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JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF



Prince Edward Island.

ANNO PRIMO VICTORIÆ REGINÆ.

FIFTH SESSION OF THE FOURTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

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

1838.





BY HIS HONOR
GEORGE WRIGHT,

President and Commander in Chief in and over His Majesty's Island of Prince Edward,
and its Dependencies, Chancellor and Vice Admiral of the same, &c. &c. &c.

G. WRIGHT.

A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday the First day of June next:

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

Given under my Hand, and the Great Seal of the said Island, at Charlottetown, this Twenty-fifth day of May, in the year of our Lord One thousand eight hundred and thirty-seven, and in the Seventh year of His Majesty's Reign.

By Command,

T. H. HAVILAND, Acting Colonial Secretary.

GOD SAVE THE KING.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.

Lieutenant Governor and Commander in Chief in and over His 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 PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday the Twelfth day of July inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Thursday the Twenty-fourth day of August next—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 Eighth day of July, in the year of our Lord One thousand eight hundred and thirty-seven, and in the Eighth year of His Majesty's Reign.

By Command,

T. H. HAVILAND, Acting Colonial Secretary.

GOD SAVE THE KING.

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 PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday the Twenty-fourth day of August, inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Wednesday the Fourth day of October next—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 Twenty-first day of August, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

T. H. HAVILAND, Acting 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 PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Wednesday the Fourth day of October, inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Wednesday the Fifteenth day of November next—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 Second day of October, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

T. H. HAVILAND, Acting 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 PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Wednesday the Fifteenth day of November, inst:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until Saturday the Sixteenth day of December next—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 13th day of November, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First 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. and Ordinary of the same, &c. &c. &c.

A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Saturday the Sixteenth 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-third day of January next, then to meet for the Dispaich 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 Fifteenth day of December, in the year of our Lord One thousand eight hundred and thirty-seven, and in the First year of Her Majesty's Reign.

By Command,

J. P. COLLINS, Colonial Secretary.

GOD SAVE THE QUEEN.

JOURNAL
OF THE
LEGISLATIVE COUNCIL
OF
PRINCE EDWARD ISLAND.

TUESDAY, January 23d, 1838.

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

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.

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

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

S P E E C H :

Mr. President and Gentlemen of Her Majesty's Council;

Mr. Speaker and Gentlemen of the House of Assembly;

Our late lamented Sovereign having been pleased to appoint me to the Government of this Island, I have taken the earliest opportunity, which I believed would be consistent with your convenience, to meet you in General Assembly.

It is my most earnest wish, in administering the government, to conduct it upon impartial, just and constitutional principles, and to promote such measures as will be conducive to the general prosperity of the Colony and the happiness and comfort of the people. Since you last met, we have had to deplore the death of a King, who was peculiarly alive to the interests of his Colonial dominions. But we have the consolation of looking forward in the humble hope of a long and prosperous reign in the person of his successor, our most gracious Queen.

While we have to regret the revolutionary spirit which has driven a neighbouring Colony into rebellion, and brought upon it the horrors of a civil war, the loyalty and attachment to the Throne and government of the mother country, which have always been conspicuous in the inhabitants of this Island, afford a bright and pleasing contrast.

The late abundant harvest with which it has pleased the Almighty to bless the labors of the agriculturist, while it enables the poorer classes to look forward without dread to the severe season, in the confidence, of being secure from want, calls for the heartfelt gratitude of the whole community.

On the visits which I considered it my duty to make to all parts of the Island, as soon as was practicable after assuming the government, I was highly gratified to observe in its agricultural properties, and the progress that had already taken place in their development, the germ, which, aided by due enterprise and industry, it is not difficult to foresee, must ripen into great future prosperity.

While the history of the world teaches the necessity of Education to the advancement of mankind, the provision you have made for the instruction of youth throughout the Colony, proclaims that you are fully aware of this great truth; and I should be wanting in what is so justly due to you, were I not to congratulate you on the exertions you have made to promote this primary and most essential object of all civilized society.

I regret that the Question of Escheat still continues a subject of agitation; but I trust the good sense of the people will induce them to abandon an expectation which, I firmly and sincerely believe, can never be realized.

I would strongly recommend to your consideration the advantages which would arise from an improved system of Prison Discipline in the internal regulation of the different Jails throughout the Island. To aid your deliberations upon this important subject, I will cause to be laid before you a mass of valuable information, which has been transmitted to me by Her Majesty's Secretary of State for the Colonies.

I shall also have to bring under your consideration other matters of interest to the well being of the Colony. These, with any other subjects of consequence, which may occur, I will communicate to you by Message.

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

I shall cause the proper officer to lay before you the Public Accounts for the past year. I shall also cause the Estimates for the current year to be submitted to you, relying upon your liberality to make such provision for the Public Service as the exigencies of the Government may require.

Mr. President, and Gentlemen of the Council;

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

I invite you to the most open and unreserved communication with me on all points wherein the good of Her Majesty's subjects under this Government is concerned. I am sincerely desirous of co-operating with you in every measure calculated to promote the public welfare, and to possess your confidence and support.

I trust the unanimity which has hitherto prevailed between both branches of the Legislature may continue; and that they may be, as heretofore, distinguished for the liberality of their proceedings and their attachment to Her Majesty's Person and Government.

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

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

Ordered, That Mr. Haviland, Mr. Attorney General and Mr. Goodman be a Committee to prepare a Draft, pursuant to the above Resolution.

Ordered, That Mr. *Attorney General*, Mr. *Brecken* and Mr. *Smith*, be a Committee to revise the Journal of the House each day.

On motion, *Ordered*, That Mr. *Haviland* and Mr. *Goodman* be a Committee to examine into, and report upon such Laws as are near expiring.

On motion, *Ordered*. That the Rev. Louis Charles Jenkins be requested to attend this House to-morrow, at One 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 John 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.

Adjourned until One o'clock to-morrow.

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**WEDNESDAY, January 24th, 1838.**

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. Pope.

In the House of Assembly,

Wednesday, January 24th, 1838.

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

*Ordered*, That Mr. Pope, Mr. Green and Mr. Thornton do compose the said Committee.

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

WILLIAM CULLEN, Clerk, H. A.

*Resolved*, That a Committee be appointed to join the Committee of the House of Assembly, to keep up a good correspondence between the two Houses 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.

*Mr. Haviland*, 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 said Address into consideration.

*Mr. Haviland* 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, viz:

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

*May it please your Excellency,*

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

We had ever reason gratefully to acknowledge the anxious solicitude of our late most gracious and much lamented Sovereign, for the happiness and welfare of his subjects, the inhabitants of this Island; and in conferring the administration of the Government upon a gentleman of your Excellency's high character and liberal sentiments, an additional cause to revere his memory has been afforded us. We feel thankful for the consideration which induced your Excellency to meet us in General Assembly at a season of the year when our public duties will least interfere with our private convenience. We have already had frequent occasion to observe your Excellency's anxiety to administer the Government of this Colony upon impartial, just and constitutional principles; and we have the fullest confidence that your Excellency's future administration will continue to be solely based upon those principles which combine all that a free and enlightened people can desire.

Whilst we deplore, with your Excellency, the death of our late beloved Monarch, whose paternal interest was always so kindly and feelingly evinced towards his Colonial subjects, we hail, in common with your Excellency, the anticipation of a long and prosperous reign, in the person of his young and amiable successor, our Sovereign Lady Queen Victoria.

We deeply lament the progress of that revolutionary spirit, implanted and fostered by a few factious and designing demagogues, which has brought civil war, with all its attendant calamities, into a hitherto peaceful and happy sister Colony; but we indulge the hope, that out of this evil good may eventually come; and that the tragical occurrences in Lower Canada will operate as a solemn warning to all Her Majesty's Colonial subjects, not to lend themselves to the designs of restless and unprincipled men, who, under the specious mask of patriotism, selfishly seek their own aggrandisement, at the cost of the peace and happiness of their fellow subjects. We have, however, every reason to believe, that this Colony will continue to sustain that character for loyalty, and attachment to the Mother Country, for which it has ever been distinguished.

Our deepest feeling of gratitude is due to a bountiful Providence, for the late abundant harvest, and for the cheering prospect which is thereby afforded to all classes of a community so peculiarly dependent upon agriculture as the inhabitants of this Colony.

The early interest evinced by your Excellency in the welfare of the Colony, by visiting its remotest parts so speedily after your arrival among us, with the view of making yourself personally acquainted with the wants of the people and the capabilities of the soil, entitles your Excellency to our warmest thanks; and the unwearied zeal with which you have subsequently endeavoured to ameliorate the one, and by your influence, and the exercise of your practical knowledge, to encourage the development of the other, induces us to hope, that, aided by the industry and enterprise of its inhabitants, your Excellency's anticipations of the future prosperity of the Colony will not fail to be realized.

We fully agree with your Excellency in your estimate of the value and necessity of Education, to fit man for his relative duties in civilized society; and we shall always, as hitherto, be disposed gladly to concur in any measure by which this most desirable object can be promoted.

It is much to be regretted, that the question of Escheat still continues to be agitated; but we trust that the opinion so strongly expressed by your Excellency, will be the means of disabusing the minds of the people on this subject.

We freely acknowledge that an improved system of Prison Discipline, in the regulation of the different Jails throughout the Colony, is much required; and we will thankfully avail ourselves of any information which your Excellency may be pleased to lay before us, and which may assist us in giving effect to your Excellency's recommendation on this important point; and to all other matters of interest, which your Excellency may deem it expedient to bring under our notice, the most respectful attention shall be given.

We thank your Excellency for your offer to communicate unreservedly and openly with us; and we beg to assure your Excellency, that you possess our entire confidence, and that we shall at all times be ready to afford you our cordial co-operation and support, in all measures calculated to promote the public welfare.

We beg to assure your Excellency, that nothing shall be wanting on our part to preserve that unanimity which has hitherto existed between the two branches of the Legislature; and we trust that our proceedings will ever be marked by an earnest endeavour to advance the best interests of the Colony, and by a sincere attachment to Her Majesty's person and government.

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. *Haviland*, Mr. *Attorney General* and Mr. *Goodman*, do wait upon His Excellency to know at what time His Excellency will be pleased to receive the said Address.

Adjourned until Twelve o'clock to-morrow.

## THURSDAY, January 25th, 1838.

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.

*Mr. Attorney General* from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when His Excellency would be pleased to receive the Address of this House in answer to his Speech, reported, that they had waited on His Excellency, who was pleased to say that he would receive the Address on Saturday next, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

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## FRIDAY, January 26th, 1838.

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 yesterday.

*Mr. Attorney General* moved for leave to bring in a Bill to amend the Act for recovering Debts from absent or absconding Debtors.—Leave being granted, the said Bill was brought in and read a first time.

Adjourned until Twelve o'clock to-morrow.

**SATURDAY, January 27th, 1838.**

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 yesterday.

The Council adjourned to wait upon His Excellency with their Address; and having returned, the President reported, that the House had presented their Address, and that His Excellency had been pleased to return the following answer:

GENTLEMEN;

The assurance contained in this Address, that I possess your entire confidence, is highly gratifying to me; and I return you my sincere thanks for your readiness to afford me your cordial co-operation and support in all measures calculated to promote the public welfare.

Adjourned until Twelve o'clock on Monday next.

**MONDAY, January 29th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,  
*Colonel Lane*,

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

PRAYERS.

**R**EAD the proceedings of Saturday.

Adjourned until Twelve o'clock to-morrow.

## TUESDAY, January 30th, 1838.

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*,

*Mr. Goodman*.

PRAYERS.

**R**EAD a second time, the Bill to amend the Act for recovering Debts from absent or absconding Debtors.

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

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, January 31st, 1838.

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 His Excellency the Lieutenant Governor, by Mr. Secretary Collins:  
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, transmitting an Order of Her Majesty in Council, dated the 21st August last, allowing an Act of the Legislature of this Island, passed during the last Session, intituled "An Act for vesting all Estates and Property in this Island, belonging to, or occupied for the Ordnance service, in the principal Officers of His Majesty's Ordnance, and for granting certain powers to the said principal Officers."

Government House, January 31st, 1838.

[COPY.]

No. 12.

DOWNING STREET, 7th September, 1837.

SIR,

An Act passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the month of April last, (No. 453), having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council their opinion, that the said Act should be left to its operation.

I have the honor to transmit to you herewith an Order of Her Majesty in Council, dated the 21st ult., approving that Report.

I have, &amp;c.

(Signed)

GLENELG.

Lieut. Governor Sir C. A. Fitz Roy,  
Prince Edward Island.

[COPY.]

AT THE COURT AT BUCKINGHAM PALACE, THE 21ST AUGUST, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

*The Lord Chamberlain,*  
*The Earl of Albermarle,*  
*Viscount Palmerston,*  
*Viscount Melbourne,*

*Lord Holland,*  
*Lord Glenelg,*  
*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 last, pass an Act, which has been transmitted, entitled as follows, viz:

No. 453.—'An Act for vesting all Estates and Property in this Island belonging to or occupied for the Ordnance Service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers.'

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.

*Ordered,* That the foregoing documents do lie on the Table.

Pursuant to the Order of the Day, the House resolved itself into a Committee of the whole, on the Bill to amend the Act for recovering Debts from absent or absconding Debtors.

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 an amendment.

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

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

The Act, 2 Will. 4, cap. 24, intituled 'An Act to provide Salaries for Sub-Collectors of Customs,' will expire the last day of the present Session.

The Act, 7 Will. 4, cap. 6, intituled 'An Act to empower the Inhabitants of Charlottetown to assess themselves, for the purpose of purchasing or renting sites for Engine Houses, and for erecting such buildings thereon,' will expire the last day of the present Session.

The Act, 7 Will. 4, cap. 17, intituled 'An Act to continue for one year an Act passed in the Fifth year of His present Majesty's reign, providing for the payment of Interest on Warrants,' will expire on the 20th day of April next.

The Act, 2 Will. 4, cap. 4, intituled 'An Act authorizing the removal of Nuisances from the Streets of Charlottetown,' will expire the last day of the present Session.

The Act, 4 Will. 4, cap. 10, intituled 'An Act for the better preventing accidents by Fire within the Town of Charlottetown,' will expire the last day of the present Session.

The Act, 3 Will. 4, cap. 5, intituled 'An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways,' will expire on the Sixth day of April next.

The Act, 7 Will. 4, cap. 32, intituled 'An Act for the Increase of the Revenue of this Island,' will expire on the Seventh day of May next.

The Act, 7 Will. 4, cap. 28, intituled 'An Act to prohibit the exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned,' expired on the 1st day of August last.

The Act, 11 Geo. 4, cap. 17, intituled 'An Act for raising a fund, by an Assessment on Land, for erecting a Government House and other Public Buildings within this Colony,' and the Act, 3 Will. 4, cap. 29, in amendment thereof, will expire on the last day of the present Session.

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

Adjourned until One o'clock to-morrow.



**THURSDAY, February 1st, 1838.**

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**EADE the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled 'An Act to amend the Act for re-covering Debts from absent or absconding Debtors.'

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

The President gave notice of his intention to move for leave to bring in a Bill to regulate Prison Discipline in the several Gaols within this Island.

Adjourned until One o'clock to-morrow.

**FRIDAY, February 2d, 1838.**

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.

**R**EADE the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled 'An Act for further continuing an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to provide for the payment of Interest on 'Warrants, which are not paid at the Treasury on demand,'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.

## SATURDAY, February 3d, 1838.

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 His Excellency the Lieutenant Governor, by Mr. Secretary Collins:  
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 29th September last, inclosing Copy of a Memorial from the "Proprietors of Land, and others interested in the prosperity of Prince Edward Island," protesting against the Royal Assent being given to an Act passed during the last Session of the Legislature, for levying an Assessment on all Lands in the Island; and demanding an opportunity of stating and suggesting their objections to it, by their Counsel, before the Judicial Committee of the Privy Council.

Accompanying this Memorial, is a letter from Mr. Waller, Secretary to the Prince Edward Island Association, together with one from Mr. Hill, containing a paper of observations on the Act.

And the Lieutenant Governor is instructed to invite the Council to furnish such statements as it may think necessary for the assistance of the Queen in Council, in deliberating on the question, which awaits Her Majesty's decision.

Government House, January 29th, 1838.

No. 15.

DOWNING STREET, 29th September, 1837.

SIR,

In my Despatch, No. 10, of the 25th August, I apprised you that the final decision of Her Majesty, with regard to the Act of the Legislature of Prince Edward Island, for levying an Assessment on all Lands in the Island, would be suspended for six months from the date of its passing, in order to give the Proprietors of Land, resident in this country, a sufficient opportunity to urge any objections which they might entertain to its provisions.

I have now the honor to acquaint you, that on the afternoon of the 14th instant, a Memorial was delivered at my Office from "the Proprietors of land, and others interested in the prosperity of Prince Edward Island," protesting against the Royal Assent being given to that Act, and demanding an opportunity of stating and supporting their objections to it, by their Counsel, before the Judicial Committee of the Privy Council.

I inclose a copy of that Memorial, and also of a letter which has been addressed to me by Mr. Waller, the Secretary to the Prince Edward Island Association, together with a letter from Mr. Hill, an extensive landholder, containing a paper of observations on the Act.

And I have to instruct you to lay before the Council and Assembly copies of these documents, and to invite them to furnish such statements as they may think necessary for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision.

Until the answer to this reference shall have been received, all further proceedings on this Act will be suspended.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

GLENELG.

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

[For the said Documents, see Appendix (A.), at the end of the Journals of this Session.]

*Ordered*, That the above Message, with the Documents accompanying the same, do lie on the Table.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled 'An Act to provide Salaries for Sub-Collectors of Customs, at the several Out Ports therein mentioned,' to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Read the said Bill a second time.

Adjourned until One o'clock on Monday next.

## MONDAY, February 5th, 1838.

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 Saturday.

Read a second time, the Bill intituled An Act for further continuing an Act passed in the Fifth year of the Reign of his late Majesty King William the Fourth, intituled 'An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.'

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

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 a Despatch from the Right Honorable Lord Glenelg, dated the 10th May last, by which it will appear that the Legislature is empowered by the Sixty-fifth Section of the Mutiny Act, to lower the amount of the minimum penalty of £5, imposed by that Act for the fraudulent purchase or possession of soldiers' necessaries, equipments, &c. to such a sum as they shall consider adapted to the ability and pecuniary means of all classes residing on the Island—which the Lieutenant Governor recommends to the consideration of the Council.

Government House, February 5th, 1833.

[copy.]

CIRCULAR.

DOWNING STREET, 10th May, 1837.

SIR,

My attention has been called to the 65th Section of the Mutiny Act, which attaches a Penalty of not less than £5, nor more than £20, to the fraudulent purchase or possession of soldiers' necessaries, equipments, &c., which minimum penalty is considered far too high to be imposed upon the lower classes of society in the Colonies.

An addition to this Clause has, in consequence, been made in the Mutiny Bill of the present year, empowering the local Legislature, on the recommendation of the Acting Governor of any such Colony, to lower the amount of such Penalty to such a sum as they shall consider adapted to the ability and pecuniary means of all classes residing in the Colony.

