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JOURNAL
William Fogarty
OF THE

LEGISLATIVE COUNCIL

OF

Prince Edward Island.

ANNO SECUNDO VICTORIÆ REGINÆ.

FIRST SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

PRINTED BY JAMES DOUGLAS HASZARD, PRINTER TO THE QUEEN'S MOST
EXCELLENT MAJESTY.

1839.





BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and
C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

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

WHEREAS the General Assembly of this Island stands prorogued until Thursday the Twenty-seventh day of September, instant:

I have thought fit to **DISSOLVE** the said General Assembly, and the same is hereby Dissolved accordingly.

And I do hereby give Notice to the several Members for the Counties and Towns and Royalties within the said Island, that they are discharged from further attendance in the said General Assembly.

And I do further declare that I have this day given orders that Writs for calling a new General Assembly be issued in due form; the said Writs to be bear Teste on Wednesday the Twenty-sixth inst. and be Returnable on Monday the Tenth day of December next.

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

By Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE QUEEN.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

Lieutenant Governor and Commander in Chief in and over Her Majesty's Island of Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and
C. A. FITZ ROY. Ordinary of the same, &c. &c. &c.

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

WHEREAS the Writs for Electing Members to serve in General Assembly for the several Counties, and Towns and Royalties in this Island, are returnable on Monday the 10th day of December, instant:

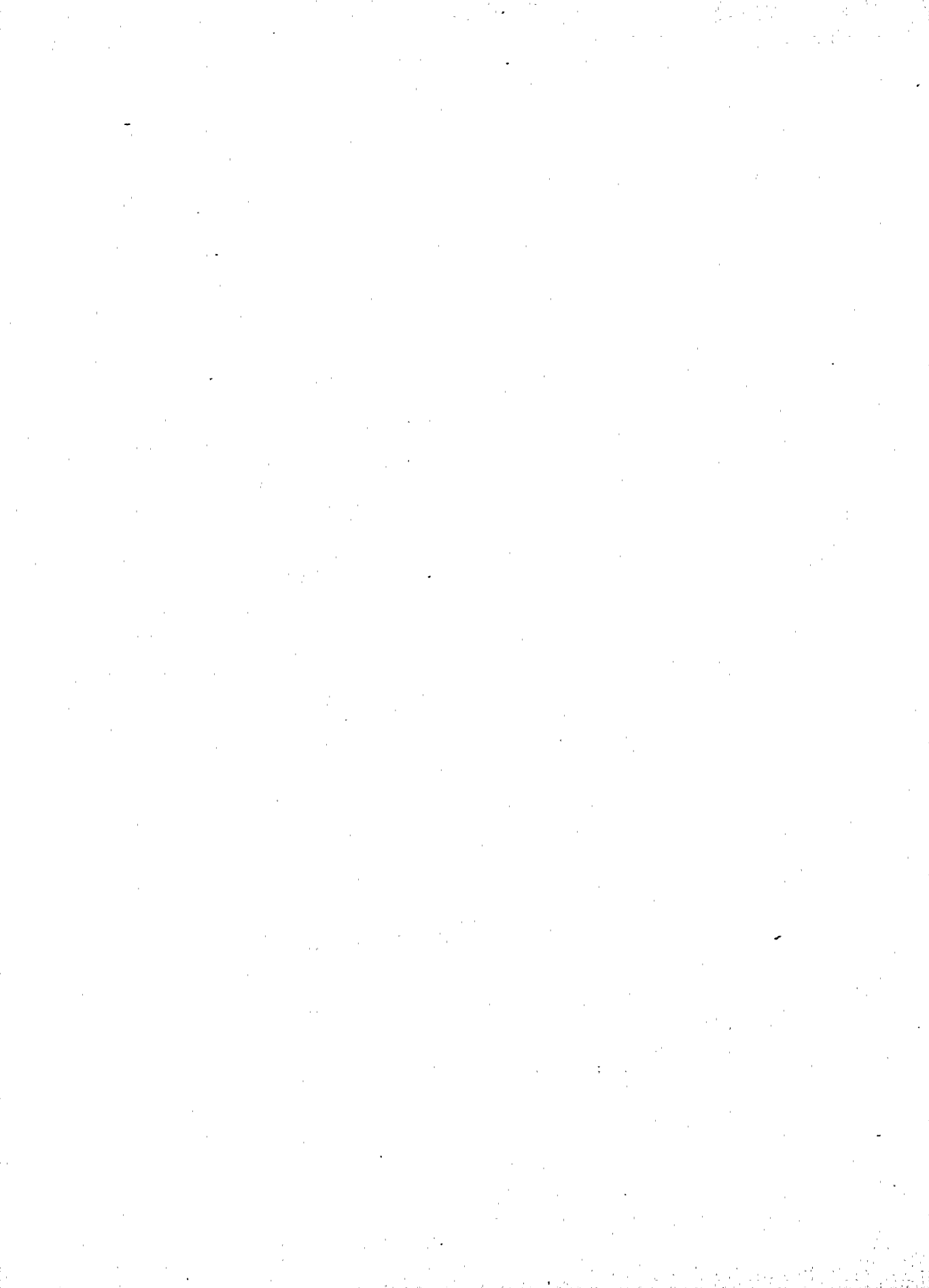
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until **TUESDAY**, the **TWENTY-SECOND** day of **JANUARY**, 1839, then to meet **FOR THE DISPATCH OF BUSINESS**—of which all persons concerned are required to take notice, and govern themselves accordingly.

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

By his Excellency's Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE QUEEN.



JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF
PRINCE EDWARD ISLAND.

TUESDAY, January 22d, 1839.

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

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright,*

Colonel Lane,

Mr. Haviland,

Mr. Attorney General,

HON. *Mr. Brecken,*

Mr. Smith,

Mr. Goodman.

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

Gentlemen,

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

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

The President of the Council then addressed the House of Assembly as follows:

Gentlemen,

I am commanded by His Excellency the Lieutenant Governor to say, that His Excellency approves of the Speaker which the House of Assembly have chosen.

The Speaker then addressed His Excellency as follows:

May it please your Excellency;

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

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

Mr. Speaker,

I am commanded by His Excellency the Lieutenant Governor to say, that His Excellency most cheerfully grants your request, conformably to ancient usage, the Laws of the land, and the Royal Instructions.

His Excellency was then pleased to open the Session with the following Speech:—

Mr. President, and Gentlemen of the Council;

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

The General Assembly being limited by law to a duration of four years, and that period having nearly expired, I caused the late House to be dissolved, and writs to be issued for the new Elections, at that season which I conceived would be most convenient to the constituency. I have now called you together for the dispatch of public business when I believe you can best be spared from your private avocations.

I have great pleasure in congratulating you on the abundance which prevails throughout the Colony in consequence of the late plentiful harvest, and on the effect it has had in so materially increasing the Exports of Agricultural Produce.

I have also much satisfaction in announcing to you that, notwithstanding the reduction of Duty on certain articles of Import, which the House of Assembly deemed it expedient to make in the last Session, the Revenue still exhibits an increase over that of the preceding year.

I have received several Despatches from Her Majesty's Government on various subjects of general and local importance, the substance of which I shall take an early opportunity of laying before you: among them, is one containing the decision of the Crown on the subject of the Fishery Reserves. Upon all other matters which I may from time to time deem essential to the public interests, I shall communicate with you by Message.

The recent establishment of Georgetown as a Free Port is a measure which I trust will add to the commercial prosperity of the Eastern Districts.

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

I shall cause the Public Accounts for the past year to be laid before you at the earliest possible period; and in submitting the Estimates for the current year, I entertain no doubt that you will make such provision to meet them as the Public Service may require.

Mr. President, and Gentlemen of the Council;

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

As it is obvious that the interests of the Colony can only be advanced when a spirit of cordiality is preserved between the different branches of the Legislature, I rely with confidence on the continuance of that harmony which has hitherto marked their proceedings. For myself, I beg to assure you of my ready co-operation in every measure calculated to promote the improvement and welfare of the Colony.

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

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

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

On motion, *Ordered*, that *Mr. Haviland*, *Mr. Brecken* and *Mr. Goodman* be a Committee to revise the Journals of this House each day.

On motion, *Ordered*, that *Mr. Wright* and *Mr. Attorney General* be a Committee to examine into and report upon such Laws as are near expiring.

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

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

On motion, *Ordered*, That *John Rider* be appointed Messenger to this House.

Ordered, That *Moses Hayes* be appointed Doorkeeper to this House.

On motion, *Ordered*, that *Mr. James D. Hazard*, Queen's Printer, be appointed to print the Journals of this House, and that the same be printed daily, and that he do print One hundred copies thereof.

Adjourned until Ten o'clock to-morrow.

WEDNESDAY, January 23d, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

Colonel Lane,

Mr. Smith,

Mr. Haviland,

Mr. Goodman.

Mr. Attorney General,

PRAYERS.

READ the proceedings of yesterday.

Mr. Brecken, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported, that they had prepared a draft of the same, which was read.

On motion, the House resolved itself into a Committee of the whole, to take the same into consideration.

Mr. Brecken took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Address, and agreed to the same, with several amendments.

Ordered, That the Report of the Committee be agreed to, and that the Address be engrossed; and the same was read, and is as follows:

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

May it please your Excellency;

We the Members of Her Majesty's Council, in our Legislative capacity convened, request that your Excellency will be pleased to receive our thanks for the Speech delivered by you at the opening of the present Session of the General Assembly. In the administration of the Government of this Colony, your Excellency has upon all occasions evinced an anxious desire to consult the best interests of the people over whom you have been called to preside, and the consideration for our convenience which has induced your Excellency to call us together for the performance of our public duties, at a season when we can best be spared from our private avocations, is an additional proof of your wish to render those duties as light as possible.

We have reason to be thankful to an all bountiful Providence for the late plentiful harvest; and whilst abundance prevails it is most satisfactory to learn that the exports of the surplus produce of the soil have materially increased. The reduction of duty upon particular articles of Import which was made in the last Session of the Assembly, it was apprehended would sensibly affect the receipts of the past year; it is therefore most gratifying to learn from your Excellency that the Revenue still exhibits an increase over that of the former year, as it leads to the pleasing conviction that the resources of the Colony are rapidly improving.

We shall be much gratified to receive any communications affecting the local and general interests of the Colony, which your Excellency may deem necessary to lay before us; and we beg to assure you that all such matters shall receive from us our respectful and undivided attention.

We trust that the recent establishment of Georgetown as a Free Port will be productive of those advantages to the commercial enterprise of the Eastern Districts of the Colony, which may be anticipated from such a measure, and that it will encourage those facilities to foreign intercourse for which the harbour of Georgetown is so eminently adapted.

We fully agree with your Excellency that the interests of the Colony can only be advanced when a spirit of cordiality is preserved between the different branches of the Legislature; and we earnestly hope that the same unanimity which has hitherto marked their proceedings will continue to govern them throughout the present Session.

The assurance of your Excellency's co-operation in all measures which have for their object the public welfare, gives us confidence that our united efforts to promote the interests of the Colony, will not prove unavailing.

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

On motion, Ordered, That a Committee, consisting of Mr. *Brecken* and Mr. *Smith*, do wait upon His Excellency, to know at what time His Excellency will be pleased to receive the said Address, who returning, reported, that they had waited on His Excellency, and that he was pleased to say, that he would receive the Address on Saturday next, at One o'clock.

Adjourned until One o'clock to-morrow.

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## THURSDAY, 24th January, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

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

In the House of Assembly,  
 Wednesday, 24th January, 1839.

*Resolved*, That a Committee be appointed to keep up a good correspondence between the two branches of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

Ordered, That Mr. Palmer, Mr. Clark, Mr. Dalziel and Mr. Montgomery do compose the said Committee.

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

On motion, Ordered, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two branches of the Legislature, and to report their proceedings, from time to time, with power to send for persons, papers and records.

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

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

Adjourned until One o'clock to-morrow.

## FRIDAY, 25th January, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, 26th January, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**T**HE Council adjourned to wait upon His Excellency with their Address; and being again met, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer:

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

I beg to return you my best thanks for this Address, and I avail myself of this opportunity to acknowledge that in any efforts which I have made to forward the interests of this Colony, I am much indebted to the Members of Her Majesty's Council, for the constant assistance and faithful advice which I have received from them.

Adjourned until One o'clock on Monday next.



**MONDAY, 28th January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith.*

PRAYERS.

**R**EAD the proceedings of Saturday.

Three Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, for their information, copies of Five Despatches from the Right Honorable Lord Glenelg, containing Orders of Her Majesty in Council, specially confirming and leaving to their operation, the several Acts passed by the Legislature therein enumerated.

Government House, 28th January, 1839.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 28th February, 1838.
2. Order of Her Majesty in Council, dated 15th February, 1838.
3. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 28th May, 1838.
4. Order of Her Majesty in Council, dated 15th May, 1838.
5. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 5th July, 1838.
6. Order of Her Majesty in Council, dated 20th June, 1838.
7. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 31st July, 1838.
8. Order of Her Majesty in Council, dated 30th July, 1838.
9. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 3d December, 1838.
10. Order of Her Majesty in Council, dated 29th November, 1838.

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

[Vide Appendix (A.) No. 1 to 10.]

## [SECOND MESSAGE.]

**C. A. FITZ ROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 30th of May last, stating that Her Majesty had been pleased to receive very graciously, the joint Address of congratulation from the Council and House of Assembly of this Island; and conveying Her Majesty's satisfaction at the attachment to her Person and Government, therein expressed.

Government House, 28th January, 1839.

Paper accompanying the said Message:

Copy Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 30th May, 1838.

The said Message and Despatch was read, and ordered to lie on the table.

Vide Appendix (B.)

## [THIRD MESSAGE.]

**C. A. FITZROY, Lieutenant Governor.**

The Lieutenant Governor lays before the Legislative Council, for their information and guidance, the copy of a Despatch from the Right Honorable Lord Glenelg, dated 3d December last, conveying Her Majesty's commands on the appropriation of the proceeds of the Glebe and School Lands, sold under the Colonial Act 5th Will. 4, cap. 13.

Government House, 5th January, 1839.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 3d December, 1838.
2. Letter from the Bishop of Nova Scotia, to Lord Glenelg, dated 23d July, 1838.
3. Anonymous Letter, addressed to the Bishop of Nova Scotia, dated Charlottetown, 3d May, 1838.
4. Letter from the Bishop of Nova Scotia to Lord Glenelg, dated 29th July, 1838.
5. Opinion of the Queen's Advocate, the Attorney General, and Solicitor General, dated 1st November, 1838.

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

[Vide Appendix (C.) No. 1 to No. 5.]

Adjourned until Ten o'clock to-morrow.

**TUESDAY, 29th January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

HON. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

HON. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copies of several Despatches on the subject of the Fishery Reserves in this Island, adverted to in his Speech delivered at the opening of the present Session, and as it is the determination of Her Majesty's Government to throw open these Reserves to all British subjects engaging in the Fisheries, the Lieutenant Governor begs to suggest to the Legislative Council the propriety of their passing such Laws as may be deemed necessary "for preventing improvident and injurious practices in carrying them on," as recommended by Her Majesty's Secretary of State for the Colonies.

Government House, 29th January, 1839.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Sir C. A. Fitz Roy, to Lord Glenelg, dated 8th January, 1838.
2. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 10th May, 1838.
3. Despatch from Sir C. A. Fitz Roy, to Lord Glenelg, dated 26th July, 1838.
4. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 14th September, 1838.
5. Return of the Reservations for carrying on a Fishery, contained in the original Grants of the several Townships in this Island.

Vide Appendix (D.) No. 1 to 5.

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

*Mr. Attorney General*, from the Committee appointed to examine into, and report upon the Expiring Laws, reported as follows, viz:

The following Acts, passed in the Fifth year of the Reign of His late Majesty King George the Fourth, and continued for a limited period by an Act passed in the Ninth year of the same Reign, intituled 'An Act for continuing several Laws near expiring,' will expire the last day of the present Session, viz:

‘ An Act to regulate the Fisheries of this Island.’

‘ An Act to amend certain parts of an Act, intituled An Act for preventing Trespasses by unruly Horses, Cattle and Sheep; and for preventing the running of Hogs at large through the Town of Charlottetown, by the appointment of Hog Reeves.’

‘ An Act to continue an Act, intituled ‘ An Act for regulating Juries, and for the declaring the qualification of Jurors.’

‘ An Act to prevent the Destruction of Sheep by Dogs.’

The Act, 1 Victoria, cap. 17, intituled ‘ An Act to continue for one Year, and to amend an Act passed in the the Seventh year of His late Majesty’s reign, intituled *An Act for the Increase of the Revenue of this Island,*’ will expire on the 7th April, 1839.

The Act, 7 Will. 4th, cap. 27, intituled ‘ An Act to continue an Act for regulating the Weight and Quality of Bread within the Town and Royalty of Charlottetown,’ will expire at the end of the present Session.

The Act, 7 Will. 4, cap. 25, intituled ‘ An Act to authorize the appointment of a Coal Meter for Charlottetown,’ will expire at the end of the present Session.

The Act, 4 Will. 4th, cap. 2, intituled ‘ An Act to provide against accidents by Fire, and for the Improvement of Property in Georgetown,’ will expire on the 18th April, 1839.

The Act, 3 Will. 4, cap. 37, intituled ‘ An Act to make and keep in repair the Pumps and Wells of Charlottetown, and for other purposes,’ will expire on the last day of the present Session.

The Act, 3d Will. 4, cap. 4, intituled ‘ An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of Charlottetown,’ will expire on the last day of the present Session.

The Act, 3 Will. 4, cap. 23, intituled ‘ An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required,’ will expire on the last day of the present Session.

The Act, 3 Will. 4, cap. 32, intituled ‘ An Act for the regulation of the Public Wharf of Charlottetown,’ will expire on the last day of the present Session.

The Act, 4 Will. 4, cap. 22, intituled ‘ An Act for levying a Light Duty on all Vessels clearing out at any of the Custom Houses in this Island,’ will expire on the last day of the present Session.

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

A Message from the House of Assembly, by Mr. Longworth, with a Bill, intituled An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o’clock to-morrow.

**WEDNESDAY, 30th January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

**THURSDAY, 31st January, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**O**RDERED, That *Mr. Wright* and *Mr. Haviland* have leave to absent themselves to day.

Read a second time, the Bill, intituled 'An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown.'

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

Adjourned until One o'clock to-morrow.

## FRIDAY, 1st February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to Order, the Bill, intituled 'An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown,' was read a third time.

*Ordered*, That the said Bill do pass.

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

Adjourned until One o'clock to-morrow.

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## SATURDAY, 2d February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*.

*Mr. Smith*.

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock on Monday next.

**MONDAY, 4th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

Adjourned until One o'clock to-morrow.

**TUESDAY, 5th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*.

*Mr. Haviland*,

*Mr. Attorney General*,

PRAYERS.

**T**WO Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, dated the 15th of September last, suggesting several amendments to the Act passed last Session "for the regulation of the several Jails within this Island; and establishing Prison Discipline therein;" and transmitting, for the convenience of reference, a copy of the Imperial Act 4 Geo. 4, cap. 64.

The Lieutenant Governor also lays before the Council, for their information, copies of the Report of the Visiting Magistrates for the different Jails throughout the Island.

Government House, 3d February, 1839.

## List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 15th September, 1838, with Imperial Act, alluded to in His Excellency's Message.
2. Report of the Visitors of the Jail in Charlottetown, dated 30th April, 1838.
3. Do. do. dated 4th June, 1838.
4. Do. do. dated 1st January, 1839.
5. Report of the Visitors of the Jail in Georgetown, dated 31st August, 1838.
6. Do. do. dated 30th November, 1838.
7. Report of the Visitors of the Jail in St. Eleanor's, dated 1st October, 1838.
8. Do. do. dated 1st January, 1839.
9. Presentment of the Grand Jury, expressing their approval of the state of the Jail in Charlottetown, dated January 5th, 1839.

Vide Appendix (E.) No. 1 to 9.

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

## [SECOND MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honorable Lord Glenelg, stating, that it is the intention of Her Majesty's Government, to substitute Steam Packets for the sailing Vessels, now employed in the conveyance of the Mails between Great Britain and Halifax.

In submitting this matter to the consideration of the Council, the Lieutenant Governor is desired to invite their co-operation, as far as may depend on the Council, in improving the communication between this Island and Halifax, in order to the complete attainment of the advantages anticipated by Her Majesty's Government.

Government House, 4th February, 1839.

Paper accompanying the said Message:

Copy of Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 24th October, 1838.

Vide Appendix (F.)

The said Message and Despatch were read, and ordered to lie on the table.

Adjourned until One o'clock to-morrow.



**WEDNESDAY, 6th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

PRAYERS.

**R**EADE the proceedings of yesterday.

On motion, Ordered, that the Documents accompanying His Excellency the Lieutenant Governor's Message, received yesterday, relative to the Act for establishing Prison Discipline within this Island, be referred to a Committee, to examine the same, and report thereon, by Bill, or otherwise, with power to send for persons, papers and records.

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

Adjourned until One o'clock to-morrow.

**THURSDAY, 7th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Goodman*,

PRAYERS.

**R**EADE the proceedings of yesterday.

The President laid before the House, the Report of the Visiter appointed under the Act of the Legislature, for the encouragement and support of District and other Schools.

Vide Appendix (G.)

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

Adjourned until One o'clock to-morrow.

## FRIDAY, 8th February, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

*Ordered*, That *Mr. Smith* have leave to absent himself to-day.

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

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

A Bill, intituled 'An Act for further continuing an Act, intituled *An Act to regulate the Fisheries of this Island*.'

A Bill, intituled 'An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors*.'

Read the said Bills a first time.

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

A Bill, intituled 'An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.'

A Bill, intituled 'An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.'

A Bill, intituled 'An Act to authorize the appointment of Coal Meters for Charlotte-town.'

Read the said Bills a first time.

Adjourned until One o'clock to-morrow.

## SATURDAY, 9th February, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*,

*Mr. Attorney General*,

*Mr. Goodman*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time the following Bills, viz:

A Bill, intituled "An Act for further continuing an Act, intituled *An Act to regulate the Fisheries of this Island.*"

A Bill, intituled "An Act to authorize the appointment of Coal Meters for Charlottetown."

On motion, the said Bills were read a third time, and passed.

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

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

Read a second time, the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.

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

Read a second time, the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

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

Read a second time, the Bill, intituled "An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors.*"

Adjourned until One o'clock on Monday next.

## MONDAY, 11th February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of Saturday.

On motion, Ordered, That the Order of the Day, for the House in Committee, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire, be discharged, and that the same do stand as the Order of the day for to-morrow.

Adjourned until One o'clock to-morrow.

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## TUESDAY, 12th February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Smith*,

*Mr. Brecken*,

*Mr. Goodman*.

**O**N motion, Ordered, that the Order of the Day, for the House in Committee, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire," be further postponed until to-morrow.

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 13th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Attorney General*,  
*Mr. Smith*,

The Hon. *Mr. Goodman*.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

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**THURSDAY, 14th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*.

