THE QUEEN's most Excellent Majesty.

Encl. 1, in No. 7.

Most Gracious Sovereign,

WE, Your Majesty's faithful Commons, the House of Assembly of Prince Edward Island, humbly beg leave to renew the expressions of those sentiments of attachment and loyalty which they have ever evinced towards Your Majesty's Person and Government, and most humbly to represent,—

That in the year 1831 Your Royal predecessor was pleased to order the small portion of Crown lands left ungranted in this colony, to be disposed of at public sale to the highest bidder; that by means of such sales, persons in the royalty of Prince-town, whose misfortunes, years ago, had compelled them to clear the forest for a subsistence, were, by the order of 1831, obliged to purchase lots which they had thus cleared, or compete at public auction for the very land which their labour had made much more valuable, thus compelling such persons to pay additional sums for their own labour and the improvement of the colony; that the Crown lands in the towns and royalties (now that the greater number of the best lots are sold) are set up at high prices, which, however willing the Government of the colony are to abate, yet it does not appear that they are empowered either to grant any portion of land improved by the colonists prior to the aforesaid order of 1831, at a fixed rate, as they shall judge proper, or to enforce conditions of improvement on parties purchasing at the Government sales, which would work advantageously for the colony.

That an extraordinary high price is set on the portions of Crown lands in the several townships of this colony, without any just cause, as must be evident from the fact, that Crown lands of equal fertility, and in the vicinity of better markets for the sale of agricultural produce in the adjacent counties of Picton, Colchester and Cumberland, in Nova Scotia, are sold at from 2s. to 3s. per acre, whilst 20s. per acre is demanded for Crown lands in this island.

May it therefore please Your Majesty to take these subjects into Your gracious consideration, and to order his Excellency the Lieutenant-governor to use his discretion, as to the price and disposal of the Crown lands of this colony to actual settlers.

House of Assembly, 8 April 1841.

W^m Cooper, Speaker.

Enclosure

Enclosure 2, in No. 7.

To his Excellency Sir *Charles Augustus Fitzroy*, K.H., Lieutenant-governor and Commander-in-Chief in and over Her Majesty's Island of Prince Edward, &c. &c. &c.

May it please your Excellency,

THE House of Assembly having had under consideration a Petition of divers inhabitants of Prince-town royalty, on the subject matter of the disposal of the Crown lands in this island, and having adopted an Address to Her Majesty on the subject, the House beg your Excellency to be pleased to forward the same to be laid at the foot of the Throne: at the same time that the House of Assembly beg to renew those expressions of regard and esteem to which your Excellency is so justly entitled, it humbly requests your Excellency's personal approval and recommendation of the subject matter of the Address to Her Majesty.

House of Assembly, 10 April 1841.

W^m Cooper, Speaker.

Encl. 2, in No. 7.

Enclosure 3, in No. 7.

Sir,

Surveyor-general's Office, 1 May 1841.

I HAVE the honour to acknowledge the receipt of your communication, calling on me for a report on a Memorial from the House of Assembly to Her Majesty, complaining of the high prices at which Crown lands are set up for sale, and "praying that his Excellency the Lieutenant-governor may be ordered to use his discretion as to the price and disposal of the Crown lands of this colony to actual settlers."

I cannot avoid expressing my surprise that the House of Assembly should have decided to address Her Majesty on this occasion, as, by reference to their own Journals of 1837, it will be seen by a despatch from Lord Glenelg, bearing date the 7th April 1836, in answer to a Memorial of the House of Assembly on the same subject, that the prayer of their present Address has already been conceded, and in consequence an abatement was made on an average of 10 per cent. on the prices at that time established.

The upset prices of pasture lots in the royalty of Prince-town, more particularly complained of by the House of Assembly, come, I consider, within the meaning of lands referred to in Lord Goderich's despatch of the 28th January 1833, wherein his Lordship directs that "when lands are situated in towns or in positions convenient for wharfage, or with peculiar advantages as to existing markets, the upset price at any sale of them must of course be higher than the ordinary upset price."

I beg to state, as a proof that the Crown lands are not over-valued, that at all the sales thereof, except the last, the whole of the lands advertised were disposed of, and most of them at a considerable advance upon the upset prices. The last public sale of Crown lands took place at Prince-town, when thirteen lots of eight acres each were advertised; nine of these lots were sold at the upset price; for the remaining four no offer was made; a subsequent offer has been made for these lots, but at a less price, and I do not feel myself justified in advising the Lieutenant-governor to reduce the present upset price, as I am of opinion that these lots are of equal value with those sold, and when it is considered that the purchaser receives the grant free of any charge of office-fees and the usual conditions of quit-rent, the upset price of 27s. sterling per acre cannot be considered extravagant.

No application has lately been made for township lands, and as the small portion remaining in the Crown is of inferior value, I shall advise the Lieutenant-governor to reduce the upset price, should any application be made for it.

With respect to the hardship complained of by the House of Assembly, of settlers having to compete at public auction for the lands they have cleared, this can only occur in cases where the settler has taken possession of Crown lands without authority.

I have, &c.

The Hon. T. H. Haviland,
Colonial Secretary,
&c. &c. &c.

(signed) *Geo. Wright*,
Surveyor-general.

—No. 8.—

(No. 62.)

COPY of a DESPATCH from Lord *John Russell* to Lieutenant-governor

Sir *C. A. Fitzroy*.

Sir,

Downing-street, 26 July 1841.

I HAVE received your despatch, No. 16, of the 4th May last, enclosing, with other documents, an Address to The Queen from the House of Assembly of Prince Edward Island, complaining of the high price set on Crown land, and praying that you may be ordered "to use your discretion as to the price and disposal of Crown land in the colony to actual settlers."

506.

D 2

You

No. 8.
Despatch from
Lord John Russell
to Lieut.-governor
Sir C. A. Fitzroy,
26 July 1841.

PRINCE EDWARD
ISLAND.

You will have the goodness to inform the House, that I have had the honour to lay their Address before The Queen, who was pleased to receive it very graciously, and to command that it should be referred for the consideration of the Commissioners for Colonial Lands and Emigration: those Commissioners have since made their Report on the subject, and I have now to communicate to you, for the information of the House of Assembly, the conclusions which Her Majesty has been pleased to adopt and sanction.

The Commissioners are of opinion that there is no sufficient reason for interfering with the discretionary power of regulating the price of Crown land already vested in the Governor, and that you have acted judiciously in not reducing the price so long as sales continue to be effected. Fully concurring in the caution conveyed in the despatch of Lord Glenelg, of the 7th April 1836, the Commissioners express a hope that you may not, for the present, consider it desirable to lower the established prices of any description of land, notwithstanding the appearance of indisposition on the part of the inhabitants to purchase the waste land, or to pay the price demanded for it. Adverting to the very limited extent of the Crown land, and especially to the growing desire of British capitalists to invest their money in the purchase of colonial lands, the Commissioners think that in a colony so advantageously situated as Prince Edward Island, prices, proved by experience to be not unreasonable, cannot fail to be ultimately realized.

With regard to the terms on which unauthorized occupiers of Crown land should be allowed to acquire titles to their farms, the Commissioners conceive that, as in other colonies, this class of persons should, in Prince Edward Island, have a right, in preference to all other persons, of purchasing the lands occupied by them, and should be required to pay no more for them than what would otherwise have been the minimum price at which they would have been offered to public competition. This rule would offer no undue encouragement to a class of men who are serviceable in advancing the settlement of a colony, while it would secure to them the enjoyment of the fruits of their industry and investment of capital.

Adopting the preceding conclusions of the Commissioners, Her Majesty is pleased to direct that they be made known to the House of Assembly, as comprising the answer which Her Majesty thinks it right to return to their Address.

I am, &c.

(signed) *J. Russell.*

—No. 9.—

No. 9.
Extract Despatch
from Lieutenant-
governor
Sir H. V. Huntley
to Lord Stanley,
22 May 1842.

(No. 33.)

EXTRACT of a DESPATCH from Lieutenant-governor Sir *Henry Vere Huntley* to Lord *Stanley*, dated Government House, Prince Edward Island, 22 May 1842.

HAVING now received from the Speaker the Resolutions agreed to by the House of Assembly just previously to the prorogation upon the 16th of April, I have the honour to transmit them, with any remarks thereon, proposing to examine them in succession.

No. 1.

1st Resolution.

The first Resolution states, that the Assembly can see no reason to depart from any of the Resolutions passed in the House of Assembly between the year 1839 and the present period. On referring to the Resolutions and other papers upon the "state of the colony," emanating from the Assembly during that time, your Lordship will find that the tenantry have been represented as suffering under the greatest distress, utterly unable to meet the rent demands of the landlords, and the prosperity of the colony altogether obstructed in its advance, in consequence of the manner in which the land is held by the proprietors. In opposition to these statements, I beg leave to call your Lordship's notice to my despatch of the 27th of April, and also to the Address to Her Majesty by which it was attended. This Address prays that Her Majesty will be pleased to make an additional grant of 500 £. towards the building of a lunatic asylum, expressly because, since the original grant in 1840, land in the vicinity of Charlotte-town had nearly doubled its

its value. Here is an admission of a wonderful advance in the ability of the inhabitants to purchase; and, therefore, as, according to the Address, this increase in value has been effected in two years, an extraordinary prosperity, instead of distress, may be unquestionably inferred; for it is not to be supposed that the value of land has nearly doubled itself only in the vicinity of Charlotte-town, and remained stationary elsewhere in the colony. But the House of Assembly might more forcibly have shown the advance in the price of land; and I am happy to have it in my power to corroborate their statement on this point, by informing your Lordship that since my arrival a lot of 12 acres, which not more than 16 months ago was purchased for 114*l.*, has been this year sold for 480*l.*, the whole having been bought by men engaged in the common labour of the town; also a farm of 180 acres, about five miles distant, has been bought for 1,000*l.* by the tenant who had previously farmed it during seven years, he having been nothing more originally than a labouring farmer, and his means arising entirely from his own industry and prudence. In both these instances the terms of the purchase have been completed according to the agreement, which obliged the chief part of the purchase-money to be paid at once.