Previously to laying such a recommendation before the Legislature of the Colony under your government, you will take especial care that it meet with the concurrence of the Officer in the local command of the Forces.

You will further observe, that, in conformity with the 79th Section, the Mutiny Act of the past year is superceded by that of the present year, so soon as it shall have been promulgated in General Orders.

The Secretary at War will desire the Officers commanding the Forces in the Colonies to communicate their General Orders under this head to the Civil authorities, for their information and guidance.

I have, &c.

(Signed)

GLENELG.

Lieut. Governor Sir C. A. Fitz Roy, K. H.  
Prince Edward Island.

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 5th July last, with a letter from the Prison Discipline Society in England, relating to the state of Jails and Prison Discipline in the Colonies—inclusing, also, the Copy of the Rules and Regulations adopted by the Lieutenant Governor of the Bahamas, for the management of Jails in those Islands. The Lieutenant Governor also submits to the Council, copy of a Presentment of the Grand Jury of Queen's County, calling the attention of the Government to the state of the Jail in Charlottetown, with a view to effect a classification of prisoners, and pointing out how so desirable an object may be effected.

The Lieutenant Governor recommends these Documents to the early consideration of the Council, and trusts they may be the means of effecting an improvement (so much wanted) in the Jails of this Island.

To assist the Council in its deliberations on this important subject, the Lieutenant Governor submits, for the perusal of the Council, a volume published by Her Majesty's Government, containing extracts from the second Report of the Inspectors of Prisons for the Home District—and also a copy of the Rules adopted for the House of Correction of Petworth, in Sussex.

Government House, February 5th, 1838.

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CIRCULAR.

DOWNING STREET, 5th July, 1837.

SIR,

I have the honor to transmit to you the Copy of a Letter addressed to one of my Under Secretaries, by the Committee of the Prison Discipline Society in this Country, relating to the state of the Jails and Prison Discipline in the Colonies, and containing much useful information on that subject.

I likewise inclose a Copy of the Rules adopted by the Lieutenant Governor of the Bahamas, for the management of the Jails in those Islands, which Rules have been approved of by the Society above named.

In conclusion, I have to desire that you will use your best endeavours to give effect to the suggestions of the Committee of Prison Discipline, so far as local circumstances will admit, in the Colony under your Government.

I have, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, K. H.

&c. &c. &c.

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18, ALDERMANBURY, March 23d, 1837.

SIR,

I beg to acknowledge the receipt of your three Letters, dated January 19th and 21st, and February 9th, with the accompanying Papers, relative to the state of the Prisons in the Colonies; and, in compliance with the request of Lord Glenelg, I have submitted the same to the Committee of the Prison Discipline Society, for their consideration.

In looking over the various Reports, it is highly gratifying to find that improvements are in progress in several of the Colonial Jails, by the introduction of Laws and Regulations for their internal government and discipline.—Some of these papers, however, are by no means of recent date; and it cannot, therefore, be ascertained how far the spirit of improvement has generally prevailed.

The Committee are desirous to call the attention of Lord Glenelg to the annexed paper of "Remarks," as to the defects which appear to exist in many of the Prisons in the Colonies; and, with a view to remedy some of the evils, particularly as to the state of the Buildings, I beg to suggest, that the plans of all the Jails, &c. should be obtained, in order that the benefits resulting from an improved system of construction and arrangement may be pointed out, in reference to such new buildings as it may be found necessary to erect, or alterations to be made in the old Jails.

I have also to submit to his Lordship, that an enlarged form of Returns, (agreeably to the one annexed,) should be sent to each Colony, with a view to obtain more detailed information on certain points than is already possessed; and that the answers to such inquiries should, in all cases, be accompanied by copies of the Laws and Regulations which have been, or are about to be, established in each Colony.

The Committee wish me to urge the necessity of Local Inspectors being appointed, to visit the Prisons at frequent intervals, (as suggested in my former Letter to Lord Glenelg,) a measure which, it is considered, would greatly facilitate the establishment of an effective system of discipline.

I return, herewith, all the original papers which you forwarded to me on this subject; and also send you,

by request of the Committee, a packet containing four books of Prison Plans, twelve copies of Rules for Jails, and twelve descriptions of the Tread-mill.

I have the honor to be, Sir,

Your very obedient servant.

(Signed)

SAMUEL HOARE,  
Chairman of the Committee.

Sir George Grey, Bart., &c. &c.

P. S.—There is another subject to which I beg to call your attention, viz: that a List of Questions be forwarded to New South Wales, similar to that which was prepared for Van Dieman's Land, and sent to the Colonial Office in August last.

### REMARKS ON THE COLONIAL PRISONS.

The official Reports which have been recently received from the West Indies, state, that new Prison Buildings are about to be erected at Jamaica, Barbadoes, Demerara, Tobago, Nevis, Dominica, &c. It is, therefore, considered desirable that a Plan of each Prison should be forwarded to the Colonial Office; also Plans of any new Prisons which are about to be erected, and of any alterations or additions to be made in the present Jails.

In Lower Canada, new Prisons are proposed to be constructed on the Auburn plan, (of association at labour in silence,) which has been recommended by a Committee appointed to consider the Penitentiary system of the United States, in preference to the solitary or separate system enforced at Pennsylvania.

The Prisons in the Colonies appear to be very defective in construction and arrangement; there being, generally, no separate day-rooms, for the proper classification of offenders; no sleeping cells, for the individual separation of prisoners at night; no hospital for the sick, or for lunatics; and (with some few exceptions) no suitable chapel for religious services. Some of the Jails have no yard, or court, and others have only one yard, in which the prisoners associate together indiscriminately; but, at several places, the inclosure of the yard is stated, to be so insecure, that the prisoners are not allowed to take exercise therein.

#### AS TO THE REGULATIONS IN FORCE.

There appears to be a great want of uniformity, even in those which have been recently established, particularly in the West India Islands. For instance, at Jamaica, where there are eighteen Prisons, for nearly all of which new regulations have been framed, yet not more than two or three of these codes are alike, on account of the Jails being under different local authorities: and this Island contains some of the most important Prisons, the Jail at Clarendon having had not less than 10,966 persons committed to it during the year 1835.

With the exception of the Tread-mill, which has been introduced as a means of compulsory labour, there appears to be scarcely any regular employment in the prisons.—At several places, the convicted are employed *out* of the prison, on public works—repairing the roads, cleaning the streets, &c. in gangs, and wearing shackles: negroes, under sentence, are also let out for hire, to dig cane-holes, &c., all which practices must be considered as highly objectionable.

The allowance of food differs materially: at some Jails each prisoner has only one pound of bread daily; but, at others, a pound and a half of bread, or biscuit, together with two pounds of potatoes:—the cost of maintenance also varying from four-pence to one shilling and eleven-pence (at St. Vincent's.) Debtors have no allowance at several prisons; at others they receive more than criminals.—Clothing and bedding are not always allowed; and, when so, only to the convicted.

In consequence of Chaplains not being generally appointed, some prisons are without any religious service; but, in many cases, it is performed gratuitously by the parochial clergyman. Dissenting ministers are also allowed free access to the prisoners. No provision is made for the instruction of the ignorant.

There appears to be a neglect of frequent periodical visitation, by the magistrates, or other authorities.—In only one instance, (at Honduras,) it is stated, that a local inspector has been appointed.

The Regulations most recently framed, and which appear highly deserving of imitation by other Colonies, are those for the Bahamas, established in September last, by direction of Lieutenant Colonel Colebrooke.

## AS TO THE RETURNS.

The printed Tabular Form of Annual Returns is considered to be incomplete in some important particulars. It does not state the number and description of persons in confinement at any one time, but only the whole number during the year. It also appears desirable to have a return made of the greatest number in prison at one time; and to distinguish whites from blacks and coloured persons; also, that males and females should be separated, (agreeably to the Form No. 1 and 2, which is now submitted.) The printed Forms of Annual Returns, recently framed by the Inspectors of Prisons in England, may also furnish some further suggestions on this subject.

## QUEEN'S COUNTY—HILARY TERM.

The Grand Jury deem it their duty to call the attention of the Court to the state of the Charlottetown Jail, with a view to effect a classification of the prisoners, so as to separate the old from the young, and the untried from those who have been tried and convicted. The Grand Jury learn, with regret, that although male and female prisoners are locked up separately during the night, they are allowed to associate during the day, without any further restraint than the personal inspection of the Jailer. They would, therefore, suggest the expediency of such an alteration in the internal arrangements of the Prison, as would put an end to a practice so inconsistent with good order and morality.

The Grand Jury have ascertained, from personal inspection, that for a small outlay one of the large rooms on the ground floor could be converted into small apartments or cells, which would enable the Jailer to lock up the prisoners in separate cells, when deemed expedient—an alteration they would consider highly desirable; and trust the Government will cause the same to be carried into effect.

The Grand Jury deem it due to the Jailer to state, that they found the management of the Jail in other respects highly creditable, and that the utmost cleanliness was observable, both in the Prison yard and throughout the whole building.

(Signed)

GEORGE DALRYMPLE,

Foreman.

Grand Jury Room, 5th January, 1838.

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

*Resolved*, That the Clerk be directed to make arrangements for interchanging the Laws of this Island, and the Journals of this House, with the Legislative Councils and Assemblies of Lower Canada, Upper Canada, Nova Scotia and Newfoundland, for the Laws and Journals of those Provinces respectively, for the use of this House.—Such arrangement to extend to the existing Laws and Journals of the several Provinces, as well as to any future Laws to be passed in like manner as a similar interchange was directed in regard to New Brunswick, by a former order of this House.

Adjourned until One o'clock to-morrow.

## TUESDAY, February 6th, 1838.

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, with a Bill intituled '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—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o'clock to-morrow.

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## WEDNESDAY, February 7th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

*Mr. Haviland*,

*Mr. Attorney General*,

The Hon. *Mr. Brecken*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Ordered*, That *Mr. Wright* have leave to absent himself for three days.

Adjourned until One o'clock to-morrow.



**THURSDAY, February 8th, 1838.**

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.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill, intituled "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."

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 provide Salaries for Sub-Collectors of Customs, at the several Out-Ports therein mentioned.

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

Adjourned until One o'clock to-morrow.

**FRIDAY, February 9th, 1838.**

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

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

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

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Douse, with the Bill intituled "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"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the said Bill was read a second time.

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

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, inclosing two Orders of Her Majesty in Council, dated the 18th November last, allowing various Acts passed by the Legislature of this Island in the months of April, 1836, and March and April, 1837.

Government House, February 9th, 1838.

[COPY.]

DOWNING STREET, 7th December, 1837.

SIR,

Various Acts, passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, in the months of April, 1836, and March and April, 1837, 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, No. 449 being specially confirmed.

I have the honor to transmit to you herewith, two Orders of Her Majesty in Council, dated the 18th ult. approving that report.

I have, &c.

(Signed)

GLENELG.

Lieut. Governor Sir C. A. Fitz Roy, K. H.

&c.    &c.    &c.

AT THE COURT AT BUCKINGHAM PALACE, 18th NOVEMBER, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Stewart,  
Lord Chamberlain,  
Earl of Albemarle,  
Earl Spencer,  
Earl of Minto,  
Lord John Russell,

Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Glenelg,  
Sir Charles Vaughan,  
Mr. Powlett Thomson,  
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, intituled as follows, viz:—

No. 449—"An Act to consolidate 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.

C. GREVILLE.

AT THE COURT AT BUCKINGHAM PALACE, 18th NOVEMBER, 1837.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Lord Steward,  
Lord Chamberlain,  
Earl of Albemarle,  
Earl Spencer,  
Earl of Minto,  
Lord John Russell.

Viscount Melbourne,  
Viscount Howick,  
Lord Holland,  
Lord Glenelg,  
Sir Charles Vaughan,  
Mr. Powlett Thomson,  
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, and March and April, 1837, pass forty-eight Acts, which have been transmitted, intituled as follows, viz:—

No. 426—“ An Act to continue for one year, and to amend an Act of the Fifth Year of His present Majesty, for the increase of the Revenue in this Island.”

No. 427—“ An Act to provide against accidents by Fire, and for the improvement of Property at Georgetown.”

No. 428—“ An Act to restrain the issue of certain Promissory Notes.”

No. 429—“ An Act in further amendment of an Act of the Second Year of His present Majesty, for consolidating and amending the Acts relating to Small Debts.”

No. 430—“ An Act to amend the Act for the summary trial of Common Assaults and Batteries.”

No. 431—“ An Act intituled an Act to authorise the closing of a certain Road within the Royalty of Princetown.”

No. 432—“ An Act to prevent Persons indecently bathing in the Waters contiguous to Charlottetown.”

No. 433—“ An Act to prevent the running at large of Sheep in the Town of Charlottetown.”

No. 434—“ An Act to suspend an Act made and passed in the Twenty-sixth Year of the Reign of His late Majesty King George the Third, intituled an Act for the relief of Insolvent Debtors, and to make other provisions in lieu thereof.”

No. 435—“ An Act to impose a Tax on Dogs with certain exceptions, and relating to other matters connected with them.”

No. 436—“ An Act to provide for the conveyance of Mails by means of Steam Navigation, and to repeal the Acts heretofore passed for that purpose.”

No. 437—“ An Act for the appointment of a Commissioner to ascertain and determine the amount to be paid by this Island towards the support and maintenance of Light Houses.”

No. 438—“ An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island.”

No. 439—“ An Act to authorise the Sale of a Building heretofore used as an Episcopal Church in Charlottetown.”

No. 440—“ An Act relating to the abolition of Oaths in the United Kingdom of Great Britain and Ireland, and other places out of this Island.”

No. 441—“ An Act concerning the Registration of certain Original Grants or Patents of Lots or Townships of Land in this Island.”

- No. 442—"An Act relating to the office of Administrator of the Government for the time being."
- No. 443—"An Act to continue for a limited period, an Act passed in the First Year of the Reign of His present Majesty, intituled an Act to establish a Reward for the destruction of Bears and Loupcerviers."
- No. 444—"An Act to alter and amend the Act relating to Licenses for retailing Strong and Spirituous Liquors."
- No. 445—"An Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly."
- No. 446—"An Act to improve the Administration of Justice in Criminal Cases."
- No. 447—"An Act to provide for the punishment of Offences against the Person and Property, and to repeal the Act relating to Treasons and Felonies."
- No. 450—"An Act for appropriating certain Monies therein mentioned, for the service of the year One thousand eight hundred and thirty-six."
- No. 454—"An Act for the encouragement and support of District and other Schools, and to repeal the Act formerly passed for that purpose."
- No. 455—"An Act to provide Seed Grain and Potatoes for certain Settlers, and to regulate the distribution thereof, and mode of repayment."
- No. 456—"An Act to authorise the appointment of a Sheriff for each of the Counties in this Island."
- No. 458—"An Act to establish an additional Term of the Supreme Court, and to extend the Hilary and Trinity Terms for Queen's County."
- No. 459—"An Act to continue and amend the Act for more effectually preventing the spreading of infectious Distempers within this Island."
- No. 460—"An Act to empower 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. 463—"An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail in Charlottetown, and the Act for regulating the Jail of King's and Prince Counties."
- No. 464—"An Act to explain and amend an Act passed in the Fourth Year of His present Majesty's Reign, intituled an Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned."
- No. 465—"An Act to amend the several Acts of this Island relating to Small Debts."
- No. 466—"An Act for the appointment of Harbour and Ballast Masters, and for the more effectually preventing the throwing of Ballast into Harbours and navigable Rivers."
- No. 467—"An Act for vacating the seats of Members of the Assembly in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose."
- No. 468—"An Act relating to the Titles of Lands acquired under Deed from Sheriffs or Coroners."
- No. 469—"An Act to explain and amend two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land."
- No. 470—"An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season."
- No. 471—"An Act to continue for One Year an Act passed in the Fifth Year of His present Majesty's Reign, providing for the payment of Interest on Warrants."
- No. 472—"An Act relating to a certain Road in the Royalty of Charlottetown."
- No. 474—"An Act for granting Patents for useful Inventions."
- No. 475—"An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same."
- No. 476—"An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof."
- No. 477—"An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the effects of their absent or absconding Debtors."
- No. 478—"An Act to authorise the appointment of a Coal Meter for Charlottetown."
- No. 479—"An Act to continue an Act for regulating the weight and quality of Bread, within the Town and Royalty of Charlottetown."

No. 480—"An Act to prohibit the exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned."

No. 481—"An Act to repeal certain parts of an Act, intituled an Act for the Limitation of Actions, and for avoiding Law suits, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof."

No. 483—"An Act for appropriating certain Monies therein mentioned, for the service of the year One thousand eight hundred and thirty-seven."

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.

*Ordered*, That the foregoing documents do lie on the Table.

The President, pursuant to notice, moved for leave to bring in a Bill for regulating the several Gaols within this Island, and establishing Prison Discipline therein.—Leave being granted, the said Bill was brought in, and read a first time.

*Ordered*, That the said Bill do stand for a second reading on Monday next.

Adjourned until One o'clock to-morrow.

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## SATURDAY, February 10th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*,

*Mr. Attorney General*,

*Mr. Goodman*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock on Monday next.

## MONDAY, February 12th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

|                                                        |                               |
|--------------------------------------------------------|-------------------------------|
| The Honorable <i>Chief Justice Jarvis</i> , President; |                               |
| The Hon. <i>Colonel Lane</i> ,                         | The Hon. <i>Mr. Brecken</i> , |
| <i>Mr. Haviland</i> ,                                  | <i>Mr. Smith</i> .            |
| <i>Mr. Attorney General</i> ,                          |                               |

PRAYERS.

**A** MESSAGE from the House of Assembly, by Mr. Pope,  
Mr. President,

The House of Assembly desire a Conference with the Legislative Council, to consider the expediency of preparing a Joint Report on the subject matter of certain documents transmitted to His Excellency the Lieutenant Governor, in a Despatch from the Right Honorable Lord Glenelg, relative to the Land Assessment Act of last Session, and have appointed Mr. Pope, Mr. Green, Mr. Thornton, Mr. Macdonald, Mr. Palmer and Mr. McCallum a Committee to manage the said Conference.

*Ordered*, That a Conference be agreed to, as is desired by the House of Assembly, to consider the expediency of preparing a Joint Report, on the subject matter of certain documents transmitted to His Excellency the Lieutenant Governor in a Despatch from the Right Honorable Lord Glenelg, relative to the Land Assessment Act of last Session.

*Ordered*, That Mr. *Haviland*, Mr. *Attorney General* and Mr. *Brecken* be a Committee to manage the said Conference, to meet in the Committee Room instantler.

*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 that they had met the Committee of the House of Assembly, who had suggested the propriety of preparing a Joint Report on the subject matter of certain Documents transmitted to His Excellency the Lieutenant Governor, relative to the Land Assessment Act of last Session.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, for the purpose of preparing the said Report, with power to send for persons, papers and records, and to meet and adjourn as they please.