**T**HERE not being a Quorum,

Adjourned until One o'clock to-morrow.

## FRIDAY, 15th February, 1839.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Colonel Lane*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

### PRAYERS.

**P**URSUANT to Order, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

*Mr. Attorney General* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

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

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

A Message from the House of Assembly, by *Mr. Longworth*, with a Bill, intituled "An Act to continue for a limited period, three several Acts therein mentioned"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, *Ordered*, that the Order of the Day, for the House in Committee, on the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island," be discharged, and that the same do stand as the Order of the Day for to-morrow.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, 16th February, 1839.

The Council met, pursuant to adjournment.

## PRESENT:

The Honorable *Chief Justice Jarvis*, President:

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

## PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by *Mr. Palmer*, with a Bill, intituled "An Act to continue and amend the Act regulating the Public Wharf of Charlottetown"—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire," and have appointed *Mr. Clark*, *Mr. Palmer*, *Mr. Le Lacheur* and *Mr. Dalziel*, a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported, that they had complied with the instructions given them by the House.

Read a first time, the Bill, intituled "An Act to continue and amend the Act regulating the Public Wharf of Charlottetown."

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

*Mr. Haviland* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

Read a second time, the Bill, intituled "An Act to continue for a limited period, three several Acts therein mentioned."

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

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

Adjourned until One o'clock on Monday next.

## MONDAY, 18th February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of Saturday.

On motion, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act to further continue for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors.*"

*Mr. Attorney General* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and agreed to the same, with the following amendment.

*Folio 2, line 6*—After the word "hereof," insert the words "and from thence to the end of the then next Session of the General Assembly."

*Ordered*, That the Report of the Committee be agreed to, and that the amendment be engrossed.

Read a second time, the Bill, intituled "An Act to continue and amend the Act regulating the Public Wharf of Charlottetown."

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

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

Read a third time, and passed, the Bill, intituled "An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors,*" with the amendment.

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

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

Adjourned until One o'clock to-morrow.



**TUESDAY, 19th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House resolved itself into a Committee of the whole, on the Bill, intituled "An Act for the protection of Sheep against vicious Dogs."

*Mr. Goodman* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

Adjourned until One o'clock to-morrow.

**WEDNESDAY, 20th February, 1839.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Brecken*,

*Colonel Lane*,

*Mr. Smith*,

*Mr. Haviland*,

*Mr. Goodman*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

Mr. *Haviland* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had made some further progress therein, and that he was directed to move that they may have leave to sit again.

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

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for the protection of Sheep against vicious Dogs."

Mr. *Goodman* took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same, with the following amendments, viz:

*Folio 1, line 6*—After the word "Sheep," insert "Lamb."

*Same folio, line 10*—After the word "and," insert "in case such Sheep or Lamb shall be killed by such Dog, then the Owner thereof."

*Same folio, line 12*—After the word "Lamb;" insert "so killed."

*Folio 2, line 11*—After the word "killed," strike out the word "a," and insert "or injured any."

*Same folio, line 12*—After the word "Sheep," insert the word "Lamb."

*Folio 3, line 7*—After the word "Witness," strike out to the word "Island," inclusive.

*Same folio, line 11*—After the word "prowling," strike out "or strolling," and insert "within any Town—ship or Royalty in this Island."

*Same folio, last line*—Strike out the words "or strolling."

*Folio 4, line 17*—Strike out the words "or strolling."

*Ordered*, That the Report of the Committee be agreed to, and that the amendments be engrossed.

Adjourned until One o'clock to-morrow.

## THURSDAY, 21st February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,  
*Mr. Haviland*,  
*Mr. Attorney General*,

The Hon. *Mr. Brecken*,  
*Mr. Smith*,  
*Mr. Goodman*,

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Arbuckle.

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the Public Accounts, and have appointed Mr. Arbuckle, Mr. Longworth, Mr. Palmer and Mr. J. S. Macdonald, a Committee to manage the said Conference.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly.

Ordered, That Mr. Brecken and Mr. Goodman be a Committee to manage the said Conference, to meet in the Committee Room instanter.

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

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

Read a third time, and passed, the Bill, intituled "An Act for the protection of Sheep against vicious Dogs," with the amendments.

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

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."

Mr. Haviland took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same.

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

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

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

Ordered, That Mr. Wright have leave to absent himself for two-days.

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

Adjourned until One o'clock to-morrow.

## FRIDAY, 22d February, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Haviland*,

*Mr. Smith*.

*Mr. Attorney General*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

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## SATURDAY, 23d February, 1839.

The following Members of Council met, viz:

The Hon. *Mr. Attorney General*,

*Mr. Brecken*,

*Mr. Smith*,

*Mr. Goodman*.

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock on Monday next.

**MONDAY, 25th February, 1839.**

The following Members of Council met, viz:

The HON. *Mr. Wright,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Smith,*  
*Mr. Goodman.*

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

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TUESDAY, 26th February, 1839.

The following Members of Council met, viz:

The HON. *Mr. Wright,*
Mr. Haviland,
Mr. Brecken,
Mr. Goodman.

THE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

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**WEDNESDAY, 27th February, 1839.**

The following Members of Council met, viz:

The HON. *Mr. Wright,*  
*Mr. Goodman.*

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

## THURSDAY, 28th February, 1839.

The following Members of Council met, viz:

The HON. *Mr. Wright,*  
*Mr. Haviland,*  
*Mr. Brecken,*  
*Mr. Goodman.*

**T**HE President being absent, from indisposition, the Council could not proceed to business.

Adjourned until One o'clock to-morrow.

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## FRIDAY, 1st March, 1839.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The HON. *Mr. Wright,*  
*Mr. Haviland,*

The HON. *Mr. Brecken,*  
*Mr. Goodman.*

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

A Bill, intituled "An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualification of Jurors.*"

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

Also, with the following written Message:

The House of Assembly desire a further Conference with the Legislative Council, on the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire," and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference.

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

Ordered, That *Mr. Haviland* and *Mr. Brecken* be a Committee to manage this further Conference, to meet in the Committee Room instanter.

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

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

A Message from the House of Assembly, by Mr. Clark.

In the House of Assembly,

Friday, March 1st, 1839.

*Resolved,* That a Message be sent to the Legislative Council, praying their Honors will permit the Hon. Mr. Attorney General, one of their Members, to attend the Special Committee of the House of Assembly, appointed to inquire into the grievances which have agitated this Colony for some time past, with a view to provide a remedy, this day at Two o'clock, to be examined touching the matters to them referred.

*Ordered,* That Mr. Attorney General have leave to attend, as requested by the House of Assembly.

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

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled "An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire."

Mr. Haviland took the Chair,

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had agreed to the same.

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

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

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

*Resolved,* That the following payments be made to the undermentioned Officers and Servants of this House, as a remuneration for their Services during the present Session, viz:—

|                                                                                        |   |   |     |    |        |
|----------------------------------------------------------------------------------------|---|---|-----|----|--------|
| The Rev. L. C. Jenkins, Chaplain to this House,                                        | - | - | £15 | 0  | 0      |
| John C. Wright, Esq. Usher of the Black Rod, at the rate per diem of                   |   |   | 0   | 10 | 0      |
| Clerk of the Legislative Council, at the rate per diem of                              |   |   | 0   | 7  | 6 Stg. |
| John Rider, Messenger, at the rate per diem of                                         | - | - | 0   | 7  | 6      |
| Moses Hayes, Doorkeeper, do.                                                           | - | - | 0   | 6  | 6      |
| Together with such incidental expences as may be certified by His Honor the President. |   |   |     |    |        |

Two Messages from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of an Order of Her Majesty in Council, dated the 12th December last, leaving to its operation an Act passed by the Legislature of this Island in March, 1838, for the regulation of the Wharf at Georgetown; and another Order of Her Majesty in Council, of the same date, specially confirming, ratifying, and finally enacting an Act passed by the Legislature in April, 1837, "for levying an Assessment on all Lands in this Island."

Government House, 25th Feb. 1839.

Documents accompanying the said Message:

Copies of

Order of Her Majesty in Council, dated 12th December, 1838.

Do.

do.

do.

Vide Appendix (H.)

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

[SECOND MESSAGE.]

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, for their information and guidance, the copy of a Despatch from the Right Honorable Lord Glenelg, acquainting him that there will be transmitted annually to this Island, Four copies of the Acts passed from time to time by the Imperial Legislature—to be distributed as is directed in said Despatch.

Government House, 25th Feb. 1839.

Document accompanying the said Message:

Copy of Despatch from Lord Glenelg, to Sir C. A. Fitz Roy, dated 25th December, 1838.

Vide Appendix (I.)

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

Mr. *Haviland*, by leave, presented the following Petitions, viz:

*History Reserves*

A Petition from the Inhabitants of Townships Nos. 25, 26, 27 and 28, in Prince County, setting forth—that they have heard with much surprise and alarm, that a Bill is in progress through the House of Assembly, relative to the Fishery Reserves, wherein it is contemplated that the holders of property on the several Townships in this Island, in which no reservation for a Fishery was made, by or in the original Grants of such Townships from the Crown, shall nevertheless be obliged to surrender Five hundred feet in depth on the entire front of their lands, not only on the Sea coast, but also on all the Rivers, Bays and Creeks of this Island, or as far up the same as Salt water flows at high water mark; and praying this House to withhold its assent to the same.



A Petition from the Inhabitants of Township No. 17, and its vicinity, to the same purport, and praying that this House will withhold its assent to the same.

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

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

The House of Assembly, with their Speaker, having attended accordingly, His Excellency was pleased, in Her Majesty's name, to give his assent to the following Bills:

An Act to provide against the running at large of Hogs in the Streets and Squares of Charlottetown.

An Act for the protection of Sheep against vicious Dogs.

An Act to further continue, for a limited period, an Act passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors.*

An Act for continuing an Act, intituled *An Act to regulate the Fisheries of this Island.*

An Act to authorize the appointment of Coal Meters for Charlottetown.

An Act to continue for a limited period three several Acts therein mentioned.

After which, the Speaker of the House of Assembly presented the following Bills, to which His Excellency was pleased to give his assent:

An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.

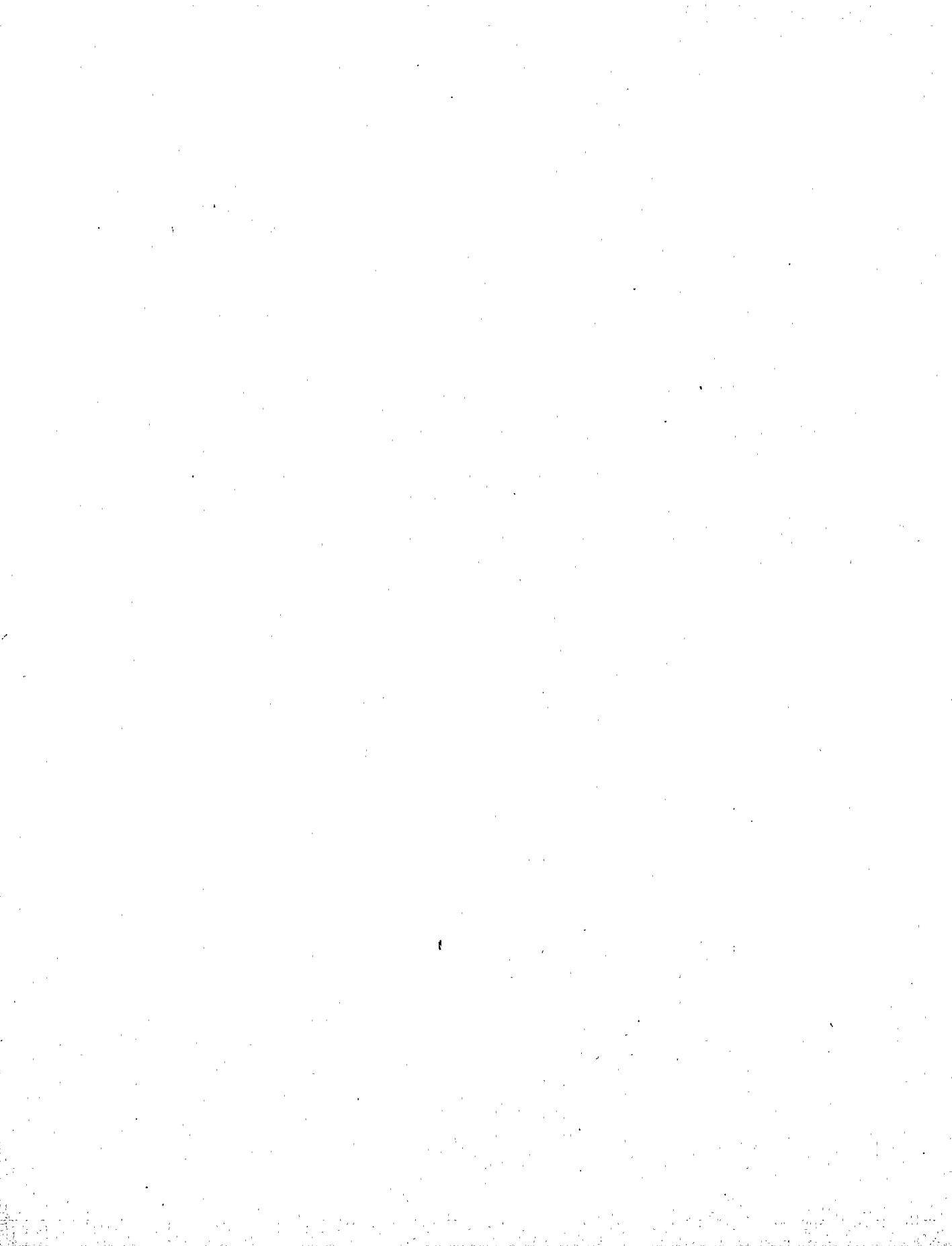
An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.

An Act to continue and amend the Act regulating the Public Wharf of Charlottetown.

After which the President of the Council said—

Gentlemen;

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Tuesday the Twelfth day of March, instant; and this General Assembly is accordingly prorogued until Tuesday the Twelfth instant.



# APPENDIX

TO THE

# JOURNAL

OF THE

# LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND,

FOR THE SESSION COMMENCING THE TWENTY-SECOND DAY OF JANUARY, AND  
ENDING THE FIRST DAY OF MARCH.

1839.



# APPENDIX

[A.]

(SEE PAGE 11.)

No. 1.

No. 28.

[ COPY. ]

DOWNING STREET, 28th February, 1838.

SIR,

I have had under my consideration an Act passed by the Legislature of Prince Edward Island, No. 452, with a suspending clause, to enable the Proprietors of the Bank of British North America, to sue and be sued in the name of one of the local Directors or Managers.

Had the Act been strictly confined to its proposed object, I should not have hesitated in advising Her Majesty to confirm it. But at the end of one of its clauses is introduced, providing "that nothing in this Act, or in any other Act of the General Assembly of the Island, shall prevent the Company from issuing "Notes under £5."

If the Law in Prince Edward Island be that Notes under £5 shall not be issued, this clause would give to this Company an exclusive privilege to which I should object, and at all events the introduction of a provision of this nature is entirely beyond the scope and object of the Bill, as declared in the Title. Her Majesty's Government entertain a strong objection to this provision, and but for the great importance which you state to be attached to the confirmation of this Act, would not have advised Her Majesty to confirm it until the clause in question had been repealed.

Unwilling, however, to occasion so much delay, as would thus be incurred, the Queen has been advised to sanction this Act, which Her Majesty has been pleased to do by the enclosed Order, passed on the 15th instant, and I have only to hope, that if the Law on this subject be as I have supposed it to be, the Company will lose no time in obtaining the repeal of the objectionable Clause.

I have the honor to be, Sir,

Your most obedient humble servant,

GLENELG.

(Signed)

Lieutenant Governor Sir Charles A. Fitz Roy,

&c. &c. &c.

No. 2.

AT THE COURT AT BUCKINGHAM PALACE, THE 15th OF FEBRUARY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Lord President,  
Lord Steward,  
Lord Chamberlain,  
Earl of Albermarle,

Earl of Minto,  
Viscount Palmerston,  
Viscount Melbourne,  
Viscount Howick,  
Sir John Hobhouse, Bart.

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1837, pass an Act, which has been transmitted, entitled as follows, viz:

## APPENDIX (A.)

No. 452.—‘ An Act to enable the Proprietors or Shareholders of a Company called the Bank of British North America, to sue and be sued, in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.’

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

(Signed)

C. GREVILLE.

No. 3.

No. 46.

[ COPY.]

DOWNING STREET, 28th May, 1838.

SIR,

I had the honor to receive on the 25th of April last, your Despatch, No. 9, of the 12th of March, transmitting an Act passed by the Legislative Council and Assembly of Prince Edward Island, (No. 484) on the 9th of March, for amending the Election Law of the Island.

Your Despatch stating the importance attached to the early confirmation of this Act, which had been suspended in its operation for the signification of Her Majesty’s pleasure thereon, I lost no time in submitting it to the decision of the Queen in Council, and I have the honor to transmit to you an Order, passed by Her Majesty in Council, on the 15th instant, specially confirming the Act in question.

On the 21st instant, I received a Memorial stated to be from a Committee in Prince Edward Island, nominated by the Inhabitants to manage the proceedings, and to obtain an Escheat of the forfeited land, and praying that Her Majesty might be advised to withhold the Royal Assent from the above mentioned Bill. You will, however, perceive from what I have just stated, that this Memorial did not arrive until after the Bill had received Her Majesty’s special confirmation, and you will have the goodness to explain these circumstances to the parties interested.

I have the honor to be Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, &c. &c. &c.

No. 4.

AT THE COURT AT BUCKINGHAM PALACE, THE 15th OF MAY, 1838.

PRESENT:

THE QUEEN’S MOST EXCELLENT MAJESTY.

*Lord Chancellor,*  
*Lord President,*  
*Lord Steward*  
*Lord Chamberlain,*  
*Earl of Albermarle,*  
*Earl of Minto.*

*Viscount Palmerston,*  
*Viscount Melbourne,*  
*Viscount Howick,*  
*Lord Glenelg,*  
*Mr. Poulett Thompson.*

Whereas the Governor of Her Majesty’s Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of March last, pass an Act, which has been transmitted, entitled as follows, viz:

## APPENDIX (A.)

No. 484.—‘ An Act to alter and amend the Election Laws.’

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

(Signed)

C. GREVILLE.

No. 5.

No. 54.

[ COPY ]

DOWNING STREET, 5th July, 1838.

SIR,

An Act passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the month of April, 1836, and numbered No. 448, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Plantations, that Committee have reported to Her Majesty in Council, their opinion, that the said Act should be left to its operation.

I have the honor to transmit to you herewith, an Order of Her Majesty in Council, dated the 20th June last, approving that Report.

I have, &c.

(Signed)

GLENELG.

The Lieutenant Governor of  
Prince Edward Island.

No. 6.

AT THE COURT AT ST. JAMES'S, THE 20th OF JUNE, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord Chancellor,  
Lord President,  
Lord Steward,  
Lord Chamberlain,  
Earl of Albermarle,  
Earl of Minto,  
Lord John Russell,

Viscount Melbourne,  
Viscount Howick,  
Lord Glenelg,  
Mr. Poulett Thompson,  
Sir John Hobhouse, Bart.  
Mr. Chancellor of the Exchequer.

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1836, pass an Act, which has been transmitted, entitled as follows, viz:

No. 448.—‘ An Act to incorporate the Trustees of Saint Andrew's College, and to repeal a certain Act therein mentioned.’

## APPENDIX (A.)

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

(Signed)

C. GREVILLE.

No. 7.

No. 59.

[ COPY. ]

DOWNING STREET, 31st July, 1838.

SIR,

Various Acts passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the months of March and April last, having been referred by the Queen in Council to the Lords of the Committee of Privy Council, for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Acts should be left to their operation.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 30th instant, approving that report.

I have, &c.

(Signed)

GLENELG.

The Lieutenant Governor of  
Prince Edward Island.

No. 8.

AT THE COURT AT BUCKINGHAM PALACE, THE 30TH OF JULY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

*The Lord Chancellor,*

*The Lord President,*

*Viscount Palmerston,*

*Viscount Melbourne,*

*Viscount Howick,*

*Lord Glenelg,*

*Sir John Hobhouse, Bart.*

*Mr. Chancellor of the Exchequer.*

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the months of March and April last, pass Eleven Acts, which have been transmitted, entitled as follows, viz:

No. 485.—' An Act to amend an Act passed in the Third year of His late Majesty's Reign, intituled *An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.*'

No. 486.—' An Act to provide for the management of the Charlottetown Ferry, by means of a Team Boat.'

No. 488.—' An Act to continue an Act passed in the Seventh year of His late Majesty's Reign, empowering the Inhabitants of Charlottetown to Assess themselves, for the purpose of purchasing or renting sites for Engine Houses, and for erecting such Buildings thereon.'

No. 489.—' An Act to continue an Act passed in the Fourth year of His late Majesty's Reign, for the better preventing accidents by Fire within the Town of Charlottetown.'



## APPENDIX (A.)

No. 493.—‘ An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose.’

No. 494.—‘ An Act to amend an Act, intituled An Act to regulate and establish the stated times and places for holding the Supreme Court in King’s and Prince Counties, and to constitute the Michælas Term of the said Court in Queen’s County, a term for the trial of Issues for a limited period.’

No. 496.—‘ An Act to prevent the Streets and Squares of Charlottetown being incumbered with nuisances.’

No. 497.—‘ An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and Public Roads.’

No. 498.—‘ An Act relating to the Office of Surrogate, and Judge of Probate of Wills, and for granting Letters of Administration.’

No. 499.—‘ An Act to further amend an Act of the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.*’

No. 502.—‘ An Act for appropriating certain Monies therein mentioned, for the service of the year of Our Lord One thousand eight hundred and thirty-eight.’

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

(Signed)

C. GREVILLE.

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No. 9.

No. 77.

[ COPY. ]

DOWNING STREET, 3d December, 1838.

SIR,

Various Acts passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, and numbered 487, 491, 492, 500, and 501, transmitted in your Despatch No. 16, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Acts should be left to their operation.

I have the honor to transmit to you herewith, an Order of Her Majesty in Council, dated the 29th ultimo, approving that Report.

I have the honor to be, Sir,

Your most obedient humble servant,

Lieutenant Governor of  
Prince Edward Island.

(Signed)

GLENELG.

## APPENDIX (A.)

### No. 10.

AT THE COURT AT BUCKINGHAM PALACE, THE 29th OF NOVEMBER, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY;

*Lord Chancellor,*

*Lord President,*

*Lord Privy Seal,*

*Lord Chamberlain,*

*Earl of Albermarle,*

*Viscount Palmerston,*

*Viscount Howick,*

*Lord Hill,*

*Lord Glenelg,*

*Sir John Hobhouse, Bart.*

*Mr. Chancellor of the Exchequer.*

Whereas the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the months of March and April, 1838, pass five Acts, which have been transmitted, entitled as follows, viz:

No. 487—' An Act for further continuing an Act passed in the Fifth Year of the reign of His late Majesty King William the Fourth, entitled An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand.'