These, my Lord, are not solitary cases painfully collected to answer a purpose, but illustrations of customary occurrences in this vicinity, to which those of a more distant locality bear a fair comparison. By this it appears, then, that the poorer classes, whether labourers or tenantry, have, by the adoption of industrious and prudent habits, been able to acquire sufficient sums of money to enable them to make considerable purchases of land; and this ability, arising either from the employment of the one or purchase of the produce of the other by the richer orders, argues prosperity. But the House of Assembly, although stating the alteration in the value of land, cannot see cause to alter their view of the state of the colony taken in 1839, and subsequently.

In the second resolution, the House states the despatch of the Right honourable Lord John Russell, dated the 25th of June 1841, to be in direct contradiction to several prior despatches and expressed opinions; and the House begins by declaring that his Lordship's conclusion as to the impracticability of the original conditions of the grants is in opposition to the statements of the House of Assembly of 1797: which I apprehend it may be, without lessening the value of his Lordship's conclusion. This conclusion is also stated to be opposed to the admission contained in the despatch of Lord Hobart, replying to these statements of 1797. Referring to the said despatch, dated the 6th of August 1802, your Lordship will not find the conclusion of Lord John Russell to stand in opposition to any word of it. The despatch of Lord Hobart describes the course to be adopted with regard to quit-rents, and recommends a Bill upon the subject; and, with regard to the escheat question, directs the practice of other neighbouring colonies to be followed; but in no instance does Lord Hobart even allude to the impracticability of the original conditions, and therefore does not advert to the inequity of escheating, because they were not fulfilled. The conclusion of Lord John Russell is also said to be opposed to the Act of the Legislature of 1803. This Act, 2 Will. 4, c. 19, went to the extent of establishing a Court of Escheat, and was not, as recommended by Lord Hobart, a mere adoption of another system, indicating and embracing the question of escheat. 2d Resolution.

With regard to this despatch of Lord Hobart, it appears certainly correct that there was a desire to adopt the practice of the neighbouring colonies upon this subject, and it contains directions to report from time to time any steps that may have been taken with reference to lands upon which the conditions of the grant had not been fulfilled; but it does not anywhere appear that Lord Hobart had been made aware of the impossibility of the grantees complying with the terms of the grant; and I beg to submit that it has never been shown that the grantees of the neighbouring colonies ever remonstrated against an escheat of their grants, and that therefore it is fair to conclude that they could have complied with the conditions, but had not done so. This forms a striking difference between the conduct of the grantee of this colony and the grantee of those in the neighbourhood.

When the escheat fell upon the townships 15 and 55, the Crown exercised its prerogative; but I apprehend the Crown has a full right to decline exercising its prerogative at pleasure, and more especially so when, from more minute exami-

PRINCE EDWARD
ISLAND.

nation of the question, it had appeared that the act of escheat would be an inequitable act, because the conditions laid upon the grantee were impracticable; for, although the Government of that day certainly intended to give the lands as they were given, yet it could never have been intended that the grantee should have been harassed by terms which could not be executed, and therefore to escheat upon such terms would be unjust.

Admitting that ten years were given by the despatch of Lord Bathurst, conveying thereby power to the grantees to settle their lands with a class of persons different from those required by the original grants; and that at the expiration of those ten years in 1827, it was still found that the lands had not been settled as required, still, my Lord, I think forbearance was due to the grantee, for the island at that time was chiefly known from the failure of every attempt to settle it; and emigrants, with the attractions of the Cape of Good Hope and Australia before their view, were very unwilling to accept the severe climate of North America: the time was too short to remove the injury inflicted upon the reputation of this island by the previous failure of every endeavour to settle it.

It is not necessary to occupy your Lordship's time by going through the remainder of the documents to which the despatch of Lord John Russell is said to be opposed, but it is proper again to observe, that in no instance does the passage of that despatch, as cited by the House of Assembly, offer contradiction to them; in no document alluded to is it stated that the terms were practicable, and therefore that an escheat would be just; and this statement must be shown to exist before the charge against his Lordship's conclusion can be substantiated.

I would, however, before leaving the second Resolution, beg to call your Lordship's attention to the reasoning of the House of Assembly when they state that Lord John Russell's conclusion as to the injustice of escheating, where the terms were found to be impracticable, is in opposition to "Lord John Russell's own opinion at one time," as a proof of which they quote from another of his Lordship's earlier despatches the following passage upon the question of escheat, which, his Lordship says, "is a public question, and as such must be treated;" it might have occurred to the House that it had in the interval between these despatches been treated as a "public question," and that the "conclusion" of Lord John Russell, contained in the despatch of the 25th June 1841, was the result of the deliberation upon it, although the House of Assembly would seem to think either that a subject once made a public question cannot terminate at all, or only when the decision of the superior agrees with that of the inferior power.

3d Resolution.

The third Resolution begins by stating, "that the House of Assembly have not desired an escheat solely on the grounds of the failure to fulfil the original terms of settlement, but principally on account of the exorbitant rents demanded by the proprietors," &c.; I submit that the House, in giving this explanation of the principal cause of their desire for an escheat, have shown also a desire to establish a court, with powers altogether beyond those of a court of escheat; a court of escheat could only recognize the departure from conditions as cause for escheating; but the House desires that it should also make the exaction, or oppression, of the proprietor towards the tenant a ground upon which an escheat might be pronounced; the House of Assembly desire a general escheat; now, by their own reasoning, wherever "exorbitant rents" were not demanded, an escheat ought not to be desired by the House; but to carry out the meaning of this Resolution, a total revision of the laws upon escheat would be necessary; indeed it would be necessary to make new laws, and then act retrospectively upon them.

However, my Lord, the House have now a new obstacle to overcome, and one which I feel convinced has made them change the ground upon which they have heretofore appealed for an escheat: formerly it was non-fulfilment of conditions; now it is "principally" on account of exaction on the part of the proprietor; their position upon non-fulfilment is no longer tenable, for, by the census, completed and printed in 1841, with the exception of Township No. 10, (the property of David Stewart, esq., residing in England), every other township throughout the island is settled according to the conditions of the grants: this fact seems to set the question at rest.

The

The fourth Resolution states, that the terms proposed by Mr. G. R. Young were rejected by the House of Assembly, as any proposition would have been not going to the full extent of escheat, however much it might have been recommended by Her Majesty's Secretary of State for the Colonies.

PRINCE EDWARD
ISLAND.

4th Resolution.

In answer to the fifth Resolution, I beg to refer your Lordship to the information conveyed in my observations upon the first Resolution, showing that tenantry, and even labourers, have, by industry and prudence, been enabled to effect very considerable purchases, a practice so little uncommon as to establish the allegation of the existence of distress and oppression extremely exaggerated, and not at all general. The back rents, under the liability to pay which the tenantry have placed themselves, is a heavy burden which the tenantry have acquired by attending to the advice of those who induced them to believe that by refusing payment of rent they were acting legally, and this advice was given by men as mischievous as ever disturbed a country, but who were sufficiently artful to induce amongst the population the belief that opposition to the laws was the surest course to independent possession of the land now held by them as tenantry.

5th Resolution.

* * * * *

It would be needless to occupy your Lordship's time in reviewing the Resolutions Nos. 6 and 7, the purport of both having been already so fully under discussion with Her Majesty's Government, and there appearing nothing in them but the reiteration of old argument, unsupported by any thing fresh; I will only observe, that I think the ensuing elections will prove how very little the "despatches" alluded to "are prejudicial to the colony," and how very little they "operate upon the hopes and fears" of any persons in the manner described in the seventh Resolution.

6th and 7th Reso-
lutions.

Upon the eighth Resolution I have to remark, that the prayer which it contains for the appointment of commissioners from Nova Scotia, or New Brunswick, is, in my opinion, totally uncalled for; first, because the grounds for claiming an escheat no longer exist; secondly, because the tenantry are now not only paying their rents, but to a certain degree paying up back rents; and thirdly, because the discontent which prevailed has now subsided, the people being sensible of the errors into which a few designing men had led them.

8th Resolution.

I have, my Lord, the assurances of several of the proprietary agents in corroboration of my statements, and I have a return before me, showing that where, in 1839, (the hottest period of escheat agitation) only 2*l.* 14*s.* was paid upon rent account, in 1841 there has been received from the same property 136*l.* 16*s.*; and in many cases the back rents have been, at the request of the tenant, allowed to remain unpaid, to enable the said tenant to erect some building, or otherwise improve the property,—a course which the agent felt would be more for the interest of his employer than the receipt of the rent, and consequent prevention of the improvement proposed.

It is a prayer, also, conceived in injustice, the Crown having given the land upon certain conditions, which, with one exception, have been fulfilled: how can the Crown be now called upon to appoint commissioners to appraise the land, and, deciding upon the value arbitrarily, fix a rent for land over which it has no power, after the terms of the original grant had been fulfilled? And as to the necessity of securing, by the intervention of a commissioner, to the tenant the value of improvements made by his own exertions, I would beg to suggest a far more simple process, namely, paying his rent with regularity; for having a long lease always, often one of 999 years, so long as he pays his rent, the law, which he has of late been so mischievously advised to oppose, will secure to him all his improvements. I must look upon this prayer for the appointment of commissioners as the mere effort of a faction pledged to keep the question of escheat and settlement before the population for the sole purpose of continuing dissension.