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

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

*Resolved*, That an humble Address of Condolence be presented to Her Majesty, upon the lamented death of our late Most Gracious Sovereign; and congratulating Her Majesty upon her accession to the Throne of her ancestors—and that the House of Assembly be requested, by Message, to join in the said Address.

*Ordered*, That *Mr. Brecken*, *Mr. Smith* and *Mr. Goodman* be a Committee on the part of this House to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated to the House of Assembly.

Pursuant to Order, the Bill for regulating the several Gaols within this Island, and establishing Prison discipline therein, was read a second time.

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

Adjourned until One o'clock to-morrow.

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TUESDAY, February 13th, 1838.

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. Attorney General,

Mr. Goodman.

PRAYERS.

READ the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled "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.

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

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

Mr. President,

The House of Assembly desire a Conference with the Legislative Council on the Public Accounts, and have appointed *Mr. Thornton*, *Mr. M'Callum*, *Mr. Pope*, *Mr. Green*, *Mr. Macdonald* and *Mr. Ramsay*, a Committee to manage the said Conference.

Ordered, That a Conference be agreed to, as is desired by the House of Assembly, on the Public Accounts.

Ordered, That *Colonel Lane*, *Mr. Brecken* and *Mr. Goodman* be a Committee to manage the same, 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.

Adjourned until Eleven o'clock to-morrow.

WEDNESDAY, February 14th, 1838.

THE President attending, and there not being a Quorum—

Adjourned until One o'clock to-morrow.

THURSDAY, February 15th, 1838.

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.

READ the proceedings of Tuesday.

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

In the House of Assembly,

Monday, 12th February, 1838.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, to prepare a Joint Report on the subject matter of certain Documents transmitted to His Excellency the Lieutenant Governor in a Despatch from the Right Honorable Lord Glenelg, relative to the Land Assessment Act of last Session, with power to send for persons, papers and records.

Ordered, That Mr. Pope, Mr. Green, Mr. Thornton, Mr. Macdonald, Mr. Palmer and Mr. M'Callum do compose the said Committee.

Resolved, That the foregoing Resolution be communicated by Message to the Legislative Council.

In the House of Assembly,

Monday, 12th February, 1838.

Resolved, That this House doth concur with the Legislative Council, on the propriety of presenting a Joint Address to Her Majesty, upon the lamented death of our late Most Gracious Sovereign, and congratulating Her Majesty upon her accession to the Throne of her ancestors.

Resolved, That Mr. Pope, Mr. Palmer, Mr. M'Callum, Mr. Ramsay, Mr. Clark and Mr. James be a Committee on the part of this House, to prepare the said Address.

Ordered, That a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

Also, with the following Bills, to which they desire the concurrence of the Legislative Council:

A Bill intituled 'An Act for the Regulation of the Public Wharf of Georgetown.'

A Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and public Roads.

Also, with the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors,' passed, with an amendment, to which they desire the concurrence of the Legislative Council.

Read a first time, the Bill intituled 'An Act for the regulation of the Public Wharf of Georgetown.

Read a first time, the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and public Roads.

On motion, the amendment made by the House of Assembly, to the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors,' was read a first time, and is as follows:

Section 4, last line—After the word 'Jury,' insert the following Clauses, marked (A.) (B.)

CLAUSE (A.)

And whereas it is necessary to give to the Commissioners for the recovery of Small Debts the power of adjudicating where the Debtor has absconded—Be it enacted, That it shall and may be lawful for any Commissioner or Commissioners for the recovery of Small Debts, upon application made to him or them, in all cases where the Debt shall not exceed the sum of Five Pounds, to summon the Wife, Agent, or other person or persons having the custody of the absconding Debtors's goods and chattels, to appear before him or them, to answer the Plaintiff; and the Commissioner or Commissioners shall proceed to try the cause, give judgment, and issue execution, in the mode pointed out in and by the Acts now in force for the recovery of Debts not exceeding Five Pounds.

CLAUSE (B.)

Provided always, and be it further enacted, That any absconding person, against whom judgment shall or may be awarded as aforesaid, shall be entitled to a rehearing of such cause at any time within Twelve Months next after such judgment; and the Plaintiff in such action shall give sufficient security, to the satisfaction of the Commissioner or Commissioners, for repayment of all such moneys as may be levied by the said Execution, in case the said judgment be reversed on such rehearing as aforesaid—any thing in this, or any other Act, to the contrary, notwithstanding.

Pursuant to order, the House resolved itself into a Committee of the whole, on the Bill for regulating the several Gaols within this Island, and for establishing Prison discipline therein.

Mr. Brecken took the Chair of the Committee.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said Bill, had made some progress therein, and that he was directed by the Committee to move that they may have leave to sit again.

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

Adjourned until Twelve o'clock to-morrow.

FRIDAY, February 16th, 1838.

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.

Read a second time, the Bill intituled 'An Act for the Regulation of the Public Wharf of Georgetown.'

Read a second time, the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and Public Roads.'

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

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.

Mr. Brecken 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 Twelve o'clock to-morrow.

SATURDAY, February 17th, 1838.

The following Members of Council met, viz:

The Hon. *Colonel Lane*,

Mr. Haviland,

Mr. Attorney General,

The Hon. *Mr. Brecken*,

Mr. Smith.

THE President being unable to attend, owing to the state of the roads, the Council could not proceed to business.

Adjourned until Twelve o'clock on Monday next.

MONDAY, February 19th, 1838.

The following Members of Council met, pursuant to adjournment, viz:

The Hon. *Colonel Lane,*

The Hon. *Mr. Smith.*

Mr. Haviland,

Mr. Attorney General,

THE President being unable to attend, owing to the state of the roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, February 20th, 1838.

The following Members of Council met, viz:

The Hon. *Mr. Haviland,*

The Hon. *Mr. Smith.*

Mr. Attorney General,

Mr. Goodman.

THE President being unable to attend, owing to the state of the roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, February 21st, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis,* President;

The Hon. *Mr. Wright,*

The Hon. *Mr. Smith,*

Mr. Attorney General,

PRAYERS.

THERE not being a Quorum—

Adjourned until Twelve o'clock to-morrow.

THURSDAY, February 22d, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Smith*,

Mr. Attorney General,

Mr. Goodman.

PRAYERS.

READ the proceedings of Friday last.

Mr. Attorney General informed the House that indisposition prevents *Mr. Brecken* from attending in his place.

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

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

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, transmitting a correspondence that has taken place between his Lordship and his Grace the Archbishop of Canterbury, on the subject of the Act for the sale of the Glebe Lands. In that correspondence is a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property.

In bringing this correspondence under the notice of the Council, the Lieutenant Governor is desired to request that they will take the Bishop's statement and reasoning into their consideration, and furnish him, for the information of Her Majesty's Government, with their reasons for concurring in or dissenting from the Bishop's conclusions; and in the event of their disagreement, what are the grounds on which they Council controvert his views of the question.

Government House, February 16th, 1838.

No. 5.

[copy.]

DOWNING STREET, 6th February, 1837.

SIR,

I have received Sir John Harvey's Despatch of the 27th April last, marked "confidential," inclosing an Address to His late Majesty, from the House of Assembly of Prince Edward Island, praying that the moneys arising from the sale of the Glebe and School Lands may be placed at the disposal of the local Legislature, to be permanently secured on the general Revenue of the Colony, and that the interest of that fund may be applied exclusively towards the support and encouragement of Elementary Schools throughout the Island. I have had the honor to lay this Address before the Queen, and, by Her Majesty's command, I transmit to you the copy of a correspondence which I have had with his Grace the Archbishop of Canterbury, on the subject of the recent Act for the sale of these Lands.

In that correspondence you will find a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to this property.

It is Her Majesty's pleasure, that a copy of this correspondence be communicated to the Council and the Assembly, as comprising Her Majesty's answer to the Address. You will, of course, avail yourself of the earliest opportunity of requesting the Houses of local Legislature to take into their consideration the

Bishop's statement and reasoning, and you will signify to them Her Majesty's desire to be informed whether they concur in or dissent from the Bishop's conclusion; and in the event of their disagreement, what are the grounds on which they controvert his views of the question.

I have the honor, &c.

(Signed)

GLENELG.

Sir Charles A. Fitz Roy, K. H.

&c. &c. &c.

LAMBETH, 29th May, 1837.

My dear Lord;

I mentioned some days ago to your Lordship, that I had been requested to lay before you an application from the Society for the propagation of the Gospel in Foreign Parts, relating to Lands in Prince Edward Island, which had been set apart for sites of Churches and Glebes in that Colony, but which have lately been sold, under an Act of the Colonial Legislature, and the proceeds of the sale appropriated to other purposes. I now have the honor of inclosing a letter addressed to me by the Secretary of the Society, together with copies of two letters on the subject from the Colonial Office, and, above all, the duplicate of a letter to me from the Bishop of Nova Scotia, which will put your Lordship in full possession of the facts of the case.

I trust that some method may yet be found of providing for the Church an equivalent for the loss which it has suffered in this diminution of its means for the progressive increase of spiritual instruction in the Colony, and feel assured that your Lordship will be disposed to assist in promoting this object, so far as circumstances will admit.

I have, &c.

(Signed)

W. CANTUAR.

The Lord Glenelg, &c. &c. &c.

TRAFALGAR SQUARE, May 17th, 1837.

My Lord Archbishop;

I am directed by the Society for the propagation of the Gospel to forward to your Grace copies of letters received from the Colonial Office in March, 1835, on the subject of the Glebe and School Lands in Prince Edward Island.

It appeared from these letters that the Secretary of State had directed a Bill to be brought in for the sale of the lands in question; but had not given any instructions as to the appropriation of the proceeds. Resting satisfied with this information, the Society took no further steps in the business, until it was informed by the Bishop of Nova Scotia that an Act had passed the Colonial Legislature, not only authorizing the sale, but likewise providing for the appropriation of the proceeds of the sale of Glebe and School Lands—that the Act had been confirmed by His Majesty in Council—and that its provisions had been carried into effect.

A copy of the Bishop's Despatch, dated March 16th, 1837, has been already transmitted to your Grace, and I am now to request that you will call the attention of Lord Glenelg to the injury inflicted on the Church of England by the confiscation of lands set apart for its support in the Colony of Prince Edward Island, and will apply for such compensation as it may be in the power of His Majesty's Government to afford.

I am, &c.

(Signed)

A. M. CAMPBELL.

His Grace the Archbishop of Canterbury.

DOWNING STREET, 27th March, 1835.

Sir,

I am directed by the Earl of Aberdeen to acknowledge the receipt of your letter of the 9th inst., respecting the recent instructions for the sale of Glebe and School lands in Prince Edward Island; and also respecting certain Bills which you state to have been introduced into the Assembly of Nova Scotia, for the sale of Church Lands in that Colony.

In answer to this communication, I am desired to inform you, that the unoccupied state of the lands reserved in Prince Edward Island for the support of 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 diversion 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. Enclosed is a copy of the instructions given by Lord Aberdeen's predecessor on the subject.

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 the allusion made in your letter; and it would be premature to express any opinion on measures of which the particulars are not known. Should they, however, pass into Laws, and thus come before His Majesty in Council, for confirmation, it will be in the power of the Society, or of the Bishop of Nova Scotia, to urge any objection which they may consider applicable to the Acts, as infringing upon the rights of the Church of England. This course, indeed, is open to all parties who have any rights which they deem affected by the Colonial Laws.

I have, &c.

(Signed)

R. W. HAY.

The Rev. A. M. Campbell.

DOWNING STREET, 30th October, 1834.

SIR,

I have had the honor to receive your Despatch, No. 74, of the 1st April last, accompanied by an Address, praying that the Lands reserved in Prince Edward Island for the support of Ministers of the Gospel, and of Schoolmasters, may be exclusively applied to promote the advancement of Education.

It is evident that the lands, if left in their present unoccupied state, must tend to obstruct the improvement of the Colony, and therefore, without pausing in order to decide the proper mode of appropriating them, I have to authorize you to proceed to the sale of the Reserves at the earliest possible opportunity which can be obtained. On receiving from you a report of the progress of the sales, I shall furnish you with instructions how to invest the purchase money in the public funds; and as soon as the amount shall be realized and ascertained, directions will be given respecting the mode of appropriation.

You will have the goodness to acquaint the Assembly, that their Address has been received and duly laid at the foot of the Throne, and that these are the instructions which I have received His Majesty's commands to issue on the subject.

I have, &c.

(Signed)

T. SPRING RICE.

Colonel Sir A. W. Young.

LAMBETH, July 3d, 1837.

My Dear Lord;

Your Lordship may recollect I troubled you, some time ago, with a letter from the Bishop of Nova Scotia, representing the hardships sustained by the Church in Prince Edward Island, in respect to the sale of some Glebe and School Lands, and the appropriation of the proceeds to other than Church purposes.

I now take the liberty of laying before you an extract from a letter of the Bishop, containing further particulars connected with that proceeding, and suggesting a method by which some compensation may be made, which I hope may be found practicable.

I remain, &c.

(Signed)

W. CANTUAR.

The Lord Glenelg, &c. &c. &c.

HALIFAX, March 16, 1837.

My Lord:

I feel that some apology is necessary for the demand which this letter must make upon the patient attention of your Grace; but the importance of its object, I endeavour to persuade myself, will be received as an apology, and plead for the indulgence it requires.

By the operation of an Act passed by the Legislature of Prince Edward Island, in the Fifth year of his present Majesty, intituled *An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches*

and for *Glebe and School Lands*, these lands have passed for ever from the Church and its Ministers, for whom alone they were certainly intended. That the sites for Churches and Glebes were so designed, may be clearly shewn; and that the School Lands were intended to be connected with the Ministers of the Established Church, must in fairness be inferred.

It is, unhappily, my Lord, too plain, that the Act cannot now be interrupted. It received His Majesty's special confirmation in Council, on the 23th of April, 1836; and indeed its object has been accomplished, for the lands have been sold, and the proceeds have been appropriated.

But if it can be made to appear that a very serious injury—however unintended by His Majesty Government—has been inflicted upon the Church by the operation of that Act, it cannot be doubted that the Government will be ready and even anxious to repair that injury by any means which may be practicable and proper; and if this should be the happy result of your Grace's communication with the Government upon this important matter, your Grace may be assured that no pains will be spared in searching for such means.

In the early settlement of the Colonies, there was an earnest and prominent desire in the Government to introduce, uphold and extend the influence of the established Church, as one of the greatest benefits that could be conferred on the Colonists. The several codes of Instructions to the Governors of Provinces, under the Royal seal and signature, afford clear evidence of this fact; and subsequent Royal Instructions, and numerous directions from the Lords of Trade and Secretaries of State, to the different Governors, shew that the early desire of the Government for this good object was continually cherished.

To assist in securing it, the Government had frequent communications with the Society for the propagation of the Gospel, from the date of its incorporation in 1701, through the whole period which has since elapsed. In the year 1749, 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, the Government resolved upon sending a number of settlers to this Province. A communication was accordingly made from the Lords of Trade and Plantations to that Society on the 6th of April, 1749, stating that these settlers were to occupy six Townships, and that “a particular spot will be set apart in each of them for building a Church, and 400 acres adjoining thereto, granted in perpetuity, free from the payment of any Quit Rent, to a Minister and his successors, and in like manner to a Schoolmaster; their Lordships therefore recommend to the Society to name a Minister and Schoolmaster for each of the said Townships, hoping that they will give encouragement to them as the Society shall think proper, until the lands can be so far cultivated as to afford a sufficient support.”

A part of this correspondence has been preserved by the Society, and also in the Secretary of State's office, from whence an extract from it was officially transmitted to the Lieutenant Governor of Nova Scotia, on the 31st August, 1822.

Even if no reference were made to earlier correspondence between the Government and the Society, it would easily appear, that the contract of 1749, formed between the two, was intended to be, and in reality was, a guide for securing to the Church a property in all other settlements that should subsequently be formed. That the Society so understood the contract, after written and personal communication with the Lords of Trade, appears from the notice of these communications which may be found in the abstract of their proceedings, printed in 1749, where it is stated that the Society received this information with great pleasure, “and to help forward, as much as in them lay, the pious and laudable intentions of the Lords Commissioners for Trade and Plantations, they very cheerfully come to a resolution of providing Clergymen and Schoolmasters, to be sent to Nova Scotia as settlements should be formed and the occasions of the Colony should require.” The whole history of the Society's transactions in these Colonies affords complete evidence that they have acted upon this understanding from that early date to the present time.

Nor is it less evident, that the Government had the same understanding and intention, for these are apparent in the Instructions which were forwarded, from time to time, and were binding upon the Governors. The same encouragement offered in 1749 was continually repeated, and still forms a part of the instructions by which the Governors are bound at this day. It is reasonable to suppose, that some Instructions, referring to the contract of 1749, were forwarded at the time to the Governor of Nova Scotia; but there is great deficiency in the Records of this Province for that time, and none such can now be found; the earliest that have been preserved are those addressed to Governor Hopson, on the 7th of May, 1752. These plainly direct such provision of lands as has been named for Clergymen and Schoolmasters, without limiting it to the six Townships which were named to the Society in 1749.

I have already stated to your Grace, that all subsequent codes of Royal Instructions to the Governors direct similar provision, and for *all* Townships and Settlements that may be formed. So express were these Instructions, that when the Governor of Nova Scotia was restrained, in 1790, from issuing private grants of Land to individuals, the command to pass grants for Glebe and School Lands was still considered imperative, and the grants continued to pass until 1807, when the restriction upon ordinary grants was removed, and the only alteration of the Instructions respecting Glebe and School Lands required a larger quantity than formerly to be granted for both. In 1813, when the increased population of these Colonies, and the insufficient support for the Clergymen, induced the Society for the propagation of the Gospel to make an earnest appeal to the Government for an additional aid, the Parliamentary grant was enlarged, and the Government consented that a tenth part of all ungranted lands should be secured for the same purpose; and finally, when it was perceived, in 1826, that serious obstacles would be raised against the permanency of the Parliamentary grant, the Government spontaneously proposed, in letters from the Secretary of State to the Lieutenant Governors of Nova Scotia and New Brunswick, that *one seventh part* of all ungranted land should be set apart and secured for the use of the Church, in lieu of an annual grant of money from the British Parliament. It is therefore manifest that the Government and the Society had the same understanding of the contract of 1749, and that both have uniformly acted upon that understanding up to the year 1826.

An order of His Majesty in Council, dated August 26th, 1767, prepared for the separation of the Island of St. John (now Prince Edward Island) from the Province of Nova Scotia, and for its formation as a distinct Province. Royal Instructions were forwarded to the Governor of that Island, dated August 4th, 1769. These contain five Sections, of which I have the honor to inclose a copy; and I venture to request your Grace's particular attention to them, because I think their evidence must be deemed conclusive in the important matter on which I am now troubling your Grace.