No. 491—' An Act to provide Salaries for Sub-Collectors of Customs at the several Out-Ports therein mentioned.'

No. 492—' An Act to make provision for the payment of a portion of the expence of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

No. 500—' An Act to continue for One Year, and to amend an Act passed in the Seventh Year of His late Majesty's Reign, entitled An Act for the increase of the Revenue of this Island.'

No. 501—' An Act to reduce the Penalty imposed on certain offences by an Act of the Imperial Parliament, passed in the Seventh Year of the Reign of His late Majesty, entitled An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.'

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

W. L. BATHURST.

# APPENDIX

[B.]

(SEE PAGE 12.)

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No. 49.

[ COPY. ]

DOWNING STREET, 30th May, 1838.

SIR,

I have had the honor to lay at the foot of the Throne, the Joint Address from the Council and Assembly of Prince Edward Island, which accompanied your Despatch of the 27th March, No. 10. Her Majesty was pleased to receive this Address very graciously, and to command me to convey, through you, to the Council and Assembly of Prince Edward Island, Her satisfaction at the attachment to her person and government which they have expressed. It will ever be Her Majesty's anxious wish to consult the wishes and to promote the interests of Her faithful subjects, the inhabitants of Prince Edward Island.

I have, &c.  
(Signed)

GLENELG.

Sir Charles A. Fitz Roy, &c. &c. &c.

# APPENDIX

(C.)

(SEE PAGE 12.)

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No. 1.

No. 78.

[ COPY.]

DOWNING STREET, 3d December, 1838.

SIR,

In my Dispatch of the 1st June last, No. 51, I informed you that by Her Majesty's commands I had referred for the consideration of the Bishop of Nova Scotia, the Joint Report of the Council and Assembly of Prince Edward Island, on the exclusive right of the Church of England in that Colony to the proceeds arising from Church and School Lands sold under the Colonial Act 5 Will. 4, c. 13. In the month of July I received from the Bishop his reply to that Report, copies of which I herewith enclose for your information; and after fully considering the arguments adduced on either side, I felt it my duty, before tendering to Her Majesty any final advice on the question, to refer the papers for the consideration of the Law Officers of the Crown. A copy of their Report I also enclose herewith. You will observe that the Queen's Advocate and the Attorney and Solicitor General are of opinion that although no actual right accrued to such reservations until a Church was built, the reservations for Churches and Glebes, in the Order in Council of 1767, had reference solely to Churches and Ministers connected with the established religion. With respect, however, to the reservations for Schools, they are of opinion that no such restriction exists. These views do not entirely accord with those adopted by the Legislature of Prince Edward Island; but the Council and Assembly will, I am convinced, see in the careful and laborious examination which this question has undergone, my anxiety to execute the trust devolved on Her Majesty's Government by the Colonial Act 5 Will. 4, cap. 13, with a due regard to justice and to the rights of all parties interested in the matter. In the opinion expressed by the Law Officers of the Crown, I concur; and it is, therefore, my duty to convey to you Her Majesty's commands, that so much of the proceeds in the hands of the Local Government, as arises from the sale of Church or Glebe Lands, should be appropriated to such educational establishments only as are connected with the Church of England; and that in order to ensure a judicious and proper application of these Funds, you should in this matter act in concert with the Bishop of Nova Scotia. In respect, however, to that portion of the proceeds which arises from the sale of School Lands, Her Majesty is anxious to consult the wishes of Her subjects in Prince Edward Island, and she will therefore be prepared to take into Her favourable consideration any joint Address which may be presented to Her Majesty by both Houses of the Legislature, specifying the manner and the proportions in which it can be most advantageously appropriated for the promotion of general Education throughout the Island.

I have the honor to be, Sir,

Your most obedient servant,

(Signed)

GLENELG.

Lieutenant Governor Sir Charles A. Fitz Roy.

No. 2.

[ COPY.]

YORK STREET, ST. JAMES, July 23d, 1838.

MY LORD,

I have been honored with a letter from Sir George Grey, accompanied by copies of sundry papers relating to proceedings and correspondence which have reference to the Sale of Glebe and School Lands in Prince Edward Island, and to the appropriation of the proceeds of that Sale. I am kindly desired to submit to your Lordship any observations which those papers may appear to demand.

## APPENDIX (C.)

My attention has been particularly given to a Report from a Joint Committee of the Council and Assembly of that Colony, who had been invited by the Governor, at the desire of your Lordship, to take into their consideration the statements and reasoning contained in letters which I had thought it my duty to address to the Archbishop of Canterbury in March and May, 1837, and to furnish His Excellency with their reasons for concurring in or dissenting from the conclusions in those letters.

It is more a subject for my regret than my surprise, that the Legislature of Prince Edward Island should not be satisfied with those conclusions: but I hope it will not be thought inconsistent with the respect which is due to that Legislature, to endeavour to satisfy your Lordship that their Report has little bearing upon the most important parts of the letters which were referred to them, and that the lands originally reserved for Glebes were intended *solely* for the Clergy of the established Church.

For this purpose, I have the honor to request your Lordship's consideration of the *remarks* which I have considered it proper to make at some length on that Report, and also of *observations* upon the same Report which I lately received from Prince Edward Island, addressed to me by some of the most respectable inhabitants, with whom I have had no communication, directly or indirectly, that could have led to these observations, of which I now forward a copy to your Lordship.

And here, my Lord, it may not be improper for me to remark, that my letters to the Archbishop of Canterbury did not point to the Legislature of the Island as the source from whence any compensation could be expected. It was expressly stated in those letters the Act of Alienation was complete, that its operation could not be interrupted, and indeed that its object had been accomplished; for the lands had been sold, and the proceeds appropriated by Law. No doubt was expressed of the validity of that Act, nor of its having legally divested the Church of any right which she formerly possessed in those Glebes; nor was any hope intimated that the Legislature could be induced to make any alteration of that Act.

But I hope your Lordship will not think that it was unnatural to entertain much hope that the *Government* would be ready to afford relief. The Reserves had been ordered by the Government for the benefit of the Church. They were *Reserves to the Crown* for Glebes and School Lands; and could not have been diverted from their original purpose without the acquiescence of the Government. The correspondence between the Secretaries of State and the Governors of the Island, shew likewise that the confirmation of the Act which alienated the lands was advised under a misapprehension, and therefore it is the more reasonable to hope the Government would be glad to repair an injury to which they had unintentionally been instrumental, and more especially because they had been regarded as the protectors of the property, and that property had ever been considered perfectly secure while under their protection. It was for these reasons, my Lord, that the Archbishop of Canterbury's appeal to the *Government*, and to the *Government only*, was earnestly solicited. If further explanation on this point shall be required, I shall be most happy to supply it while I am in London. If it be possible that any doubt can remain upon your Lordship's mind as to the intention to make provision for the Church in the several Colonies by Grants and Reserves of land, it will only be necessary to request your Lordship's particular attention to the words of those Grants and Reserves, and to the explanation of them (if explanation be necessary), which is supplied by the Instructions to the Governors, and the general understanding and usage, until a very recent date. Ample toleration was indeed afforded to dissenters, but I confidently state to your Lordship, after careful examination of the official correspondence between the Lords of Trade, and the Governors of Nova Scotia and Prince Edward Island, as well as of the instructions sent from time to time from the Crown, for nearly a century, that not a sentence can be found to give the least colour to a claim on the part of dissenters to a single acre of Land which has been reserved or granted for Glebe.

The only reason assigned by Mr. Spring Rice in October, 1834, for his consent to the *sale* of the Glebes, *expressly reserving to the Government the future appropriation of the proceeds*, was, that "if left in their present unoccupied state, they must tend to obstruct the improvement of the Colony." In writing to the Archbishop of Canterbury, I thought it sufficient to state the acknowledged fact that the Reserves only contained 130 acres, in each tract of 20,000 acres. The conclusion seemed evident, that it was a mistake to suppose that the improvement of the country could be materially affected, even by the entire neglect of so small a portion of the land. Your Lordship will permit me to add now, that even if the cultivation of this small por-

## APPENDIX (C.)

tion had been thought important, it could have been enjoined upon the Conservators of Glebes, who had been duly authorized to take charge of them, and were engaged in letting them as opportunities were afforded, upon improving leases. But even if this had been impossible, and the reserves must have remained waste (which is far from the fact), it can hardly be thought that these very small portions of the land, intended for the important purpose of assisting a supply of religious instruction to those persons who should occupy the extensive lands around these Glebes, should be the first to be *alienated* for neglect of cultivation, for few things can be more clear than that these should have been the last to be visited with such severity.

It will not have escaped your Lordship that although the Colonial Act which has alienated the Glebes, provides that the proceeds of the Sales shall "be appropriated for the purpose of promoting general Education within the Island," a provision is also made for the accomplishment of this object "in such manner and under such regulations as Her Majesty, Her Heirs or Successors, may be pleased to prescribe or command"

It is therefore open to the Government to employ the agency of the Incorporated Society for the propagation of the Gospel, in carrying into effect the enactments of that Law. The lands which have been sold would otherwise have been applied to the support of Missionaries and Schoolmasters from that Society, who have supplied instruction to Her Majesty's Colonies for nearly a century and a half. Their Schools have always been open to all denominations, and their instruction, though scriptural, is *general*; and none have derived more benefit from that instruction than Jews, Romanists and Dissenters, who have been as freely admitted as members of the Church.

This arrangement would be attended with several advantages. It would shew as much consideration as can now be shewn, in the execution of this Act, to a Society who have been injured by it. It would secure a careful superintendence of the Schools, which is essential to their usefulness. And I am prepared to satisfy your Lordship, that it would be approved by some of the most respectable individuals who concurred in passing the Act, of which it has been my duty to complain. It is also probable that it would be more generally acceptable in the Island, than either of the two propositions which have been submitted lately for your Lordship's consideration, because it would tend to a wider diffusion of instruction through the Island, than if the funds were appropriated to the support of only two seminaries. Upon the benefits which it may still be in the power of the Government to confer upon the Church in Prince Edward Island, if, as I trust, your Lordship shall be inclined to repair the injury she has sustained, as far as it may be possible to repair it, I shall be happy to have the honor of conferring personally with your Lordship.

I have, &c.

(Signed)

JOHN NOVA SCOTIA.

To the Right Hon. Lord Glenelg.

No. 3.

Charlottetown, May 8th, 1838.

My Lord,

The following observations upon the Report of the Joint Committee of the Council and House of Assembly of Prince Edward Island, to whom was referred the correspondence between your Lordship, His Grace the Archbishop of Canterbury, and certain of Her Majesty's Ministers, relative to an Act authorizing the sale of the Clergy Reserves in this Island, are respectfully submitted to your Lordship's notice, by

Your Lordship's obedient servants,

&c. &c. &c.

To the Right Rev. the Lord  
Bishop of Nova Scotia, &c. &c.

## APPENDIX (C.)

My Lord,

We cannot refrain from expressing our astonishment at reading a Report of the Joint Committee of the Council and House of Assembly of this Island, on the subject of the correspondence between the Archbishop of Canterbury, your Lordship, and his late Majesty's Ministers, relative to the sale of the Glebe and School Lands of this Island. Nor can we suffer a report of this nature to go abroad into the world, without comment; for should we do so, our silence may be construed as recognizing the truth of the assertions therein set forth. We cannot suffer ourselves to think that there ever could have existed a doubt on the mind of any one, to whom the history of the Colony was known, as to what were the intentions of Government at the time of the passing those Grants, or the purposes for which the lands reserved for the site of a Church and Glebe, were intended to be applied. In the year 1767, when the first Grants passed the great seal, this Island was a part of the Province of Nova Scotia, and we think that it is the fairest, as well as most rational mode, to consider how the law, as well as the instructions of Her Majesty's Government, then stood. In the *Province of Nova Scotia*, so early as 1758, an Act was passed constituting the Church of England the established Church of the Province; and the Governor was thereby requested to induct every minister of the said Church into such parish, as shall make presentation of him. Acts continued to be passed relative to the good government of the Church of England, and the election of its officers, churchwardens, &c. from that time until the year 1767, during which period this Island was an integral part of Nova Scotia. And it may perhaps have escaped your Lordship's laborious investigation, that in the year 1759, an Act was passed conferring upon the Governor of the Province of Nova Scotia, the power of allotting Parishes, by metes and bounds, within his Province, for the sole benefit of the Church of England, as by law established. Laws still continued to be enacted for the benefit of the Church from that time until the year 1767, all tending to the same purpose, and acknowledging the supremacy of the Church of England. Subsequently a few grants were made by Governor Patterson, the first Governor of the Island, which are in exact conformity with the grants made by Lord William Campbell, the then Governor of Nova Scotia. On reference to the instructions to Governor Patterson, it will be found that he is desired to conform *himself in all respects* to the instructions formerly issued to the Governor of Nova Scotia, a copy of which instructions is there stated to be annexed, and to be considered as forming a part of his then present instructions, evidently shewing that it was the intention of the Government to adopt the same principle of settlement in that part of the Province of Nova Scotia called the Island of St. John, as had heretofore been acted upon in the said Province.

If the Island of St. John were an integral part of the Province of Nova Scotia, it must certainly have been bound by the same laws as the rest of the Province; and on considering what the intention of Government was in making the reservations alluded to in the grants, the law of the Province of Nova Scotia, and the instructions to the Governor of that Province, form the best and only solution of any doubt that may arise concerning the meaning of the words contained in the grants. The joint Committee of the Council and House of Assembly place no reliance, as they say, upon the Royal Instructions to the Governor; we, on the contrary, do; conceiving, as we think, that the best explanation of the acts of a servant is, by reference to the orders of his master, it being a matter of notoriety that no Governor of a Province is permitted to depart from the tenor of his instructions. Should there be any doubt that those instructions were in strict conformity with those of the Governor of Nova Scotia, a reference to the respective instructions will immediately resolve it.

It has been stated that the Island was surrendered at the treaty of Aix-la-Chappelle, by Great Britain to France, as a *dependency of Cape Breton*. This is an assumption, the grounds of which we are at a loss to conjecture, unless it were that the Island was not finally evacuated until the year 1763, for which we need go no further than the law of the Province of Nova Scotia, passed in the year 1759, wherein it is declared that although the French inhabitants of the Province of Nova Scotia, of which the then Island of St. John constituted a part, had, by treaty, agreed to become the subjects of Great Britain, they nevertheless continued to correspond with France, refused to take the oath of allegiance, committed murders, and devastations upon His Majesty's subjects, so that it was not until the year in which the treaty of Aix-la-Chappelle was concluded, they were finally compelled to evacuate the Island of St. John; nevertheless it is evident

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from every part of the history of that period, that the continuance of the French inhabitants in the Island of St. John, was merely a boon granted by the British Government; the right to the soil, and its being a part of the Province of Nova Scotia, or Acadia, as it was then called, was unquestionably that of Great Britain, that right having never been conceded.

It is rather astonishing that a House of Assembly of Prince Edward Island, in the year 1838, should have been enabled so correctly to ascertain what were the sentiments of the high contracting parties at the Treaty of Aix-la-Chappelle, when at the Treaty of Utrecht it was a matter of doubt as to what constituted the limits of the then Province of Nova Scotia. Besides had other histories been consulted, or had even the words of the Treaty itself been adverted to, or quoted, it would have been found that the Island of Saint John was never once mentioned or alluded to.

It is stated that your Lordship is incorrect in your assertion, that "the words in all the Grants" were copied from the 28th section of the Royal Instructions of 1769, as these Instructions were dated "nearly two years subsequent to the order in Council, under which the several Grants in this Colony" issued from the Crown, and one year after, most of the Grants had passed," whereas had the framers of the Report reflected that they had previously asserted, that the Order in Council by which the Governor of the Province of Nova Scotia was directed to convey these Lands to the several Grantees, was dated in the year 1767, the Instructions to the Governor of the Province of Nova Scotia must at least have been prior to that date; and further, that the version of your Lordship, as to the Royal Instructions, is most likely to be the one most correct. The idea that this Island was intended to be settled "solely" by German protestants and those averse to the National Religion, as is assumed by the Committee, is so absurd, as not to require refutation. That the English Government should have entertained an intention so ridiculous as to make this completely a Colony of Foreigners, is to suppose that they were totally ignorant of the law of the land: for they must have known that there was a law of the Kingdom of Great Britain, passed in the reign of Charles the Second, which prevented foreigners holding or occupying land in these Colonies, without having first resided seven years therein, and having taken the usual Oaths of Supremacy and Allegiance; a law which we have yet to learn, is not in force, but which at the date of the passing of the Grants in question, it cannot by any possibility be denied, was in full vigor and effect. Had there been a doubt, as to who were meant by Ministers of the Gospel, had even the Royal Instructions been silent upon the subject, the law of the Island of 1802 would have afforded the fullest information. Taking this therefore in connection with the Act of the Province of Nova Scotia, passed so early as the year 1758, and the Acts subsequent thereto, it is evident that by the words "Ministers of the Gospel" those of the Church of England, and none other, could have been contemplated. Twelve years after the Royal Assent had been given to the law of 1802, we find that a Warrant of Survey was issued to the Surveyor General, directing him to lay off the Glebes in every Township in the Colony; thereby affording a clear and decisive proof, if any such were wanting, of the intention of the Government of the day, to appropriate them to the use of the Church of England, under the provision of the aforesaid Act. What followed? Conservators of Glebes were appointed under the Great Seal of the Island; and to whom were those offices entrusted? To those to whom the custody of the lands in question rightfully appertained, the Ministers of the Church of England, established not only by the law of the Empire, but also by a solemn Statute of the Colony. It would be derogatory both to your Lordship and ourselves to enter into the question that is raised by the House of Assembly, that your Lordship is erroneous in your assertions respecting the conversations had with some of the Members of that body; confiding as we do in your Lordship's integrity both as a zealous and pious Pastor of the Church and a learned and accomplished gentleman, you must pardon us if we refrain from even giving the assertion a naked denial. That your Lordship in your conversations with several gentlemen in this Island, upon a subject so naturally interesting and important to you, might have fallen into the error of supposing that those who had been Members of the previous House, some of whom had opposed, and some advocated, the sale of the Glebe Lands, is perfectly within the knowledge of many of those who subscribe this document, and it is with no small feeling of regret, we might even say of indignation, that we find it in a public document attempted to be insinuated, that in a matter so interesting to the welfare of the Church over which you have been called to preside,



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you would condescend to have availed yourself of what the Committee of the Legislature must have considered a groundless and gratuitous fiction.

While we regret, my Lord, that our Church has met with so little favor at the hands of the Legislature of late years, and their departure from the principles of their ancestors, we cannot but feel grateful, that her interests are entrusted to the keeping of one whom nothing can prevent from a strict, conscientious and upright discharge of his duty. Go on, therefore, my Lord, certain that you carry with you the most zealous wishes of those members of the Church of England, residing in this Colony, who feel anxious for its welfare. That your exertions to obtain for her that remuneration which justice demands and requires, may be crowned with ultimate success, is their fervent and constant prayer.

To the Right Reverend and Honorable  
The Lord Bishop of Nova Scotia.

No. 4.

5, York Street, St. James, 23d July, 1838.

My Lord,

I have the honor to address to your Lordship, the following remarks on "a Report from a Joint Committee of the Council and Assembly of Prince Edward Island, to whom was referred the Message of His Excellency the Lieutenant Governor," transmitting a Despatch from the Right Honorable Lord Glenelg, with copies of a correspondence which had taken place between His Lordship and His Grace the Archbishop of Canterbury, on the subject of the Act for the Sale of the Glebe and School Lands in this Colony, in which correspondence is a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property, &c. &c.

1. The Committee; in the commencement of their Report, "express their surprise that the Bishop of Nova Scotia should have deferred, until this late period, to call in question the justice of the measure adopted by the Legislature;" they afterwards state, that "during a period of upwards of six years, which elapsed from the first discussion of the question, until the Royal Assent was given to the Act, no objection was made by His Lordship, or any other person against the measure, with the exception of the communication which appears to have been addressed to the Right Honorable the Earl of Aberdeen, (then Secretary of State for the Colonies,) by order of the Society for the propagation of the Gospel; on the 9th March, 1835;" and again, "that no objection was made to the Bill in question before the Royal Assent was given."

My first remark on this part of the Report is, that if I had been as negligent as the Committee have stated me to have been, in omitting to notice the progress of our endeavour to alienate Lands which belonged to the Church, or where intended for her benefit, no negligence on my part, however culpable, could diminish the injustice of such alienations, or its inconsistency with the original intention of the Reserves, or mitigate the wrong which it inflicted on the Church. My next remark is, that the Committee have been under much misapprehension on this point, which will readily appear by a simple statement of facts.

Upon the first movement on the matter, I communicated with the Lieutenant Governor of the Island, upon the subject, although it appeared scarcely possible that the endeavour to alienate the Glebe could succeed, and I had good reason to believe, that His Excellency concurred in that opinion. No time, however, was lost in representing the matter to the Society for the Propagation of the Gospel. The subject was also brought to the notice of Lord Goderich, in a letter which I had the honor of addressing to his Lordship on the 27th of March, 1833, where I expressed the confidence which I really entertained, that the bare mention of the subject would produce the effectual protection of the Government.

A copy of that letter was sent at the time to the Society, and is now in their Office. The matter was again brought before the Society by my letters in that year, and very particularly afterwards in March, and

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in April, 1834, when a third Address from the Assembly of the Island was forwarded to the Colonial Office. It was not unreasonable to suppose that the Addresses from the House of Assembly in 1830 and in 1832, were thought inadmissible, as they remained unnoticed for several years. There was, perhaps, still greater reasons to think the Address of 1834, would be equally unsuccessful. It supplied no stronger reasons for the serious change for which it prayed, than were contained in the earlier Addresses, and the House of Assembly had been particularly urged to forward it by a Petition, whose character seemed unlikely to assist any measure which might be grounded upon it.

The substance of that Petition was inserted in the Journals of the House, which are regularly forwarded to Downing Street, and preserved there.

When your Lordship is reminded that this Petition speaks of the King when coming to the Throne, as having *found the Nation groaning under the intolerable burthen of an established Church*—as not having yet been able to free His subjects from that galling yoke which cannot be borne much longer by freemen—where your Lordship is reminded that this same Petition represents *an established and state endowed Church*, as one which may accord with the views of ambitious churchmen and Priest-ridden Princes, but is looked upon as a cruel imposition by all who respect the sacred rights of conscience, and accuses Episcopalians because they desire to retain the little property originally intended for them, as meditating a deed of plunder and rapacity, and predicts that their success in this object would not cease to produce an abundant harvest of hatred and envy, till that Church which they are labouring to uphold by such unworthy means, shall be overturned both root and branch.