In reply to the ninth Resolution, which observes, "While the law for re-vesting forfeited lands in the Crown is suspended in this colony, and the law for the recovery of rents for such lands is carried into operation, &c.," I have to observe, that what the House of Assembly is pleased to call "the law," is nothing else than the prerogative of the Crown, which the Crown may unquestionably exercise

9th Resolution.

PRINCE EDWARD
ISLAND.

cise or not, at its pleasure. The House of Assembly has no power or right to call upon the Crown to exercise that prerogative against its will, and still less so against a sense of justice.

* * * * *

14th Resolution.

Nos. 2 and 3.

In the 14th Resolution it is stated, "That the land assessment imposed by an Act passed in 1837, for 10 years, has been of no service whatever to induce the proprietors to settle the present tenantry and occupants, or to settle the wilderness lands;" your Lordship, by referring to the statistical returns of 1833, and the same of 1841, will be informed, that between those periods 222,000 acres of land have been sold and occupied, and that the population has increased nearly 15,000 in number; the Land Assessment Act has been in operation since 1837, and was passed with the view of forcing the proprietors to settle their wild lands, which the House says it has not succeeded in doing; then it is fair to presume, that some natural circumstances, highly favourable to the island, and in spite of all the oppression and other evils described by the House as overwhelming the colony, have effected that which the artificial effort of the Legislature could not. It is difficult to imagine why the Assessment Act should have been declared inoperative by the House, without noticing the gratifying fact, or assigning any reason in explanation of so extraordinary an increase, both in occupation of land and population, in a country whose prosperity, the House says, is obstructed by injustice and oppression.

15th and 18th
Resolutions.

The 15th Resolution is of little import; and upon the subject of the 18th, I have already had the honour to address your Lordship.

16th Resolution.

The 16th Resolution is worthy of some explanation, which will tend to show at once the peculiar disposition and incapacity of the House of Assembly of 1842, in its majority; this Resolution was, in its origin, brought forward by Mr. Palmer, member for Charlotte-town, as an amendment, to negative all the other Resolutions, and in that shape terminated at the words "irredeemable burden;" when it was itself amended by Mr. Clarke, member for Prince-town, who proposed that the words "which public measures have been supported by the proprietors and their abettors," should be added after the word "burden;" this proposition was eagerly adopted by Mr. Clarke's supporters; and though its folly was pointed out by an opposition to it, yet Mr. Clarke not only carried his proposal, but also by a subsequent vote advanced the amended amendment into the list as a Resolution; by which the House of Assembly declares that the proprietors themselves actually support all "public measures tending to render insecure the titles to landed estates;" probably no legislative body ever before discovered the possession of so much inaptitude as has been displayed by the House of Assembly on this occasion.

Resolution proposed by Mr. Rae, carried, but not given with the details, although upon the Journals of the House.

Then follows another Resolution, introduced by Mr. Rae, ironical in its meaning, and only tending to show that passion was dictating a disgraceful termination to a House of Assembly, the majority of which had encouraged every view destructive to the rights of property, while at the same time it exhibited a lamentable absence of disposition and capability to engage in useful legislation until the very last session.

17th Resolution.

This Resolution represents generally the view taken by the House of the colony; there appears to be little in it that has not already been before Her Majesty's Government; and I cannot but remark, that if there is any depression in the condition of the colony, that might not have been contemplated as arising from a climate which denies the power of engaging in the labour of the soil during at least half each year, it is to be attributed solely to the too successful endeavours of designing men to entice the population into the pursuit of results springing from inequitable demands, of which the same population have been made sensible, and are now, I think, seriously attempting by industry to extricate themselves from the difficulties in which they have been involved by their advisers.

No. 4.

It would only be uselessly occupying your Lordship's time by descanting upon the two Addresses which I have the honour to transmit; the examination of the Resolutions equally apply to the Addresses, which are indeed founded upon the Resolutions.

Enclosure

Enclosure 1, in No. 9.

PRINCE EDWARD
ISLAND.

PRINCE EDWARD ISLAND.

In the House of Assembly, 11 April 1842.

RESOLUTIONS reported from the Committee of the whole House, on the State of the Colony, and adopted by the House.

Encl. 1, in No. 9.

1. **RESOLVED**, That it is the opinion of this committee, that they see no reason to depart from any of the Resolutions, as to the state of the colony, passed in the sessions of 1839, 1840, 1841, nor from any of the representations contained in the Addresses forwarded to the Colonial Secretary and the House of Commons in those years.

2. Whereas Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, in a despatch to Sir Charles A. Fitzroy, bearing date the 25th June 1841, contains a conclusion to which Her Majesty's Government has come, in reference to the question of escheat; viz. that the original terms of settlement were impracticable, and that any escheat at the present day, on the ground of the failure to fulfil the conditions in the original grants, would be unjust—which said conclusion is in direct contradiction to the statements made by the House of Assembly in 1797—to the admission contained in Lord Hobart's despatch in answer thereto, dated in 1802—to the Act of the Legislature in 1803, passed as recommended by the said despatch of 1802, the disallowance of which has never yet been satisfactorily accounted for—to the Resolutions of the House of Assembly in 1805—to the proceedings taken by Government against townships 15 and 55, in 1816—to the despatch of the Earl of Bathurst, with the Prince Regent's proclamation of 1818, granting an indulgence to the grantees and proprietors for ten years from 1816, allowing the lands to be settled by British subjects in the same proportion as originally intended with foreign Protestants—to the actual state of the population in several townships at the expiration of the said indulgence in 1827—to the opinions of the Crown Officers in 1832, taken by the then House of Assembly—to the Act of 1833, intituled, "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 was disallowed, not because the terms of settlement were impracticable, but because the said Act might fetter his Majesty in the free exercise of his royal prerogative—to the reasons given for passing the several Acts for levying an assessment on all lands—to the report of the Earl of Durham to the Imperial Parliament in 1839—to the admission in the despatch of Lord Stanley, Lord Goderich and Lord Glenelg, from 1831 to 1840—and to the published admission of Governors Fanning, Smith, Ready, Young, Harvey and Fitzroy—to the practice pursued in the old colonies, and in the neighbouring, and also stated to be pursued in the Australian colonies—to Lord John Russell's own opinion at one time, which he states to be, that the question at issue "was a public question, and as such must be treated"—and to evidence taken by and within the knowledge of this House:—Resolved, therefore, That this House considers the said opinion, contained in Lord John Russell's despatch of the 25th June, to be singular, unsupported by evidence, and in direct opposition to the various statements and opinions above referred to.

3. Whereas it appears by a despatch laid before this House, dated Downing-street, 25th June 1841, that the Right honourable Lord John Russell, Her Majesty's late Principal Secretary of State for the Colonies, is of opinion, "that the original terms of settlement were impracticable, and that any escheat at the present day, on the ground of the failure to fulfil such conditions, would be unjust:" Resolved, That the House of Assembly have not desired an escheat solely on the grounds of the failure to fulfil the original terms of settlement, but principally on account of the exorbitant rents demanded by the proprietors, which absorb the labour and capital invested by the tenant in the improvement of the land; and it would be unjust to allow the proprietors to claim such property through their failure to fulfil their conditions. The true value of the grants to which the proprietors have any right in equity can be estimated only when connected with the apparent expense and difficulty attending the performance of the original conditions for settlement; and any delay of the executive to enforce the forfeiture of the grants, when such conditions were not performed, or to release the grantees from said conditions, and authorize them to introduce British subjects instead of foreign Protestants, has given a new value and construction to the grants—the amount of such enhanced value being in proportion to the prices or terms the respective grantees or proprietors have let or disposed of the land to immigrants, which new value is abstracted from the colony generally, but from British subjects individually; and as the land is let far above its value, the labour and capital in improving it becomes the property of the proprietor, while, on the other hand, the non-settlement with foreign Protestants held out a fair prospect to British subjects emigrating to the colonies that the lands would be re-vested in the Crown, and that such immigrants would be settled in the same manner as Government have settled them in the other colonies.

4. Resolved, That the terms proposed by Mr. George R. Young were rejected unanimously by the House of Assembly, as unworthy of being recommended by the Government, or accepted by the people.

5. And whereas the said last despatch recommends it as Her Majesty's desire, that the Assembly and Council should "turn their attention to the improvement of the resources; and the encouragement of the growing wealth, of Prince Edward Island, and leave to the gradual operation of time the settlement of a question which affords no sound footing for direct legislation:" Resolved, That where public wrongs disturb the minds of a people, and

PRINCE EDWARD
ISLAND.

thus retard the prosperity of a colony, it is the duty of the House of Assembly respectfully to represent it to Her Majesty, and seek redress; and the wrongs of this colony may be briefly stated as follows: The land of this island was let in its wilderness state to British subjects, without any improvement, at a rent far above the interest of the fee-simple value of the land, as stated in the 3d and 4th Resolutions of 1839, and those of the 24th April 1841, and many of the tenantry are greatly in arrears for rent, which they are unable to pay, much less to redeem their improvements at the proprietors' terms by the purchase of the fee-simple. And the practice of adding the arrears of rent to the fee-simple, and demanding interest as rent, or taking the tenant's bond on interest for such arrears, is most discouraging to the tenant, and renders it utterly hopeless for the tenant to derive any benefit from his improvements. The grantees have also exercised an ownership over the lands reserved in the Crown for the fisheries, and have let the same on rent, together with the township lands; and immigrants, on their arrival, had to become tenants, to procure a location where they could fish for their subsistence; and when the improvements (which is the growing wealth of Prince Edward Island) are assumed by the proprietors under such practices, to leave to the gradual operation of time the settlement of a question of such vast importance to the happiness of the people and the prosperity of the colony, would discourage industry, render property insecure, and bring the justice of Her Majesty's Government into disrepute.