If, my Lord, any doubt can remain, after reading these Instructions, which led to all the grants of land in Prince Edward Island—if any doubt can remain respecting the Religion, the Church and the Ministers intended by the government—if our holy religion, as named in these sections, can mean any other than the established religion of the Church of England—if it can be believed that any other than the Church of England, and any other Ministers than the ministers of that Church, were intended—if any other church could be interested in the Book of *Common Prayer*—if any other ministers could be connected with and under the jurisdiction of the Bishop of London, or could be required to form part of the several Vestries of the respective parishes—then, indeed, I will not require another moment of your Grace's valuable time to be given to the subject. But if the Church of England, and her Ministers only, were alluded to in these sections, then the sites for churches were intended for her churches only, and the Glebes were intended for her Ministers, and *none other*; nor, indeed, was a doubt of this even pretended, until within a few years, when those who have evil will towards the Church fondly hoped a favourable time had arrived for stripping her of property which had been uniformly supposed and acknowledged to belong to her.

The alienation of these lands was prayed for by the House of Assembly of Prince Edward Island, by Addresses to the Throne, in the year 1830 and 1832—but no reply was received; and a third Address was forwarded in 1834. This last Address produced an order from the Secretary of State, dated October 30th, 1834, to the Lieutenant Governor of the Island, to proceed to the sale of these lands; promising instructions for the investment of the proceeds in the Public Funds, and directions respecting the mode of appropriation.

To carry this order into effect, an Act of the Colonial Legislature was deemed necessary, and accordingly the Act I have named was passed, which not only provided for the sale of lands, as directed by the Secretary of State, but also for the *appropriation of the proceeds of the sales*, which was contrary to his directions. The only reason assigned by Mr. Spring Rice for directing the sale of lands was, 'that if left in their present unoccupied state, they must tend to obstruct the improvement of the Colony.'

It was therefore hoped that although the unoccupied state of 130 acres in each Township, composed of 20,000 acres, could have little influence in retarding the improvement of the Colony, the proceeds of the sales, when this objection was removed, would surely be applied to the original objects of the Reserves. The Act was passed with a suspending clause, because it went beyond the directions of the Secretary of State, and could not go into operation until specially confirmed by His Majesty. The friends of the church thought such confirmation would be withheld; but, to their disappointment, a Despatch from Lord Glenelg to the Acting Governor of the Island, dated April 27th, 1836, states, 'that this Act appears to have been

' passed in conformity with the wishes expressed in the Despatches of my predecessor, and that it has received His Majesty's special confirmation. The Address of the House of Assembly, in 1834, which appears to have been chiefly instrumental in procuring the consent of the Government to the alienation of these Reserves, urges as a principal reason for such alienation, that ' as no particular denomination is specified or referred to in the Grants, it is impossible to ascertain for what particular sect of Christians the aforesaid reservation was originally intended.'

The words in all the Grants are copied from the 25th Section of the Royal Instructions of 1769, as this section most probably was from the Order in Council of 1767. If these words were *alone* to be found in the Instructions, their intencion could neither be mistaken nor doubted by any person who was competent to ascertain their ordinary meaning at the time they were used; but when viewed in connection with the sections which immediately precede and follow them, it seems impossible that the most uninformed person can have any doubt of their plain object and intencion. No reference to these instructions, or to the Order in Council of 1767, appears to have been made; and, unhappily, to this must be attributed the passage of such an Act in the Island, and its confirmation in England. 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 the House of Assembly, what other grounds were alleged for the measure. I have memoranda of them all; but they are so weak, when set against the claim of the church, as supported by the Royal Instructions, that I could not be justified in occupying your Grace's time by the easy confutation of them, for they are really no more than as feathers in the scale. There is, however, one fact which deserves some notice, as indicative of the temper and feeling with which this extraordinary alienation of the property of the Church has been successfully urged.

The last and prevailing Address of the House of Assembly to the King was prompted or pressed by a Petition to the House from eight Ministers and Elders of the Presbytery of Prince Edward Island, who are dissenters from the Church of Scotland. This Petition is recorded in the Journals of the House of Assembly for 1834, which were in Downing Street, but, perhaps, overlooked when the Royal assent was given to the Act which followed the Petition.

It sets forth, ' that when the King ascended the Throne, he found the nation groaning under the intolerable burthen of the Established Church; and though he had not yet been able to free his subjects from the galling yoke—a yoke which cannot be borne much longer by freemen, &c.—That an established and state-endowed Church may accord with the views of ambitious Churchmen and Priest-ridden Princes, but is at variance with the Prince of Peace, whose Kingdom is not of the world, and is looked upon as a cruel imposition by all who respect the sacred rights of conscience, and who have correct ideas of Civil and Religious Liberty—that attempts have been made, and still are making, by Episcopalians, to seize upon all the Glebe Lands in the Island. The petitioners are not aware what valid reasons Episcopalians can assign for their grasping spirit—that were it but a solitary deed of plunder and rapacity now meditated by Episcopalians—a deed which would soon cease to be felt by the public—the Petitioners would not have intruded upon the attention of the House; but should they succeed in their unjust, not to say unchristian, attempt to appropriate 7,600 acres of land to themselves and their successors, the seeds of discord would be sown, which would not cease to produce an abundant harvest of pride and haughtiness on the one hand, and of hatred and envy on the other, till that Church which they are labouring to uphold by such unworthy means shall be overturned, *both root and branch.*' It must be wholly unnecessary to detain your Grace by a single observation upon the spirit and the words of such a paper. I will therefore only remark, that the Church of England is not only received in Nova Scotia and Prince Edward Island as a part of the British Constitution—so far as it is supported by Common Law—but has been formally established by special Statutes, enacted by the Legislatures of the two Colonies.

Praying that your Grace may be enabled to obtain reparation for the injury that has been inflicted (though, doubtless, most unintentionally inflicted,) by the advice which was offered to His Majesty, for the confirmation of the Act of the Legislature of Prince Edward Island, by which the Church in that Colony has been deprived of all the lands reserved for her benefit.

I have, &c.

(Signed)

JOHN NOVA SCOTIA.

His Grace the Archbishop of Canterbury.

Extract from the Royal Instructions to the Governor of Prince Edward, dated the 4th day of August, 1769.

"Sec. 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 a uniform and regular observance of these rights and duties which our Holy Religion requires; you will therefore give 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 Holyday—and the Blessed Sacrament administered according to the rites of the Church of England.

"Sec. 28.—You shall be careful that the Churches hereafter to be built within our said Island be well and orderly kept, and that beside 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 an 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 of August, 1767, hereinbefore referred to.

"Sec. 29.—You are not to prefer any Minister to any Ecclesiastical Benefice in that our Island, without a Certificate from the Right Rev. 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.

"Sec. 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.

"Sec. 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."

A true copy,

(Signed)

J. P. COLLINS,
Colonial Secretary.

Extract from Original Grant of Township No. 43, relative to the Reserve for Glebe and School Land.

"Also saving and reserving to His Majesty, his Heirs and Successors, One hundred Acres of the said land, for the site of a Church, and for a Minister of the Gospel, and Thirty Acres for a Schoolmaster."

A true extract,

(Signed)

J. P. COLLINS,
Colonial Secretary.

* All Grants to the Proprietors of Townships contain the same words.

(Signed)

J. N. S.

Extract from a letter of the Bishop of Nova Scotia, relating to Prince Edward Island.

"HALIFAX, May, 1837.

"Since I had the honor of writing to your Grace, on the 16th March, a few additional particulars have been made known to me, in reference to the alienated Glebes in Prince Edward Island.

"Many of these were under improving Leases, which the Clergy had been duly authorized to grant, and the sales were effected in subjection of these leases. This shows how unfounded the plea was which represented these lands as impediments to the improvement of the Island. On two of the glebes, Burial Places had long been used: and these, with their dead bodies, were sold with the rest, which aggravates the hardship of the case.

“ The Legislative Act which authorises the sale of the lands, provides that such moneys *as may arise by or from such sales shall be appropriated for the purpose of promoting general Education within this Island, in such manner and under such regulations as His Majesty, his Heirs or Successors, may hereafter be pleased to prescribe or command.*

“ It is, therefore, open to the Government to make some little restitution, by appropriating these moneys to Schools which may be established by the Society for the propagation of the gospel, whose Schools ever have promoted, and ever will promote, general Education among all denominations, with special regard to the poor.”

DOWNING STREET, 6th July, 1837.

My dear Lord;

I have to acknowledge your Grace's Letters of the 29th May, and 3d inst., on the subject of the Act of Assembly of Prince Edward Island, for the sale of the lands set apart in that Colony, as a Glebe and School Reserve.

It is with very sincere concern that I find that your Grace and the Bishop of Nova Scotia, as well as the Society for the propagation of the Gospel, are of opinion that the interests of the Church of England have been disregarded on this occasion. The following summary of what has occurred will, I trust, contribute to remove that impression.

The House of Assembly of Prince Edward Island, on three different occasions, solicited the concurrence of the Crown in the enactment of a Law which should authorize the sale of these lands. To the two first of these Addresses no answer appears to have been given. To the third, Mr. Spring Rice, then holding the office of Secretary of State, returned an answer, dated the 30th October, 1834, in which he observed that the lands, if left in their present unoccupied state, must tend to obstruct the welfare of the Colony, and therefore, without entering into the question of the appropriation of them, Mr. Spring Rice authorized the Lieutenant Governor 'to proceed to the sale of the Reserves at the earliest possible opportunity which could be obtained.' In the same Despatch, Mr. Spring Rice observed, that 'as soon as the amount should be realized and ascertained, directions would be given respecting the mode of appropriation.' These Instructions were written, not with reference to any Act to be passed by the Legislature, but on the assumption that the proposed sales take place under the authority of the Executive Government.

A Bill was, however, brought into the House of Assembly, to enable the Government to effect these sales, and to appropriate the produce 'to the general purposes of Education within the Island.' Intelligence of the pendency of some such measure in the Colonial Legislature reached the Society for the propagation of the Gospel; and on the 9th of March, 1835, the Society brought the subject under the notice of my immediate predecessor, the Earl of Aberdeen. In the answer, dated on the 27th March, 1835, which his Lordship directed his Under Secretary to return to the Society, it was stated, that his Lordship had no further information on the subject of the pending Bills, than was contained in Mr. Campbell's letter on the 9th of March; but it was observed, that 'should such Bills pass into Laws, and thus come before His Majesty in Council, for confirmation, it would be in the power of the Society, or the Bishop of Nova Scotia, to urge any objections which they might consider applicable to the Bills, as infringing upon the rights of the Church of England.' The Bill was actually passed on the 10th of April, 1835. It was not until the 28th of April, 1836, that it received the confirmation of his late Majesty in Council. During that interval, no objection to its provisions was brought under the consideration of His Majesty's Government, either by the Bishop of Nova Scotia, or by the Society for the propagation of the Gospel. After the preceding correspondence with the Society, in March, 1835, the acquiescence of that body, and of the Bishop of the Diocese, might not unreasonably, as it should seem, have been inferred from their silence. It now indeed, appears, that his Lordship entirely disapproved of the measure, as ultimately adopted, but your Grace's letter of May last contains the first intimation of that fact which has reached the office. In his letter of the 16th March, 1837, the Bishop of Nova Scotia has fully explained the grounds of his opinion that the land reserved for Churches, as well as those set apart for Glebes and for Schools, were the exclusive property of the Church of England. On the other hand, it appears, not only from the language of the Law itself, and from the

Addresses of the House of Assembly, but from his Lordship's letter, that the opposite opinion is entertained by both Houses of the local Legislature. The Bishop, it appears, discussed the whole subject with the Members of those bodies, in the summer of 1836. He reports that their arguments against the claims of the Church of England "are really no more than as feathers in the scale."

Your Grace will, I am sure, concur with me in thinking, that it is impossible for Her Majesty's Government to adopt this conclusion until the two Houses have had an opportunity of considering the Bishop's statement; and more especially, since it proceeds on a reference to Documents, many of which are not to be found in any of the public achives in this country. The Bishop of Nova Scotia assumes that the rights of the Church of England (admitting for the sake of argument the existence of those rights to the utmost extent,) have been finally taken away by the clause of appropriation introduced into the Act. More than a month subsequently to the date of his Lordship's letter, the Lieutenant Governor of the Province transmitted to me a Despatch, dated the 27th of April, 1837, inclosing an Address, dated the 20th of this month, from the House of Assembly to His late Majesty. In this Address, the House state, that the sales of the lands which had taken place amount to about £3,600 currency, and pray that this money may be placed at the disposal of the local Legislature, on condition that the annual payment of the legal interest, thus secured, should be applied exclusively towards the support and encouragement of elementary Schools throughout the Island. The Lieutenant Governor, in his Despatch transmitting the Address, gives his opinion that the money should, as proposed, be invested on the security of the Public Revenue of Prince Edward Island, but he advises that the annual interest should be applied to the general purposes of Education (to which purposes alone it is now applicable), according to such instructions as Her Majesty shall be pleased to issue.

Your Grace will thus perceive, that although the general principle has been determined, the specific appropriation of the interest of this fund is still the subject of discussion. I propose, with your concurrence, to transmit to the Lieutenant Governor a copy of your Grace's correspondence with me on this subject, and to acquaint him that Her Majesty's Assent will not be given to any Law for the specific appropriation of the interest of this Fund, until the Council and Assembly shall have had under their consideration the statements made by the Bishop of the Diocese, nor until Her Majesty shall be apprized of the view taken by the Assembly of his Lordship's reasonings and conclusions. The property which has remained altogether unproductive for so long a course of years, has by the sale been made to yield an annual income, which, though not of very great amount, is not unimportant. Thus far the parties, whoever they may be to whom the beneficial interest belonged, have been clearly benefited. If the local Legislature shall be convinced by the Bishop's arguments that the Lands were really held in trust for the Church of England, I am persuaded that in the specific appropriation of the annual interest they will respect the rights of that Church. In the mean time, the question will remain in abeyance.

I have, &c.

(Signed)

GLENELG.

His Grace the Archbishop of Canterbury.

Ordered, That the foregoing Message, with the Documents accompanying the same, do lie on the table.

On motion, *Ordered*, that the Order of the Day, for the House in Committee, on the Bill intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads,' be discharged, and that the same do stand the Order of the Day for to-morrow.

Adjourned until Twelve o'clock to-morrow

FRIDAY, February 23d, 1838.

The following Members of Council met, viz:

The Hon. Mr. Wright

The Hon. Mr. Smith.

Mr. Haviland,

Mr. Goodman.

Mr. Attorney General,

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

Adjourned until Twelve o'clock to-morrow.

SATURDAY, February 24th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. Mr. Wright,

The Hon. Mr. Smith,

Mr. Haviland,

Mr. Goodman.

Mr. Attorney General,

PRAYERS.

READ the proceedings of Thursday.

Mr. Attorney General informed the House that indisposition prevents Mr. Brecken from attending in his place.

Ordered, That Mr. Brecken's excuse be received.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled 'An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Ordered, That the said Bill do stand for a second reading on Monday next.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and public Roads.'

Mr. Haviland took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had made some progress therein, and they recommend that a Conference be desired with the House of Assembly, on the subject matter of the said Bill.

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 on Monday next, at Two o'clock.

Adjourned until Twelve o'clock on Monday next.

MONDAY, February 26th, 1838.

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. Smith*,
Mr. Goodman.

PRAYERS.

READ the proceedings of Saturday.

Pursuant to Order, the Bill intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws,' was read a second time.

On motion, that the said Bill be committed to a Committee of the whole House on Wednesday next,

It was moved, as an amendment, that the said Bill be committed to a Committee of the whole House on Monday next.

The question being put on the amendment, the House divided:

CONTENTS.

Colonel Lane,
Mr. Smith.

NON-CONTENTS.

The Chief Justice,
Mr. Wright,
Mr. Haviland,
Mr. Attorney General,
Mr. Goodman.

And it passed in the negative.

The question being put on the original motion, it passed in the affirmative.

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

Mr. President,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council on the Bill, intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads,'—and have appointed Mr. Palmer, Mr. M'Callum, Mr. James and Mr. Pope 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 this House.

Adjourned until Twelve o'clock to-morrow.

TUESDAY, February 27th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Smith*,

Colonel Lane,

Mr. Goodman.

Mr. Haviland,

Mr. Attorney General,

PRAYERS.

READ the proceedings of yesterday.

On motion, that *Mr. James D. Haszard*, Queen's Printer, be appointed to print the Journals of this House—

It was moved, as an amendment, in order that the business of the House may be conducted on the most economical principles, that Tenders be received for Printing the same.

The House divided on the question of amendment:

CONTENTS.

The Chief Justice,

Mr. Wright,

Colonel Lane,

Mr. Goodman.

NON-CONTENTS.

Mr. Haviland,

Mr. Attorney General,

Mr. Smith.

And it passed in the affirmative.

Ordered, That Tenders be received to-morrow, at noon, and that the Clerk do notify the different Printers thereof.

Ordered, That the Journals be printed daily, and Sixty copies thereof be printed.

Ordered, That *Mr. Wright* and *Colonel Lane* be a Committee to open and receive the Tenders, and to report thereon to the House.

Adjourned until One o'clock to-morrow.

WEDNESDAY, February 28th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

The Hon. *Mr. Goodman*.

Mr. Attorney General.

PRAYERS.

THERE not being a Quorum—

Adjourned until Twelve o'clock to-morrow.

THURSDAY, March 1st, 1838.

The following Members of Council met, viz:

The Hon. *Mr. Haviland*,

The Hon. *Mr. Smith*,

Mr. Attorney General,

Mr. Goodman.

THE President being unable to attend, owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

FRIDAY, March 2d, 1838.

The following Members of Council met, viz:

The Hon. *Mr. Attorney General*,

Mr. Smith.

THE President being unable to attend, owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock to-morrow.

SATURDAY, March 3d, 1838.

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.

READ the proceedings of Tuesday last.

Mr. Smith informed the House that indisposition prevents *Colonel Lane*, from attending in his place.

Ordered, That *Colonel Lane's* excuse be received.

A Message from the House of Assembly, by *Mr. James*, with a Bill intituled 'An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons'—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message—

Mr. President,

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

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

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room on Monday next, at Two o'clock.

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

Read a first time, the Bill intituled 'An Act to make provision for the payment of a portion of the expenses of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

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. Also, a list of Licensed Teachers in the Island, the number of Scholars examined by the Visiter, with the average number attending daily at the different Schools, as furnished by the Teachers—with the Books required for each School.

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

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

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 on Monday next.

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

Adjourned until Twelve o'clock on Monday next.

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## MONDAY, March 5th, 1838.

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 Saturday.

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

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, to consider the expediency of preparing a Joint Report, on the subject matter of the documents communicated to the Legislature by His Excellency the Lieutenant Governor, relative to the Act of the General Assembly of this Island, intituled 'An Act to authorize the sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands'—and have appointed Mr. Pope, Mr. Thornton, Mr. M'Callum and Mr. Clark, a Committee to manage the said Conference.

On motion, *Ordered*, that this House do agree to a Conference, as is desired by the House of Assembly.

*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.

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

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets and public Roads—having gone to the Conference, and returned, reported the substance thereof.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

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, without any amendment.