When your Lordship is reminded of the sentiments thus expressed in the Petition of 1834 to the House of Assembly, you will not be surprised that an Address to the Throne, urged on by such a Petition, was thought to be as unlikely to obtain any favourable regard, as those which had preceded it in 1830 and 1832. It was, therefore, with as much astonishment as regret, that I received a letter from the Lieutenant Governor of the Island, in January, 1835, containing the following passage:—"I have received the orders of the Secretary of State to sell the Glebe and School Lands, and when that is effected and reported, Instructions will be transmitted to me in regard to the appropriation of the money derived from the Sale." This letter, from Lieutenant Governor Young, was immediately forwarded to the Society for the Propagation of the Gospel, and probably induced an application from that body to the Colonial Office, in March, 1835. The reply from Mr. Hay stated, that "the unoccupied state of the Land reserved in Prince Edward Island, for the support of the Ministers and Schools, having been represented to obstruct the improvement of the Colony, a sale of those lands has been authorized—but without any sanction for the reversion of the proceeds from the purposes for which the lands themselves were originally set apart. The only immediate object appears to have been, to remove an obstruction to the cultivation of the Island, and upon the appropriation of the money thus realized, no decision has been pronounced.

"In regard to the Bills alleged to have been introduced into the Assembly, Lord Aberdeen has no further information, at present, than is contained in your letter, and it would be premature to express any opinion upon measures of which the particulars are unknown. Should they, however, pass into laws, and thus come before His Majesty for confirmation, it will be in the power of the Society, or of the Bishop of Nova Scotia, to urge any objections which they may consider applicable to the Acts, as infringing upon the rights of the Church of England."

This letter from Mr. Hay might easily lead the Society to think no such Bill as was alluded to would receive the Royal Assent, until an opportunity was afforded to them for shewing their reasons against it; and your Lordship will permit me to state, I had still greater reason to hope an opportunity would be afforded to myself to make some observations upon a Bill so vitally affecting the property of the Church under my care, for the Royal Assent had been recently withheld from a Parish Bill, passed by the Legislature of the same Island, of very minor importance, until it could be referred to the Bishop of the Diocese. Being on duty in a very distant part of my charge—the Bay of Chaleur—when this communication first reached me, a reply to it was unavoidably delayed; and a second communication from the Colonial Office, on the same subject, followed me to Bermuda, another distant part of my Diocese, from whence I replied to it, and then

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again endeavoured to obtain protection for the Glebes in Prince Edward Island. Your Lordship will therefore, I trust, acquit me of the negligence with which I am charged—at least by implication—although, if the charge had been well founded, it would not have affected the merits of the case; nor will your Lordship be surprised, after all that had taken place, at my supposing it most improbable that the Government should ever consent to the alienation of the Glebes in Prince Edward Island.

2. The Report of the Committee next charges me with an error, in stating that the Island was a part of the Province of Nova Scotia in the year 1749, and refers to several treaties, in support of that charge. This, however, appears entirely irrelevant; for if the few words in my letter to the Archbishop which have occasioned the charge, and which form only a parenthesis—*when Prince Edward Island, then called the Island of St. John, as well as New Brunswick, formed a part of the Province of Nova Scotia*—were struck out of the letter, the whole force of all I have said would remain, without the least abatement.

The object of my reasoning was, to shew the intention of the Government in making the reserve—and that intention is as clearly shown without those words as with them.

The contract between the Government and the Society, made in 1749, was in force at whatever period the Island was attached to Nova Scotia; and when so attached, it became subject to all the laws, and instructions, and engagements, which applied to Nova Scotia. I have thought it right, however, to refer to the treaties of Utrecht and Aix-la-Chappelle, as these have been mentioned, and find that the Island of St. John is not named in them. It was then little known; but being within nine miles of the shore of Nova Scotia, it had been claimed by Great Britain, as included in the terms of the Treaty of Utrecht, which ceded the Island of St. Christopher's, in the West Indies, and *likewise all Nova Scotia, or Acadia, with its ancient boundaries, and all other things in those parts which depend on the said Lands and Islands*. The Governors of Nova Scotia were accordingly directed, upon several occasions, to prevent the settlement of French inhabitants on the Island, whose aggressions were particularly complained of in 1743 and 1752, as appears by the correspondence of the Lords of Trade in those years.

As the Instructions to all the Governors of Nova Scotia, before Prince Edward Island was brought into much notice, clearly shew that the uniform intention of the Government was to encourage and uphold the established Church, so the same intention was manifested in reference to that Island as soon as brought more into view; and although the same inclination that had always been manifested, to give full toleration to Dissenters, was preserved, nothing appears which can be construed as a desire, on the part of the Government, to assist them by Grants of Land.

In February, 1764, after the period when the Committee themselves are satisfied that St. John formed part of Nova Scotia, the Lords of Trade recommended the settling of that Island upon the plan, and under the regulations approved of for Nova Scotia; and the Instructions, as well as all the Grants of Townships in Nova Scotia, shew that these regulations comprehended allotments of land for the Church and her Ministers.

But upon this point nothing can be more express and clear than the Order in Council, of 1767, and the Instructions to the first Governor of Prince Edward Island, in 1769. These two instruments were suggested by the same feelings, and emanated from the same authority. They serve, if explanation be necessary, to explain each other, and cannot easily be mistaken. I, therefore, beg to insert extracts from them in this letter, and may venture to say to your Lordship, as I wrote to the Archbishop of Canterbury, that if, after reading these extracts and considering the previous Instructions, and the uniform usage in Nova Scotia, founded on these Instructions, any doubt can exist in your Lordship's mind, as to the only Church and the only Ministers who were interested in the Glebes, I will not occupy another moment of your Lordship's time. They speak only of *the Church and the Ministers* to whom belong *the Book of Common Prayer*—who alone were under the jurisdiction of the *Bishop of London*—who alone could receive *Ecclesiastical Benefices*—and who alone could have an interest in the several *Vestries* in their respective Parishes.

*Extract from an Order in Council, in 1767.*—“That there be also a reservation, in a proper part of each Township, of One hundred Acres of Land, for a site of a Church, and as a Glebe for a Minister of the Gospel, and Thirty Acres for a Schoolmaster.”

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*Extract from the Royal Instructions to the Governor of Prince Edward Island, dated the 4th of August, 1769, Section 27.*—“ And whereas nothing can more effectually promote the peace and happiness of our subjects there, and impress upon their minds a just sense of religion and morality, than an uniform and regular observance of those rites and duties which our Holy Religion requires. You will, therefore, have a very particular attention to this important object, and to that end, you shall take especial care that God Almighty be devoutly and duly served throughout your Government—the *Book of Common Prayer, as by Law established*, read each Sunday and Holiday—and the blessed Sacrament administered according to the rites of the Church of England.”

*Section 28.*—“ You shall be careful that the Churches hereafter to be built within our said Island, be well and orderly kept; and that, besides a competent maintenance to be assigned to the *Minister of each orthodox Church*, a convenient House be built, at the public charge, for each Minister; and you are, in especial manner, to take care that One hundred Acres of Land, for the *site of a Church*, and as a *Glebe for a Minister of the Gospel*, and thirty Acres for a Schoolmaster, be duly reserved, in a proper part of every Township, conformable to the directions and conditions annexed to our Order in Council of the 26th August, 1767, herein before referred to.”

*Section 29.*—“ You are not to prefer any Minister to any *Ecclesiastical Benefice* in that our Island, without a Certificate from the Right Reverend Father in God, the *Lord Bishop of London*, of his being conformable to the doctrine and discipline of the Church of England, and of a good life and conversation; and if any person, preferred already to a Benefice, shall appear to you to give scandal, either by his doctrine or manners, you are to use the proper means for the removal of him.”

*Section 30.*—“ You are to give orders forthwith, that every *orthodox Minister* within your Government be one of the *Vestry* in his respective Parish; and that no Vestry be held without him, except in case of sickness, or that, after notice of a Vestry summoned, he omit to come.”

*Section 31.*—“ You are to inquire whether there be any *Minister* within your Government, who preaches and administers the Sacrament, in any *orthodox Church or Chapel*, without being in *due orders*, and to give an account thereof to the said *Lord Bishop of London*.”

3. The Committee next declare, they ‘cannot perceive the importance which the Bishop of Nova Scotia would seem to attach to the Royal Instructions.’”

“ Your Committee have yet to learn, that any Instructions can contravene Letters Patent, under the Great Seal, in which form the several Grants of Land in this Colony passed from the Crown, and therefore “ his Lordship’s arguments, founded on such a basis, cannot avail him.”

I have attentively examined my letters to the Archbishop of Canterbury, and cannot discover a sentence which can be thought to express any doubt respecting the *validity* of the Grants, or to *contravene Letters Patent under the Great Seal*.

I suppose the meaning of certain words in those Patents had not been clearly understood by the Legislature of the Island, and considered the Order in Council, and the Royal Instructions, under which such Grants were passed, to be the best guides to their right interpretation. I have no doubt that your Lordship will concur in this opinion. It is, therefore, unnecessary to dwell upon this point of the Report, nor can it be necessary to say much upon the Committee’s denial of the *authority of the Royal Instructions in controlling the disposition of the reserved Lands*, because those Instructions form the only proper guide for such disposal of the Lands. Neither can it be requisite to dwell upon the assertion of the Committee, that the Royal Instructions of 1769 could have no reference whatever to Lands which had passed from the Crown before their promulgation.

These Instructions may certainly be used, not in contravention of the Grants which passed immediately after the Order in Council of 1767, but to explain the intention of those Grants, and especially because they are exactly of the same character with all previous, as well as all subsequent, Instructions. The Order in Council, of itself, could not have furnished authority to the Governor to pass the Grants; but he must have been instructed to pass them conformably with that Order; and the 23th Section of the Instructions in 1769,

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expressly directs the reservations to be made conformable to the directions and conditions annexed to an Order in Council, dated the 26th August, 1767.

The spirit of all the Instructions on this point was the same; and although some of the Grants may have been issued previous to 1769, it is not denied by the Committee that many passed after that date. The Grant from which my Extract was taken, is dated in 1774; but the reserves in all the Grants are expressed by the same words, and in exact conformity with the Order in Council in 1767, with the directions which accompanied that Order, and with the Instructions in 1769—all of which, as has been already stated, emanated from the same authority, and were suggested by the same spirit and feeling.

4th. The Committee next assume that the Settlement of the Colony with foreign Protestants formed the principal object of the Crown, and then express their opinion, that "it never could have been the desire of the Imperial Government to force upon those settlers the Communion of the Church of England; on the contrary, it must be presumed, that in encouraging the settlement of foreign Protestants, it was the intention of the British Government to allow to the spiritual Pastors of those people the benefit of the Glebes reserved for Ministers of the Gospel, unless the term *Minister of the Gospel* be considered as solely applicable to Clergymen of the Church of England—an acceptance which your Committee would be very sorry to admit."

*The Observations on the Report* by several gentlemen in Charlottetown, which I have the honor to submit to your Lordship, contain all that is necessary to be said, respecting the assumption that the settlement of the Colony by foreign Protestants was the principal object of the Crown.

I am very ready to admit, that it was not the desire of the Government to force upon those settlers the Communion of the Church of England, for such desire would have been as inconsistent with the feelings of the Government, and all former Instructions, as a disregard of the interest of the Church would have been.

Those Instructions uniformly contained the following directions—"You are to permit a liberty of conscience to all persons, so that they be contented with a quiet and peaceable enjoyment of the same, not giving offence or scandal to the Government." Here a limit is assigned to that liberty of conscience, without the least encouragement to those to whom it was granted to expect a share in the property allotted to the Church and its Ministers. Indeed, the direction to grant liberty of conscience was so plain in all the Instructions, as evidently to mark the difference between the *establishment and special support* designed for the Ministers of the Church; and the indulgences *intended for* all who did not belong to her Communion. The 28th Section of the Instructions of 1769, when duly considered, appears very sufficient for itself to prove that the *Church, the Ministers of the Gospel, and the Glebes*, were intended to be intimately and indissolubly connected. The Ministers there named are most evidently the Ministers of *that Church*, and the Glebes are expressly reserved for *these Ministers*.

This perhaps might be regarded as a sufficient refutation of the opinion expressed by the Committee, that it was the intention of the British Government to allow to the spiritual Pastors of the foreign Protestants the benefit of the Glebes.

But more may be said upon this subject. These foreign Protestants never came to the Island; and even if they had arrived, and could have preferred any rightful claim to a share in the Glebes—which has been shewn to be impossible—no such claim could therefore have arisen on behalf of the various denominations of Dissenters who have settled in the Island.

These claims are represented by the Committee to have been so conflicting as to excite such jealousies and heart burnings, that the Legislature alienated the Lands instead of entertaining the claims; thus proving the claims themselves to be preposterous, or the admission of them impossible, while the Committee seem to impute to the Government of 1767, the absurdity of having laid the foundation for such preposterous and impossible claims.

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There is an important fact, which may have been unknown, or overlooked, by the Committee, although it is well calculated to clear up any doubt, if it is possible that doubt can remain upon this subject.

Before the settlement of Prince Edward Island, several thousand foreign Protestants—French and German—had been encouraged to settle in Nova Scotia. These chiefly belonged to those churches on the Continent of Europe which have been regarded as Sister Churches by our own Communion. It has happened (as might have been thought probable at the time of their arrival), that a large portion of these foreign Protestants have united with the established Church. But others, who constituted a very large and respectable majority of the whole settlement in which they were placed, (as, particularly, at Lunenburg), have remained to the present day with their separate Pastors, in the communion of the Lutheran and Dutch Calvinist Churches. In Lunenburg, as in the other Townships of Nova Scotia, a Glebe was reserved; but no claim to any portion of Glebe was ever preferred, nor, I believe, ever thought of, by Lutheran or Calvinists, either there or elsewhere; and that Glebe, like all others, remains as it ever has been, the sole and undisputed property of the established Church. It would, therefore, be strange indeed, if any claim could now be entertained on behalf of either German or French Protestants, and still more strange, on behalf of Dissenters from the Church, to Glebes in Prince Edward Island, reserved in obedience to the same or similar Instructions with those which had directed similar reservations in Nova Scotia.

5. I must now advert to that part of the Report which, although totally irrelevant to the main subject, seems to accuse me of asserting an untruth, or, at least, to impute to me a most gratuitous misrepresentation. My letter to the Archbishop of Canterbury contains the following passage:—"In the last Summer, I visited Prince Edward Island, and took some pains to ascertain, from individuals who concurred in passing the Act, both of the Council and of the House of Assembly, what other grounds were alleged for the measure."

The Report has the following reply—"The Committee of the House of Assembly deny that the Bishop of Nova Scotia, on his visit to the Island, in 1836, ever had a conversation with any member of that House, upon the Act in question, who had concurred in its passing, as asserted by his Lordship; but the Committee of the Council admit that his Lordship did converse on the subject with some of its Members, who concurred in the measure."

To any want of courtesy in this *denial* it would now be vain to object. The explanation, however, is easy. I was not aware of a recent dissolution of the House, and of the changes which this produced. I conversed with several Members, whose names I had seen in the debates in 1830, 1832 or 1834, when the Addresses to the Crown were agreed upon; and as the Acts which followed may well be considered as grounded upon those addresses, the former House, as well as the latter, might not improperly be regarded as having concurred in passing that Act, even if I had known that the change had taken place.

The most remarkable feature in the case is, that the House was informed of this fact by some of its own Members, before the adoption of the Report; and to clear up all possibility of mistake, and set the matter right, the names of the former Members, with whom I had conversed on the subject, were unhesitatingly mentioned, as appears by a Report of the debate in the same *Gazette* in which the Report of the Committee was printed. The Committee, however, insisted on passing their Report, with this denial in it; and it was adopted by a majority of three to six.

6. I had said that "many of the Glebes were under improving Leases, which the clergy had been duly authorized to grant." The report states—"such Leases were but few, and were granted by them in their capacity of *Conservators of Glebes only*, to which they were appointed by the Administrators of the Government." It is unnecessary to discuss the strict meaning of terms entirely relative—although I still think the term I used quite correct, if the circumstances of the Island, and the difficulty of finding good tenants there, be considered. But I might ask why the *Clergy* were appointed Conservators of Glebes? The Clergy were few in number, and, of all men in the Island, the most unfit to receive such appointments, *if the Glebes did not belong to the Church*. If they *did* belong to the Church, the clergy were certainly the proper persons to take charge of them; and accordingly the Administrator of the Government committed this charge to them,

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because no doubt of the claim of the Church to those lands was entertained when the lands were laid off by order of the Government, and the Conservators of them were appointed under the great seal of the Island.

7. The last observation which I have to make on the Report must be directed to the concluding part of it, which accuses me, with its usual irrelevancy to the *Church's claim to the Glebes*, of a 'disingenuous and unfair assertion.' I had stated, that 'on two of the Glebes burial places had long been used, and that these, with their dead bodies, were sold with the rest.' The Report states—'your Committee are not aware of more than *one* Glebe which was so circumstanced.'

I received the intelligence from two individuals, in different parts of the Island, and therefore supposed that *two* Glebes were so circumstanced. I have had no opportunity of ascertaining whether this supposition was correct. But a single case of the kind is sufficiently revolting. A respectable Clergyman in the Island, to whom allusion was made in the Report, felt called upon to make a *public* statement of facts, relative to the sale of a Burial Ground within the limits of his mission. I can entertain no doubt of the accuracy of this statement, and therefore insert it in this place, as the best reply to so much of the Report as relates to this topic:—

"The part of the Report upon which I feel myself particularly called upon to remark is, that which relates to the sale of the Burial Ground on Lot No. 13, in which I am sorry to say they have deviated so far from the real facts of the case. The Committee state, 'That the part which has been used as a Burial Ground, with an addition of about four acres, was expressly reserved, at the time of sale, and set up at the request of the Clergyman of the Parish, for the sole purpose of obtaining a title, and was bid in by him at the nominal price of Twenty Shillings, being the first and only bid made therefor.' That this statement is wide from the truth is well known to every person who was present at the sale, and to none better than to Mr. Pope, by whom the Report is subscribed. In the last place, I would ask the Joint Committee, by whom was this express reservation made?

"The Act makes no such reservation, and the Commissioners appointed to sell the Glebes, when applied to on the subject, expressly stated that they had no power to make such reservation. Had it been made by authority, of course it would not have been sold. All that the Commissioners could do, to preserve the dead from molestation, I am happy to say they cheerfully did, which was, to set up five acres, including all the graves, by itself, and then allow us to buy it in as cheap as we could. Instead of these five acres being reserved, as the Joint Committee would have us believe, they were set up, like all the other lands sold upon the occasion, for public competition; and instead of being bid in by me as the first and only bidder, I can assure the Joint Committee, that there were more bids for the Grave Yard than for a much larger tract, sold upon the same occasion to a private individual, and at a higher rate per acre"

It is evident, from the general style of the Report, that I have been so unfortunate as to incur the displeasure of the Committee, and to this I must attribute the charges against me.

I regret the misfortune of this displeasure, because I have much esteem for several members of the Legislature, who have been well known to me for a long time; but I hope your Lordship will believe I am prepared to submit, without much emotion, to greater evils than even this misfortune, if brought upon me by a steady and conscientious discharge of that which I believe to be my duty to God and to his Church.

Having now gone through the whole of the Report of the Joint Committee, I trust your Lordship will be satisfied that the three grounds upon which the justification of the Act of the Legislature of Prince Edward Island, which alienated all the Glebes, and the three Addresses from the House of Assembly to the Crown, which preceded the passing of the Act, has been rested, can afford them no support. First, the alleged impossibility of determining for what particular denomination of Christians the Glebes were intended by the Government; Secondly, the plea of impediment which these reserves opposed to the cultivation of the Colony; and, Thirdly, the claim now set up on behalf of Foreign Protestants. I trust your Lordship will be satisfied that the original intention of the Government is clear and explicit, in sustaining the exclusive claim of the Established Church, and was universally so considered and acted upon until a very recent period; that no impediment, deserving of notice, could be opposed to the cultivation of the Colony, if such

## APPENDIX (C.)

small portions as the Reserves (130 acres in each tract of 20,000 acres), had remained wholly unimproved: and that even if such impediment had existed, the alienation of the Land was the last remedy that should have been attempted in such a case: and, finally, that the claim now set up on behalf of Foreign Protestants, who never went to the Island, is wholly without foundation; and that any pretence of Dissenters, grounded on such claim, are, if possible, still more extravagant.

I have, &c.

(Signed)

JOHN NOVA SCOTIA.

To the Right Hon. Lord Glenelg.

No. 5.

[COPY.]

DOCTOR'S COMMONS, 1st November, 1838.

MY LORD;

We are honoured with your Lordship's commands, signified in your Lordship's letter of the 13th September last, stating that in the month of April, 1834, an Address to the Throne was transmitted from the House of Assembly of Prince Edward Island, praying that the proceeds of certain Lands, reserved in that Colony for the support of Ministers of the Gospel, and Schoolmasters, should be applied exclusively to purposes connected with education. In reply to this Address, Mr. S. Rice, in October, 1834, directed that the Lands in question, being at that time unproductive, and an impediment to cultivation, should be sold, reserving for future consideration the mode of investing and appropriating the proceeds. In April, 1835, a Bill was accordingly passed by the Legislature of Prince Edward Island, authorizing the sale of these lands, but directing that the proceeds 'shall be appropriated for the purpose of promoting general Education within the Island, in such manner and under such regulations as His Majesty, his Heirs or Successors, may hereinafter be pleased to prescribe or command.'—That that Bill contained a clause suspending its operation until His Majesty's pleasure should be known—that it received His Majesty's special confirmation on the 28th April, 1836, and under its provisions the lands have since been sold—That early in the year 1835, before the Bill in question had reached this country, the Society for the Propagation of the Gospel communicated with Lord Aberdeen on the subject, and were informed by his Lordship, that although no intelligence of the introduction of that Bill had then been received, yet, that if it should come home, it would be in the power of the Society to make any representation against its provisions, which they might think necessary—That no such representation was made in 1836, but, after the sale had been concluded, a letter was received from the Archbishop of Canterbury, enclosing a communication on the subject from the Bishop of Nova Scotia, the object of which was to shew, that the original title to the Glebe and School Lands in Prince Edward Island resided exclusively in the Church of England, and consequently that His Majesty's Government were bound, in equity, to appropriate the proceeds of the sale of those lands solely to Educational Establishments in connection with that Church.—That about the same time, an Address was received from the Assembly of Prince Edward Island, praying 'that the moneys arising from the sale of the Glebe and School Lands, under the said Act, may be placed at the disposal of the Local Legislature, on condition that the annual payment of the legal Interest thereof be secured, by permanent enactment, on the general Revenue of the Colony, and applied exclusively towards the support and encouragement of Elementary Schools.'—That in answer to the Address from the Assembly, your Lordship transmitted to the Legislature of Prince Edward Island a copy of the letter from the Bishop of Nova Scotia, requesting them to state whether they concurred in or dissented from the Bishop's conclusion, and, in case of their dissent, to explain the grounds on which they proceeded. The Joint Answer of the Council and Assembly, controverting the arguments of the Bishop of Nova Scotia, was received in the month of May last, and was referred to the Bishop for his reply. That that reply reached your Lordship on the 25th of August. That your Lordship



## APPENDIX (C.)

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has since received a Petition from the Ministers and Elders of the Presbyterian Church in Prince Edward Island, on the subject of these Lands.