6. Resolved, That the House of Assembly have not sought an advance of money from the Imperial Revenue, to purchase the lands from the proprietors, to enable the Crown to sell or re-grant the same to the tenants; but from a desire to settle the tenantry and occupants of land. The House of Assembly passed a Bill for that purpose in the session of 1839, which was rejected by ministers, on the ground that it embraced the principle of escheat; and in the sessions of 1840 and 1841, the House of Assembly passed another Bill, which went to re-vest the lands in the Crown, and to settle the tenants and occupants thereon, on their paying the full price of wilderness land for such quantity as they held under lease or occupation—which price, together with a land-tax, was placed at the disposal of the Crown, to award to the respective proprietors such portion of the said sum as Her Majesty might be advised to grant in equity as the value of the grants, and for any expense or loss the proprietors might sustain.

7. Resolved, That the despatch laid before the House of Assembly in 1841 states, that the settlement of the tenantry must be treated as a public question; and the despatch laid before the House this present session, in reference to the same question, concludes, that it offers no sound footing for direct legislation, which vacillating despatches are prejudicial to the colony, and operate on the hopes and fears of a numerous class of persons, who have improved the lands of this colony, and stand in jeopardy of being deprived of their improvements.

8. Resolved, That whatever injustice may attend an escheat at the present day, on the ground of the failure to fulfil the conditions for settlement, proceeds from the vacillating despatches received from time to time from the Secretaries of State for the Colonies. A despatch from Lord Hobart, in the year 1802, recommended the Legislature of this island to pass a Bill for the regulation of a Court of Escheat, which was passed accordingly, but afterwards suppressed, through some undue influence; and, in the year 1816, a despatch from the Earl of Bathurst went to release the grantees from the performance of the conditions of their grants; and when the Right honourable Lord John Russell, Her Majesty's late Secretary of State for the Colonies, discourages all such legislation in this island as would settle the inhabitants, it becomes necessary to pray Her Majesty to lay the unsettled state of this colony before the Imperial Legislature, and recommend to their consideration to pass an enactment to authorize the Crown to appoint commissioners from the provinces of New Brunswick and Nova Scotia—men whose experience in the practice of settling the lands in those provinces would enable them to make an appraisement; to find the original fee-simple value of the land in its wilderness state; and also the value thereof in its improved state; and to settle the inhabitants in this colony in such a manner, that while the Government may deem it just to award to the proprietors the fee-simple value of the land in its wilderness state, or the interest thereof as a rent, it appears equally just and reasonable that those who have cleared and improved the land, and erected the buildings thereon at their own cost and labour, should be secured in the value of their improvements.

9. Resolved, That while the law for re-vesting forfeited lands in the Crown is suspended in this colony, and the law for the recovery of rents for such lands is carried into operation, giving the proprietors of forfeited grants an undue claim to recover rent, and also the improvements made upon those lands by persons who were to have been settled, there is no expectation that such proprietors will consent to relinquish such claims, or submit to an equitable arrangement, as recommended in the foregoing Resolutions, unless the Government is prepared (in the event of the proprietors' refusal) to institute proceedings by a Court of Escheat, to re-vest the forfeited lands in the Crown, and settle the inhabitants.

10. Resolved, That it is a subject of complaint in this colony, that the grantees or proprietors of the township lands have been suffered to exercise acts of ownership over the lands for the fisheries, including them in their leases to the tenants, or otherwise having disposed of the fee-simple with the land in the rear thereof; and immigrants on their arrival to settle in this colony, had either to purchase or to pay rent for such reservations

servations before they could obtain a location where they could fish for their subsistence—whereby the grantees or proprietors have obtained large sums of money, to the loss of the inhabitants and the colony; whereas the late Lieutenant-governor, Sir Charles A. Fitzroy, in the session of 1839, by message, laid before the House of Assembly certain despatches relating to the lands reserved for the fisheries, setting forth that it was the determination of Her Majesty's Government to throw open the reserves to all British subjects engaging in the fisheries, and suggesting to the House of Assembly the propriety of passing such laws as might be necessary, "for preventing improvident and injurious practices in carrying them on," as recommended by Her Majesty's Secretary of State for the Colonies.

11. Resolved, That the House of Assembly have, in the sessions of 1839, 1841 and 1842, passed Bills for the regulation of the reserves, to afford every facility for carrying on the fisheries; but as the persons located upon these reservations had cleared and improved the same, and in most cases have erected their dwelling-houses and other buildings thereon, and have either purchased the fee-simple thereof, or paid rents for such reservations to the proprietors of the adjoining townships, the House of Assembly provided in their Bills that the persons who cleared the land, or were entitled to the improvements, should be quieted in their possessions; but the Council virtually rejected the said Bills, by their amendments thereto—which amendments went to exclude the fishermen, not only from all bays and harbours, but also from parts of the out-sea coast, and to give the fee-simple to the proprietors of the townships in the rear of the fishery reserves.

12. Resolved, That every indulgence that has been given to the proprietors from time to time has been at the expense of the tenantry; that when the Imperial Government reduced the quit-rents, at the desire of the grantees, they were increasing the rent upon the tenantry; and when the despatch from Earl Bathurst went to release the grantees from the settlement of their grants with foreign Protestants, the grantees, through such indulgence, imposed terms of settlement upon British subjects far less favourable than any settlement practised in the British colonies; that when the late Secretary of State for the Colonies declined to authorize the appointment of a court of escheat, and declared that it would be unjust to divest the proprietors of the land, the proprietors were and are thereby encouraged to distress and deprive the tenants of their improvements; and every indulgence given to the proprietors emboldens them still further to oppress the tenants; that as the House of Assembly knew that the fishery reserves were the most desirable for the location of immigrants, for the convenience of fishing, and that such lands were the first brought into cultivation, and, together with the fishery, were the principal sources from which the tenant could pay rent—which rent the proprietors have received since the first colonization of this island—therefore, there could be no injustice done to the proprietors of the township lands to pass a law to quiet the tenant in the possession of such portion of the reserves as he has cleared and brought into cultivation at his own cost and labour—subject, nevertheless, to the original conditions of being open to the fisheries.

13. Resolved, That while the proprietors are allowed to demand and recover rent for the lands reserved for the fisheries, or to dispose of them in fee-simple, it operates as a reward to the proprietors to defeat any law being made for the regulation of the fishery reserves, or for the settlement of the inhabitants of this colony; and that therefore it be respectfully submitted to the Government, that it is necessary that the Government should, without delay, institute proceedings for the recovery of such rents or purchase-money from the proprietary claimants, as have been received by them, and to order such regulations as shall make such reserves available in future for the purposes for which said lands were reserved.

14. Resolved, That the land assessment imposed by an Act passed in 1837, for 10 years, has been of no service whatever to induce the proprietor to settle the present tenantry and occupants, or to settle the wilderness land; but this tax has released the proprietors from the payment of a quit-rent, and often is an additional burden of 2s. per hundred acres upon the tenant and occupant; except in cases where they were previously bound by their leases to pay said quit-rent; and the tax of 4s. per hundred acres upon the proprietors for wild land is but an advance of 8d. sterling upon a quit-rent of 2s. sterling per hundred acres, which the proprietors are bound to pay; the 4s. currency being 2s. 8d. sterling.

15. Resolved, That the rejection by the Legislative Council of the Bill passed by the House of Assembly for the payment of 100 l. sterling to the individual whom the Assembly shall appoint as their agent in Great Britain, for the purposes expressed in the preamble to the said Bill, is denying to the representatives of the people of this colony the power of appropriating from the funds received from the people a sum, which, thus applied, was likely to be of the most material service to the people, and is barring them from the means of employing an efficient individual to act for them in Great Britain at the time when the petition of the House of Assembly is pending before the House of Commons, and when those of whose procedure the people of this colony complain have an organized system and agency in Britain actively engaged in counteracting the views and injuring the interests of the people of this colony.

16. Resolved, That while the main interests and resources of this island depend on the number, industry and wealth of its agricultural population, so long will its prosperity be retarded by any public measure calculated to render insecure the titles to landed estates; to discourage the ingress and settlement of agricultural capitalists, or which may prove to its numerous tenantry an inducement to withhold the payment of their rents until all arrears accumulate to a ruinous and irredeemable burthen; which public measures have been supported by the proprietors and their abettors.

PRINCE EDWARD
ISLAND.

17. Resolved, That the following report of the special committee appointed to report on the value of property enumerated in the census returns be adopted:—

Your Committee have respectfully to submit that, at this late period of the session, they have not been able to bestow that time which the nature of the subject would require, in order to state, in all particulars, exact amounts; that, after some days, part of the information which they required has not been furnished, owing probably to the pressure of other business in one of the public offices, and that, in some of its bearings, the committee could not ascertain from any authentic record at their command exact numbers or exact amounts. Under these circumstances, the only course left open to your committee was to decline reporting, or so to guard their statements as that when exact information was unattainable they should underrate any number or amount which bore against the statements and arguments of the proprietary claimants, and should, at the same time, overrate any number or amount which was in favour of these claimants. The documents as to arable, freehold and leased land, mills, farming stock and crop, churches, schools, and the number of the male population liable to statute labour, are all taken from the census, so far as number, the values only having been affixed by the committee.

PROPERTY of the Townships of Prince Edward Island, by Census of 1841, exclusive of any value which may be put on the claims of the Grantees of Townships and their Assigns, to demand Rent.

Cleared, arable, fenced land in townships, 135,000 acres, at, for clearing	£.
and fencing, per acre, 3 <i>l.</i> 10 <i>s.</i> - - - - -	472,000
Houses, barns, &c., of 7,000 farms, erected by the farmers, at 100 <i>l.</i> -	700,000
177 mills, at 200 <i>l.</i> - - - - -	34,000
Roads, bridges and wharves - - - - -	106,000

£. 1,312,400

MOVEABLE PROPERTY.