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

Adjourned until Twelve o'clock to-morrow

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TUESDAY, March 6th, 1838.

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.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled 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'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The Committee appointed to meet the Committee of the House of Assembly, to consider the expediency of preparing a Joint Report, on the subject matter of the Documents communicated to the Legislature by His Excellency the Lieutenant Governor, relative to the Act of the General Assembly of this Island, intituled 'An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands'—having gone to the Conference, and returned reported the substance thereof.

Resolved, That this House doth concur with the House of Assembly, in the expediency of preparing such Report.

Ordered, That *Mr. Haviland*, *Mr. Attorney General* and *Mr. Brecken* be a Committee to join a Committee of the House of Assembly, to prepare the same, with power to send for persons, papers and records.

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

On motion, the House resolved itself into a Committee of the whole, to resume the consideration of the Bill, intituled 'An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets and Public Roads.

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, with the following amendments:

Folio 3, line 8—After the word “shall,” insert “ride any Horse or.”

Same folio, line 15—After the word “hereafter,” insert the words “in meeting any other Horse, Gig, Chaise, Carriage, Waggon, Cart, Truck, Sleigh or Sled.”

Same folio, line 16—After the word “the,” strike out the words “centre of such Street or Road,” and insert the word “same.”

Same folio, line 18—After the word “side,” insert the words “in passing.”

Folio 4, line 8—Strike out from the word “and” to the word “Act,” inclusive.

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

Mr. *Smith*, by leave, presented a Petition from certain Inhabitants of this Island, praying that this House will withhold its sanction to the Bill to alter and amend the Election Laws.

Which being read—

On motion, that the said Petition be received;

It was moved, as an amendment, that the said Petition be received as the Petition of John W. Le Lacheur, John Anderson, W. Cooper, John Mackintosh, John Davis and George Coles, only, whose names are thereunto subscribed, and that the same do lie on the Table.

The Question being put on the amendment—

It passed in the affirmative.

On motion, *Ordered*, that Mr. *Smith* have leave to withdraw the said Petition.

Ordered, That there be a Call of the House on Friday next.

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, March 7th, 1838.

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.

READE the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Nelson, with a Bill, intituled 'An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat,'—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill intituled An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

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, without any amendment.

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

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.

Read a second time, the Bill intituled 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.'

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

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.

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.

Read a third time, and passed, the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and public Roads,' 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 regulating the several Gaols within this Island, and for establishing Prison Discipline therein.'

Mr. *Brecken* 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 by the Committee 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 make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

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

On motion, *Ordered*, that the Bill intituled 'An Act for the regulation of the Public Wharf of Georgetown,' be committed to a Committee of the whole House to-morrow.

Adjourned until One o'clock to-morrow.

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## THURSDAY, March 8th, 1838.

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.

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

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising on Friday next, do adjourn to Tuesday, the 20th inst.

Government House, March 8th, 1838.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill, intituled 'An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.'

*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.

*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.

Pursuant to Order, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act for the regulation of the Public Wharf of Georgetown.'

Mr. *Brecken* 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. *Brecken* and Mr. *Goodman* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at One o'clock.

Adjourned until Twelve o'clock to-morrow.

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## FRIDAY, March 9th, 1838.

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 Bill, intituled 'An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat.'

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.

A Message from the House of Assembly, by Mr. M'Callum, with a Bill, intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances'—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 Regulation of the Public Wharf of Georgetown,' and have appointed Mr. Thornton, Mr. James, Mr. M'Callum and Mr. Macdonald 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 this House.

Read a first time, the Bill intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

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

Mr. President,

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

*Ordered,* That this House do agree to a further Conference, as is desired by the House of Assembly.

*Ordered,* That the same Committee who managed the last Conference, 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.

Read a third time, and passed, the Bill, intituled 'An Act for the Regulation of the Public Wharf of Georgetown.'

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

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 having attended accordingly, His Excellency was pleased to give his assent to the following Bills, viz:

An Act to alter and amend an Act passed in the Sixth year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'

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.'

An Act to provide for the management of the Charlottetown Ferry, by the use of a Team Boat.

An Act for further continuing an Act passed in the Fifth year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to provide for the payment of Interest on Warrants, which are not paid at the Treasury on demand.'

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.

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.'

An Act for the regulation of the Public Wharf of Georgetown.

An Act to provide Salaries for Sub-Collectors of Customs, at the several Out-Ports therein mentioned.

An Act to make provision for the payment of a portion of the expense of maintaining Light Houses, and for the erection and maintenance of Buoys and Beacons.

The House of Assembly thereupon withdrew, and His Excellency was pleased to retire.



According to Order, the names were called over.

*Colonel Lane* absent from indisposition.

*Ordered*, That *Colonel Lane* be excused.

*Mr. Wright*, from the Committee appointed to receive and report on such Tenders as might be sent in for Printing the Journals of this House, reported as follows, viz:

That three Tenders have been sent in, one from Messrs. James B. Cooper and Co. offering to perform the work for Thirty Shillings, Currency, per sheet—the second from *Mr. John H. White*, offering to perform the work for Seven Shillings and Four-pence half-penny per page, or One Pound Nine Shillings and Six-pence for each half sheet of four pages; and the third from *Mr. James D. Haszard*, offering to perform the work for Thirty-two Shillings and Six-pence per sheet—which latter Tender *Mr. Haszard* has requested permission to amend, by reducing the price to One Pound Nine Shillings and Six-pence per sheet.

The House then went into the consideration of the several Tenders, when the following Resolution was submitted:

Whereas Tenders have been received for the Printing the Journals of this House, within the time limited by the Resolution thereof, from Messrs. Cooper and Co. at Thirty Shillings—*Mr. White*, at One Pound Nine Shillings and Sixpence—and *Mr. Haszard*, at One Pound Twelve Shillings and Six-pence per sheet—which latter Tender *Mr. Haszard*, subsequent to the time appointed for receiving the Tenders, but before the same were actually submitted to this House, offered to reduce to One Pound Nine Shillings and Six-pence: And whereas *Mr. Haszard* being Queen's Printer, and having hitherto Printed the Journals to the satisfaction of this House, and having made arrangements for continuing such Printing: Therefore Resolved, that the Tender of the said *Mr. Haszard* be accepted, at the reduced offer so made by him.

It was moved, as an amendment, that the House do come to the following Resolution:

*Resolved*, That the Tender of *John H. White*, Printer, being the lowest Tender for Printing the Journals, received in conformity to the Resolution of this House, be accepted.

The House divided on the question of amendment:

CONTENTS.

*Mr. Attorney General*,

*Mr. Goodman*.

NON-CONTENTS.

*The Chief Justice*,

*Mr. Wright*,

*Mr. Haviland*,

*Mr. Brecken*,

*Mr. Smith*.

And it passed in the negative.

The Question being put on the original Resolution, the House divided:

CONTENTS.

*The Chief Justice*,

*Mr. Haviland*,

*Mr. Brecken*,

*Mr. Smith*.

NON-CONTENTS.

*Mr. Wright*,

*Mr. Attorney General*,

*Mr. Goodman*.

And it passed in the affirmative.

Mr. *Brecken* gives notice, that he will on Tuesday the 20th instant move, that the 13th Standing Order of this House be rescinded, and that the following Rules be added to the Standing Orders, viz:

That an Order Book be kept by the Clerk. in which Members desirous of introducing any subject to the consideration of the House, unconnected with any measure actually in progress, shall be required to enter notice thereof, specifying the day on which the same shall be brought forward, giving at least One Day's notice.—Not to extend to questions of privilege.

That any motion, with leave of this House, may be withdrawn at any time before amendment or decision.

Ordered, That Mr. *Wright* and Mr. *Goodman* have leave to absent themselves for Three Weeks, from Monday next.

Adjourned until Tuesday the 20th instant, at Twelve o'clock.

## TUESDAY, March 20th, 1838.

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 Friday, the 9th instant.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty, on the lamented death of our late Most Gracious Sovereign; and congratulating Her Majesty upon her accession to the Throne of her ancestors; presented the draught of an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN;

We your Majesty's dutiful and faithful subjects, the Council and Assembly of Prince Edward Island, humbly beg leave to approach the Throne, to express to your Majesty those feelings of heartfelt sorrow with which the intelligence of the decease of our late Most Gracious and beloved Sovereign King William the Fourth, of blessed memory, filled all classes of his loving subjects in this portion of his dominions; and whilst we lament the loss which the Nation has sustained, by the death of a Monarch, whose beneficial endeavours to ameliorate the condition of his subjects will ever live in the remembrance of a grateful and loyal people, we sincerely condole with your Majesty on that dispensation of Divine Providence which has deprived your Majesty of so near and beloved a relation.

To the nation at large it must prove a source of grateful satisfaction, that its destinies are continued to be swayed by a descendant of that illustrious family under whose auspices it has reached that proud eminence which it now maintains among the nations of the world.

We humbly tender to your Majesty our sincere congratulations upon your accession to the Throne of these realms; and we trust that the cherished memory of your Royal Parent, by whose honored name this Colony has been distinguished, will not lessen that interest for its inhabitants which we are convinced your Majesty entertains for all classes of your subjects, however distant from the Parent state.

We fervently hope that your Majesty's reign may be long, prosperous and happy; and we humbly beg to assure your Majesty, that there exists no greater devotion to your Majesty's Royal Person and Government in any portion of your widely extended dominions, that is cherished by your Majesty's loyal and devoted subjects, the inhabitants of Prince Edward Island.

On motion, the said Address was agreed to, and ordered to be engrossed.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit the foregoing Address to Her Majesty's Ministers, for the purpose of being laid at the foot of the Throne.

*Ordered*, That Mr. Brecken and Mr. Smith do compose the said Committee.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

*Resolved*, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to acquaint them, whether any reply has been received to the Joint Address of the Council and Assembly, presented to Sir John Harvey, and dated the 31st day of March, 1837, relative to the procuring, for the use of the Legislature, copies of the State Records, together with the Printed Journals of the Houses of Lords and Commons, including their Standing Orders.

*Ordered*, That Mr. Brecken and Mr. Smith be a Committee on the part of this House to prepare the said Address.

*Ordered*, That a copy of the foregoing Resolution be communicated by Message to the House of Assembly.

In pursuance of notice given, on motion of Mr. Brecken, *Ordered*, that the Thirteenth Standing Order of this House be rescinded.

On motion, *Ordered*, that the following Rules be added to the Standing Orders, viz:

That an Order Book be kept by the Clerk, in which Members desirous of introducing any subject to the consideration of the House, unconnected with any measure actually in progress, shall be required to enter notice thereof, specifying the day on which the same shall be brought forward, giving at least One Day's notice—not to extend to questions of privilege.

That any motion, with leave of this House, may be withdrawn at any time before amendment or decision.

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, March 21st, 1838.

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.

Read a second time, the Bill intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

The President gave notice of his intention to move for leave to bring in a Bill to amend an Act intituled 'An Act to regulate and establish the times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period.'

On motion, the House resolved itself into a Committee of the whole, on the Bill intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

*Mr. Brecken* 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, without any amendment.

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

Adjourned until Twelve o'clock to-morrow

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## THURSDAY, March 22d, 1838.

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.

Read a third time, and passed, the Bill, intituled 'An Act to prevent the Streets and Squares of Charlottetown being incumbered with Nuisances.'

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

The President, in pursuance of notice given, moved for leave to bring in a Bill 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 Michælmass Term of the said Court in Queen's County, a Term for the trial of Issues, for a limited period.'

Leave being granted, the said Bill was brought in, and read a first time.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill, intituled 'An Act for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.'

Mr. Brecken 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.

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

In the House of Assembly,

Thursday, 22d March, 1838.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Ministers, the Joint Address of the Council and Assembly to Her Majesty, on the lamented death of our late Most Gracious Sovereign, and congratulating Her Majesty upon her accession to the Throne, for the purpose of being laid at the foot of the Throne.

*Ordered*, That Mr. Pope, Mr. Palmer, Mr. M'Callum, Mr. Ramsay, Mr. Clark and Mr. James do compose the said Committee.

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

And also—

In the House of Assembly,

Thursday, 22d March, 1838.

*Resolved*, That a Committee be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to acquaint them whether any reply has been received to the Joint Address of the Council and Assembly, presented to His Excellency Sir John Harvey, and dated the 31st day of March last, relative to the procuring, for the use of the Legislature, copies of the State Records, and the printed Journals of the Houses of Lords and Commons.

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

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

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Bill for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.

Mr. *Brecken* 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 several amendments.

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

Adjourned until Twelve o'clock to-morrow.

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## FRIDAY, March 23d, 1838.

The Council met, pursuant to adjournment.

### PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken*.

*Mr. Haviland*,

*Mr. Attorney General*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

Read a second time, the Bill 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 Michælmass Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period.'

*Ordered*, That the said Bill be engrossed.

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

A Bill, intituled 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, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army, and their Quarters.'

A Bill, intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the increase of the Revenue of this Island.'

Also—

Mr. President,

The House of Assembly have agreed to the amendments made by the Legislative Council to the Bill intituled 'An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets and Public Roads.'

Also, with the following written Message—

In the House of Assembly,

Thursday, 22d March, 1838.

*Resolved*, That a Committee be appointed to join a Committee of the Legislative Council, to prepare a joint Report on the subject matter of certain documents communicated to the Legislature by His Excellency the Lieutenant Governor, relative to the Act of the General Assembly of this Island, intituled 'An Act to authorize the Sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands'—with power to send for persons, papers and records.

*Ordered*, That Mr. Pope, Mr. M'Callum, Mr. Clark, Mr. Ramsay, Mr. Palmer and Mr. Douse do compose the said Committee.

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

Read a first time, the following Bills, viz:

A Bill, intituled An Act to reduce the Penalty imposed on certain offences, by an Act of the Imperial Parliament, passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.'

A Bill, intituled An Act to continue for one Year, and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island.'

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, March 24th, 1838.

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.

Read a third time, and passed, the Bill intituled 'An Act for regulating the several Gaols within this Island, and for establishing Prison Discipline therein.'

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

Read a second time, the Bill intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island.'

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

*Colonel Lane* 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. Attorney General* and *Mr. Smith* be a Committee to manage the said Conference, to meet in the Committee Room, on Wednesday next, at Two o'clock.

Read a second time, the Bill, intituled 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, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.'

*Mr. Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Ministers the Joint Address of the Council and Assembly to Her Majesty, upon the lamented death of our late Most Gracious Sovereign, and congratulating Her Majesty upon Her accession to the Throne of her ancestors, for the purpose of being laid at the foot of the Throne, presented to the House the draft of an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

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

May it please your Excellency;

We Her Majesty's dutiful and loyal subjects, the Council and Assembly of Prince Edward Island, having agreed to an Address of condolence to Her Majesty, on the demise of our late beloved Sovereign King William the Fourth, of blessed memory, and of congratulation on the accession of Her Most Gracious Majesty to the Throne of these Realms, humbly request that your Excellency will be pleased to transmit the same, for the purpose of being laid at the foot of the Throne.

On motion, the said Address was agreed to, and ordered to be engrossed.

*Mr. Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to acquaint them whether any reply has been received to the Joint Address of the Council and Assembly, presented to His Excellency Sir John Harvey, and dated the 31st of March last, relative to the procuring for the use of the Legislature, copies of the State Records, and printed Journals of the Houses of Lords and Commons, reported the draft of an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

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

May it please your Excellency;

The Council and Assembly having, at their last Session, presented an Address to His Excellency Sir John Harvey, praying that he would be pleased to use his influence to obtain, for the use of the Legislature of this



Island. copies of the State Records of the Imperial Government, together with copies of the Journals of the Imperial Parliament, including their Standing Orders, respectfully request that your Excellency will be pleased to acquaint them whether any reply has been received to their Address.

On motion, the said Address was agreed to, and ordered to be engrossed.

Adjourned until Twelve o'clock on Monday next.

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MONDAY, March 26th, 1838.

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.

READ the proceedings of Saturday.

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

In the House of Assembly,

Monday, 26th March, 1838.

Resolved, That a Committee be appointed to join a Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor, with the Joint Address, praying to be informed whether any answer has been received to the Address of the Council and Assembly of last Session, relative to procuring copies of the State Records, and the Journals of the Imperial Parliament, for the use of the Legislature of this Island.

Ordered, That Mr. Palmer, Mr. Green, Mr. Clark and Mr. James do compose the said Committee.

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

And also—

In the House of Assembly,

Monday, 26th March, 1838.

Resolved, That a Committee be appointed to join a Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying that he will be pleased to transmit to Her Majesty's Ministers the Address of the Council and Assembly to Her Majesty, on the demise of His late Majesty King William the Fourth, and on Her Majesty's accession to the Throne.

Ordered, That Mr. Pope, Mr. Palmer, Mr. M'Callum, Mr. Ramsay, Mr. Clark and Mr. James do compose the said Committee.

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

Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying that he will be pleased to transmit to Her Majesty's Ministers the Address of the Council and Assembly to Her Majesty, on the demise of His late Majesty King William the Fourth, and on Her Majesty's accession to the Throne.

Ordered, That Mr. *Brecken* and Mr. *Smith* do compose the said Committee.

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

Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying to be informed whether any answer has been received to the Address of the Council and Assembly of last Session, relative to procuring copies of the State Records, and the Journals of the Imperial Parliament, for the use of the Legislature of this Island.

Ordered, That Mr. *Brecken* and Mr. *Smith* do compose the said Committee.

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

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with the Address of both Houses to Her Majesty, on the demise of our late most gracious Sovereign, and to Her Majesty upon her accession to the Throne, reported the delivery thereof.

Mr. *Brecken*, from the Joint Committee appointed to wait upon His Excellency the Lieutenant Governor with the Joint Address of both Houses, praying to be informed whether any answer has been received to the Address of the Council and Assembly of last Session, relative to procuring copies of the State Records, and the Journals of the Imperial Parliament, for the use of the Legislature, reported, that they had waited on His Excellency, who was pleased to say, that he had received a Despatch from Lord Glenelg on the subject, which he would communicate to the House.

Read a third time, and passed, the Bill intituled 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, intituled 'An Act for punishing Mutiny and Desertion, and for the better payment of the Army, and their Quarters.'

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

Adjourned until Twelve o'clock to-morrow.

TUESDAY, March 27th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

Mr. Brecken,

Mr. Smith.

THERE not being a Quorum—

Adjourned until Twelve o'clock to-morrow

WEDNESDAY, March 28th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Colonel Lane*,

The Hon. *Mr. Brecken.*

Mr. Haviland,

Mr. Attorney General,

PRAYERS.

READ the proceedings of Monday last.

A Message from the House of Assembly, by Mr. Palmer, with a Bill intituled 'An Act to amend the Act for preventing Persons indecently Bathing in the Waters contiguous to 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 to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island'—and have appointed Mr. Thornton, Mr. McCallum, Mr. Pope and Mr. Clark 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 this House.

Read a first time, the Bill intituled 'An Act to amend the Act for preventing Persons indecently Bathing in the Waters contiguous to Charlottetown.'

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

A Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned.'

A Bill intituled 'An Act relating to the Office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.'