Your Lordship is pleased to transmit to us copies of the letter from the Bishop of Nova Scotia to the Archbishop of Canterbury, dated the 16th March, 1837—of the remarks on that letter by both branches of the Legislature of Prince Edward Island—of the Bishop's Answer to those remarks—of the Petition from the Presbyterian community—and of the Order in Council passed in 1767, for the Grants of Prince Edward Island, then called the Island of Saint John; and your Lordship is pleased to request, that we would take these papers into consideration, and, adverting to the arguments therein adduced—to the terms of the Order in Council of 1767—and to the extracts from the Instructions to the Governor of Prince Edward Island in 1769, quoted by the Bishop of Nova Scotia—that we would report to your Lordship our joint opinion, whether, as asserted by the Bishop of Nova Scotia, the title to the Church and School Lands, or to either, previously to the passing of the Act of 1835, resided exclusively in the Church of England, or whether—as maintained by the Colonial Legislature, and the Presbyterian body—those lands were applicable, from the first, to the support of other Christian communities, as well as the Church of England.

In obedience to your Lordship's commands, we have taken these papers into consideration, and have the honor to report, that, in our opinion, the Churches and Ministers contemplated by the Order in Council of 1767, and referred to in the clauses of reservation in the various Grants of Lands, are Churches and Ministers of the Church of England only. The reference to the Book of Common Prayer—to the administration of the Sacrament, according to the rites of the Church of England—and to the general superintendence of the Bishop of London—appears to us to be conclusive on this point. It must, however, be remarked, that the mere reservation of the land by the Crown, did not, of itself, give a title to the Church. Its effect was merely to keep the reserved property in the Crown, with the declared intention, however, of its being appropriated to the Church of the District, when such Church should be built. In all cases, therefore, where churches have been, or shall be, built, on the faith of such reservation, the Minister appears to us to have an equitable, if not a legal, title to the Land reserved; but until a Church is built, no person has any title whatever against the Crown. The only title adverse to the Crown is the possible title of the Minister of the District, for which the reservation was made, in case there ever should be such Minister; and not a title in the Church, considered abstractedly in the nature of a corporate body.

With respect to the Lands reserved for founding Schools, we do not think that the Church has any ground whatever to contend for a right to that land, or that the Crown is under any obligation whatever to confine the Schools for Schools for the benefit of persons in communion with the Church of England.

We should add, that, in giving this opinion, we assume that no appropriation has been made beyond the reservation in the different Grants.

We have, &c.

(Signed)

J. DODSON.  
J. CAMPBELL.  
R. M. ROLFE.

The Lord Glenelg.

# APPENDIX

[D.]

(SEE PAGE 13.)

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No. 1.

[Separate.]

Government House, Prince Edward Island, 8th January, 1838.

My Lord,

I regret to have to inform your Lordship, that in addition to the question of Escheat, another fruitful source of agitation has recently arisen among the settlers in this Island with reference to the Reserves for Fisheries, contained in the original Grants. I therefore feel it necessary to lose no time in bringing this subject before your Lordship, as clearly and concisely as lays in my power.

I would first call your Lordship's attention to the Order in Council, under which the original Grants were issued. It is as follows:

"That in order to promote and encourage the Fishery, for which many parts of this Island are conveniently situated, there be a clause in the Grant of *each Township* that abuts upon the sea shore, containing a reservation of liberty to all His Majesty's subjects in general of carrying on a free Fishery on the coasts of the said Township, and of erecting stages and other necessary buildings for the said Fishery, within the distance of Five hundred feet from high water mark."

I have enclosed, for your Lordship's information, a Return shewing the several Reserves for this purpose, contained in the different Townships, from which it will appear that the reservation as contemplated in the Order in Council, has been strictly followed in only twelve Townships. In thirty-two Townships the Reservation is as follows:

"And further saving and reserving for the disposal of His Majesty, his heirs and successors, Five hundred feet from high water mark on the coast of the tract of land hereby granted, to erect Stages and other necessary buildings for carrying on the Fishery."

Of the remaining twenty-three Townships, eighteen contain *no Fishery Reservation*, and of five, no Grants whatever are on Record.

By reference to a plan of the Island annexed to the Return, your Lordship will perceive that several of the Townships which do contain Reservations abut upon rivers only, or more strictly speaking, narrow arms of the sea.

All the Islands on the coast contain Reservations agreeably to the Order in Council. The Proprietors have hitherto exercised acts of ownership over these Reserves, by including them in their Leases to their Tenants, or otherwise absolutely disposing of the fee simple with the adjacent lands. I should here observe that most of the Leases contain a clause subjecting the Tenants to all the conditions of the original Grants.

The Colonial Government has, in a few instances, in cases where *the Reservation is to the Crown*, exercised authority over them, by granting Licenses of Occupation in the terms of the Grant to persons engaged in the Fisheries, as will appear by the Return enclosed. Since my arrival in the Colony, I have taken upon myself to grant licenses of occupation of these Reserves in two cases where the applicants were *freeholders*, to the extent of the fronts of their farms. I have also had numerous applications made to me very recently by *Tenants* for similar licenses; but, conceiving that these licenses were to be used with a view of defeating the Landlord's claim for rent, and not for the *bona fide* purpose of carrying on a Fishery, I have declined issuing any further licenses, until I receive your Lordship's instructions on the subject.

## APPENDIX (D.)

It is proper that I should call your Lordship's attention to a correspondence which took place between Mr. Robert Stewart, Lord Goderich, Lord Stanley, and Sir Aretas W. Young, on the subject of these Reserves, dated 22d March, 1833; 25th do., No. 17; 22d May, No. 48; 24th do., No. 49; 6th Nov., No. 6.

The records of this correspondence will, of course, be found in your Lordship's Office; but it may save some trouble, if I briefly recapitulate the most material points.

The first letter of this correspondence which appears on record here, is one from Mr. Robert Stewart, under date the 22d March, 1833, in which he agrees to accept a lease of the Fishery abutting on his property, at a reasonable rate. This letter is transmitted in a Despatch from Viscount Goderich to Sir A. W. Young, dated the 25th March, 1833, No. 17, wherein he is authorized to grant to Mr. Stewart, "or to any other Proprietor similarly circumstanced, who may apply to him, a lease on equitable conditions, of such portions of the space of five hundred feet above high water mark reserved to the Crown, as may border on the property of the persons applying to him."

In reply, Sir A. W. Young, under date the 22d May, 1833, No. 43, and in a subsequent Despatch of the same date, No. 49, to which I would especially call your Lordship's attention, explains why the Crown in many cases has not the power of granting leases of these Reserves, and very forcibly states his reasons why it would be highly impolitic to grant leases to the Proprietors, *were it even in its power* to do so, except for a *very* limited period; and therefore took upon himself to suspend any finite measures on the subject till further orders were received. The view Sir A. W. Young here takes of the case, met the approval of Lord Stanley, then Secretary of State, who in a Despatch dated the 6th November, 1833, No. 61, thus expresses himself—"I have the honor to convey to you my approbation of your decision under the circumstances stated by you, to suspend the execution of the Earl of Ripon's instructions on the subject."

The question of these Reserves has latterly been much and frequently discussed throughout the Island, and has been the main subject of more than one public meeting, in which the determination I have come to not to grant further licenses until I receive your Lordship's commands, has been the cause of some animadversion.

As the applications for licenses are likely to be renewed, and with more plausibility, at the commencement of the Fishing season in May, I would take the liberty of requesting your Lordship's instructions at your earliest convenience. But I would at the same time press upon your Lordship's attention the impolicy, under any circumstances, of relinquishing those Reserves which are in the Crown to the Proprietors, as I am firmly convinced such a measure would not only tend to increase the present excitement against the Proprietors themselves, but also to weaken the strong attachment now felt by the Colonists to the Mother Country.

I have, &c.

(Signed)

CHARLES A. FITZ ROY, Lieut. Governor.

The Right Honorable Lord Glenelg.

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### No. 2.

No. 43.

DOWNING STREET, 10th May, 1833.

SIR,

Your Despatch of the 8th of January last, marked "Separate," relative to the applications which have at different times been addressed to the Crown and the local Government, for Grants of the Reservations on the Sea coast of Prince Edward Island, reached me on the 25th ultimo.

I have not failed to devote my serious attention to this important subject, and to review the correspondence of my predecessors regarding it—and I beg to express my thanks for the perspicuous manner in which, in your Despatch, you have brought it before me.

## APPENDIX (D.)

It appears to me that the reservation made of lands adjacent to the Sea coast, or to the shores of inlets from the Sea, for the purpose of Fishing, so far as the right has been reserved to the Queen's subjects collectively, constitute a property over which the power of the Crown is exceedingly questionable. These lands would appear to have been dedicated to the use of the public for this special purpose, and that dedication of them seems to be irrevocable; but in cases where the lands have been reserved to the Crown, they must be considered as forming part of that Territorial Revenue, which should be employed in the public service, in whatever manner may be most compatible with a prudent and economical use of them. I am of opinion that such reserved lands ought not to be alienated in perpetuity, or for any considerable length of time, but that they should be put up for Auction, at a fair upset price, to be let, either for each Fishing season, or at most for one or two seasons in advance; or, if the demand of a rent would impede the Fisheries of the Island, then that they should be thrown open to all British subjects engaging in those Fisheries, which might be regulated by such Laws as might be found necessary for preventing improvident and injurious practices in carrying them on. I concur with you and with Sir Aretas W. Young, in deprecating any such disposal of these lands as would secure to the proprietors or Tenants of the adjacent soil, the exclusive possession of those facilities which are necessary for engaging in the Fisheries of Prince Edward Island.

I have, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, &c. &c.

No. 3.

GOVERNMENT HOUSE, Prince Edward Island, 26th July, 1838.

No. 27.

MY LORD,

I have the honor to acknowledge the receipt of your Lordship's letter, of the 10th of May last (No. 43), replying to my Despatch of the 3th of January, on the subject of the Fishery Reserves on the shores of this Island.

With reference to your Lordship's suggestion, that in cases where these Reserves remain in the power of the Crown, they should either be put up to Auction, at a fair upset price for each Fishing season, or at most for one or two seasons in advance, or thrown open to all British subjects engaging in these Fisheries—I would strongly recommend that they should be thrown open to all Her Majesty's subjects engaging in these Fisheries, which would place them on the same footing as the other reservations on the Sea coast of the Island, and fulfil the evident intentions of the Royal Instructions, of the 4th August, 1769. I am of opinion, that the leasing of these reservations, even for a short period, would be a considerable impediment to the Fisheries of the Island—while such a measure would cause a very trifling increase to its Revenue. Should your Lordship approve of my recommendation, I beg to suggest that I may be authorized to give publicity to this decision of Her Majesty's Government, taking care, of course, to place the reservations now in question, under the same conditions and restrictions as those which have always been reserved for the use of all British subjects engaged in the Fisheries.

I have, &c.

(Signed)

CHAS. A. FITZ ROY, Lt. Governor.

The Right Honorable Lord Glenelg, &c. &c.

No. 4.

DOWNING STREET, 14th September, 1838.

No. 66.

SIR,

I have received your Despatch (No. 27), of the 26th of 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.

(Signed)

GLENELG.

Lt. Governor Sir Charles A. Fitz Roy, &c. &c.

## APPENDIX (D.)

### No. 5.

*RETURNS of the RESERVATIONS for CARRYING ON a FISHERY,  
Contained in the Original Grants of the several Townships of Prince Edward Island.*

| No. of Township. | BY WHOM GRANTED.                                                                                           | NATURE OF RESERVES.                                                                                                                                                                                                                                                                                                             | REMARKS.                                                                                                  |
|------------------|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
| 1                | Lord William Campbell,<br>Governor of Nova Scotia.                                                         | " And further saving and reserving, for the disposal of His Majesty, his Heirs and Successors, 500 feet from Highwater mark, on the Coast of the tract of Land hereby granted, to erect Stages and other necessary Buildings for carrying on the Fishery."                                                                      |                                                                                                           |
| 2                | Walter Patterson, Lt. Governor of P. E. Island.                                                            | " And further saving and reserving a free liberty to all His Majesty's subjects, of carrying on a free Fishery or Fisheries, on any part or parts of the Coast of said Township, and of erecting Stages and other necessary Buildings, for the said Fishery or Fisheries, within the distance of 500 feet from Highwater mark." |                                                                                                           |
| 3                | Lord William Campbell,<br>Governor of Nova Scotia.                                                         | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 4                | " "                                                                                                        | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |
| 5                | " "                                                                                                        | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |
| 6                | " "                                                                                                        | No Reservation in Original Grant.                                                                                                                                                                                                                                                                                               |                                                                                                           |
| 7                | " "                                                                                                        | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 8                | No Grant on Record.                                                                                        |                                                                                                                                                                                                                                                                                                                                 |                                                                                                           |
| 9                | Edmund Fanning,<br>Lt. Governor of P. E. Island.                                                           | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 10               | Walter Patterson,<br>Lt. Governor of P. E. Island.                                                         | Reservation the same as Township No. 2.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 11               | Lord William Campbell,<br>Governor of Nova Scotia.                                                         | No Reservation in Original Grant.                                                                                                                                                                                                                                                                                               |                                                                                                           |
| 12               | No Grant on Record.                                                                                        |                                                                                                                                                                                                                                                                                                                                 |                                                                                                           |
| 13               | Michael Franklin,<br>Lt. Governor of Nova Scotia.                                                          | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 14               | Lord William Campbell,<br>Governor of Nova Scotia.                                                         | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |
| 15*              | Walter Patterson,<br>Lt. Governor of P. E. Island.                                                         | Reservation the same as Township No. 2.                                                                                                                                                                                                                                                                                         | *Escheated, and regranted in small quantities, with no Reservation for Fisheries.                         |
| 16               | " "                                                                                                        | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |
| 17               | Lord William Campbell,<br>Governor of Nova Scotia.                                                         | No Reservation in Original Grant.                                                                                                                                                                                                                                                                                               |                                                                                                           |
| 18               | " "                                                                                                        | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 19               | Lord William Campbell,<br>Governor of Nova Scotia, &<br>P. Callbeck, Lieut. Governor<br>of P. E. Island.   | Reservation the same as Township No. 2.                                                                                                                                                                                                                                                                                         | Grant from Lord Wm. Campbell, dated 24th June, 1769.<br>Do. from Philip Callbeck, dated February 2, 1777. |
| 20               | No Grant on Record.                                                                                        |                                                                                                                                                                                                                                                                                                                                 |                                                                                                           |
| 21               | Walter Patterson,<br>Lt. Governor of P. E. Island.                                                         | Reservation the same as Township No. 2.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 22               | Edmund Fanning,<br>Lt. Governor of P. E. Island.                                                           | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 23               | Walter Patterson,<br>Lt. Governor of P. E. Island.                                                         | Reservation the same as Township No. 2.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 24               | Lord William Campbell,<br>Governor of Nova Scotia.                                                         | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 25               | No Grant on Record.                                                                                        |                                                                                                                                                                                                                                                                                                                                 |                                                                                                           |
| 26               | Lord William Campbell,<br>Governor of Nova Scotia, &<br>Walter Patterson,<br>Lt. Governor of P. E. Island. | No Reservation in Original Grant.<br>Reservation the same as Township No. 2.                                                                                                                                                                                                                                                    | Grant from Lord Wm. Campbell, dated Dec. 31, 1768.<br>Do. from Walter Patterson, dated Oct. 5, 1769.      |
| 27               | Lord William Campbell,<br>Governor of Nova Scotia,                                                         | No Reservation in Original Grant.                                                                                                                                                                                                                                                                                               |                                                                                                           |
| 28               | " "                                                                                                        | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |
| 29               | " "                                                                                                        | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |
| 30               | " "                                                                                                        | Reservation the same as Township No. 1.                                                                                                                                                                                                                                                                                         |                                                                                                           |
| 31               | " "                                                                                                        | No Reservation in Original Grant.                                                                                                                                                                                                                                                                                               |                                                                                                           |
| 32               | " "                                                                                                        | " "                                                                                                                                                                                                                                                                                                                             |                                                                                                           |

## APPENDIX (D.)

| No. of Township. | BY WHOM GRANTED.                                              | NATURE OF RESERVE.                             | REMARKS.                                                                                             |
|------------------|---------------------------------------------------------------|------------------------------------------------|------------------------------------------------------------------------------------------------------|
| 33               | Lord William Campbell,<br>Governor of Nova Scotia.            | Reservation the same as Township No. 1.        |                                                                                                      |
| 34               | “ “<br>and Walter Patterson,<br>Lt. Governor of P. E. Island. | “ “<br>Reservation the same as Township No. 2. | Grant from Lord Wm. Campbell, dated Dec. 31, 1768.<br>Do. from Walter Patterson, dated Oct. 5, 1769. |
| 35               | Lord William Campbell,<br>Governor of Nova Scotia.            | Reservation the same as Township No. 1.        |                                                                                                      |
| 36               | “ “                                                           | “ “                                            |                                                                                                      |
| 37               | “ “                                                           | “ “                                            |                                                                                                      |
| 38               | “ “                                                           | “ “                                            |                                                                                                      |
| 39               | “ “                                                           | “ “                                            |                                                                                                      |
| 40               | “ “                                                           | “ “                                            |                                                                                                      |
| 41               | “ “                                                           | “ “                                            |                                                                                                      |
| 42               | “ “                                                           | “ “                                            |                                                                                                      |
| 42               | Walter Patterson,<br>Lt. Governor of P. E. Island.            | Reservation the same as Township No. 2.        |                                                                                                      |
| 44               | No Grant on Record.                                           |                                                |                                                                                                      |
| 45               | Walter Patterson,<br>Lt. Governor of P. E. Island.            | Reservation the same as Township No. 2.        |                                                                                                      |
| 46               | No Grant on Record.                                           |                                                |                                                                                                      |
| 47               | Walter Patterson,<br>Lt. Governor of P. E. Island.            | Reservation the same as Township No. 2.        |                                                                                                      |
| 48               | Lord William Campbell,<br>Governor of Nova Scotia.            | No Reservation in Original Grant.              |                                                                                                      |
| 49               | “ “                                                           | “ “                                            |                                                                                                      |
| 50               | “ “                                                           | Reservation the same as Township No. 1.        |                                                                                                      |
| 51               | “ “                                                           | “ “                                            |                                                                                                      |
| 52               | “ “                                                           | No Reservation in Original Grant.              |                                                                                                      |
| 53               | Walter Patterson,<br>Lt. Governor of P. E. Island.            | Reservation the same as Township No. 2.        |                                                                                                      |
| 54               | Lord William Campbell,<br>Governor of Nova Scotia.            | Reservation the same as Township No. 1.        |                                                                                                      |
| 55†              | “ “                                                           | “ “                                            | †Escheated, and regranted in small quantities, with no Reservation for Fisheries.                    |
| 56§              | “ “                                                           | “ “                                            |                                                                                                      |
|                  | and Edmund Fanning,<br>Lt. Governor of P. E. Island.          |                                                |                                                                                                      |
| 57               | Lord William Campbell,<br>Governor of Nova Scotia.            | No Reservation in Original Grant.              | §Grant from Lord Wm. Campbell, dated Aug. 9, 1769.<br>Do. from Edmund Fanning, dated Oct. 9, 1804.   |
| 58               | “ “                                                           | “ “                                            |                                                                                                      |
| 59               | Walter Patterson,<br>Lt. Governor of P. E. Island.            | Reservation the same as Township No. 2.        |                                                                                                      |
| 60               | Lord William Campbell,<br>Governor of Nova Scotia.            | No Reservation in Original Grant.              |                                                                                                      |
| 61               | Edmund Fanning,<br>Lt. Governor of P. E. Island.              | Reservation the same as Township No. 1.        |                                                                                                      |
| 62               | Lord William Campbell,<br>Governor of Nova Scotia.            | “ “                                            |                                                                                                      |
| 63               | Michael Franklin,<br>Lt. Governor of Nova Scotia.             | “ “                                            |                                                                                                      |
| 64               | Lord William Campbell,<br>Governor of Nova Scotia.            | “ “                                            |                                                                                                      |
| 65               | “ “                                                           | No Reservation in Original Grant.              |                                                                                                      |
| 66               | Walter Patterson,<br>Lt. Governor of P. E. Island.            | “ “                                            |                                                                                                      |
| 67               | Lord William Campbell,<br>Governor of Nova Scotia.            | “ “                                            |                                                                                                      |

## APPENDIX (D.)

### RETURN of LICENCES GRANTED in PRINCE EDWARD ISLAND,

*Of the Reserves contained in the Original Grants of the Townships thereof,*

*for carrying on Fisheries.*

| DATE.             | BY WHOM GRANTED.       | TO WHOM.              | NATURE OF LICENCE.                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------|------------------------|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20th April, 1814. | Lt. Governor Smith,    | Alexr. Le Seur.       | “ To hold, occupy and enjoy, a piece of ground called <i>Orby Head</i> , on Township No. 24, 500 feet from highwater mark, and extending along the coast 35 chains, for so long a time as the said Alexander Le Seur shall carry on a Fishery.”                                                                                                                                                                                                         |
| 22d July, 1820.   | Ditto,                 | Richard Rollings,     | “ Given, granted and confirmed to Richard Rollings, his Heirs and Assigns forever, subject to the conditions and reservations mentioned in His Majesty's Royal Instructions, relating to Fisheries to be carried on upon the coasts of the said Island—the same to be kept and performed by the said Grantee, his Heirs and Assigns, during the continuance of this Grant.”                                                                             |
| 23d April, 1829.  | Lt. Governor Ready.    | Geo. Clark & another, | “ To hold, occupy, possess and enjoy a part of the shore of <i>Peter's Island</i> , Rustico, extending back 500 feet, as a place for carrying on a Fishery, so long as the said George Clark & another, their Heirs and Assigns, shall actually carry on and conduct a Fishery on the said premises—to cease, determine and be void, if they shall cease from so carrying on or conducting the same for a longer period than 8 months at any one time.” |
| 3d Feb. 1832.     | Lt. Governor Young.    | Benjamin Bass,        | The same tenor, and under the same conditions as the foregoing, to Clark & another— $1\frac{1}{2}$ acres, on Township No. 45.                                                                                                                                                                                                                                                                                                                           |
| 4th July, 1837.   | Sir Chas. A. Fitz Roy. | Charles Davy,         | Ditto, Ditto,<br>17 chains of the coast of Township No. 64, being the front of his farm—a freehold.                                                                                                                                                                                                                                                                                                                                                     |
| “ “               | Ditto.                 | Dayid Hugh.           | Ditto, Ditto,<br>11 chains of ditto,<br>being as above.                                                                                                                                                                                                                                                                                                                                                                                                 |

# APPENDIX

[E.]