	£.
9,600 horses, at 12 <i>l.</i> - - - - -	115,200
40,000 cattle, at 4 <i>l.</i> - - - - -	160,000
70,000 sheep, at 15 <i>s.</i> - - - - -	52,500
33,000 hogs, at 25 <i>s.</i> - - - - -	41,250
Agricultural implements and household furniture of 7,000 families, at 40 <i>l.</i> - - - - -	280,000

648,950

£. 1,961,350

Grain for bread, and sowing, &c., one-half of what is raised, and the same of potatoes - - - - -	107,869
Independent of 3,000 tons of shipping belonging to individuals on the townships - - - - -	13,500

£. 2,082,719

Thence deduct as follows:—Of 10,000 acres held by sundry proprietary claimants of townships for their own farms, with the same proportion of stock and crop—these 10,000 being $\frac{1}{3}$ of the whole land occupied, that is, $\frac{1}{3}$ of 2,082,719*l.* gives 35,297*l.*, and double this, as the buildings and stock of these farms are much superior to the generality

70,594

Which deducted, leaves as total capital of the farming population - £. 2,012,125

PUBLIC BUILDINGS on the Townships, raised, with few exceptions, entirely by the farmers:

67 churches, at 250 <i>l.</i> - - - - -	19,750
100 school-houses, at 30 <i>l.</i> - - - - -	3,000

The above prices are on the supposition that the farming stock are at the prices they would be sold for in barter, and rather over the cash prices; and were any quantity thrown into the market here, and cash payments required, the price would fall very considerably. The other values are estimated in produce, the work required in performing the same being generally thus paid.

EXPORTS for 1840.—Invoiced value, sterling, 140,000*l.*, and which exceeds the exports by 78,000*l.* sterling, which deficiency is believed to be nearly made up by the sale of vessels built in the colony, and the value whereof is not included in the Custom-house statement of exports - - - - - £. 140,000

On the above invoiced value add 100 per cent., as the price at which the goods are sold in the colony in colonial currency - - - - -	140,000
Average of labour, or commutation paid for labour, on public roads by inhabitants, seven-sixths, or 9,000 individuals liable to labour, including teams - - - - -	3,350
Proportion of land assessment paid by farmers - - - - -	380
Salaries to clergymen and teachers, and annual repairs of churches and schools, and voluntary subscriptions to bridges and wharves - - - - -	7,500

£. 291,130

Showing

Showing that the expenditure of the colony, independent of rents, amounts to about 14 per cent. on the capital accumulated, chiefly by labour on the land, for the last 70 years. And, in regard to this expenditure, your committee have to remark, that though it may be thought the colony could dispense with the greater part of some of the articles imported, yet that it is equally clear, the colony requires far more of some other articles than are imported, *e. g.*, iron and salt, and all ship stores. Your committee have also to remark, that the quantity of wheat raised in the colony affords three bushels for the consumption of every individual; and that your committee believe the quantity of wheaten flour exported from the out-ports to be at least equal to what is imported at Charlotte-town. Whereas the average consumption of wheat in England appears, by Macculloch, folio 416, to be from four to eight bushels per head.

Your committee also submit, as indicative of the state of the colony, that the Spanish dollar, current in the adjoining provinces at 5s. and 5s. 3d. of their currency, passes here at 6s. of this island currency; that their 1*l.* notes pass here for 23s.; and that the British shilling, which with them varies from 1s. 1d. to 1s. 3d. here passes for 1s. 6d.; and that the temporary employment of agricultural labourers, and the employment of mechanics, would be much circumscribed were they in all instances to refuse to take from their employers the produce of the country and to insist for money.

Your committee submit, that the population of this island appears to have been doubled since the year 1827; but that, though this is held by some as an argument of this island offering advantages superior to the neighbouring colonies, your committee cannot agree to the deduction. The number of immigrants within that period bears a large proportion to the total population in 1827, for in that year it was 23,000, and last year 2,000 immigrants arrived; and laying aside this item of account, it may be observed, that some portions of the British dominions which receive no accession of numbers from abroad, but are every year sending out great numbers of their native population, and are, in spite of such drain, rapidly increasing in amount, are at the same time rather diminishing than increasing in wealth. The exact increase of population, from births among the people resident in this island in 1827, appears from the census to be 8,295, or 35 per cent. in 14 years.

RENT.—Of the land occupied, 300,000 acres appear from the census to be under rent. This, on several townships, is 1s. 6d. and 2s. sterling on leases of 42 years, the lessees entering not on houses and land cleared and fenced, but on wilderness wood-land. On some townships the earlier settlers obtained leases at 6d. per acre for 999 years. In general the rent is 1s. sterling per acre per annum, and the duration 999 years; and the yearly rent at this date may be calculated at 16,250*l.* currency.

Previous to 1830 no law existed in the colony compelling the claimants of townships to contribute to the expense of making roads through such townships. Since that time a law was passed compelling them to contribute to the formation (but not to the maintenance) of such roads as should thereafter be run through the land claimed by them, in so far as a jury should find that such land was increased in value by said road; but if deteriorated, then the treasury had to pay the amount of such deterioration to the claimants of the land. Under this law, which was put into operation in 1833, verdicts have been given against the claimants of land to the amount of

- - - - -	£.2,929
And in their favour, as for damages - - - - -	351

Showing the balance assessed on them to be—(see Return by prothonotary)	<u>£.2,578</u>
---	----------------

Of which there has been paid, up to the 5th April 1842, 388*l.*, as by search of committee; stated by the treasurer at 310*l.*

Thus it appears that the total amount which the proprietary claimants, as such, have been assessed for roads, since the colony received a legislature, is only one-half of what was last year voted by the House of Assembly, in aid of roads, bridges and wharves, and not more than 1-15th of what has, by vote of successive Houses of Assembly, been paid for similar purposes since 1824, and not equivalent to one year of the statute labour; and of this small assessment only 388*l.* appear to have been paid,—a sum not far exceeding the expense to which the country has been put in summoning and paying juries and witnesses, &c. to obtain the whole of the verdicts.

As to the sales of land by the claimants of townships to actual cultivators, by the census it would appear that 239,000 acres are held in freehold; but this was not all sold by these claimants to the farmers, for two townships, each of 20,000 acres, were escheated by Governor Smith, and the greater part of these has been granted in tracts of from 500 to 100 acres; and much of what was thus granted is now held in freehold by farmers. Of 200,000 acres which the proprietary claimants offered in 1782-3, to surrender to loyalists, a quantity, estimated at 25,000 acres, is held by loyalists or their assigns. One entire township, No. 3, was made over by one claimant to his creditors, and by them sold in lots of 900 acres; and at different times individual farmers have purchased small tracts of wilderness land at sales for arrears of quit-rent or land assessments due by the townships. About 7,500 acres of glebe and school lands were sold in lots not exceeding 130 acres; and the moieties of townships 45 and 52, for which moieties (according to the best information your committee can acquire) no claimants ever appeared, as well as portions of other townships, which were for many years unclaimed, have been taken up by individuals who, by undisputed possession, for a series of years, have acquired a legal right to the land, and thus may be reckoned amongst the freeholders; so that from the above 239,000 acres marked in the census as held

PRINCE EDWARD
ISLAND.

in fee-simple, a considerable proportion has not been sold by the claimants of townships to the farmers thereof, and therefore "the gradual operation of time," recommended by Lord John Russell, appears to your committee likely to extend to some centuries. As to the value of the claim to the soil of the island, maintained by the heirs and assigns of the grantees, about 1,300,000 acres were granted. Of these, 239,000 are, as above-mentioned, now held in fee-simple, and this being deducted, leaves 1,061,000 acres claimed by these grantees, part of which they have leased, but the greater part is unleased; and of both leased and unleased, the greater part, or at least nine-tenths, is not reclaimed from the state of nature.

Now, 5 s. per acre for wilderness land may be taken as the outside value thereof, and rather exceeds the average value of sales of Government land in New Brunswick, and this gives the value of this seigniorial claim (if valid) at 265,250 *l*.

Taking another view of the matter, and referring to the account published in London about 1807, by Captain John Stewart, and to other accounts, it would appear that the average market value of a claim to one of the townships of this colony, from 1769 to 1800, was about 600 *l*., which, for 67 townships, would give - - - - - £. 33,300

Interest on that sum	- - - - -	141,858
		£. 175,158

And your committee, making every deduction, cannot estimate the amount of prices received by the proprietary claimants and their agents, at less than - - - £. 50,000

And of rents, at less than	- - - - -	160,000
----------------------------	-----------	---------

Total	- - - - -	£. 210,000
-------	-----------	------------

Nor the amount of quit-rents, land assessment and road compensation assessment, and all other advances, at more than - - - - - 25,000

Leaving	- - - - -	£. 185,000
---------	-----------	------------

It is submitted by your committee, that if in addition to the 185,000 *l*. which they or their agents have received, the Imperial Government award them either the above 265,250 *l*. or the smaller amount of 175,158 *l*., it will award more than can in equity be claimed by those who have acted as have the grantees, and those who succeeded to their territorial claims or demands; and it is also submitted, that from the tables and accounts herein referred to, it is beyond the means of the colony to pay the rents demanded by these individuals.