Also, with the Bill intituled 'An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein,' passed with an amendment, to which they desire the concurrence of the Legislative Council.

Read a first time, the Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned.'

Also—

The Bill intituled 'An Act relating to the office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.'

On motion, the amendment made by the House of Assembly to the Bill intituled 'An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein,' was read a first time, and is as followeth:

Folio 3, line 5—Strike out from the letter "A," to the word "Prisons," in line 7, both inclusive, and insert —"The Sheriff of any County, on the recommendation of the visiting Magistrates, shall appoint a Matron for the Jail of the said County, when and as often as such a person shall be required, whose duty it shall be, constantly to superintend the female Prisoners; and the said Sheriff and visiting Magistrates shall fix and determine the amount of Salary or allowance to be paid to such Matron."

Adjourned until Twelve o'clock to-morrow.

THURSDAY, March 29th, 1838.

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.

READ the proceedings of yesterday.

Read a third time, and passed, the Bill intituled 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 Michælmás Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period.'

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

Adjourned until Twelve o'clock to-morrow.

FRIDAY, March 30th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,
Colonel Lane,

The Hon. *Mr. Brecken*.
Mr. Smith.

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thornton, with a Bill intituled 'An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose'—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

Mr. President,

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

Ordered, That this House do agree to a further Conference, as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room on Tuesday next, at Two o'clock.

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

Read a first time, the Bill intituled 'An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose.'

Read a second time, the amendments made by the House of Assembly to the Bill intituled 'An Act for regulating the several Gaols within this Island, and establishing Prison Discipline therein.'

On motion, the said amendment was read a third time, and agreed to.

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

Adjourned until Twelve o'clock to-morrow.

SATURDAY, March 31st, 1838.

The following Members of Council met, viz:

The HON. *Colonel Lane,*

Mr. Haviland,

Mr. Attorney General,

The HON. *Mr. Brecken,*

Mr. Smith.

THE President being unable to attend, owing to the state of the Roads, the Council could not proceed to business.

Adjourned until Twelve o'clock on Monday next.

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MONDAY, April 2d, 1838.

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 Friday last.

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 a Despatch from the Right Honorable Lord Glenelg, informing him that Her Majesty's Government have had much pleasure in directing the several Departments to transmit, for the use of the two Branches of the Legislature of this Island, Copies of the Journals of the Houses of Lords and Commons, and of the Records published by the Record Commission.

Government House, March 1838.

[COPY.]

No. 23.

DOWNING STREET. 6th January, 1838.

SIR.

With reference to the Address from the Council and Assembly of Prince Edward Island, inclosed in Sir John Harvey's Despatch of the 1st April last, No. 25, I have to inform you, that Her Majesty's Government have had much pleasure in directing the several Departments to transmit to Prince Edward Island, for the use of the two Branches of the Legislature, Copies of the Journals of the Houses of Lords and Commons, and of the Re-

ords published by the Record Commission. As, however, these Documents are of great bulk, it will not be possible to forward them to the Colony until the departure from the Port of London of some Vessel bound for Charlottetown.

I have, &c.

(Signed)

GLENELG.

Lt. Governor Sir C. A. Fitz Roy, K. H.

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, inclosing an Order passed by Her Majesty in Council, on the 23d January last, leaving to their operation various Acts passed by the Legislature of this Island during their last Session.

Government House, March, 1838.

[COPY.]

No. 24.

DOWNING STREET, 6th February, 1838.

SIR,

I have the honor to transmit to you an Order passed by Her Majesty in Council on the 23d ultimo, leaving to their operation various Acts passed by the Legislature of Prince Edward Island during their last Session.

In leaving the Act. No. 482, for increasing the Island Revenue, to its operation, I think it right to observe, that by the Act of Parliament, 3d & 4th Will. 4, cap. 59, Sec. 11, it is directed, that Colonial Duties shall be deducted from those which that Act imposes, and which apply only to Foreign Goods. The Island Act contains a Clause, in which it is provided, that, in respect of the Duties it levies, this deduction shall not be made. If this provision be effectual to its purpose, I have no objection to make, because, as these duties are applicable to both British and Foreign Goods, the relations between the two will not be altered, if both are subjected to the charge. But, if it shall appear that the Act of Parliament cannot be so affected, the remedy must be applied by Parliament for this and all similar cases, to prevent the Acts of Colonial Legislatures from operating in a manner repugnant to the spirit of the British Laws.

I have, &c.

(Signed)

GLENELG.

AT THE COURT AT BUCKINGHAM PALACE, THE 23D OF JANUARY, 1838.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord Chancellor,
Lord President,
Lord Privy Seal,
Lord Steward,
Lord Chamberlain,
Earl of Albemarle,
Lord John Russel,

Viscount Palmerston,
Viscount Melbourne,
Viscount Howick,
Lord Holland,
Lord Hill,
Lord Glenelg,
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, 1837, pass Five Acts, which have been transmitted, entitled as follows, viz:

No. 457—" An Act relating to Merchant Seamen of this Island."

No. 461—" An Act for regulating the Herring and Alewives Fisheries."

No. 462—" An Act to incorporate the Steam Mill Company of Charlottetown."

No. 473—" An Act to regulate the duties and charges of Pilots, and to repeal the Acts formerly passed for that purpose."

No. 482—" An Act for the increase of the Revenue of this Island."

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)

W. L. BATHURST.

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

A Message from the House of Assembly, by Mr. Pope, with a Bill intituled 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 Michælmass Term of the said Court in Queen's County a Term for the trial of Issues, for a limited period'—agreed to, with amendments, to which they desire the concurrence of the Legislative Council.

On motion, the said amendments were read a first time, and are as follow:

Folio 2, line 15—Strike out the word "last," and insert the word "first."

Folio 3, first line—Strike out the word "September," and insert the word "October."

Adjourned until Twelve o'clock to-morrow

TUESDAY, April 3d, 1838.

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.

READ the proceedings of yesterday.

Read a second time, the amendments made by the House of Assembly, to the Bill intituled 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 Michælmass Term of the said Court in Queen's County, a Term for the trial of Issues, for a limited period.

On motion, the said amendments were read a third time.

Ordered, That this House do agree to the said amendments.

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

Read a second time, the Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned.

On motion, the House resolved itself into a Committee of the whole on the said Bill.

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 that they had come to the following Resolution, which they recommend to the adoption of the House, viz:

Resolved, That owing to the advanced period of the Session, it is the opinion of this Committee, that sufficient attention cannot be devoted to the consideration of the Bill intituled 'An Act to regulate the practice of the Court of Chancery, in certain cases therein mentioned,' and they therefore recommend that the further consideration of the said Bill be deferred until this day three months.

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

The Committee appointed to meet the Committee of the House of Assembly, on the Bill intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island,' having gone to the Conference, and returned, reported the substance thereof.

Read a third time, and passed, the Bill intituled An Act to continue for One Year, and to amend an Act passed in the Seventh year of His late Majesty's Reign, intituled 'An Act for the Increase of the Revenue of this Island.'

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

Read a second time, the amendment made by the House of Assembly, to the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors.'

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

Mr. *Haviland* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone into the consideration of the said amendments, and that they had disagreed to the same.

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

On motion, *Ordered*, That a Conference be desired with the House of Assembly on the subject matter of the said amendments.

Ordered, That Mr. *Haviland* and Mr. *Breckn* 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. *Pope*, with the following Bills, to which they desire the concurrence of the Legislative Council, viz:

A Bill intituled 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.

Also—

A Bill intituled 'An Act for appropriating certain monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and thirty-eight.'

Read the said Bills a first time.

Mr. *Haviland*, from the Joint Committee of the Council and Assembly, to whom was referred His Excellency the Lieutenant Governor's Message of the 29th day of January last, communicating to both Houses, copy of a Despatch received from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 29th day of September, 1837, transmitting copy of a Memorial from the Proprietors of Land, and others interested in the prosperity of Prince Edward Island, protesting against the Royal Assent being given to the Act of the Legislature of Prince Edward Island, for levying an Assessment on all Lands in the Island, and demanding an opportunity of stating and supporting their objections to it by their Counsel, before the Judicial Committee of the Privy Council; also, copy of letter, addressed to His Lordship by Mr. Waller, Secretary to certain individuals styling themselves "The Prince Edward Island Association;" together with a letter from Mr. Henry Hill, containing a paper of observations on the Act; and His Lordship having in the said Despatch invited the Council and Assembly to furnish such statements as they may think necessary, for the assistance of the Queen in Council, in deliberating on the question, which awaits Her Majesty's decision—presented to the House a Report, as prepared by the said Joint Committee, and the same was read, and is as follows, viz:

REPORT of the Joint Committee of the Council and Assembly, upon His Excellency the Lieutenant Governor's Message of the 29th day of January, 1838.

The Joint Committee of the Legislative Council and Assembly, to whom was referred His Excellency the Lieutenant Governor's Message of the 29th day of January last, communicating to both Houses copy of a Despatch received from the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, dated 29th day of September, 1837, transmitting copy of a Memorial from the Proprietors of Land, and others interested in the prosperity of Prince Edward Island, protesting against the Royal Assent being given to the Act of the Legislature of Prince Edward Island, for levying an Assessment on all Lands in the Island, and demanding an opportunity of stating and supporting their objections to it by their Counsel, before the Judicial Committee of the Privy Council; also copy of a letter addressed to His Lordship by Mr. Waller, Secretary to certain Individuals styling themselves "The Prince Edward Island Association;" together with a letter from Mr. Henry R. Hill, containing a paper of observations on the Act; and his Lordship having in the said Despatch invited the Council and Assembly to furnish such statements as they may think necessary, for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision—

REPORT:

THAT whilst your Committee fully recognize the right of Individuals to oppose any measure in progress before either branch of the Colonial Legislature, wherein they may deem their personal interests affected, they feel themselves called upon to express their surprise and regret, that the *ex-parte* statements or representations of any class or description of persons should be considered of sufficient importance to stay the operation of any Law which has received the deliberate sanction of the three Branches of the Local Legislature; but more especially, in the present instance, that a self-constituted body or association, so far removed from the Colony, and so totally unacquainted with its local circumstances, as the individuals styling themselves "The Prince Edward Island Association"—a combination of persons representing but a limited portion of the Proprietors of Land in this Colony, whose policy has hitherto been to forego present advantage for the prospect of future gain, at the expense of the resident Colonists—should be allowed to have the power of suspending the operation of an Act for raising a Supply, constitutionally given and granted to the

Sovereign, for the support of the Local Government—an interference, which, if countenanced, may be attended with the most prejudicial effects, as it will be found impossible to determine where such interference is to end, the apportioning of the public burthens, in all cases, of right, belonging exclusively to the local Legislature; and your Committee contend, that the Act in question was passed in strict accordance with the principle recommended by the Right Honorable Lord Stanley, late Secretary of State for the Colonies, who, in his Despatch, dated the 23th May, 1834, addressed to the then Administrator of the Government of this Island, observes—‘ I admit the policy and the justice of making the owners of the land contribute largely to the internal expenses of the Colony; and while I concur with the reasons which led my predecessors to object to escheating for non-performance of impracticable conditions of settlement, I am decidedly of opinion, that a Tax, *in the nature of a penal assessment upon non-cultivation, is, under the circumstances of Prince Edward Island, a measure at once just and politic;*’ and also recognized in the Right Honorable Lord Glenelg’s Despatch of the 7th April, 1836, addressed to Mr. President Wright, which states, ‘ that it has been found by experience, that among the most serious of the evils connected with the administration of the Crown Estate in the North American Colonies, were those resulting from the acquisition of land in large masses, by individuals whose object it was, not to cultivate it, but to retain it in its wilderness state, until, by the improvement of the vicinity, it should acquire an increased value;’ and again, in his Lordship’s Despatch of the 10th August, 1836, addressed to His Excellency Sir John Harvey, in reply to an Address to the Throne, from the House of Assembly, praying for the establishment of a Court of Escheat, it is stated as follows: ‘ But although the Ministers of the Crown cannot take on themselves to sanction the proceedings which the Assembly point out, they are, nevertheless, fully alive to the serious injury which is caused to the Island by the want of a sufficient number of settlers. Gifted with a soil of unusual fertility, and possessing every advantage of climate and geographical position, the advancement of Prince Edward Island has hitherto been delayed by the inadequacy of its population. In other of the British Provinces in North America, and more especially in Upper Canada, a similar inconvenience, although not to so great a degree, was heretofore found to exist, and various measures were tried for its remedy—amongst these was the assessment of a tax on all granted lands of every description—but a difficulty having arisen in the recovery of this Assessment, an Act was passed by the Provincial Legislature in 1825 to authorize the sale, in satisfaction of the Debt to the Public, of a sufficient portion of any land on which the tax should be eight years in arrear. The measure, thus supported, has been found effectually to meet the object in view; and I cannot but believe that a system of a similar nature might be adopted with equally good effect in Prince Edward Island. I have therefore to desire, that in communicating to the Assembly His Majesty’s reply to their Address of the 9th April, you will suggest to them the expediency of introducing into Prince Edward Island the policy adopted in Upper Canada. I inclose a copy of the Act passed in that Province in the year 1825, as an assistance to the deliberations of the Legislature of Prince Edward Island.’

Your Committee would here observe, that the monopoly of Land, for the purpose of benefiting at a future period, by the improvements of land in the vicinity, reprobated in the several Despatches quoted, is most extensively and prejudicially acted upon in this Island, where it can be shewn, that 320,000 acres, comprising nearly one-fourth of the area of the whole Colony, are possessed by four individuals, viz: Messrs. David Stewart, Lawrence Sullivan, John Hill, and Charles Worrell; three of whom have not hitherto encouraged the settlement of this extensive property, either by lease or sale, and the fourth, Mr. Worrell, generally limits the duration of his leases of wilderness lands to forty years, reserving a rent of almost double the amount commonly charged by the more liberal proprietors.

Your Committee would next advert to the objections urged against the Land Assessment Act in the Memorial. The Memorialists, in the first place, assert, that ‘ if the Act in question be permitted to go into operation, by receiving the Royal Allowance, it will repudiate the Despatch from Earl Ripon, dated 27th January, 1833, specifying the terms on which proprietors of land in the Colony can redeem the Quit Rents issuing from their lands, and the arrangements entered into under them by the said proprietors for redeeming the Quit Rents on their Lands.’ The Committee are at a loss to perceive the analogy between a local assessment, and the redemption of Her Majesty’s Quit Rents; the former being a tax to be expended solely in the improvement of the Colony, and the latter a release from the conditions upon which the original proprietors obtained their grants, not only as regards the Quit Rents due to Her Majesty, but also from the

terms of settlement—which terms and conditions were voluntarily assumed and taken upon themselves by the original grantees, on obtaining beneficial grants of large tracts of land from the Crown. It does not, however, appear, that any of the proprietors have *yet* availed themselves of the terms offered by Earl Ripon, in the Despatch alluded to, for the redemption of their Quit Rents. And lest it may be presumed that this Colony has hitherto benefited by the collection of Her Majesty's Quit Rents, your Committee would bring under the notice of your Honorable Houses the fact, that of the immense accumulation of Quit Rents which, from time to time, have become due and payable to His late Majesty and His Royal predecessors, *one shilling has never been expended in the local improvement of the Colony.*

The Land Assessment Act of the 2d Will. 4, cap. 7, referred to by Memorialists, which levied Two Shillings, Currency, upon 100 acres of land, and which will expire at the termination of the present Session, may be justly considered as a boon conferred upon the Proprietors, rather than a tax imposed on them, inasmuch as a lesser tax is substituted for a greater—the Quit Rent, from which the Proprietor is relieved during the continuance of that Act, exceeding the amount paid under the Land Assessment Act by one half, at the present rate of Exchange—Two Shillings, Sterling, the Quit Rent payable on One hundred Acres of Land, being equal to Three Shillings Currency—besides which, the Quit Rents would have been at the absolute disposal of the Crown, whilst the amount levied under the Land Assessment Act *has been expended solely in the improvement of the Island*, and thus tended most materially to advance the value of the lands of the Memorialists.

The Memorialists would also seem to attach peculiar importance to the Upper Canada Act of the 59th Geo. 3, cap. 7, by which the maximum tax upon wilderness lands in that Province is fixed at One Shilling and Eight-pence per 100 acres, and the same tax upon cultivated Lands, at Eight Shillings and Fourpence per 100 acres.

Your Committee here deem it incumbent upon them to shew the very wide distinction to be drawn between the circumstances of Upper Canada and this Island, with respect to the original disposition of the Crown Lands in the two Provinces, as well as their present relative condition, and to explain the object which induced the Colonial Legislature here to fix the higher rate of Tax upon wilderness lands. In the Province of Upper Canada, grants of land issued from the Crown in fee, to actual Settlers, with no other condition attached to them, as your Committee believe, than that of settlement. Thus encouraged, men of capital and enterprise were induced to resort there, and the present flourishing state of that Province has been the natural consequence; but, unfortunately for the prosperity of this Colony, *its whole surface was granted away in one day, in tracts of 20,000 acres each, to a limited number of influential individuals, mostly residing in the Mother Country*—‘the Grantees undertaking to pay a Quit Rent to the Crown, varying from Two to Six Shillings, Sterling, per 100 acres, and to settle their lands, within Ten years from the date of their respective Grants, with Protestant Settlers, in the proportion of one person to every Two hundred acres—‘the said Protestant Settlers to be introduced from such parts of Europe as were not within His Majesty's dominions, or to be such persons as had resided within His Majesty's dominions of America two years antecedent to the date of such grants.’ Many of the Grantees, finding it difficult to comply with the terms so voluntarily entered into with the Crown, were induced to alienate their grants to land monopolists, and others, for an almost nominal consideration; and a great proportion of those persons—speculating upon the forbearance of the Government, and the increased value which would hereafter be given to their property by the improvement of the adjoining land, incidental to the natural increase of the population, and the exertions made by a few of the Grantees and others to encourage settlement—suffered immense tracts of land to continue in their wilderness state, not only using no effort themselves toward their improvement, but refusing encouragement to persons who were willing to form settlements upon them.

Aided by the influence of the few Grantees, or their immediate descendants, who retained possession of their original grants, these persons succeeded in evading the payment of very large arrears of Quit Rent, which from time to time became due to the Crown, as well as the condition of settlement, until the year 1818, when they prevailed upon the Imperial Government to remit all the arrears of Quit Rent then due—to reduce the maximum amount to be paid in future to Two Shillings, Sterling, per One hundred acres—to grant them a further indulgence of ten years for the settlement of their lands, to be computed from December, 1816, and to relieve them from the condition imposed by the several grants with reference to Foreign Protestants.