(SEE PAGE 18.)

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No. 1.

No. 67.

[COPY.]

Downing Street, 15th September, 1833.

SIR,

I have had under my consideration the Act passed by the Legislature of Prince Edward Island, on the 7th April last, "for regulating the several Jails within the Island, and establishing Prison Discipline therein."

On comparing the provisions of this Act with those of the English Jail Act of 1823, I find that many important regulations, contained in the latter, have not been adopted by the Island Legislature, and I shall therefore abstain from advising Her Majesty to assent to this Act, until the Council and Assembly shall have had an opportunity of considering the amendments which the Law seems to require.

I proceed to point them out, and I enclose, for the convenience of reference, a copy of the Imperial Act 4 Geo. 4, cap. 64.

1. It should be imperative on the Keeper of a Prison, when visiting Female Prisoners, to be always accompanied by the matron, or, in her unavoidable absence, by some Female Officer of the Prison (Rule 3, p. 776.)

2. The classification of the Prisoners should be carried still further. For instance, care should be taken that persons committed on charge or suspicion of Felony be invariably kept apart from persons committed on charge or suspicion of misdemeanors and minor offences; and a like separation should be enforced of persons convicted of Felony, from those convicted of misdemeanors. Witnesses should also be kept apart from all other Prisoners (Rule 6, p. 776.)

3. Provision should be made for the regular employment of convicted and other Prisoners. On this head the Act is silent (Rules 5 and 8, p. p. 776—777. Also sec. 37 and 38, p. 739.)

4. The regulations with regard to the food, bedding, clothing, and cleanliness of Prisoners, should be more explicit and stringent (Rules 13, 14, 17, 18 and 19, p. p. 777, 8, 9.)

5. Provision should be made for the performance of religious services, by a Chaplain, or other appointed Officer (Rules 9, 10, p. 777. Also, sec. 30, 31, and 34, p. 730, 737, and 738.)

6. The means of instruction ought to be afforded to the prisoners, and enforced (Rule 10, p. 777.)

7. Garnish money should be strictly prohibited (Rule 23, p. 779.)

8. Copies of the Rules and Regulations should be exhibited, in conspicuous places, in every Prison, for the information of the Prisoners (Sec. 12, p. 730.)

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Lieutenant Governor

Sir Charles A. Fitz Roy, &c. &c.



## APPENDIX (E.)

No. 2.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor  
of Prince Edward Island.

### *Report of the Visiting Magistrates of Charlottetown Jail.*

SIR,

The Legislature, by the late Act for establishing a system of Prison Discipline in the Jails of this Island, having adopted such minute and judicious regulations for that purpose, renders it unnecessary for us to enter into the respective merits of the different systems which have been recommended or introduced in other countries.

While the Act referred to recognizes the punishments of the Prisoner, it devises with anxious care the means apparently the best adapted for his moral improvement.

With this view the Government has adopted so much of that system which requires the separation and classification of the Prisoners, as appeared practicable in the present building, and which has been reduced to practice on a more extensive scale with much success, both in England and the United States. Your Excellency must be aware, that carrying the views of the Legislature into effect, some alterations must be necessary in the arrangements of a building erected without reference to an improved system of Prison Discipline, and in calling your Excellency's attention thus early to some of the most striking difficulties, under which the present management of the Jail is labouring. We have done so, under the conviction that no improvement in the system can be effected without their immediate removal.

We therefore beg leave to report to your Excellency that the following additions and alterations are requisite, and recommend their adoption without delay:

1st. That we consider the present Jail allowance of 1 lb. of biscuit per diem, to Criminals insufficient, and that an addition of  $\frac{1}{4}$  lb. of Oatmeal, with a suitable quantity of Molasses, ought to be added to each day's allowance.

2d. That a Matron should be permanently appointed to superintend the Female Prisoners, in terms of the 2d Section of the Act.

3d. That a piece of ground at the North end of the Jail should be enclosed, for the purpose of allowing the Female Prisoners to take air and exercise, and appropriated solely to their use.

4th. That 2 Solitary Cells, with small windows, should be made in room No. 8.

A Partition and Door in No. 7.

An outer Door and Porch to connect No. 7, with the enclosure referred to in No. 3.

Four sleeping Cells in No. 9.

A Partition to divide the present Solitary Cell into two apartments, and a partition with door to divide the passage below.

5th. That it appears necessary that Debtors and Criminals should have separate Yards for taking air and exercise, and for that purpose the remainder of the grounds which surrounds the Jail should be enclosed.

6th. That a sufficient number of Bibles should be ordered for the use of the Prisoners.

We trust that these suggestions will meet your Excellency's approval, and

Have the honor to be, Sir,

Your Excellency's most obedient servants,

J. M. HOLL.

WM. MACINTOSH.

Charlottetown, 30th April, 1838.

## APPENDIX (E.)

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### No. 3.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor of Prince Edward Island.

*Additional Report of the Visiting Magistrates of Charlottetown.*

SIR,

In our Report of the 30th April, recommending certain alterations in the Jail, we find, after having received an estimate for the same, that the funds voted by the House of Assembly were insufficient to accomplish the object. We, therefore, have revised our former Report, and beg leave to restrict the same at present to the articles which we have annexed, and which are contained in the estimates herewith transmitted.

We take this opportunity also to call your Excellency's attention to the section of our former Report, respecting an addition to the Prison allowance of Food, which we have no doubt you will order to be carried into effect without delay.

We have the honor to be, Sir,

Your Excellency's most obedient servants,

WM. MACINTOSH,  
JOHN M. HOLL.

Charlottetown, 4th June, 1838.

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### No. 4.

To His Excellency Sir CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor of Prince Edward Island.

*Report of the Visiting Magistrates of Charlottetown Jail, 1st January, 1839.*

SIR,

Having been appointed by your Excellency, Visitors of the Jail in this Town, for the purpose of carrying the intentions of the new Jail Act into effect, we made a careful examination into the state of the Prison, the result of which was detailed in a Report, which we had the honor to transmit to your Excellency on the 28th April last.

At that period there were in the Jail 18 Debtors, 3 Male, and 2 Female Prisoners; and in order to fulfil the design of the Legislature, it was necessary for us to recommend that considerable alterations should be made in the arrangements of the Jail. Your Excellency having approved of these alterations, we have much pleasure in stating that they are now completed, and the new system of Prison Discipline is in operation.

The principal points to which we then directed your Excellency's attention, were—

- 1st. A small additional allowance of Food to the Prisoners.
  - 2d. That a Matron should be appointed to superintend the Female Prisoners.
  - 3d. That a piece of ground at the North end of the Jail should be enclosed, for the purpose of allowing Female Prisoners to take air and exercise.
  - 4th. That 2 Solitary Cells, and 4 small Sleeping Cells should be constructed, with a partition wall to divide the present Cell into two apartments.
  - 5th. That a sufficient number of Bibles should be ordered for the use of the Prisoners.
- Lastly. That a set of Books for recording the transactions of the Jail should be ordered.

## APPENDIX (E.)

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We beg to remind your Excellency, that in confining our report to the above alterations, we were quite aware that much more was necessary to carry out fully the intention of the Legislature; but as the funds did not warrant a greater outlay, we necessarily confined our attention to those arrangements which were more immediately required.

The additional allowance of Food which has been ordered for the Prisoners was absolutely necessary, and has been gratefully received by them, while the appointment of a Matron was so much needed, that the duties of that office had in point of fact been previously performed by the Jailer's wife, with much credit to herself, and without any prospect of remuneration.

The Female Prisoners having now a separate airing ground for themselves are removed from temptations, the evil consequences of which, while intermingled with the Male Prisoners, required the utmost vigilance of the Jailer to prevent.

The Cells for solitary confinement, and the separate sleeping apartments, were also indispensable, without which, indeed, no system of Prison Discipline could be enforced.

In looking forward to further improvements, we trust that provision will be made by the Legislature for enclosing another piece of ground, in order that Debtors and Criminals may be completely separated. We would also respectfully recommend that some steps should be taken to obtain Divine Service for the Prisoners once a week.

We might suggest to your Excellency many rules of Discipline which are deemed necessary for the Jails at home; but, while we are satisfied with the practical working of the present rules, we would question very much the policy of accumulating regulations, which, however requisite in crowded Jails, are not essentially necessary for the state of crime here.

We have much satisfaction in reporting to your Excellency, that on the 23th June last (the day of the Coronation of our Gracious Sovereign), the doors of the Prison were thrown open, on which occasion 5 Criminals received your Excellency's pardon, 4 Debtors were discharged in consequence of their Debts being paid by public subscription, and the fifth through the benevolence of a private individual who paid the claims against him.

There are at present only one Male and two Female Prisoners in the Jail.

In reviewing our proceedings for the past year, we have to acknowledge the assistance we have received from your Excellency in the discharge of our duties, and the frank and ready communications with which you have been pleased to honor us when any difficulty occurred. We also feel it a duty to notice the attention paid by Dr. De St. Croix to the patients under his charge.

We have the honor to be, Sir,

Your Excellency's most obedt. humble servants,

JOHN M. HOLL,

WM. MACINTOSH.

P. S.—We must not omit that we have much reason to be satisfied with Mr. Hutchinson's (the Jailer) attention to his duties, and his general good conduct.

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No. 5.

### *Report of the Visiting Magistrates of Georgetown Jail.*

Georgetown, August 31st, 1838.

SIR,

We the undersigned Magistrates appointed to visit the Jail at Georgetown, beg to submit to His Excellency the Lieutenant Governor the following Report; and in doing so, they have much pleasure in being able to state, that during the last quarter, or rather since their appointment as Visiting Magistrates, no Pri-

## APPENDIX (E.)

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soners have been in confinement for criminal offences, and that two persons for small debts (and one of them for the short period of 8 days,) have been the only Prisoners in confinement during that time.

That on the 14th of June we examined the building, rooms, cells, bedding, &c. there being no Prisoners in confinement, the Rooms and Cells were clean, but the walls much discoloured with smoke, and the bedding much worn, and required washing and mending.

We deemed it necessary that the Rooms and Cells should be whitewashed, and the bedding washed and repaired, and gave directions that such should be done.

Only two of the Cells are finished, and fit for the reception of Prisoners, and those are in the front of the building, where persons sentenced to solitary confinement (if any such there should be,) could not be prevented from conversing with persons outside.

We therefore humbly beg to suggest to His Excellency the Lieutenant Governor the propriety of having all the Cells finished, and the inside of the Jail painted.

On the 17th of July we again visited the Jail, found it clean and the walls whitewashed, and one person John Murphy, in confinement for small Debt.

On the 22d July, at the request of the Jailer, Mr. Mackay visited the Jail, to inquire into the circumstance of John M'Isaac, a debtor confined under a Capias Execution, issued by W. B. Aitken, Esq., J. P., when it was ascertained that the said debtor was without means to support himself in Prison, and it was deemed necessary that the Prison allowance should be furnished to him, with the addition of porridge for breakfast, which the Jailr was directed to supply.

We again visited the Jail on the 14th of August, examined the Rooms and Cells, and directed the Jailer to be attentive in having them kept clean, and in every particular to attend to the requirements of the Act of the Legislature respecting Prison Discipline.

All which we beg to submit.

THOMAS OWEN,  
WILLIAM MACKAY.

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No. 6.

*Report of the undersigned Magistrates, appointed to visit the Jail at Georgetown,  
in King's County.*

Georgetown, November 30th, 1838.

We the Magistrates appointed to visit the Jail in Georgetown, in making our Report for the quarter ending this day, beg to submit to His Excellency the Lieutenant Governor the following:

That on the 13th and 22d of September we visited the Jail, and examined the different Rooms and Cells, and impressed upon the Jailer the necessity of keeping every part of it clean and in proper order. On the 18th of October, we again visited the Jail at the request of the Jailer, he having the day previous received Tom Williams, an Indian, committed by the Coroner, charged with the crime of Murder; the said Tom Williams having been delivered in the Jail in an unclean state in Irons, and with barely sufficient clothing to cover him, we deemed it prudent and necessary to direct the tattered clothes he had on to be destroyed, and a coarse jacket and trowsers, and two shirts, to be provided for him, and directed the Jailer to insist on the man using every means to effect cleanliness, and that he be freed from his Irons.

Contracted this day for the lining of the two Cells in the rear of the lower story, for the sum of £15, as authorised by His Excellency the Lieutenant Governor.

## APPENDIX (E.)

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On the 27th we were again called upon to visit the Jail, in consequence of John Murphy, a prisoner confined for debt, being dangerously ill. This prisoner is an old infirm man, who has been receiving the Jail allowance since he was confined, from his inability to provide for his subsistence, and who appeared exceedingly ill and exhausted from a severe cough and fever.

We directed that Medical aid be obtained, and that proper care and nourishment be provided for him as speedily as possible.

November 10th, we visited the Jail, Cells, &c. &c. and found them clean and in order, but Murphy still confined to his bed and very unwell.

We this day visited the Jail, and examined the rooms, cells, &c. John Murphy, though somewhat recovered, remains still unwell. Tom Williams for some time past has given indications of a deranged intellect, and on opening his cell this day, he appeared at the door armed with a piece of firewood, rose for the purpose of striking, but on his recognizing the Magistrates he seemed ashamed, and on being informed that if a similar attempt was again made, that he would be put in Irons; he appeared to comprehend, and promised a different line of conduct.

During the last quarter, four persons have been in confinement for short periods for debt, and four seamen have been confined one week each, for neglect of duty.

In submitting the foregoing statement for the information of His Excellency the Lieutenant Governor, the undersigned feel gratified that during the period to which it refers, no person has been committed for or charged with a criminal offence in the County (except the unfortunate Indian before alluded to.)

THOMAS OWEN,  
WILLIAM MACKAY.

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No. 7.

ST. ELEANOR'S, October 1st, 1838.

SIR,

For the information of His Excellency the Lieutenant Governor, we beg leave to report, in reference to the Jail at this place, that during the Quarter just past, there have been no prisoners committed, as far as our information extend.

We have further to state, that the internal regulations of the Jail are such as to merit our entire approbation.

We have, &c.  
(Signed)

SAMUEL GREEN,  
WILLIAM SCHURMAN,  
Visiting Magistrates.

J. P. Collins, Esq., Colonial Secretary.

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No. 8.

ST. ELEANOR'S, January 1st, 1839.

SIR,

We the undersigned beg to submit the following as our Report, for the information of His Excellency, of the state of the Jail, &c. at St. Eleanor's, for the Quarter ending 31st December, 1838.

Joseph Goody, sentenced October 3d, by Supreme Court, for three months, for Felony.

October 4th—Edward Briant, on execution by C. Pope, Esq. for £1 9s. 4d., discharged, debt satisfied October 20th.

## APPENDIX (E.)

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October 21st—Cath. Macdonald, Marian Macdonald, and Angus Macdonald, committed for Sheep stealing by John Wright, Esq.

October 23th—The three Macdonald's liberated on bail by John Wright, Esq. There is no person in Jail now except Joseph Goody, whose time will expire to-morrow.

And we beg leave further to state, that the said Jail has been conducted to our satisfaction up to this date.

SAMUEL GREEN, J. P.

WM. SCHURMAN, J. P.

To J. P. Collins, Esquire.

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No. 9.

*To the Chief Justice of the Supreme Court.*

My Lord,

Having in discharge of our duty deemed it necessary to inspect the Jail, we feel sincere gratification in being able to approve of the state in which it is kept, and of the judicious alterations lately recommended by the Visiting Magistrates, many of which are now completed. We feel it a duty incumbent on us, in reference to these alterations, to notice the warm zeal and interest which His Excellency the Lieutenant Governor has shewn, not only in providing the best information on the subject, but in his unwearied attentions to the improvement of the Jail.

We particularly approve of the strict regulations for the separation of the male and female prisoners, and of the plan now completed for allotting a separate airing ground for each class—and as we understand that a recommendation has been made by the Visiting Magistrates to effect a separation between the debtors and criminals, also by affording to each a separate yard, we trust that the Legislature will provide the necessary funds to carry this alteration into effect without delay.

The regulations adopted for the separation of the Prisoners, before and after trial, also meets with our entire approbation; and we have every reason to be satisfied with the attention of the Jailer, in performing his important duties.

We would, however, strongly recommend that some more efficient system of religious instruction, for the benefit of the prisoners, should be adopted, by performing religious service in the Jail once every week—and as the prisoners belong to various religious denominations, we would respectfully recommend that instead of the Chaplain being selected exclusively from the Church of England, the Visiting Magistrates should be empowered and directed to obtain the religious services of the different Clergymen of this town, in order that this important duty may not be neglected.

For self and fellows,

DONALD MACDONALD, Foreman.

Grand Jury Room, 5th January, 1839.

A true Copy.

DANIEL HODGSON, Prothonotary.

# APPENDIX

[F.]

(SEE PAGE 18.)

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[ COPY. ]

DOWNING STREET, 24th October, 1838.

SIR,

The attention of Her Majesty's Government having been directed to the great importance, both to Great Britain and to her possessions in North America, of establishing a direct communication, by Steam, between the two Countries, it is in contemplation to substitute Steam Packets for the sailing Vessels now employed in the conveyance of the Mails between this country and Halifax.

The Lords Commissioners of the Admiralty have, accordingly, been instructed to advertize for Tenders for this service.

The arrangement—if it can be concluded—will probably take effect about the commencement of next Spring.

The Post Master General will, in the mean time, direct the local Post Office authorities to turn their attention to the line of communication between Quebec and Halifax, with a view to increased expedition, and also to make the requisite preparations for supplying, when the alteration is to be carried into operation, every facility, and using every proper caution, in order to give full effect to the proposed arrangement.

Her Majesty's Government trust that the contemplated measures, involving as they do considerable additional expenditure, will prove beneficial to the public, and give satisfaction to those Colonies.

The co-operation of the respective Legislatures is essential to the complete attainment of the advantages anticipated. I have, therefore, to desire, that you will, on the opening of the next Session of the Legislature of your Government, submit the matter for their consideration, and invite them to co-operate in improving the communication with Halifax, and to afford such other facilities as may depend on those bodies:

I have further to request, that, you will endeavour, before their meeting, to collect the necessary information for the guidance of the Legislature, and that you will render every assistance in your power to further the views of Her Majesty's Government.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

Sir Chas. A. Fitz Roy, &c. &c.

# APPENDIX

(G.)

(SEE PAGE 19.)

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*Report of the Visiter of the District Schools of Prince Edward Island,  
March 31st, 1838.*

*To the Members of the Board of Education, Charlottetown.*

GENTLEMEN:

I have the honor of submitting to you, in the following abstract, a view of the state of the District Schools throughout the Island.

Having in my first Report laid before you all the information which I could collect upon the state of Education generally, and so short a space of time having since elapsed, (during which, however, I was happy to observe a marked improvement in the state of several Schools,) I have now but little new or interesting to communicate on the subject.

In several Districts where heretofore but little interest has been evinced in educating the rising generation, I found several good schoolhouses in the course of erection, and an anxious desire on the part of the inhabitants to procure the services of qualified and efficient teachers.

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## QUEEN'S COUNTY.

*Lot No. 34, St. Peter's Road.*

ROBERT ROBERTSON, Teacher, January 10th, 1838.—Visited this School to-day; the number of Scholars on the Teacher's list is 45, of whom 35 were present. A class of 15 read in the Introduction to the English Reader, with much correctness. 24 Writers were present, and 20 in Arithmetic. In all the branches taught at this School, considerable improvement was apparent in those children whose attendance had been most regular. In writing, very great proficiency had been made; and a class of six, who were examined upon Arithmetic, shewed a correct and accurate knowledge of the most useful rules of that branch. The method of teaching pursued in this School is good, the children being classed together according to their several capacities and the progress they make, and all well exercised upon the meaning of the different words and passages they read, and much care is bestowed upon their acquiring a just pronunciation; and the good order and discipline which prevails in the School tends greatly to facilitate the progress of the Scholars. The Schoolhouse is commodious and sufficient.

*Lot No. 32, Dog River, District School.*

MALCOLM DARRACH, Teacher, Jan. 5th.—The number attending this School is 45, all of whom were present. The greater number of these had made rapid progress since their last examination in Arithmetic and Reading, and 2 were advanced in English Grammar. The same good improvement was not manifest in the writing of the Scholars; this appeared to be owing more to a want of suitable desks than to any inattention on the part of the Teacher. Schoolhouse comfortable, but not sufficiently large.



## APPENDIX (G.)

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### *Lot 31, Elliot River.*

DONALD LAMONT, Teacher.—Present at the examination of this School 20. The proficiency which has been made in all the branches in this School is highly creditable to Teacher and Scholars. Those in the highest classes displayed a most correct knowledge of English Grammar, and were all well acquainted with the principal rules of Arithmetic; these also, read and recited portions of the English Reader, both in Poetry and Prose, with great correctness; and of those examined in Arithmetic, the greater part gave ready and correct answers to the different questions put to them—a proof of their being well grounded and frequently exercised in that useful branch of Education. This Schoolhouse is sufficient.

### *Lot 33, Lytchelt Mills.*

ALEXANDER M'CAE, Teacher.—The number attending this School is 25, present 20. The more advanced of these, reading in the Testament and forming a class of 9, read and spelled in general well; the remainder read in the elementary books; several had made some progress in writing, and 6 of those present were learning the primary rules of Arithmetic. Although none of those present were much advanced, yet the greater number who had commenced their first stage of education with this Teacher, had made good proficiency for the time taught, and all went through their lessons in a very orderly manner. The Schoolhouse here is good and sufficient.

### *Lot 48, District School.*

MICHAEL M'CARNEY, Teacher.—The attendance at this School is 37, present 35; the most advanced read in the Introduction; the remainder in the Testament and elementary books. A considerable degree of improvement was evident in the reading of those who had been in constant attendance; several were making good progress in the primary rules of Arithmetic, but the irregular attendance of the more advanced writers occasioned very little improvement to be apparent in that branch. The Schoolhouse is sufficient.

### *Lot 49, District School.*

JOHN LE PAGE, Teacher.—Present at the examination of this School 17, in attendance 22. The more advanced of the Scholars who were present at the examination of the School in August last, were, with few exceptions, absent at this visit; the School also had been open but three months during the last half year, in consequence of the house being out of repair; still all have made very creditable improvement during the little space of time they have been in attendance. The specimens of writing shewn, bear testimony to the great attention given by the Teacher to that department. One only has made any progress in Arithmetic; all read with great propriety, and in spelling especially, excelled. The Schoolhouse has been put in better repair than when last visited.

### *Lot 65, Nine Mile Creek.*

DONALD LIVINGSTON, Teacher.—This School is at present vacant; the Teacher attending the Central Academy.

### *Lot 29, Sable.*

ARCHIBALD MACKINNON, Teacher.—Present at examination, 27. The School having been formed little more than a week, the Teacher could not ascertain yet the number of Scholars to be taught during the year. This School was visited in August last, since which time it has been vacant; although no proficiency could be yet expected, all gave promise of improvement, and went through their various exercises with much correctness and good order.