Your committee, in reference to Mr. Cunard's answers before the House of Commons, questions 3097, 3098, have required the Rev. L. C. Jenkins, Ecclesiastical Commissary for the Church of England in this colony, to state the amount of monies paid by Mr. Cunard towards the erection or endowment of churches, and find that he has paid nothing; and on requiring further information as to the amount contributed by claimants of townships, they find that the whole, to the best of the commissary's knowledge, is 35 *l*. in money, and 75 acres of land. Your committee have ascertained that 75 *l*. were contributed by the Countess of Westmorland towards a Methodist chapel; in regard to other contributors, your committee cannot, for want of time to correspond with the clergymen of different persuasions throughout the island, ascertain the exact amount of the few other contributions of money, and the number of acres of land, given as sites for churches, by the claimants of the townships; but feel confident that the total value contributed by them for the last 70 years, in any shape, towards the erection and endowment of places of worship of all denominations, and of schools every where throughout the townships, is under 700 *l*.

18. Resolved, That it is the opinion of this committee, that an humble Address be prepared to Her Majesty, praying that out of the unappropriated funds now or hereafter to be paid into the treasury of this island, arising from the sale of Crown lands, Her Majesty will be graciously pleased to allow the sum of 500 *l*. to be applied, in addition to the sum at present granted by the colonial legislature, in the purchase of a piece of ground for the purposes of the contemplated lunatic asylum; and also the sum of 150 *l*. to be applied in opening the George-town Royalty Roads; and also the sum of 100 *l*. to open new roads throughout, and in the improvement of the communications in Prince-town and Royalty.

(A true copy.)

(signed) *William Cullen,*
Clerk, House of Assembly.

Enclosure

Enclosure 2, in No. 9.

CENSUS of the POPULATION, and STATISTICAL RETURN, taken under the authority of the Act WILL. 4. c. 7. A. D. 1833.

NUMBER of TOWNSHIP.	MALES.				FEMALES.				Number of Insane Persons.	Number of Acres of Land occupied.	Number of Acres of improved Land occupied.	Number of Cows owned.	Number of Oxen owned.	Number of other kinds of Neat Cattle.	Number of Horses.	Number of Sheep.	Number of Hogs.	Produce raised during the last Year.					No. of Scholars.												
	Under 10 Years.	From 10 to 20.	20 and upwards.	Total.	Under 10.	10 and upwards.	Total.	Number of Bushels of Wheat.										Number of Bushels of Barley.	Number of Bushels of Oats.	Number of Bushels of Potatoes.	Number of Grist Mills.	Number of Saw Mills.	Number of Schools.	Males.	Females.										
																										Males.		Females.							
Township 1	111	107	9	227	138	94	232	-	7220	1463	197	54	250	102	1047	470	-	2654	239	2728	18080	1	-	-	-	-	-	-	-	-	-				
Ditto 2	51	35	1	87	47	39	86	2	2460	649	81	21	97	39	401	189	-	731	171	732	6133	-	-	-	-	-	-	-	-	-	-	-	-		
Ditto 3	25	24	1	50	31	20	51	-	1700	112	22	11	39	10	69	36	-	224	6	359	2710	-	-	-	-	-	-	-	-	-	-	-	-		
Ditto 4	56	58	4	118	52	43	95	-	2850	371	65	32	113	33	330	102	-	858	18	1221	7022	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 5	60	58	4	122	69	39	108	-	1661	530	50	25	59	25	230	109	-	369	60	666	4775	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 6	41	26	2	69	39	23	62	-	2850	234	33	17	46	1	108	84	-	660	13	382	4090	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 7	25	23	2	50	47	25	72	-	2150	216	39	17	44	5	70	36	-	510	51	376	2812	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 8	22	24	2	48	41	27	68	-	850	62	16	8	22	6	39	12	-	140	49	95	1200	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 9	12	7	1	19	5	9	24	-	500	77	11	4	10	6	45	25	-	145	20	81	1130	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 10	10	8	1	19	10	17	27	-	1895	517	66	40	88	17	224	108	-	672	100	679	5085	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 11	56	34	4	94	32	37	69	-	1397	259	22	27	25	9	95	79	-	172	-	172	2346	-	-	-	-	-	-	-	-	-	-	-	-	-	
Ditto 12	29	49	-	78	29	20	49	-	4197	1211	117	100	139	45	534	253	-	1424	162	1878	10933	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 13	72	75	2	149	56	64	120	-	6221	1407	164	101	217	50	707	333	-	1669	204	2057	14230	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 14	107	72	2	185	104	76	180	-	6800	1426	147	81	168	99	696	344	-	1503	198	1185	18224	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 15	171	124	8	303	148	124	272	-	5988	1447	164	102	202	68	682	284	-	1565	104	2005	12076	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 16	114	95	4	213	106	90	196	-	14409	3671	293	169	422	158	1403	614	-	4481	780	8220	32131	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 17	228	199	17	444	197	194	391	1	9570	3961	376	214	505	167	1974	598	-	4206	1160	9215	26168	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 18	174	176	14	364	197	192	389	4	12677	2443	380	198	383	104	1323	424	-	3764	830	8663	27212	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 19	208	178	3	389	191	157	348	-	9392	2297	241	100	287	93	986	349	-	3209	823	5469	17947	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 20	193	137	10	340	175	140	315	2	7940	1873	293	72	310	118	1321	560	-	3556	1334	6714	25158	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 21	162	132	17	311	158	142	300	2	3070	524	84	31	90	30	303	126	-	956	325	2241	6962	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 22	52	52	8	112	56	53	109	-	7011	1106	191	20	193	84	799	264	-	2451	651	5043	20220	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 23	144	122	9	285	144	119	263	5	13714	2918	353	41	281	199	1600	730	-	4942	1206	6386	50382	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 24	289	245	13	547	265	190	455	-	3320	1850	170	107	240	60	862	325	-	1426	767	3681	14330	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 25	103	74	5	182	97	70	167	-	10186	2632	212	119	341	125	1141	497	-	2521	886	5154	22870	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 26	111	110	20	241	101	113	214	-	7158	1439	115	76	134	52	481	302	-	1423	342	1913	11830	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 27	117	77	12	206	89	79	168	-	15402	4131	437	227	297	213	1814	882	-	4675	1271	8780	54430	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 28	246	227	22	495	224	204	428	-	7741	2069	190	131	210	84	939	418	-	3417	1110	4285	28240	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 29	141	149	18	308	148	119	267	-	2960	499	60	31	52	11	173	49	-	604	37	716	6170	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 30	49	33	2	84	51	24	75	1	5503	864	159	13	84	76	550	187	-	894	111	2378	15370	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 31	90	84	7	181	81	86	167	-	14025	2294	403	37	259	786	1666	527	-	3225	470	8874	40519	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 32	167	207	13	407	185	182	367	-	12302	1767	245	87	229	124	1007	315	-	2193	1714	6355	22598	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 33	141	123	19	283	122	116	238	2	18271	4169	592	157	603	290	2139	652	-	6484	1887	16318	62647	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 34	340	275	28	643	324	303	627	-	9329	1038	403	63	390	177	1286	406	-	2687	1042	2861	32975	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 35	87	191	58	336	150	171	321	3	12013	1993	203	32	186	76	554	258	-	1523	522	3738	15047	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 36	105	118	12	235	104	113	217	-	7320	1525	211	45	199	86	584	220	-	1310	335	3442	15900	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 37	99	105	10	214	84	106	190	1	6053	997	245	18	233	97	859	339	-	1051	552	3820	13394	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 38	76	83	12	171	60	91	151	1	3083	1291	204	31	170	87	755	248	-	932	393	2180	11809	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 39	95	77	4	174	74	82	156	-	4575	1349	217	32	240	105	841	378	-	1735	1064	4727	21877	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 40	112	113	13	238	86	84	170	-	2511	797	194	12	181	85	730	320	-	1053	1035	2093	13746	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 41	72	76	12	160	71	87	158	-	2929	1008	228	20	208	105	697	337	-	1276	1074	4050	14870	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Ditto 42	96	68	15	179	84	95	179	-	5666	1221	245	19	251	126	697	485	-	2200	959	6005															

Enclosure 3, in No. 9.

CENSUS of the POPULATION, and STATISTICAL RETURN of Prince Edward Island.

Table with columns for TOWNSHIP, MALES (Under 10, 10-45, 45-60, 60+), FEMALES (Under 10, 10-45, 45-60, 60+), and various religious and agricultural statistics.

Enclosure 3, in No. 9.

Taken in the Year 1841, under the authority of the Act of 4 Vict. cap. 5.

Table with columns for various agricultural and economic statistics including produce raised during the year 1840, number of acres held, and number of persons being natives of the British Colonies.

PRINCE EDWARD
ISLAND.

Encl. 4, in No. 9.

Enclosure 4, in No. 9.

To The QUEEN's most Excellent Majesty.

WE, the representatives of Your Majesty's faithful and loyal people of Prince Edward Island, in Colonial Parliament assembled, humbly submit to Your Majesty's royal consideration, that in the session of 1840, the House of Assembly addressed Your Majesty, to which they beg reference, as well as to several Resolutions passed by this House when on the state of the colony, which are herewith submitted with regard to the fishery reserves of this island, under the impression that Your Majesty would be pleased to cause the Executive to put in force a despatch from Lord Glenelg, then Secretary of State for the Colonies, to his Excellency Sir Charles A. Fitzroy, which is as follows:—" (No. 66.) Downing-street, 14th September 1838. Sir, I have received your despatch (No. 27) of the 26th July, recommending the adoption of the alternative suggested in my despatch of the 10th May last (No. 43), of throwing open the fishery reserves on the shores of Prince Edward Island to all British subjects engaging in the fisheries. I have to convey to you my authority for carrying this measure into effect in the manner which you propose. I have, &c. &c. (signed) Glenelg."