At the expiration of this period, in the year 1826, little or no progress had been made in the improvement of these lands—in illustration of which fact, your Committee need only refer to Townships Numbers 2, 4, 5, and 6, the property referred to by Mr. H. R. Hill; and, although this property embraces an area of 80,000 acres, situated in one of the most eligible parts of the Island, both for settlement and commerce, your Committee have authority for stating, that it does not contain more than one family possessing any title to the soil beyond the will of the owner; and there are several other extensive tracts in the Colony which are similarly circumstanced. These lands, in consequence of the settlement of other lands in the neighbourhood, and the large outlay of public money, from a revenue exclusively derived from the resident population, which had been expended in running and opening Roads through them, and in constructing Bridges, acquired a greatly increased value, and at no cost whatever to the Proprietors, for they still continue to evade the payment of their Quit Rents. The repeated indulgences which those Proprietors received at the hands of the Crown induced other land speculators, of similar views, to embark their capital in the purchase of large tracts of land in the Colony; and the baneful influence which such description of persons exercised upon the prosperity of the Colony, not only in retarding its settlement, but also in frustrating almost every public measure calculated to promote its advancement, became so serious an evil, that, in order to compel these monopolists to settle their lands, or to relinquish them to the Crown, the House of Assembly, in the Session of 1832, addressed the then Administrator of the Government, for the establishment of a Court of Escheat—the Colonial Legislature passing an Act, at the same time, to regulate its proceedings. Your Committee regret to state, that the just and reasonable expectations of the Colonists were defeated by the same influence which had been so prejudicially exercised on former occasions, and a refusal to establish such Court, and a disallowance of the Act in question, were the results.

The House of Assembly again petitioned the Throne in 1836, for the establishment of a Court of Escheat, which application was also refused. In communicating this refusal, the Right Honorable Lord Glenelg recommended that a penal Tax upon wilderness land should be substituted for the said Court, and transmitted the copy of an Act, passed in Upper Canada in 1825, as an assistance to the deliberations of the Colonial Legislature, *which Act in no way refers to the amount of Tax intended to be levied*, but merely carries out, in detail, the mode of enforcing payment of a tax imposed by a previous Act of the Canada Legislature. And your Committee are fully justified in believing, from the tenor of his Lordship's Despatch, that in condescending to make such communication to the Legislature of the Colony, his Lordship's only object was, to afford assistance in reference to the manner of recovering and enforcing the payment of any tax on land which might be decided on by the Legislature, it not having occurred to his Lordship that no difficulty had ever been experienced in this Colony on occasions of the like nature; and your Committee are more confirmed in this their belief and opinion, because the Act of the Upper Canada Legislature, of the 59th Geo. 3, cap. 7, referred to by the Memorialists, and which was afterwards transmitted by his Lordship, at the suggestion of the organ of the Memorialists (Mr. Waller), imposes a tax on almost all descriptions of real and personal property, comprising the principal source of the general Revenue of that Province, and which, therefore, if carried into effect in this Colony, would be literally the imposition of a tax on improvement, *and not in the nature of a penal Assessment for non-cultivation, as recommended by Lord Glenelg.*

Your Committee submit, that a tax of Four Shillings, Currency, per 100 acres, on wilderness land, is by no means "unequitable and unfair" towards the Memorialists—and so far from being an "exclusive tax," the amount of Revenue contemplated to be raised therefrom bears but a small proportion to the general Revenue of the Colony, derived from various other sources, and chargeable solely upon the people, as will appear from the following statement of the local expenditure for the last twelve years, compiled by your Committee from official documents:

Statement of Expenditure upon Roads and Bridges, Public Buildings and Wharves, and for other purposes, in support of the local Government of Prince Edward Island, from the year 1826 to the year 1837, inclusive, with a comparative analysis of the amount contributed by the resident consumers of dutiable articles, and the Proprietors of the soil, respectively.

Year.	Roads & Bridges.	Public Buildings and Wharves.	Other local purposes.	Total Expenditure.	Amount contributed by consumers.	Amount paid by Proprietors of soil.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1826	3,125 14 1	299 5 5	4,707 11 5½	5,132 10 11½	8,132 10 10½	- - -
1827	2,287 11 5	21 0 0	3,528 17 5½	5,837 8 10½	5,837 8 10½	- - -
1828	1,769 3 0	- - -	2,235 4 5	4,004 7 5	3,979 6 11	25 0 6
1829	1,816 18 6	153 9 2	3,892 18 6½	5,863 6 2½	5,863 6 2½	- - -
1830	1,467 12 0	570 3 10	4,295 14 2	6,333 10 0	6,333 10 0	- - -
1831	2,134 13 9	1,015 0 0	4,622 14 6½	7,772 8 3½	7,772 8 3½	- - -
1832	2,518 19 4	1,056 18 3	4,881 15 9½	9,457 13 4½	8,257 13 4½	200 0 0
1833	3,625 10 5½	3,236 3 0	6,897 13 0	13,759 6 5½	12,238 9 5½	1,520 17 0
1834	2,244 8 10	4,117 6 3½	5,591 16 4½	11,953 11 5½	10,548 10 3½	1,405 1 2
1835	2,020 10 2	1,370 10 11	7,435 15 11½	10,376 17 0½	9,445 14 4½	1,431 2 8
1836	1,853 12 0	738 11 5	6,090 0 7½	8,682 4 0½	7,269 17 10½	1,412 6 2
1837	2,055 12 4	560 2 5½	6,808 6 1½	9,424 0 11½	9,005 0 2½	1,419 0 9
Warrants outstanding.	586 1 0	418 0 0	5,544 1 3½	6,548 2 3½	6,548 2 3½	- - -
TOTAL.	27,506 6 10½	13,556 10 9	66,582 9 8½	107,645 7 4½	100,231 19 1½	7,413 8 3

From the foregoing statement, it will appear, that the local expenditure of the Government, for the last twelve years, has been £107,645 7s. 4½. of which £27,506 6s. 10½d. have been expended on Roads and Bridges, to the great advantage of the property of the Memorialists; £13,556 10s. 9d. on Public Buildings and Wharves, and £66,582 9s. 8½d. for other local purposes; and of these large sums, the whole amount contributed by the Proprietors of the soil has been only £7,413 8s. 3d., leaving the balance, or £100,231 19s. 1½d. to be borne by the resident consumers of dutiable articles—and if from the sum of £7,413 8s. 3d. be deducted the proportion paid by the actual settlers, which may be estimated at £2,500, the amount paid by the large proprietors will be reduced to £4,913 8s. 3d. or less than one-twentieth part of the local expenditure of the Colony. In this calculation your Committee have omitted to take into account the Statute Labour, which is exclusively applied to the improvement of Roads and Bridges, and which, at the lowest estimate, may be valued at £1,500, annually, or £18,000 for the last twelve years. If, therefore, no other reason existed for a tax upon lands than the heavy public burthens thus shewn to be borne by the resident population, as consumers of dutiable articles, exclusively, common justice demands that the proprietors of the soil should be called upon to contribute their ratable proportion.

Your Committee have no correct means before them of ascertaining the rates at which lands, in quantities of 4000 acres and upwards, are to be obtained in the Colony, and they can therefore offer no remarks upon that point, except as far as regards the sale of Glebe and School Lands, estimated at 8,710 acres. These lands were sold at Public Auction, in the Fall of 1836, a season of unparalleled difficulty and distress, and averaged Nine Shillings and Four-pence per acre, a price very far below their value, many of them having been subsequently disposed of at considerable advances on their original cost—in some cases more than double. Your Committee, however, are willing to admit, that large tracts of wilderness lands in this Colony have been purchased at the minimum rate of Two Shillings per acres, stated by the Memorialists, and they will go farther, and assert, that most of the extensive properties which have been accumulated by their present owners have been obtained upon much lower terms, some as low as one penny an acre!—but they by no means acknowledge that those prices form any criterion whatever of the terms upon which lands are to be obtained in small locations for settlement, in tracts from 100 to 500 acres; and they need no other argument in support of this opinion than that of the Memorialists' own shewing, where they represent the annual rent of land to be from Sixpence to One Shilling and Sixpence, sterling, per acre. Assuming this statement to be correct, the fee simple of the land, at twenty years' purchase, is thus made to vary from Ten Shillings to Thirty Shillings, sterling per acre—a handsome return, your Committee must observe, for an original outlay of Two Shillings—but your Committee are aware of but very few instances in which lands have been leased at the lesser rate, or Sixpence per acre, whilst numerous cases occur where the rent exceeds One Shilling and Sixpence per acre; and your Committee have yet to learn that the fee-simple of wilderness

lands, in any situation to suit settlers, is now to be purchased for Two, or less than Ten Shillings per acre. The system on which the *most liberal* Proprietors act in these particulars is, to sell the wilderness lands, to actual settlers, at prices varying from Ten to Twenty Shillings, Sterling, per acre, or to lease them, for a long term of years, at One Shilling per acre; in some few cases allowing the tenants the privilege of purchasing the fee simple at their own convenience, at twenty years' purchase, or Twenty Shillings, Sterling, per acre; and this system is found to be attended with equal advantage to the Proprietor, the Settler, and the Colony, by affording the former a handsome remuneration for his investment, the Settler a beneficial interest in his own labour, and the Colony the general benefit arising from its increased improvement. Had a similar spirit of liberality actuated the Proprietors generally, your Committee are warranted in their conviction, that little cause would have existed at the present day for adopting the course found necessary to be pursued by the Colonial Legislature, of levying a special tax upon wilderness lands, as the only effective means now left of compelling those Proprietors who have hitherto neglected or refused to encourage the settlement of any part of their large tracts of wilderness lands to pay a proportion of the public burthens, to settle their lands, or to put it in the power of others to do so, by disposing of them.

In answer to the difficulty which is apprehended by the Memorialists in the collection of the tax, or the effect it may have of pouring into the market large portions of land for non-payment, your Committee have only to observe, that during the five years in which the present Land Assessment Act has been in operation, the sales for non-payment have not averaged more than One thousand acres annually; and the land so sold was mostly that for which no ostensible owner could be found.

The Memorialists, throughout their statement, have studiously endeavoured to make it appear, that the Act of which they complain levies a tax upon one description of property, to the exemption of all other, without having the candour to acknowledge, that by various Colonial Statutes, already in force, the resident Colonists are subjected to taxes upon the necessaries and comforts of life, equal to five times the amount which the Act in question can possibly realize, and of which the Memorialists must be fully cognizant. And your Committee would further remark, that as the Collection of Quit Rents will be suspended during the continuance of the Act, of the operation of which the Memorialists complain, the tax of Four Shillings, Currency, per 100 acres, on wilderness lands, will, at the present rate of Exchange, only exceed the amount to which these lands would otherwise be liable by about Eight-pence Sterling per 100 acres; and as the maximum tax of Four Shillings will cease upon the settlement of these lands, the minimum tax of Two Shillings Currency will operate as a bounty on improvement, which is the main object of the Act in question.

Your Committee fearlessly deny the truth of the assertion made by the Memorialists, 'that there are large tracts of land in this Island, known by the name of Black Spruce, and other Swamps, White Sands and Barrrens, the greater portion of which never can be profitably cultivated.' Such tracts are neither numerous nor large; and your Committee have no hesitation in stating, as their belief, derived from actual observation, and the best information to be obtained from various works considered of authority, that there is less unproductive land in this Island than in any other of Her Majesty's Colonies in North America, in comparison to its area; and that the soil in general is much easier of culture, and will bear better crops of all kinds of grain and pulse, with less labour and at a less expense, than any given or like quantity of the many millions of acres of good productive land in the adjoining Colonies of Nova Scotia, Cape Breton and New Brunswick, now vaunted of by the Memorialists, to serve their present purpose of depreciating the character of the soil of this Colony.

Your Committee would here remark, and ask, if it be true, as represented by the Memorialists, that the population of this Island is actually greater, per square mile, than that of the other British North American Colonies, what would have been the present state of this Colony had the same system been adopted in it as in those Provinces, where until within a few years past, the Crown granted the lands in small tracts, to almost every applicant, upon payment of certain trifling fees? And your Committee contend, that the Memorialists are in no wise justified in representing the present state of the population of the Colony, towards the encouragement of which they have contributed in so very small a degree, as a reason why their wilderness lands, increasing in value every year by the unaided exertions of the Colonists, should not pay so small a sum as Two Shillings, Currency, per 100 acres, beyond what cultivated land is required to bear.

Your Committee would also further remark, that the arguments used by the Memorialists, in representing that this Colony has a greater population, in proportion to its superficial extent, than the adjacent Colonies, notwithstanding the immense expenditure of money by the Imperial Government, and by a private Company in those Colonies—advantages which have never been enjoyed by this Island—tend to strengthen the opinion before expressed by your Committee, that the settlement of this Colony has been most materially retarded by the impolitic system pursued, in alienating the Crown lands to the Memorialists, or to those under whom they claim, and afford just grounds for compelling them to contribute, in a reasonable proportion, towards the wants and expenses of Her Majesty's Government, by an assessment on those lands which they have reserved for the purpose of exacting from the settler, at a future day, an increased price, when they have attained an additional value, from the cultivation of the soil in their vicinity, at the expense and labour of the industrious Colonists.

Although the Council and Assembly are by no means responsible for the assertions of insidious and evil-disposed persons, who may have promulgated opinions and statements tending to persuade the people of the Island, and persons elsewhere, that the proprietors of land have acted, and do still act, in hostility to the resident population, yet your Committee require no further evidence of the fact of the disposition of many of the Proprietors in this respect, than the circumstances of immense tracts of land being allowed to remain in their wilderness state with the avowed purpose of profiting by the cultivation of lands in their vicinity—the proprietors refusing either to sell or lease them upon such terms as would induce settlers to improve them; and the opposition which they have always given to public measures connected with the best interests of the Colony, particularly as regards its local necessities—invariably interposing between the local Legislature and the Crown, with the view of frustrating every effort of the former to equalize the public burthens, and thereby ameliorate the condition of the resident population. And although your Committee have shewn that the Proprietors have been compelled to contribute, in a small degree, to the support of the Local Government within the last twelve years, it is the only instance in which the lands have been taxed for this purpose, with the exception of the sum of £1,400, raised by a similar tax in the year 1813, for building the Court House in Charlottetown, the whole local expenditure having been borne by the resident population.

Your Committee at the same time are free to admit, that great exertions were made, and considerable sums expended, by a few of the proprietors, at the original settlement of the Colony, to bring out settlers; and in all those cases where the liberality of the proprietors enabled the settlers to improve their lands, with a prospective advantage to themselves, the lands are in a flourishing condition, and the present owners have reason to be satisfied with the result; but that 'the whole of the population, with the exception of the few Indian and Acadian population, have either been taken to the Island at the expense of the proprietors, or been induced to settle in the Colony in consequence of the encouragement and employment offered to them by the large proprietors, resident and absent,' as asserted by Memorialists, is a glaring misrepresentation of facts, for, although considerable numbers may have been settled in the Colony under such circumstances, they form but a very small proportion of the whole population—the greatest part of whom have been induced to settle in the Colony solely from the fertility of its soil and the advantages of its geographical position—want of encouragement, on the part of the proprietors, being the main and almost sole obstacle to their prosperity. Your Committee further state, that, with the exception of the Rev. J. Macdonald, and a few settlers introduced by the heirs of D. Rennie, and the late Sir Allan Johnston, no case has occurred, within the last Twenty Years, of any proprietor having brought to this Colony, at his own expense or otherwise, any number of settlers worthy of remark.

The assertion of the Memorialists, 'that the proposed scheme of taxation is a flagrant act of injustice and partiality, inasmuch as one species of property alone, and that of necessity an unproductive one, is taxed, to the exemption of all other; and that they cannot consider the measure otherwise than as an unprovoked attack upon the sacred rights of property,' your Committee feel compelled to designate a gross libel on the Legislature of this Colony, as will be evident on reference to the statement of the public expenditure for the last twelve years, given in a former part of this report; and is also an unfounded aspersion upon the Right Honorables Lord Stanley and Lord Glenelg, Her Majesty's late and present principal Secretaries of State for the Colonies, *by whom this measure was specially recommended to the local Legislature.*

Your Committee, conceiving that they have fully replied to the objections urged by the Memorialists against the principle and policy of the measure in question, would next proceed to offer a few remarks upon some of the observations made by Mr. Henry R. Hill, representing himself or his family as being interested in 30,000 acres of land in this Colony, in reference to the said measure, which are alone entitled to consideration from the circumstance of their having been so thought by the Right Honorable Secretary of State for the Colonies. And first, as relates to his observation upon the preamble of the Bill, your Committee can see nothing in the circumstances of the present proprietors of land in the Colony which should entitle them to any greater degree of indulgence than could be claimed by the original grantees; for, admitting that they paid a valuable consideration for their lands, they purchased them subject to all the conditions to which they were liable, and became equally bound to perform them; but your Committee have already stated that those very conditions enabled the existing proprietors to obtain their lands at a very low rate, and, in many cases, at an almost nominal value, as may be instanced in the case of Mr. Hill's own family, his father, Mr. John Hill, having become possessed of the property which they now claim, at an average of less than Sixpence an acre, two Townships, consisting of 40,000 acres, having been purchased by him at a price under *three farthings an acre*, as appears by the Public Records of this Colony; and many of the remaining large proprietors acquired their lands upon almost equally advantageous terms. "As to the allegation of non-settlement being totally devoid of truth," as asserted by Mr. Hill, the fact is of such public notoriety as not to require confirmation by your Committee; and the only way which your Committee can account for this bold assertion, on the part of Mr. Hill, is from his presumed ignorance of the real state of the Colony, or that, from the peculiarity of his reasoning, he would attempt to prove, that as Township A. contains double the number of settlers required by the grant, Township B. being itself unsettled, is entitled to the advantage of the overplus, upon the same principle that he argues, because the colony contains, as he assumes, a greater relative population than its less favoured sister Colonies, the Colonists have no reason to complain of non-settlement and non-cultivation, keeping entirely out of view the obligation of every grantee to settle his Township, in the proportion of one person to every 200 acres—which obligation is as distinct and separate as the grant itself. Of the merits or demerits of the local authorities, at the period when Mr. Hill denounces them in such unmeasured terms, your Committee are totally ignorant; but they cannot bring themselves to believe that any set of public men could have been so utterly bereft of all principle as to justify the severe animadversions with which Mr. Hill characterises their conduct.

Mr. Hill next adverts to the details of the Act; and first, as regards the 4th Section, he complains of the jurisdiction therein given to the Supreme Court, in awarding allowance for improvements. This power is given by the Act now in force, for levying an Assessment on Land, and has been found quite unobjectionable both in principle and practice; and your Committee are of opinion, that where experience stamps its approval of a system, it is not unwise to follow it. The same argument is also applicable to the 7th Section, which forms part of the same Act. As regards the objections to the 8th and 9th Sections of the Act, your Committee have reason to congratulate the local Legislature, in having framed this most difficult part of the Bill in so clear a manner, that the profound legal acumen of Mr. Hill has not enabled him to discover any greater apparent defects than those to which he refers, and which, in the opinion of your Committee, are of the easiest comprehension. And first, as to making a false return, the inadvertence to which Mr. Hill alludes cannot occur. If a false return be made, it must be wilfully made, as must be seen on reference to the form of the Return, for a man there represents himself either as an owner or an occupier; if the latter, to the extent of 300 acres, his land is to be deemed cultivated; if the former only, he is required to have in the proportion of five acres for every 100 acres inclosed and cultivated; *and as these are facts of which he must be fully cognizant when he makes his return*—the sole object of which is to be relieved from the higher rate of tax—if he gives a false statement, he must do it both *wilfully and fraudulently*, and, therefore, these words, if inserted in the Bill, would have been words of surplusage.