### *Lot 34, Brackley Point.*

ALLAN STEWART, Teacher.—The number taught at this School is 30. The Teacher has been stationed here but two months. With the exception of 2 or 3, all the children are yet rather backward in reading and spelling, and are not all sufficiently supplied with suitable books. In writing, several have made good proficiency; one only is advanced in Arithmetic. The Schoolhouse, with a little repair, might be made sufficient and suitable.

## APPENDIX (G.)

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### *Lot 60, Flat River.*

JOHN M'KINNON, Teacher.—At the examination of this School there were 37 present; the number taught is 43: several of those who had been regular in attendance on the School had made some progress in their reading and spelling; none were yet advanced in arithmetic. In writing no satisfactory proficiency has been made—the scholars for the most part being very irregularly provided with writing materials. The Schoolhouse here is rather small, but in good repair.

### *Lot 62, Belle Creek.*

NEIL M'KINNON, Teacher.—The number taught at this school is 40; the scholars in general have made very creditable improvement in Writing and Arithmetic, and are carefully instructed in Reading and Spelling; but the want of suitable books among several of the children, tends greatly to retard their own progress, and acts as a drawback upon the efficiency of the Teacher. The schoolhouse is of the same description with the one last named.

### *Lot 67.*

NEIL ARBUCKLE, Teacher.—The number attending this school is 30, 25 of whom were present; many of these are not provided with suitable books; the Schoolhouse is also in a very unfinished state; and the progress of the Scholars appeared to have been much retarded in consequence of these, and other disadvantages under which they labour.

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## KING'S COUNTY.

### *Lot 64, Guernsey Cove.*

PIERCE RYAN, Teacher.—Attending this School 30; 29 were present at the examination; a class of four had made considerable proficiency in Arithmetic; in Reading, some improvement was apparent, with respect to pronunciation, observing of pauses, &c. but in nothing else was there any improvement visible, since last examined; the attendance of the children appeared to have been very irregular. This schoolhouse would require to be put in better repair before it could be considered good and sufficient.

### *Lot 63, Murray Harbour.*

ARCHIBALD M'KENZIE, Teacher.—At the examination of this School there were but five present; the number usually taught is 45. The cause of the falling off in the attendance at this time was the prevalency of sickness among the children of the district. The few who were present manifested the same proficiency in their different studies which was remarked on the occasion of their first examination. The schoolhouse is small, and not sufficient to accommodate, without inconvenience, the number of scholars usually taught.

### *Lot 59, Montagu River.*

RODERICK CAMPBELL, Teacher.—This school, under the present Teacher, has been opened subsequent to my first visit; the number on the Teachers list is 38; of whom 33 were present. The school having been but so recently opened, much proficiency could not have been expected. In the writing department, where the improvement could be more easily and visibly seen, the proficiency made was very great. A class of 6 were examined on Arithmetic, and shewed an accurate knowledge of the principal rules thereof. A class of 5 were making good progress in English Grammar, 10 were commencing the study of Geography, 1 of Mathematics, and one Book-keeping. It is creditable to those connected with this school, that the children are generally well provided with books, thus enabling the Teacher to class his scholars, and by concentrating his own labour, allowing him to overlook the details of each department without confusion, while the method pursued tends to facilitate in an equal degree the progress of all. This Schoolhouse here is, without exception, the best in the Island.

## APPENDIX (G.)

### *Lot 52, Brudnell River.*

JOHN M'NEIL, Teacher.—This School has been established but a few weeks under the present Teacher; there were 27 scholars present at the examination; the number on the Teacher's list is 35: Those reading were divided into separate classes, from the English Reader down to the elementary books; of the more advanced of these, a class of 10 were commencing the elements of English Grammar; those learning Arithmetic were, with the exception of three, all beginners; each class went through its lessons and exercises with great correctness and regularity, and in every thing gave fair promise of creditable improvement, under the judicious method of instruction pursued by their Teacher. The Schoolhouse is good and sufficient.

### *Lot 51, Georgetown Road.*

NATHANIEL M'LAREN, Teacher.—This School also has been but very recently established. The number in attendance is 32, present 27; those writing and in arithmetic appeared to have made very good improvement since the opening of the School; the several reading classes read and spelled in general with much propriety and correctness. The children are generally well provided with books, and the Schoolhouse is very suitable and sufficient.

### *Lot 56.*

EDMUND SHEA, Teacher.—Present at the examination of this School 20, on the Teacher's list 23. Although many of these scholars are deficient in suitable books, several have, notwithstanding, made very good progress in reading and spelling; three were well acquainted with the primary rules of arithmetic. The Schoolhouse is small, but comfortable.

### *Lot 39, Savage Harbour.*

DANIEL SCOTT, Teacher.—The number attending on this School when last examined was 30; several of these were well advanced; those in the highest class read in general with correctness, and in the inferior classes all were making fair progress in reading and spelling; of 16 who were writing, several whose attendance at School had been most regular, were making good proficiency, and a few were well acquainted with arithmetic; and the good method adopted by the Teacher was apparent in the progress the scholars had made, in reading especially. The Schoolhouse, although of small dimensions, is tolerably well provided with the necessary accommodations of seats and desks.

### *Lot 43, Bay Fortune.*

JOHN M'NEIL, Teacher.—Present at the examination 12; on the Teacher's list 25. In consequence of the prevalence of sickness among the children, the greater part were unable to attend; the attendance for some time back appeared to have been very irregular, and has retarded considerably the progress of the scholars; those, however, who were present, in the highest reading class, read and spelled in general correctly: In writing, also, some proficiency had been made; one only is advanced in arithmetic, and shewed a correct and extensive acquaintance with the principal rules thereof. Several who had recently commenced reading were making very good progress in the elementary books. The School has been lately put in better repair, by the addition of sufficient desks and seats.

### *Lot 47, East Point.*

JOHN SLATTERY, Teacher.—At this School there are taught 34 scholars; a class of 6 were learning the rudiments of Latin; one who was advanced to Cæsar's Commentaries, in that language, and was making very considerable progress when last examined, was not present at this time. Several read and spelled correctly, but the greater part had made but little progress in reading, many not having been in constant attendance, but very great improvement was visible in the writing; and in arithmetic several were making very good proficiency, and were well grounded, and frequently exercised in that branch. The Schoolhouse, with little repair, would be rendered good and sufficient.

## APPENDIX (G.)

### PRINCE COUNTY.

#### *Lot 26, Beleque.*

W. H. NELIS, Teacher.—The average number of scholars taught at this School at present is 20, of these 12 were present at the examination; two of these have made some progress in the French language, and have attained to a correct knowledge of English grammar. Another class read and recited passages in English in a very superior manner, and all were well versed and exercised in the signification of words, and on the meaning of the different passages they read; and the great correctness and propriety with which all read, bore testimony to the great attention of the Teacher to their improvement in elocution. In arithmetic many were well acquainted with the principal rules, and with few exceptions all had made very great proficiency in writing. The Schoolroom is comfortable in winter, but from its small dimensions, must be too much confined in the summer season.

#### *Lot 18, Richmond Bay.*

BENJAMIN CLARK, Teacher.—The number attending this School is 40. This School has been but very lately established, yet very fair improvement has been made by those writing, and several are already well acquainted with the primary rules of arithmetic; the scholars are classed together, so far as their books and respective progress will allow, and all give promise of creditable improvement, under the good method of instruction followed by the Teacher. The room in which the School is at present held is unsuitable in several respects, but a good and sufficient Schoolhouse is in the course of being completed.

#### *Princetown Royalty.*

SEBASTIAN DAVIDSON, Teacher.—At the examination of this School there were 31 scholars in attendance; a class of 7, who were examined in English grammar, went through their exercises in a highly creditable manner; one had made some progress in geography; those learning arithmetic had made very great proficiency, and all read and spelled in general with correctness; and the regularity and good order observed by all in the course of their examination, gave proof, along with the improvement which had been evinced, of the good method pursued by the Teacher. The Schoolhouse is large and commodious.

#### *Lot 16, Ellis River.*

JOHN M'KINNON, Teacher.—Present at the examination of this School, 30; of the more advanced scholars, two were learning English grammar, and had made very considerable proficiency; the improvement in writing and arithmetic was equally creditable; and the rapid progress many have made in reading and spelling, bore testimony to the assiduity and attention of the Teacher. The method pursued is in every respect good and judicious, and few Teachers in the country maintain the like good discipline and order which characterize this School. The Schoolhouse, although small, serves to accommodate the number usually taught.

#### *Lot 11.*

THOMAS KEY, Teacher.—On the Teacher's list, 31 scholars, present at the examination, 24. This School has been but recently established in this place; the scholars have already made considerable proficiency under the very good method followed by the Teacher; and in elocution several especially excelled, and recited several passages, and poetical extracts, with great correctness and taste; 4 are commencing English grammar. The Schoolhouse is commodious and sufficient, and well provided with the necessary accommodations of desks and seats.

#### *Lot 13, Port Hill.*

A. C. BICKFORD, Teacher.—On the Teacher's list there are 37 scholars, 22 of whom were present; considerable proficiency had been made since last examined, by several of those who were most regular in attendance on the School; several had made good progress in arithmetic, and a few in writing, and the highest classes of readers read and spelled with correctness. The attendance of the children appeared in most cases to have been very irregular. The Schoolhouse is good and sufficient.

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### *Lot 14.*

JOHN RONAYNE, Teacher.—Present at the examination of this School, 37, on the Teacher's list, 40. In this School there are none yet much advanced; a class of 10 read the Testament, and the remainder the elementary books; one only is advanced in arithmetic; in writing no satisfactory proficiency appeared to have been made, but the greater number had considerably improved in reading and spelling. The Schoolhouse is of rather small dimensions.

The above are the Schools at present established under the operation of the Education Act. There are yet several Teachers who have received certificates of qualification from your Board, whose Schools are not mentioned in this Report; two of whom were not licensed at the time I passed their Schools in the course of my last visit; the Schoolhouse of one had been burned, and another, in consequence of indisposition, has been unable for some time back to teach.

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN MACNEILL,

Visitor of District Schools.

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### *Second and Third Reports, for the year ending 31st December, 1838.*

*To the Members of the Board of Education.*

GENTLEMEN;

In laying before you the following summary of the state of the District Schools of Prince Edward Island, separately, there is one circumstance which I cannot overlook, viz: that the most necessitous settlements are those which in general make the least efforts to procure for themselves and their posterity the benefits of Education. Several schools in which the elements of education were taught for years, are now without teachers.

It occurred to me, that the most expedient means for the removal of this disadvantage would be, to insert advertisements in our Colonial Periodicals, inviting the attention of teachers to these vacant stations, which advertisements are now before the public. Nevertheless, I fear that the scarcity of teachers in the Colony is such, that few of these can be supplied; and in this I feel more satisfied from the fact, that the number of schools in operation has been about the same permanently, since I was first appointed Visitor. It would appear from this, that all the teachers are employed, consequently that there is but little hope of supplying the Schools now vacant without increasing the number of our teachers in the Colony. To accomplish this object, one of two alternatives must be adopted—either to import teachers, or to open a Normal School for training up young men in our own Colony for the profession.

As to the stations above mentioned in which there are no schools, and the want of them seems to be but partially felt, perhaps it might prove a remedy were the Legislature to divide the Island into Sections, and plant a School in each of these, endowing each school with an annual grant from the public funds, and obliging the inhabitants of such Section to contribute to the support of the school by the payment of a permanent adequate sum, to be raised by assessment or otherwise.

If schools were thus established permanently, the benefit of Education would be self-evident to the people at large, and instruction would become, not only more general, but also the rising generation would be enabled to plnish a more extensive stock of acquirements from the permanent character of the schools.

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Without desiring to see the standard of qualification fixed by the Law, for teachers, lowered, I am of opinion that it would be beneficial to some of the poorer and more destitute of the settlements, were some small provision made in the mean time, to aid in the support of a few of the most deserving of those teachers, who for such remuneration as the Inhabitants could afford, should make themselves useful, in imparting instruction to their children, and advancing them in the first stage of education.

At the request of the Committee of the Highland Society of this Island for enquiring into the state of Education, I furnished that Committee with a more detailed statistical account of the educational wants of the Colony; to which statement I beg leave to refer you, in Appendix, Letter A.

The office which I have the honour of holding was instituted with a view to aid, not only in extending Education in the Island, but also in suggesting and introducing such additional improvements as the present state of society and recent advances in the art of instruction may suggest or require. I am aware of the arduous nature of the duties which have devolved on me; and I flatter myself that I may, without incurring the imputation of arrogance or presumption, pretend to some knowledge of those responsible duties; for my time and attention have hitherto been devoted with little interruption to that professional training which is indispensable in the efficient instructor of youth; the successful prosecution, however, of this object is no easy undertaking; and requires both "tact and talent;" so much so, that in my humble opinion, the profession of a teacher is one of the most difficult, as it is one of the most important in human life.

In the premises I have alluded to the expediency and importance of professional training. It is not enough in the teacher of youth, to have himself acquired much useful knowledge; it is indispensable that he have also an aptitude, natural or acquired, for imparting his knowledge, and infusing his energy into others. This is the proper art and business of the schoolmasters—and yet this is the only art in which there is no early training, nor means provided for bestowing it on such as are willing to be trained.

In Scotland, from an early period, we have striking proofs of the desire to raise high the qualifications of the schoolmaster. In 1640, an academic education and a knowledge of Latin were required of the parish schoolmasters; but the idea of subjecting them to a *systematic* professional training seems hardly to have occurred to the founders of the National Schools of that country or of any other country in Europe at that time. The only approximation in Scotland to such institutions as the seminaries now called Normal, was in the Model school of the Society for propagating Christian knowledge, about 100 years ago, in which were trained teachers for the Society's schools in the Highlands.

Prussia was the first European nation that seems fully to have appreciated the importance of a strictly professional education to schoolmasters, and which engrafted Seminaries for this purpose on its national system.

In that country there are at present no fewer than 30 of these schoolmasters' colleges, whose pupils, after one or two years' study, are sent forth with their diploma of qualification according to the place they occupy at the final examination. Under the influence of these seminaries the quality of education has been gradually rising for the last 20 years; and the profession of a schoolmaster has risen in public estimation, not so much in consequence of high salaries, as of high professional training, and of the rewards and honours which await the successful teacher, from the mastership of an Elementary school to the directory of a Normal Seminary, or Professorship of the theory of Education in a Prussian University.

The French Government, soon after the Revolution of July, 1830, turned its attention to the creation of a national system of Education, and for this purpose dispatched Professor Cousin to Germany, to examine the institutions of Prussia. In his interesting "Report on the state of public instruction in Prussia," the subject of Normal Schools occupies a prominent place; and his recommendations on this head were adopted by the French Minister of public instruction, and have been attended with the most favourable results.

In England an approximation has been made to a Normal school, both by the National School Society and the British and Foreign School Society. The former, in its Central school, Westminster, receives

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young men to be trained as teachers; the average period of attendance is five months. The British and Foreign School Society, in their Borough Road School, have also been in the habit of training teachers; but the average period of attendance is only two months.

The Government model School in Dublin is also employed for the same purpose. In Edinburgh, Mr. Wood's school has served to the same limited extent the purposes of a seminary for training teachers, as well as of an admirable model, from which hundreds have received useful hints, and a stimulus in the path of improvement, the effects of which have been felt more or less over the whole of Scotland.

These were the first and only efforts in Great Britain and Ireland, with which I am acquainted, for providing the means of professional training for schoolmasters prior to 1835.

About this period, the attention of some of the friends of Education in Britain was directed to the importance of these institutions; and an educational society was first formed, as far as I can learn, in Glasgow, whose principal object, as set forth in its constitution, was, "to solicit Parliamentary enquiry and aid, in behalf of the extension and improvement of parochial schools,—and, in particular, to establish a *Normal Seminary* for the instruction of teachers in the most improved modes of intellectual and moral training, so that schoolmasters may enjoy a regular professional education."

This society having turned its attention to the best mode of commencing so desirable an institution, Dr. Walsh, of Edinburgh, visited Prussia in the year 1835, and furnished the Society on his return with a mass of valuable information on the working of the educational system of that country.

The Society was impressed moreover with the practical wisdom of the advice which the French Professor gave to the Minister of public instruction on this subject "choose the best conducted primary (elementary) school in the department, that which is in the hands of the master of the greatest ability and trustworthiness; annex to this school a class called normal, in which the same master shall teach his art to a certain number of young men of the department, who are willing to come to it, to form themselves for schoolmasters. By this plan, before six months are over, you may have in each department an excellent little Normal school, which from year to year, you can extend, improve and enlarge. The plan which I propose does not commit you to any future measures, yet it at once covers France with Normal schools, which will supply our first wants; it is for time, zeal, and diligence to do the rest."

These hints the society made the ground work of its system, and chose model schools, annexing to these a class called normal, over which was appointed an able and intelligent master as director. From the beginning these seminaries have now increased through the principal towns and parishes of the land. Such is a brief and imperfect sketch of the rise and progress of those institutions, which have proved of such advantage to the countries where they are established.

The following testimony to the utility of the system is borne by a Gentleman who appears to have been well acquainted with the nature and practical operation of these seminaries: "The great excellence of a Normal Seminary is this:—that while it has model schools as a part of its establishment, schools that are conducted on the best methods, and by the best masters, it has also a Rector, who is specially entrusted with the care of the young men who have come to learn the art of teaching; and while the Rector sees that they are conversant with the branches of Education they are afterwards to teach, instructing and examining them regularly for that purpose; and while he acquaints them with the theory of a well conducted school, he has the model schools at hand, in whose classes they may, under his eye put into actual use the lessons they have received, and thus become truly accomplished at once in the theory and in the practice of their profession." \*

The successful working of the scheme has now been tested by the experience of three years, as will be apparent by the following extract from the Report of the Educational Society's Committee, with which I shall conclude my notice of this subject, "the committee think it important to announce, that no teacher who has given himself a course of training at this school, and quitted it with marked approbation, without

\* The Rev. Mr. Buchanan's speech at Glasgow.

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receiving almost immediately an appointment to some eligible situation; and so rapid is the appropriation of teachers qualified at this seminary, that very often the committee are requested to recommend to well endowed schools, where there is not a single fit expectant on their list; the supply lingers much behind the demand, and the demand is a striking proof how much the defective state of education is felt throughout the country."

When such is the language used in reference to the old scholastic economy of that country, whose educational system has been regarded by the world as so excellent; when its state is acknowledged to be defective, and felt as such through the country;—how much more defective then, must be our Colonial educational system, and what urgent necessity there exists for our taking immediate steps to improve and extend it? The way appears now to be plain before us; and with the example in view of what the institution of the Normal School has done, and is now effecting, in other countries, should we not be considered as remiss, in hesitating to follow a path so clearly and distinctly pointed out? But I would wish it to be understood, that I do not desire to put this forward merely as a scheme of innovation; that though zealous to amend whatever is defective in our educational institutions, and to see the schools of Prince Edward Island placed upon as perfect and efficient a footing as the exigencies of the country will allow. I should not wish to belong to that class of improvers, whose first impulse is, to pull down whatever already exists, for nothing else than the high crime and misdemeanor of being old. I would not consecrate an abuse merely because it is covered with the venerable dust of "hoar antiquity," nor worship a finely gilded theory, merely because it is new.

The fact is certain, that whilst the mechanical arts have their period of apprenticeship, and the liberal professions their period of study and probation, whoever will, may enter upon the profession of an instructor of youth unprepared, and often unauthorized. Here, when every thing else fails, any man is ready made for a schoolmaster.

To this cause may be ascribed the sight, which too often presents itself in this country, of schools conducted on the worst possible methods—whose masters know little and can impart little, except in the mechanical arts of reading and writing, and even these in a slovenly manner. This is entirely owing to the want of that professional education, from which even the worst masters would have acquired a better method, and the best would have greatly benefited. Left hitherto to any method or no method, young teachers blunder on as they best can; and the effect of thus leaving them without a professional education, is to give to the rich, the most enterprising, successful and experienced teachers—and to leave to the poor, too generally, the sluggards and novices of the profession.

Satisfied as I am, that if the attention of the Legislature could be successfully drawn to this all important subject, Normal Schools might be established in various parts of the Island, and that from them teachers properly qualified could be sent into the different districts, and the education of the youth of the Colony, placed upon a firm and permanent basis.

These remarks I have presumed to submit to you, knowing that from my frequent visitations of the different settlements, I had an opportunity of becoming better acquainted with the necessities of the inhabitants than any other person connected with the instruction of youth in the Colony; and if from any hint I may have given, you shall be enabled more fully to advance the interests of education, I shall reap an abundant harvest of satisfaction.

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN MACNEILL.



## APPENDIX (G.)

### *Summary of the state of the District Schools of Prince Edward Island, embraced in the Report of the Visiter, 31st December, 1838:*

#### QUEEN'S COUNTY.

Lot 49, District School, John Le Page, Teacher. June 1st, 1838, visited this School to day—the number of scholars attending is 25, of whom 22 were present. The elder scholars were examined in reading, orthography, and English grammar, and in all these exercises, their proficiency was very gratifying. The junior classes also displayed a very satisfactory improvement in reading and spelling; and their answers to questions arising out of their lessons, shewed that their attention had been directed to the meaning of what they read; and altogether, the steady progress made by the different classes, since last examined, reflects credit upon the assiduity of the Teacher.

The school-house has lately been rendered sufficient by further repairs.

In the further extremity of this Township, Lot 49, another School has been recently opened, which is taught by Patrick Fitzgerald. This settlement having been without a School during several years; the children attending are, with few exceptions, rather backward in their education. The present teacher having recently succeeded to the charge, no proficiency of consequence is yet apparent; but it is to be hoped that the attention of the teacher to the important duties of his calling, will, ere long, cause an improvement in the state of the School to be manifest.

The District School of Lot 34, St. Peter's Road, Robert Robertson, Teacher, numbers 44 scholars, 30 of whom were present when examined. Those scholars whose attendance had been most regular and constant, have made considerable proficiency. In reading, spelling, English grammar and writing, the improvement has on the whole been satisfactory. In arithmetic, several had made good progress, (as appeared by their books) but were, with two exceptions, absent at this time. The advantage and benefit of the good system of instruction pursued in this School, is apparent, in the creditable improvement of the pupils, as evinced at each examination.

The Dog River School, Lot 32, is taught by Malcolm Darrach. The daily average attendance is about 40 scholars, 38 of whom were present. The proficiency made by the pupils, generally, since last examined, has been satisfactory. The correct manner in which the senior classes especially read, and the knowledge of grammar which they displayed, was highly pleasing.

The school-house has been considerably enlarged since my last visit.

Lot 33, Lytchett Mills, Princetown Road, Alexander M'Cabe, Teacher. At this examination, as at the last, I found none of the scholars much advanced; this I cannot ascribe to the inefficiency of the teacher, who discharges his duties, I have every reason to believe, with fidelity, but rather to the irregular attendance of the scholars, many of the more advanced of whom quitted the school within the preceding twelve months. The school numbers 25.