The House of Assembly placing every confidence in Your Majesty's justice towards Your loyal subjects, the inhabitants of this island, feel, with unfeigned regret, that there has been no answer to their humble Address, and that thereby a great portion of the inhabitants of this island engaging in the fisheries are subject to very heavy grievances. The House of Assembly would beg to submit, that in addition to the Bills passed by this House in 1839 and 1840, for the regulation of the fishery reserves, the House of Assembly passed a Bill to the same effect in the present session, which the Legislative Council rejected; and as the proprietary claimants of townships in this island are continually harassing with law proceedings fishermen and others located on such reservations, and raising a revenue from that to which they never had any title, to the great discouragement of trade and loss of property in this colony. The House of Assembly beg that Your Majesty would be pleased to order the Crown officers of this island to take legal proceedings against proprietary claimants, for recovering all rents or sums of money which they have received in any ways as arising from said reservations, and give such other directions to the Lieutenant-governor of this island as will in future prohibit proprietary claimants from exacting any rents or arrears of rent for any quantity of lands contained in said reservations. And further, the House of Assembly would humbly, but most earnestly, pray, that Your Majesty would be pleased to order the Lieutenant-governor of this island to throw open said reservations in accordance with said despatch; and that if any dispute should arise between parties availing themselves of the said privilege, that the Legislature shall apply such remedy thereto as the nature of the case may appear to require.

House of Assembly,
13 April 1842.

(signed) *Wm Cooper,*
Speaker.

To The QUEEN's most Excellent Majesty.

The humble Petition of the House of Assembly of Prince Edward Island.

Most respectfully sheweth,

THAT this island was originally granted in large tracts, upon condition that the grantees were to introduce and settle their grants with foreign Protestants, which conditions have not been performed, and the lands are subject to forfeiture; but Your Majesty's predecessors extended indulgence to the grantees to enable them to settle their grants with British subjects. Of this arrangement your Petitioners would not complain, had the proprietors disposed of their lands at a price which emigrants and others could pay, or the interest thereof, as a rent. But the grantees and their assigns, taking advantage of such indulgence to raise the price of the land that the inhabitants were endeavouring to purchase, and had to become tenants, and covenant to pay a rent, which, notwithstanding their best exertions, they are unable to pay, and the tenantry are greatly in arrears for rent, for which many of them are liable to be ejected and deprived of their improvements, made with much cost and labour.

The House of Assembly, to relieve them from much distress, pray Your Majesty to recommend to the Imperial Parliament to pass an enactment for the appointment of commissioners from the neighbouring provinces, authorizing them to fix the price of the land in its original wilderness state, that the tenantry may be enabled to pay such fixed price, or the interest thereof, as a rent; and if the proprietors refuse to submit to this equitable measure, we pray Your Majesty, as an act of justice, to re-vest the forfeited lands in the Crown.

The House of Assembly herewith forward a series of Resolutions passed on the state of the colony in support of the above, to all of which they pray Your Majesty's favourable consideration.

And Your Petitioners will ever pray for Your Majesty's sacred person.

House of Assembly,
13 April 1842.

(signed) *Wm Cooper,*
Speaker.

— No. 10. —

(No. 34.)

COPY of a DESPATCH from Lieutenant-governor Sir *Henry Vere Huntley* to Lord *Stanley*.Government House, Prince Edward Island,
22 May 1842.

My Lord,

I HAVE the honour to lay before your Lordship a printed Petition given into my hands by Mr. Cooper, the Speaker of the House of Assembly, at the same time that he also gave me the printed Addresses to Her Majesty upon the subjects of the fishery reserves and escheat.

I have also to transmit to your Lordship a manuscript Petition presented to me, in conjunction with the manuscript Addresses to Her Majesty; all the former professing to be copies of the latter.

Your Lordship will observe, that the manuscript Petition is an original document, and I have every reason to suppose was given to me in mistake, for the House could not have imagined that the Secretary of State would present it to the House of Commons, and a copy would have answered every purpose of making your Lordship aware of the existence of the Petition, if such was their object.

I do not trouble your Lordship with this additional despatch in order to scrutinize this Petition, because I believe that my observations upon the "Resolutions" upon which it is founded will equally apply to it; but more particularly for the purpose of pointing out a discrepancy of some material consideration, which I have marked in each paper by underlining; and it is necessary to state that the original manuscript Petition enclosed strictly corresponds with that now standing upon the Journals of the House, as it was delivered to me. Your Lordship will be pleased to bear in mind that the printed Petition, called a "true copy," which it certainly is not, although dated the "12th of April," was not printed until many days afterwards; indeed, I believe weeks had elapsed, because I felt it necessary to address the Speaker upon the delay in the delivery of the Resolutions connected with it, and these latter, with the said printed Petition, were then presented about the 20th of this month.

Having called your Lordship's attention to these documents, I now beg leave to bring forward an Address which the Legislative Council felt it their duty to present to me, in contradiction of that part of the manuscript Petition relating to conferences.

I have, &c.

(signed) *H. V. Huntley*,
Lieutenant-governor.

Enclosure 1, in No. 10.

To the Right Honourable and Honourable the Knights, Citizens and Burgesses, in Parliament assembled.

The Petition of the House of Assembly of Prince Edward Island,

Respectfully sheweth,

THAT in 1840 and 1841, your Petitioners applied to your Honourable Body for the redress of heavy grievances affecting the cultivators of land in this colony, in consequence of the whole soil having been granted, in lots of 20,000 acres, to individuals whose management has proved most prejudicial to the interests of the colony, as an appendage of Britain, and most oppressive to the farmers. Printed copies of applications, made in past time to the Privy Council, and of sundry other documents, in proof of the statements of your Petitioners, were last year forwarded to Joseph Hume, Esq., and Resolutions, explanatory of the present state of the colony, are herewith forwarded.

Encl. 1, in No. 10.

Your Petitioners are aware of the many important and difficult questions which, relating directly to your own constituents, have a preferable claim to your attention; but they earnestly entreat, that by means of a Committee, or in whatever way to your Honourable Body may seem meet, some steps may be taken this session towards the redress of the heavy grievances which have long oppressed this island.

Your Petitioners have further to submit, that the land on the sea-coast of this island was not granted on the same terms as the rest, but was reserved, part in the Crown, and part "for a free fishery for all British subjects;" that said land has, in many instances, been sold or leased by the grantees; that Lord Glenelg, by despatches dated in 1838, signified Her Majesty's pleasure, that the same should be thrown open, as originally intended, and required the Lieutenant-governor to recommend to the Legislature to pass

PRINCE EDWARD
ISLAND.

No. 10.

Despatch from
Lieut.-governor
Sir H. V. Huntley
to Lord Stanley,
22 May 1842.

No. 1.

No. 2.

PRINCE EDWARD
ISLAND.

a law for the regulation of these reserves; that your Petitioners and the Legislative Council entertain views so different, as to the intent of the reservation and the meaning of the despatches, as to have been unable to agree on some principal sections of the Bill which passed the House of Assembly, *though repented communications, by means of amendments*, have been held betwixt the two bodies, during the three previous sessions; and that there seems no prospect of the Legislative Council ever agreeing to such a Bill as your Petitioners must pass, to do justice to their constituents; and under these circumstances, your Petitioners are under the necessity of praying your Honourable House to take such measures for their relief in this matter, also, as in your wisdom you may deem meet.

And your Petitioners will ever pray.

(signed) *William Cooper,*
Speaker.

House of Assembly, April 12th, 1842.

(A true copy.)

William Cullen, Clerk.

Enclosure 2, in No. 10.

Council Chamber, 16 April 1842.

Encl. 2, in No. 10.

WHEREAS in a Petition from the House of Assembly of this island, adopted in this present session, and which is to be presented to the House of Commons of Great Britain, it is stated, that this House entertains different views as to the intent and meaning of certain reservations in the original grants of land to the grantees of the Crown, which reservations concern fishery reserves, and likewise different views as to the intent and meaning of certain despatches received from The Queen's ministers on the subject of fishery reserves; and in the said Petition, the Legislative Council are further represented as having been unable to agree with the House of Assembly in some principal sections of the Bills respecting fishery reserves which passed the House of Assembly, though "repeated conferences and communications have been held between the bodies during the three previous sessions:"

Resolved, That after a search of the Journals of both Houses for the years 1839, 1840 and 1841, it appears to this House, that no conference has been at any time held or asked for between the two Houses on the subject of fishery reserves. Therefore, that the allegations of the said Petition, as they respect the proceedings of this House, are entirely without foundation.

And whereas, in the sessions of 1839, 1840 and 1841, as well as in the present, Bills respecting fishery reserves have been sent to this House for its concurrence, from the House of Assembly, containing several provisions in themselves deemed by this House to be inequitable: And whereas the amendments made by this House have been repeatedly rejected by the House of Assembly, and the Bills which have been sent to this House for its concurrence have reiterated the same provisions upon each occasion: Resolved, That this House, consistently with its duty, has been hitherto unable to legislate on this subject, although they fully recognize, and are prepared to protect, the rights of fishermen to exercise their trade on the fishery reserves of this island.

Resolved, That a copy of the foregoing Resolutions be communicated to his Excellency the Lieutenant-governor.

(signed) *K. W. Desbrisay,* D. C. C.

— No. 11. —

(No. 27.)

COPY of a DESPATCH from Lord Stanley to Lieutenant-governor Sir
Henry Vere Huntley.

Sir,

Downing-street, 14 July 1842.

No. 11.
Despatch from
Lord Stanley to
Lieut.-governor
Sir H. V. Huntley,
14 July 1842.

I HAVE had the honour to receive your despatches, Nos. 33 and 34, of the 22d of May 1842, enclosing an Address and Petition to The Queen from the House of Assembly of Prince Edward Island, and a Petition to the House of Commons from the House of Assembly, and also enclosing certain Resolutions on the subject of the state of the colony adopted by the House of Assembly. These documents relate to the two questions of the rights of the grantees of Crown land, and to the fishery reserves in Prince Edward Island.

I have laid the Address and the Petition before The Queen. The Petition to House of Commons has been presented to that House.

In obedience to Her Majesty's commands, I have to acquaint you, for the information of the House of Assembly, that Her Majesty's Executive Government must decline to interfere any further in the question in debate between the grantees
of

of lands in Prince Edward Island, and their tenantry, experience having sufficiently shown that no beneficial result is to be anticipated from any such interference. The duty of the Government will be limited to enforcing a strict observance of the law by the contending parties.

On the subject of the fishery reserves, it will not be in my power to submit to The Queen any advice as to the answer which it may be proper for Her Majesty to return to the Address of the House of Assembly, until I shall be in possession of the report of Her Majesty's Attorney and Solicitor-general on the question of legal right involved in that Address.

I have, &c.
(signed) *Stanley.*

PRINCE EDWARD
ISLAND.

— No. 12. —

(No. 37.)

COPY of a DESPATCH from Lieutenant-governor Sir *Henry Vere Huntley* to Lord *Stanley.*

Government House, Prince Edward Island,
13 June 1842.

My Lord,

I HAVE the honour to enclose for your Lordship's consideration the copy of a letter I have just received from Mr. Cooper, late Speaker of the House of Assembly, and which that gentleman had addressed to your Lordship in the original.

I beg leave to point out an extraordinary error in the fifth paragraph of this copy, wherein Mr. Cooper states that he actually signed the "three copies" as soon as they were struck off by the printer; when in reality these copies are not signed in any handwriting, but have printed upon them, "(signed) William Cooper, Speaker," and attested beneath in writing as "a true copy, Will. Cullen, Clerk H. A."

I have, &c.
(signed) *H. V. Huntley,*
Lieutenant-governor.

No. 12.
Despatch from
Lieut.-governor
Sir H. V. Huntley
to Lord Stanley,
13 June 1842.

Enclosure in No. 12.

Township 56, Prince Edward Island,
North America, 6 June 1842.

My Lord,

THE anxiety felt by many of the inhabitants of this island, that the representations of the House of Assembly on the state of this colony may be favourably treated by ministers, has induced me to address your Lordship to rectify a mistake. The enclosures will show that I am informed of a mistake in the Petitions printed, together with a series of Resolutions agreed to by the House of Assembly, on the state of the colony, which are forwarded by the Lieutenant-governor to the Colonial Office.

At the close of the last Session, the clerk of the House of Assembly, and also the printer, were considerably in arrears with their work, and to shorten the Session it was ordered that the Speaker should wait upon the Lieutenant-governor to deliver copies of the Resolutions as soon as they could be prepared after the prorogation.

When the House was prorogued I found that the documents which I was to present to the Governor could not be printed for some time, and I waited upon the Governor to inform him, and to see if he would dispense with my attendance, as the documents could be had or sent to the Governor as soon as they were printed, and with this understanding I obtained the Governor's permission to go home to attend to my farm.

On the receipt of enclosure No. 1, dated the 11th May, I went to Charlotte-town and found that the Resolutions were not printed, but that the printers were ready to begin; and as the Clerk of the House of Assembly has the custody of the votes, I sent for him to attend the printing of the Resolutions and to correct the press, and as soon as three copies were struck off, the clerk handed them to me as correct for my signature; they were signed the 18th May, and presented to the Governor the next day.

And on the 4th June I received from the Governor enclosure No. 2, pointing out that material difference exists between the manuscript Petition presented to the Governor by a Committee of the House of Assembly, and the printed copies presented by me to his Excellency, and it appears the Governor has pointed out the mistake to your Lordship as an extraordinary circumstance.

Encl. in No. 12.

PRINCE EDWARD
ISLAND.

I received the last 12 sheets of the printed Journals of the House of Assembly by the same post which brought me the Governor's letter, but I have no copy of the printed documents containing the mistake to compare with the Journals, to know where or what the mistake is.

No. 3 is a copy of my answer to the Governor's letter; and enclosure No. 4 is a copy of my letter to the Clerk of the House of Assembly, desiring him to find out the mistake, and to explain the reasons thereof to the Governor.

The object of the foregoing is to enable your Lordship to discriminate betwixt the Governor's representation of the mistake and mine; and I submit to any censure your Lordship may award on the score of negligence; but I beg your Lordship will not (without proof) impute any intention to me of altering the documents of the House of Assembly to the prejudice of the Government, or of the interest of the people of this colony.

The Right hon. Lord Stanley,
Her Majesty's Secretary of State
for the Colonies, &c. &c. &c.

I have, &c.
(signed) *W^m Cooper,*
Speaker.

No. 1.

Secretary's Office, Charlotte-town,
11 May 1842.

Sir,

I HAVE been directed by the Lieutenant-governor to acquaint you, that he has not yet received the Resolutions passed by the House of Assembly in the late Session, on the state of the colony.

And as the House in their Petition to the House of Commons in reference to this subject, have expressed their earnest desire that steps may be taken during the present Session of Parliament to redress the alleged grievances complained of in these Resolutions, it will be impossible for his Excellency to comply with the wishes of the Assembly by forwarding their Petition, to admit of its being entertained before the prorogation of Parliament, unless the Resolutions be placed in his hands without delay.

William Cooper, Esq.
Speaker of the House of Assembly.

I have, &c.
(signed) *T. H. Haviland,*
Secretary.

No. 2.

Government House, 28 May 1842.

Sir,

I FEEL it right to call your attention to a very material difference which exists between the printed Petition presented by you to me a few days ago, and the manuscript Petition presented to me by a committee of the House of Assembly, the former professing to be "a true copy" of the latter, which is an original signed by yourself, and strictly corresponds with the words of the same document now appearing upon the Journals of the House.

It is almost unnecessary to state, that I have considered proper, in transmitting these documents, to point out this extraordinary circumstance to the Secretary of State for the Colonies.

The Hon. the Speaker of the House of Assembly,
&c. &c. &c.

I am, &c.
(signed) *H. V. Huntley,*
Lieutenant-governor.

No. 3:

Sir Henry,

Sailor's Hope, 4 June 1842.

I HAVE to acknowledge the receipt of your letter of the 28th ult., informing me that the Petition printed with other documents which I had the honour to deliver to your Excellency is different from the original as printed in the Journals. I am sorry that any mistake should appear in the Journals of the House of Assembly, or in the documents forwarded to Her Majesty's Secretary of State for the Colonies; but as the Clerk of the House of Assembly holds the original papers of the Votes of the House, I sent for him to attend the printing of the Resolutions and Petitions, and correct the press, and when he said that the printed copies were correct, I took it for granted they were so, and signed them, as I had no copies or originals to compare with.

I have received the last sheets of the Journals by this post, but I have no means of finding out the mistake; but I have forwarded copies of your Excellency's letter and this to the Clerk of the House, and he will see the necessity of explaining to your Excellency the cause of the mistake.

I have, &c.
(signed) *William Cooper.*

P.S.—I have enclosed the copy of an apology to the Right honourable Lord Stanley, Her Majesty's Secretary of State for the Colonies, which I trust will meet your Excellency's approbation.

His Excellency Sir Henry V. Huntley,
Lieutenant-governor, &c. &c. &c.

W. C.

No. 4.

No. 4.

Dear Sir,

Sailor's Hope, 4 June 1842.

You will see by the Governor's letter to me, and also of my answer (copies of which are enclosed), that there is a mistake in the Petition accompanying Resolutions, which I delivered lately to his Excellency to be forwarded to the Colonial Office. I would understand by the Governor's letter that the mistake is of importance.

You will soon find out the cause, and explain it to the Governor's satisfaction, that it may be corrected at the Colonial Office in England, and prevent any injurious consequences that might result to the colony.

I am, &c.

To William Cullen, Esq.
Clerk of the House of Assembly, &c. &c. &c.

(signed) *William Cooper.*

—No. 13.—

(No. 45.)

COPY of a DESPATCH from Sir *Henry Vere Huntley* to Lord *Stanley*.

Government House, Prince Edward Island,
16 July 1842.

My Lord,

WITH reference to my despatch of the 13th June, No. 37, respecting the discrepancy existing between the manuscript and the printed Petitions of the late House of Assembly to the House of Commons, I have the honour to lay before your Lordship an explanation which has been sent to me by the clerk of the former, who had received directions to do so by the late Speaker, Wm. Cooper, Esq.

No. 13.
Despatch from
Sir H. Vere
Huntley to
Lord Stanley,

I have, &c.

(signed) *H. V. Huntley*, Lieut.-gov.

Enclosure in No. 13.

Sir,

Charlotte-town, 5 July 1842.

HEREWITH I have the honour to hand you, for the information of his Excellency the Lieutenant-governor, a transcript of the Petition of the late House of Assembly to the Imperial Parliament, on the subject of the fishery reserves.

Encl. in No. 13.

That any discrepancy should have occurred between the engrossed copy and the printed Journals is to me a matter of sincere regret; an interpolation, I find, however, has been surreptitiously made in the original draft of the Petition; viz., the term "Conference" has been struck out, and the words "by means of amendments" are substituted in lieu thereof; which alteration I believe to have been unauthorized by either the Speaker or the House of Assembly.

That a procedure of the kind referred to should have been done by a Member of the House of Assembly would appear to me utterly inconceivable; but I am in duty compelled to state, that such has been actually the case, as there is no room for doubt that the accompanying engrossed copy of the Petition literally corresponds with the original document in my possession, as it stood at the time of setting up the printed Journals.

I have, &c.

The Hon. T. H. Haviland,
Colonial Secretary, &c. &c. &c.

(signed) *W. Cullen*,
Clerk, House of Assembly.