The Elliot River School is still under the tuition of Donald Lamont. The state of this school, and the general proficiency of the pupils, merit approbation. The several classes, especially the senior, went through their exercises in a manner sufficiently creditable; and the proficiency made during the last quarter of a year, particularly in English grammar, elocution and arithmetic, bears testimony to the application of the scholars. At a subsequent visit to this school in the month of November last, I found that little or no improvement had taken place in the state of the school since the previous examination in June; this appeared to be owing to a long vacation in the interval, occasioned by the enlargement and repair of the school-house.

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Lot 29, Sable, Archibald M'Kinnon, Teacher. At this school, one of the largest on the Island, 52 scholars were present at the examination. Although labouring under many disadvantages, such as a want of suitable books, a school-house insufficient, and out of repair, &c. the teacher has been nevertheless successful in his efforts to advance his pupils; many read and spelled with great propriety; and in arithmetic, the proficiency made was equally satisfactory; and several excellent specimens of writing were shewn; all bearing testimony to the attention of the teacher to the instruction of his pupils.

A new and commodious school-house for this District is nearly completed in the vicinity of the present house.

Brackley Point, Allan Stewart, Teacher. Twenty-five attended on the examination of this school—on the teacher's list 30. I regret to say that very little proficiency has been made at this school since last visited. The settlement here is scattered, and the children in the remote parts thereof cannot attend regularly upon the school at all seasons of the year. Some improvement in reading was apparent, but in arithmetic and spelling none of consequence. This school is now vacant, the teacher having lately resigned his charge.

Lot 50, Flat River. At this station there is a numerous school taught by John M'Kinnon—on the list there are 50 scholars, 40 were present on this occasion. In the different branches taught here, embracing English grammar, book-keeping, arithmetic, and writing, considerable progress has been made; the improvement in reading and spelling has, upon the whole, too, been satisfactory; and the assiduity of the teacher has been apparent, in the approved pronunciation, orthography, and attention to the rules of correct reading generally, on the part of the scholars.

Lot 62, Belle Creek. This station is vacant, the teacher of the last year, Neil M'Kinnon, having removed to the Brackley Point Road School. In this latter District is a sufficient and suitable school-house, which was visited very recently after its opening under the present teacher. I found 25 scholars assembled, many of these had been well advanced in their education under the tuition of the former teacher, (Mr. J. Arbuckle); and although since then, the school has been vacant several years, the proficiency that appeared to have been made in several of the higher branches of English education, by many of the pupils, was a proof of the ability of their former instructor. The state of the school under the present teacher, is also promising; and it is to be hoped that on a future occasion, such improvement will be manifest, as will gain for the school that commendation which shall always be bestowed on the deserving.

The Lot 67 School, is taught by Neil Arbuckle—the school numbers 30 scholars, none much advanced. Although this teacher could not be efficient, in a school station requiring ability on the part of the master, or an acquaintance with the higher branches of English education, yet his services are useful in this settlement, where the ambition of the inhabitants generally, does not extend beyond providing for their children the means of acquiring a little knowledge of reading. Several in the school were making considerable progress in the first stage of their education; and the teacher appears to be constantly attentive to his charge.

Lot 57, Orwell-head. The School at this place is taught by Donald Graham, and consists of about 30 scholars. A large proportion have attained to considerable proficiency in reading and spelling; and although the attendance on the school, from various causes, had been very irregular during the interval of my visits, I found that as much progress as could be expected, had been made in the various branches taught. In grammar, especially, a class of four boys had made rapid progress. A large and commodious school-house was erected in this settlement, but unfortunately, destroyed by fire; the present house is of small dimensions, but must be put in better repair before it can be considered sufficient.

The Newtown, Belfast, School is taught by Charles M'Eachern—40 scholars appear on the list, 33 of whom were present at the examination; a few of the elder ones were considerably advanced in arithmetic, but in reading and spelling the progress was not so satisfactory. Several were also totally destitute of books, and on some occasions in reading, one book was made to serve perhaps three or four children, who were also frequently at different stages in their proficiency; this, with other causes, tended to retard their improvement, especially in reading and pronunciation.

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Point Prim, Donald Murchison, Teacher.—Present when this school was visited 25, on the list 28. I found several making good proficiency in grammar and arithmetic—the younger classes appeared to have been carefully instructed in reading and spelling, a few wrote tolerably well. At a subsequent visit in the month of December, the improvement that had taken place during the interval was highly gratifying; and the knowledge displayed by the more advanced boys, particularly in arithmetic, was quite satisfactory.

Lot 58, Belfast, John Arbuckle, Teacher. The examination of this School took place in presence of the Trustees, and several of the parents of the children. The number on the teacher's list is 60, 40 of whom were present; these, divided into eight classes, went through their different exercises in a manner highly creditable. The proficiency made by the junior classes, in a short space of time, in reading and spelling, was remarkable, and the correct answers returned by them to the various questions asked, was a proof of their attention being regularly directed to the meaning of what they read. Nor was the examination of those in the higher classes, less satisfactory in its results; these were learning English grammar, trigonometry and elocution, and their correct knowledge of those branches, was creditable alike to teacher and pupils; notwithstanding the sickness which prevailed in the District in the summer season, and caused the school to close for several weeks. The irregular attendance of many of the children from this and other causes, rendered the exhibition less satisfactory in some respects than it would otherwise most probably have been. Another circumstance deserving of notice is the success which attended the efforts of the teacher, to impart instruction through the medium of the Gælic language, this being the vernacular tongue of the great majority of his pupils, many of whom are almost totally ignorant of English on entering the school. A class of these learning the English spelling Books, read a chapter in St. John's Gospel in Gælic, and under the direction of the teacher, by comparing and translating, enjoyed the advantage of being enabled to read in both languages, while they made a rapid progress by this method in learning to speak, and to understand the English.

At Lot 48, Fullarton's Marsh, the School of the District is taught by Donald M'Leod. This school is yet in its infancy; with the exception of three, all commenced the first stage of their education with the present teacher, and those who have been regular in attendance have made suitable proficiency in reading and spelling. A class of seven have recently commenced writing, and the study of the elements of grammar. The school numbered 28.

Charlottetown, P. B. Doyle, Teacher. This School has been visited, and examined on three several occasions since making my last report of the Schools. At the second examination, which took place in September last, 47 scholars were in attendance, and some improvement was apparent in the state of several of the classes. Although from the want of books among many of the children, their proficiency in reading and spelling was not so great or so satisfactory as could have been looked for. At a subsequent examination on the 20th December, I found but comparatively few attending: this falling off was the consequence of the prevalence of sickness in many of the families connected with the School; and from the same cause, the attendance of the scholars had since the previous examination been very irregular. It is to be regretted that on this account their progress since then has been so limited. A class that had been more than usually regular in attendance, excelled especially in arithmetic and writing.

The School at New Glasgow, Lot 24, is taught by — Blanchard. This teacher has recently succeeded to the charge of this School, which was vacant for a considerable time. 34 scholars attend, divided into several classes, according to the different stages of their progress. The more advanced read with propriety in the English Reader, and Introduction; and, although from the short period since the re-opening of the School, little improvement in the state thereof could be expected, yet, from what appeared of the method of instruction followed, the pupils bade fair to make suitable progress under the care and attention of the Teacher.

Cavendish School, Donald Livingston, Teacher. This School has also been but lately re-opened under this Teacher. Many of the scholars now attending, had made some progress under former teachers, and

## APPENDIX (G.)

evinced an acquaintance with some of the elements of English Grammar, Reading and Arithmetic. At the period of this examination, the School could only be considered as organized anew. The scholars are more than ordinarily well provided with books; the schoolhouse is sufficient; and, with these advantages, it is to be hoped that the proficiency of the pupils will equal the expectations formed of them, and at a future examination earn for themselves that approbation which will be the sure result of their application and diligence, and which will also depend upon the care and attention of the teacher to his duties.

### PRINCE COUNTY.

Princetown Royalty, District School, Sebastian Davidson, Teacher. On the teacher's list in July last, there were 39 scholars. At the examination, present 21. It is unnecessary to particularize the state of this school further than by stating, that the scholars appeared to be steadily progressing in their knowledge of the different branches which they were engaged in learning at the period of the previous examination.

At a subsequent visit to this District in the month of November last, a new and commodious schoolhouse, erected in the immediate vicinity of the old, was nearly completed.

In this Royalty is also another School, taught by Alexander Rae. At the request of the Trustees of this school, I paid it a visit in the month of July last, and found 48 present; the average daily attendance I ascertained to be 35. The scholars acquitted themselves on their examination in a manner highly creditable, and the whole arrangement and method in the conducting of the school were excellent, and such as to be expected from the ability of the Teacher. It is a subject of regret that this part of the Royalty of Princetown should thus be divided, and two Schools located in the immediate neighbourhood of each other; one of the two is thus prevented from obtaining any share of the Provincial allowance; one school, to all appearances, would be sufficient, and the expense of supporting it would press lighter on those connected with it, were the inhabitants unanimous in their views on this matter. Before the erection of the new District school-house, the inhabitants of the lower section of the Royalty, viz: those connected with Mr. Rae's school, made a proposal to join in the support of the Central or District School, provided that schoolhouse were removed from its present locality, to a situation more central or more convenient to the majority of themselves—but the parties being unable to meet on a common ground, or come to a further understanding on the subject, the two schools yet remain in the position described above.

The School at Oyster Cove, Lot 18, is taught by Benjamin Clark. On the list are 47 scholars, of whom 24 only were present at the examination. Several in the higher classes had made some progress in Arithmetic and Writing since last visited; in this latter branch, the improvement was very creditable, the neat and clean appearance of the writing copies being highly pleasing. In the junior reading classes, the progress was not so great nor so satisfactory. The attendance on the school in many instances appeared to have been irregular throughout the summer season.

Lot 11, Lot 16, and Bedeque. In these Districts the Teachers of last year are all yet stationed; and of these Schools it will be sufficient to mention, that from the short space of time which has elapsed since the visit immediately preceding, little difference in point of improvement was apparent, especially as several of the more advanced of the scholars had either quitted school, or were absent on this occasion.

In the first mentioned school, 31 attended; at the Bedeque, 20; and at the Lot 16 school, 32.

In the Dunk River settlement of Bedeque is also a School, James H. Fitzgerald, Teacher. At the examination of this school in July, 30 scholars were present; at the next visit in the month of December, 15 only were that day in attendance, although on the teacher's list there were 50; at this latter period, I found the proficiency among the few who were present to be something more satisfactory than on the first occasion—some little improvement being perceptible in Reading; Spelling, &c. None are advanced in Arithmetic. This Schoolhouse is large, but out of repair, and on that account uncomfortable in the winter season.

## APPENDIX (G.)

Lot 14, Grand River, John Ronayne, Teacher. This School numbers 40 scholars, all of whom were present. I cannot state that any improvement was visible in the state of the School since last visited; the attendance of the children too, has not been constant. A class of 3 had made some progress in the elements of Grammar; but, before completing their knowledge of this branch, it is to be regretted, had left the School. At the period of my last visit, I found a large class reading the Scriptures, and the remainder learning to read the first elementary books.

The other District Schools in this County are, a School lately opened in Lot 14, Dubois Smith, Teacher—33 scholars. All those who were present were in the first stage of their progress; and also a School at New Bideford, John Stewart, Teacher. There is a respectable school at this station of about 30 children; and, although the majority of these are in the first stages of instruction (the settlement having been some years without a School,) the progress many had made in the short period since the opening of the School, and the care and attention which the teacher apparently bestowed, gave every indication of future creditable improvement.

The School at Port Hill was vacant on my last visit. At Lot 19, Bedeque, a school has for several years back been established; it is now taught by Thomas Collins, who has been the teacher during the last 3 or 4 years. In December last, I examined this school in presence of the Trustees thereof, and found every thing to approve in the proficiency of the scholars, and in the method of conducting the school. The teacher gives the greatest satisfaction to all concerned, by his close and constant attention to his duties.

### KING'S COUNTY.

Brudenell River, and Lot 50, Districts. The Schools at these stations are taught by the teachers of the last year. Having detailed with minuteness in my last Report the state of these schools, separately; and finding but little alteration on my two last subsequent visits, in the state of either of them, it will be unnecessary to mention more at this time than the fact of the satisfaction which the teachers continue to give to those concerned, generally in the improvement of those committed to their charge. In the latter school, particularly the proficiency which the pupils were attaining in one branch, writing, was striking; the good order and neat appearance of the copies being very pleasing.

The Montague School is now vacant; the late teacher, Roderick Campbell, has succeeded to the charge of the Georgetown school, recently.

At Murray Harbour, the School of the District is under the superintendence of the former teacher, Archibald M'Kenzie. The state of this school continues to be prosperous, holding out advantages in its excellent arrangements, and in the ability of the teacher, possessed by few school stations in the Colony.

The School at White Sands, Guernsey Cove, continue in operation; but the teacher is not so efficient for this station as could be wished. From the desire of the inhabitants generally to give their children a suitable education, a person possessing higher qualifications than the present incumbent would be more serviceable in this District.

Savage Harbour, Donald Scott, Teacher. I find at intervals the state of this School gradually improving. In the reading department, the distinctness and general accuracy of pronunciation, together with readiness in spelling, is remarkable; and the proficiency of the scholars, notwithstanding the broken attendance, deserves commendation.

St. Peter's Bay, Morel. This school is taught by Thomas Bambrick, and although but very recently opened, the improvement evinced by the pupils in a few months, was superior to my expectations; and it must be confessed, is very creditable to the master.

## APPENDIX (G.)

In this settlement is a new, and very suitable school-house, built solely, I understand, at the expense of a gentleman of the District, Mr. Dingwell. Such exertions in the cause of education are highly praiseworthy, and were an example like this followed, not only by individuals, but by whole settlements, the educational wants of the Island would not be so great as they now are.

The School of Pisquid, after being vacant some years, has been lately reopened, under the tuition of Edward Walsh. I can make no further remark on this school, than, that the majority of the pupils are in the first stages of reading and arithmetic; and my visit having occurred shortly after the commencement of the school, I can only say that the proficiency of the scholars will form the subject of a future report; and it is to be hoped that their improvement will be satisfactory.

The only other schools in this county, receiving government aid, are at Bay Fortune, John M'Neil, Teacher. This school I found to be in a state of improvement, and the teacher giving satisfaction.

At Little Ponds, Lot 56, Edmund Shea, Teacher, whose school is but limited in number, and the improvement upon the whole appeared to be satisfactory.

At Grand River is a school, taught by Patrick Sweeney—opened a few weeks before my visit in July; and on the second occasion in October, the teacher was absent from his charge.

The great benefits which the services of the school-master confer on society are evident, no calling involves higher duties or greater responsibilities, than that of the teacher; and yet, there is no class whose services are generally less appreciated, nor any whose labours are less adequately remunerated, in this country at least. Although this is the case, no one will deny that it is imperative on those who undertake this office, to discharge with fidelity its important duties; and nothing can afford me greater satisfaction, than being the instrument of bringing the merits of such teachers before the public. But being sensible of the importance of the trust confided to me, and feeling how much the efficiency of our educational system depends on my conduct, a sense of duty will not permit me (however painful to my feelings) to pass over, without censure, any wilful neglect of duty on the part of the teacher, which comes to my knowledge; or to see the public money misapplied to undeserving objects. That such neglect in more than one instance has existed, I have some cause of suspecting; and should I find suspicion well founded, or complaints which have been made, substantiated, the teacher in question will assuredly find, that any departure from that course which has heretofore gained for them approbation, will as certainly carry with it that censure which a proceeding so culpable merits. Against any misconduct or remissness on the teacher's part, the law places a remedy to a great extent, in the hands of the school trustees; their certificate of approbation of his conduct must be obtained in order to entitle him to the government allowance; yet it is sometimes surprising to see with what facility such certificates are procured from those very parties who are loudest in their complaints of the remissness of teachers, and of the inefficiency of that educational system, which their own acts thus tend to render inoperative and ineffectual.

## APPENDIX (A.)

*Copy of a Letter addressed to a Committee of the Highland Society.*

Charlottetown, July 28th, 1838.

GENTLEMEN,

To you as the Committee chosen by the Highland Society of Prince Edward Island, for the purpose of ascertaining the extent of the educational destitution of the Scottish part of the population, I have the honor of submitting the following statement; in the hope it may prove of some service to the society, in promoting the principal object of its formation, viz: "the introduction of suitable schoolmasters; and the importation of

## APPENDIX (G.)

books from the mother country, so as to diffuse more widely among Scotchmen, their descendants in destitute parts of the country, the blessings of a sound and practical and moral education.”

I shall in the first place proceed to shew the number of children in this Island at present destitute of the means of adequate instruction.

In order to ascertain what proportion of the population of any country ought to be at school, so as to ensure universal juvenile education, we must look to the population returns of the number of youths within the educational age. The juvenile educational age is from six to fourteen. Every child then between six and fourteen ought to be at school, in order to ensure universal and efficient education; and by ascertaining the proportion of the population within those ages, we come to the knowledge of the number of youth which should attend juvenile schools.

By the last census of the Island, taken in 1833, the entire population was found to be 32,292, of which 16,207 were under sixteen years of age. The proportion between these last, and those within the educational age above mentioned, may be assumed at one half, or about 8,000; but of these 8,000, the number at present enjoying the benefits of public instruction, according to returns taken in my recent visit to the schools, is below 2,000, leaving the large proportion of 6,000 children wholly neglected in their education.

The proportion the Scottish part of the population bears to the whole, is said to be about two-thirds: From these data then, and without allowing for the increase of population since 1833, we arrive at the conclusion, that there are at this moment, at the lowest computation, 4,000 of the children of our countrymen growing up in lamentable ignorance of the first rudiments of learning.

The Legislature have indeed shewn a laudable desire to encourage and promote Education; and One thousand Pounds of the public revenue is annually appropriated to the support of District Schools; and Fifty-five Teachers enjoy the benefit of the Education Act—yet it is apparent how much remains yet to be done.

The parents in many cases are too ignorant to lament what they have now learned to deplore as the greatest of all evils. Others are sufficiently enlightened to mourn over this sad destitution, inflicting upon their offspring the same intellectual degradation—plunging them in the same mental darkness which has depressed themselves; these have an anxious desire, without having, in many instances, either the opportunity or the means of educating their children, and hail with joy the establishment of a Branch of the Highland Society of London among them, and view its leading object as the most acceptable boon which could be offered them.

In the annexed Table I have subjoined a list of those Townships which are more than commonly destitute of Schools, and also the number of schools required for each; it will be seen that the supply required for these stations\* falls far short of the actual destitution; but in those Townships, from the density of the population in some of the settlements, the prospect of establishing schools at present, is greater, and more obvious. In some of those, school-houses have already been built, and the Inhabitants generally would contribute their means in aid of the object of the society, to procure for them the services of qualified and efficient teachers. Schoolmasters and books sent from home would awaken a new spirit, and lend a more vigorous impulse to the cause of education, and, to quote the language of the address of the Society of Nova Scotia to their fellow Countrymen, “we should then enjoy the happiness of seeing introduced into this country the same intellectual training, or at least some approaches to it, which forms the moral character of Scotland, at once her happiness and pride.”

I have the honor to be, Gentlemen,

Your obedient servant,

JOHN MACNEILL.

Messrs. Dalrymple, Macintosh and Brown.

\* 45 schools, with an average of 40 scholars each, would educate but 1,800, not one half of the number destitute.

## APPENDIX (G.)

*List of Lots or Townships destitute of sufficient Schools, and the number of  
Schools required for each.*

| LOTS.                   | SCHOOLS. | LOTS. | SCHOOLS. |
|-------------------------|----------|-------|----------|
| Lots 1 to 10 inclusive. | 4        | 42    | 1        |
| 17                      | 1        | 43    | 1        |
| 21                      | 2        | 44    | 1        |
| 22                      | 1        | 45    | 2        |
| 24                      | 1        | 46    | 2        |
| 25                      | 1        | 47    | 2        |
| 26                      | 1        | 50    | 1        |
| 27                      | 1        | 53    | 1        |
| 28                      | 2        | 54    | 1        |
| 29                      | 2        | 57    | 2        |
| 30                      | 1        | 58    | 1        |
| 33                      | 2        | 61    | 1        |
| 34                      | 2        | 62    | 1        |
| 35                      | 1        | 64    | 1        |
| 36                      | 1        | 65    | 1        |
| 37                      | 1        | 67    | 1        |
| 41                      | 1        | —     | —        |
|                         |          |       | 45       |



# APPENDIX

(H.)

(SEE PAGE 34.)

AT THE COURT AT WINDSOR,  
the 12th December, 1838.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY.

*Lord Chancellor,*  
*Earl of Albermarle,*  
*Earl of Minto,*  
*Viscount Melbourne,*

*Viscount Howick,*  
*Lord Glenelg,*  
*Mr. Poulett Thompson.*

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1837, pass an Act, which has been transmitted, entitled as follows, viz :

No. 451.—“ *An Act for levying an Assessment on all Lands in this Island;*”

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

(Signed)

C. GREVILLE.

AT THE COURT AT WINDSOR,  
the 12th of December, 1838.

PRESENT :

THE QUEEN'S MOST EXCELLENT MAJESTY.

*Lord Chancellor,*  
*Earl of Albermarle,*  
*Earl of Minto,*  
*Viscount Melbourne,*

*Viscount Howick,*  
*Lord Glenelg,*  
*Mr. Poulett Thompson.*

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of March, 1838, pass an Act, which has been transmitted, entitled as follows, viz:

No. 490.—*An Act for the regulation of the Public Wharf at Georgetown.*

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

(Signed)

C. GREVILLE.

# APPENDIX

[I.]

(SEE PAGE 34.)

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(COPY.)

DOWNING STREET, 25th December, 1838.

SIR,

Her Majesty's Government having had under their consideration the inconvenience which may arise in the Colonial possessions of the Crown, from an imperfect acquaintance in the Legislative Bodies and Courts of Justice, with the Acts passed from time to time by the Imperial Legislature, have made arrangements for supplying, annually, to each of the British Colonies, so many copies of these Acts as may be required for the respective Legislatures and Courts of Justice.

There will, accordingly, be annually transmitted to the Colony under your Government, Four copies, to be distributed as follows:

- 1 For the use of the Executive Council—to be deposited with the Colonial Secretary.
- 1 For the Legislative Council.
- 1 For the House of Assembly.
- 1 For the Supreme Court of Justice.

You will make such arrangements as shall appear to you necessary, in concert with the Legislative bodies, and the Judges of the Courts of Justice, for the safe custody and preservation of these Copies of Acts of Parliament.

I have, &c.

(Signed)

GLENELG.

Lieutenant Governor,  
Sir C. A. Fitz Roy.

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9. Despatch from Lord Glenelg to Sir C. A. Fitz Roy, dated 3d December, 1838.

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