The principal object of the 9th Section, your Committee conceive to be, to encourage settlement, by giving to an occupier of 300 acres, or less, the advantage of cultivation; at the same time extending a similar privilege to the owner of that quantity of land, or any less quantity, not residing thereon, provided he have in the proportion of five acres to each 100 inclosed and cultivated; but if, in either case, the quantity shall exceed 300 acres, than the excess shall be deemed wilderness land, unless the same be fully cultivated

or improved. The general acceptance of the terms "inclosure" and "culture" are too well understood in the Colony to require any explanation at the hands of your Committee; and the extent of the necessary inclosure is also sufficiently defined by the Act.

The remaining objections to the detail of what Mr. Hill is pleased to designate "this clumsy attempt at Legislation," are confined to Sections 11 and 12; and as those Sections are exact transcripts of the 16th and 22d Sections of the Upper Canada Act, passed in 1825, which was laid before the House of Assembly for its guidance in framing the present Act, by direction of Her Majesty's Principal Secretary of State for the Colonies, "as having been found effectually to meet the object in view," your Committee deem this circumstance alone to be a sufficient reply to Mr. Hill's objections, without entering further into their merits.

Mr. Hill next remarks, "that £5,000 seems to be an enormous sum for a building for keeping the Public Records and other Documents, and for the sittings of the Legislature, in a Colony in which," he asserts that "£500 will build a first-rate House, and where the Records are so few, that a room of twelve feet square would more than suffice for their deposit." This gratuitous observation on the part of Mr. Hill only tends to expose his utter ignorance of the existing state of the Colony. This suggestion, that such a building had become highly necessary, first emanated from His Excellency Sir John Harvey, in his Address at the opening of the Session of the Legislature, in 1837; and at the close of the same Session, His Excellency was pleased to express his marked approbation of the provision which the Legislature had made for that object—and, however well it may suit the purpose of Mr. Hill to underrate the cost of such a building, or to fix a limit to the space necessary for the Public Records, these subjects have been too well considered by the local Legislature to give any weight whatever to his opinion.

Mr. Hill's subsequent observations are of a nature so exactly similar to those contained in the Memorial of the Prince Edward Island Association, to which your Committee have already replied, that they deem it unnecessary to offer any further remarks upon them; neither do they consider the communication of Mr. Waller to be of sufficient importance to render any observation upon it necessary.

In conclusion, the Joint Committee would urge upon the Council and Assembly the necessity of pressing to a final and speedy issue the important measure which forms the subject of this Report, as, in addition to the loss of Revenue which has already been sustained by the suspension of the Act, any further delay will be attended with the most serious prejudice to the best interests of the Colony, by depriving it of the advantage of this source of Revenue for the current year.

T. H. HAVILAND,
R. HODGSON,
JOHN BRECKEN,
JOSEPH POPE,
EDWARD PALMER,
EDWARD THORNTON,
SAMUEL GREEN,
PETER M'CALLUM,
JOHN S. MACDONALD.

Committee Room, April 2d, 1838.

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

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, April 4th, 1838.

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.

Pursuant to Order, the House resolved itself into a Committee of the whole, to take into consideration the Report of the Joint Committee of the Council and Assembly, to whom was referred His Excellency the Lieutenant Governor's Message, communicating the copy of a Despatch from the Right Honorable Lord Glenelg, transmitting copy of a Memorial from the Proprietors of Land, and others interested in the prosperity of Prince Edward Island, protesting against the Royal Assent being given to the Act of the last Session, for levying an Assessment on all Lands in this Island.

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.

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

Mr. Speaker,

The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the amendment made to the Bill intituled 'An Act to amend the Act for recovering Debts from absent or absconding Debtors,' and have appointed *Mr. Thornton*, *Mr. Green*, *Mr. Macdonald* and *Mr. Pope*, 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 this House.

On motion, the House resolved itself into a Committee of the whole, on the further consideration of the Report of the Joint Committee of the Council and Assembly.

Mr. Goodman 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 to-morrow.

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

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

Read a second time, the Bill intituled "An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose."

On motion, the House resolved itself into a Committee of the whole on the said Bill.

Mr. *Smith* 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 5, line 20—Strike out from the word "and" to the word "pounds," in folio 6, line 15, inclusive.

Folio 6, line 18—After the word "weights," insert "if required, under penalty of."

Folio 7, line 6—Strike out from the word "and" to the word "Mill," in line 9, inclusive.

Folio 8, line 4—Strike out from the word "by" to the word "information," in line 5, inclusive.

Strike out the Schedule of the Act.

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

On motion, that the Bill intituled "An Act to amend the Act for preventing persons indecently Bathing in the Waters contiguous to Charlottetown," be read a second time.

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

The House divided on the question of amendment:

CONTENTS.

Colonel Lane,

Mr. Haviland,

Mr. Attorney General,

Mr. Goodman.

NON-CONTENTS.

The Chief Justice,

Mr. Brecken,

Mr. Smith.

And it passed in the affirmative.

Read a second time, the Bill intituled "An Act relating to the office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration."

Read a second time, the Bill intituled 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.

Adjourned until Twelve o'clock to-morrow

THURSDAY, April 5th, 1838.

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.

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

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

On motion, that the Bill intituled "An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose," be re-committed to a Committee of the whole House—

The House divided:

CONTENTS.

The Chief Justice,

Mr. Wright,

Colonel Lane,

Mr. Smith,

Mr. Goodman.

NON-CONTENTS.

Mr. Haviland,

Mr. Attorney General,

Mr. Brecken.

And it passed in the affirmative.

The House accordingly resolved itself into said Committee.

Mr. Smith took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Bill, and had made some further amendments thereto, and the same were read, and are as follow:

Folio 1, line 19—Strike out the word "eighth" and insert the word "Sixth."

Folio 3, last line—After the word "transgression" insert "but no Miller shall be obliged to receive and grind any Indian Corn, Wheat, Rye, Barley, or Buck Wheat, which shall not be clean, dry and in good order."

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

Pursuant to Order, the House resolved itself into a Committee of the whole, on the further consideration of the Report of the Joint Committee of the Council and Assembly.

Mr. *Goodman* took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Report, and had agreed to the same, without any amendment.

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

Read a third time, and passed, the Bill intituled 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.'

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

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

Mr. President,

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

And also—

In the House of Assembly,

Thursday, 5th April, 1838.

Resolved, That a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, acquainting him that the Legislative Council and this House have agreed to a Joint Report, on the subject matter of certain Documents relative to the Land Assessment Act of last Session, transmitted to His Excellency in a Despatch from the Right Honorable Lord Glenelg, and by His Excellency communicated to the Legislature on the 28th January last; and that a copy of the said Report be furnished to His Excellency, and that he be respectfully requested to transmit the same to Her Majesty's Ministers, for the assistance of the Queen in Council, in deliberating on the question, which awaits Her Majesty's decision.

Ordered, That the Committee who prepared the Report be a Committee for the above purpose.

Ordered, That the above Resolution be communicated by Message to the Legislative Council, and that they be requested to appoint a Committee to join the Committee of this House in preparing the said Address to His Excellency, to be reported as a joint Address of the Legislative Council and this House.

On motion, *Ordered*, that this House do agree to a further Conference as is desired by the House of Assembly.

Ordered, That the same Committee who managed the last Conference, be a Committee to manage this further Conference, to meet in the Committee Room to-morrow at Twelve o'clock.

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

Resolved, That a Committee be appointed to join the Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, acquainting him that the Legislative Council and House of Assembly have agreed to a Joint Report on the subject matter of certain Documents relative to the Land Assessment Act of last Session, transmitted to His Excellency in a Despatch from the Right Honorable Lord Glenelg, and by His Excellency communicated to the Legislature on the 29th January last; and that a copy of the said Report be furnished to His Excellency, and that he be respectfully requested to transmit the same to Her Majesty's Ministers, for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision.

Ordered, That the Committee who prepared the Report be a Committee for the above purpose.

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

Adjourned until Eleven o'clock to-morrow.

FRIDAY, April 6th, 1838.

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.

The Committee appointed to meet the Committee of the House of Assembly, on the amendment made to the Bill intituled "An Act to amend the Act for recovering Debts from absent or absconding Debtors," having gone to the Conference, and returned, reported, that they had met the Committee of the House of Assembly, who had acquainted them that they were instructed to state, that the House of Assembly adhere to their amendment.

On motion, *Ordered*, that the amendment made by the House of Assembly to the Bill intituled "An Act to amend the Act for recovering Debts from absent or absconding Debtors," be read a third time this day three months.

Read a third time, and passed, the Bill intituled "An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose," with the amendments.

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

Read a third time, and passed, the Bill intituled "An Act relating to the Office of Surrogate, and Judge of Probate of Wills, and for granting Letters of Administration," without any amendment.

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

Mr. *Hariland*, from the Committee appointed to join a Committee of the Assembly, to prepare a Joint Report on the subject matter of a Correspondence that has taken place between the Right Honorable Lord Glenelg and his Grace the Archbishop of Canterbury, relative to the Act authorizing the sale of Glebe Lands in this Colony, in which correspondence is included a letter from the Bishop of Nova Scotia, asserting the exclusive right of the Church of England to the property, presented to the House the Joint Report of the said Committee; which Joint Report was read, and is as followeth:

The Joint Committee of the Council and Assembly to whom was referred the Message of His Excellency the Lieutenant Governor, transmitting the copy of 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; and His Excellency in his said Message having requested the two branches of the Legislature to take the Bishop's statement and reasoning into their consideration, and furnish him, for the information of Her Majesty's Government, with the reasons for concurring in or dissenting from the Bishop's conclusions,

REPORT,

That your Committee feel bound to express their surprise that the Lord Bishop of Nova Scotia should have deferred until this late period to call in question the justice of the measure adopted by the Legislature of this Colony for the disposal of certain lands reserved in the original Grants of the several Townships thereof for Glebes and Schools, when, from the length of time which has elapsed since the matter first came under the notice of either branch of the Legislature, until the period when the Act authorizing the sale of the Lands in question had received the Royal Assent, ample time was afforded to His Lordship, or any other party professing an interest in these Lands, to allege such objections as they might have deemed of sufficient moment to entitle them to the consideration either of the Local Legislature or of the Imperial Government.

It appears to your Committee that in the year 1830, the House of Assembly unanimously addressed His late Majesty King George the Fourth on the subject of these reserved Lands, then in a wilderness state, stating "the happy effects which would result to this Colony, were the Glebe Lands appropriated for the purpose of promoting the advancement of education:" to that Address no answer was received. In the year 1832, a new House of Assembly reiterated the application, reciting the substance of the previous Address of 1830; and in the year 1834, another Address for a similar application of these Lands was agreed to by the House of Assembly, and transmitted to His late Majesty King William the Fourth. In reply to this Address the Right Hon. T. Spring Rice, then Secretary of State for the Colonies, by despatch dated the 30th of October, 1834, to Lieut. Governor Young, directed him "to proceed to the sale of these reserves, at the earliest opportunity which could be obtained, reserving the appropriation for further directions."

In laying a copy of this Despatch before the House of Assembly, His Excellency expressed an opinion that His Majesty could not divest himself of these reservations without the aid of an Act of the Legislature for that purpose, and therefore suggested to that body the propriety of passing an Act empowering him to proceed to the sale of the said Lands; and accordingly the Act now complained of was passed with only two dissentient voices in the House of Assembly, and in the Legislative Council with only one dissentient voice. This Act, which received the sanction of the Lieutenant Governor on the 10th of April, 1835, had a suspending clause staying its operation until His Majesty's pleasure should be known, in consequence of the proceeds to be derived from the sale of those Lands being specifically applied to the purposes of general Education, and was transmitted for that purpose shortly afterwards, and did not receive the Royal confirmation until the 28th day of April, 1836. During the period of upwards of six years which elapsed from the first discussion of this 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 of March, 1735, which informed His Lordship that an Act authorizing the sale of the Glebe Lands had been introduced into the Assembly of this Colony; when Mr. Hay, then Under Secretary, by direction of His Lordship, in reply, stated that His Lordship had no further information than was contained in the letter so addressed to him, but that should any law of that nature "*come before His Majesty in Council for confirmation, it would be in the power of the Society, or the Bishop of Nova Scotia, to urge any objection which they might consider applicable to the Act as infringing upon the rights of the Church of England;*" and notwithstanding the Earl of Aberdeen so clearly pointed out the proper mode of proceeding to be adopted by the Society, or the Bishop of Nova Scotia, should such a Bill be passed in this Colony, yet no objection was made to the Bill in question *before the Royal Assent was given, or subsequently, until the Act was executed by a sale of the Lands under it.*

Your Committee therefore are of opinion, that if the Church of England possessed that exclusive right to these Lands contended for by the Bishop of Nova Scotia, the Act in question has legally divested that Church of such right; but your Committee are far from admitting the validity of the arguments upon which the Bishop of Nova Scotia founded this claim.

Your Committee know from historical records that this Island first came into the possession of Great Britain soon after the conquest of Louisbourg in 1745, but again reverted to France by the treaty of Aix la Chapelle, made on the 7th of October, 1748, as being a dependency of Cape Breton, and therefore *did not form part of the Province of Nova Scotia in the year 1749, as stated by the Bishop of Nova Scotia,* but remained an integral part of the French Empire until it again fell with Louisbourg into the hands of Great Britain by articles of capitulation, dated the 26th day of July, 1758, and was ceded to Great Britain for the first time by treaty with France on the 10th day of February, 1763, when it was annexed to the Province of Nova Scotia—from which facts it is evident, that any "*contract made between the Home Government and the Society for the Propagation of the Gospel in 1749 could not even by implication be said to apply to this Island—and all the reasoning of the Bishop of Nova Scotia on this point is founded on erroneous premises, and must fall to the ground.*

Your Committee 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.

Your Committee would next remark, that no disposition whatever was made of any part of the Lands of this Colony by the Home Government, until the 26th of August, 1767, when by an order of His Majesty in Council its whole area was directed to be granted in Tracts or Townships of 20,000 acres each—the said order in Council reciting the following reservations and conditions, viz: "*That there be a reservation in a proper part of each Township of 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.*" "*That the grantee or grantees of each Township do settle the same within ten years from the date of the Grant, in the proportion of one person for every two hundred acres.*" "*That the settlers so to be introduced be Protestants from such parts of Europe as are not within His Majesty's Dominions, or such persons as have resided within His Majesty's dominions in America for two years antecedent to the date of the Grants.*" In compliance with the foregoing Order in Council, instructions were forwarded to the then Governor of Nova Scotia, to cause grants to issue under the Great Seal of that Province to the several grantees, upon their producing mandamuses for that purpose; and the greater portion of the Grants were issued accordingly in the year 1768, embracing the conditions herein-before alluded to; and therefore the assertion of the Bishop of Nova Scotia that the words in all the Grants *were copied from the 29th section of the Royal Instructions of 1769* must be incorrect, as these Instructions are dated nearly two years subsequent to the Order in Council, under which the several Grants of Lands in this Colony issued from the Crown, and one year after most of the Grants had passed; and assuming that the Royal Instructions could be considered as authority in controlling the disposition of these reserved Lands, a position which your Committee have already denied, the Royal Instructions of 1769 could have no reference whatever to Lands which had passed from the Crown before their promulgation. Your Committee are of opinion that as the settlement of the Colony with Foreign Protestants formed the principal object of the Crown in alienating these Lands, 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 by 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*" could be considered as solely applicable to Clergymen of the Church of England, an acceptance which your Committee would be extremely sorry to admit. The subsequent release of the grantees from the conditions imposed by the Grants of settling their Lands with Foreign Protestants, having led the various denominations of christians in this Island to assert an equal claim to these reserves, the Legislature was induced to pass the Act in question, as the only effectual means of allaying the jealousies and heart-burnings incident to such conflicting claims; and your Committee have every reason to believe that the appropriation of the proceeds of these Lands to the purposes of general Education has given the utmost satisfaction to a vast majority of the inhabitants of every denomination in this Colony.

The Committee of the House of Assembly deny that the Bishop of Nova Scotia, on his visit to this 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; and it is to be regretted that the Bishop did not furnish his "memoranda" of such conversations to the Right Hon. the Secretary of State for the Colonies, for although the arguments used on such occasions may have been considered by him "no more than as feathers in the scale," your Committee are of opinion that they would have been deemed of sufficient weight to have prevented the necessity of Lord Glenelg's calling for a reply from the Legislature of this Colony to the claim set up in the Bishop's communication.

Your Committee cannot avoid remarking on the statement contained in the extract of the Bishop of Nova Scotia's Letter, of May, 1837, that "many of the Glebes were under improving leases, which the Clergy had been duly authorized to grant." 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 Administrator of the Government*, chiefly with the view of preventing waste; and as such Leases were limited to twenty-one years, or three lives, it cannot be supposed that so short a term in wilderness lands could be of so beneficial a nature as to induce improvements to any great extent; and the recognition of these leases in the Act was to prevent any alleged hardship which the occupiers might urge, should they lose the advantage of any labour expended by them; and your Committee consider the assertion made in the same extract, that "on two of the Glebes burial places had long been used, and that these, with their dead bodies, were sold with the rest," to be disingenuous and unfair. Your Committee are not aware of more than one Glebe which was so circumstanced, and in that case, namely, on Township Thirteen, the part which had 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; and your Committee cannot help expressing their belief that these facts must have been misrepresented to the Bishop of Nova Scotia, for the purpose of inducing him to make this revolting and unmerited charge.

All which your Committee respectfully submit to the consideration of your honorable Houses.

T. H. HAVILAND,
ROBERT HODGSON,
JOHN BRECKEN,
JOSEPH POPE,
PETER M'CALLUM,
JOHN RAMSAY,
WILLIAM CLARK.

On motion, the House resolved itself into a Committee of the whole, on the said Report.

Colonel Lanc took the Chair.

After some time, the House resumed.

The Chairman reported, that the Committee had gone through the Report, and had agreed to the same, without any amendment.

On motion, that the Report of the Committee be agreed to;

The House divided:

CONTENTS.

The Chief Justice,
Mr. Wright,
Mr. Haviland,
Mr. Attorney General,
Mr. Brecken.

NON-CONTENTS.

Colonel Lanc,
Mr. Smith,
Mr. Goodman.

And it passed in the affirmative.

Mr. Haviland, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government, the Joint Report of the Council and

Assembly, founded on His Excellency's Message of the 29th January last, relative to the Land Assessment Act of last Session, presented an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

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

May it please your Excellency;

The Council and Assembly having agreed to a Report, founded on your Excellency's Message of the 29th day of January last, relative to the objections urged by certain persons in England against the Royal Assent being given to "An Act for levying an Assessment on all Lands in this Island," passed in the last Session of the Local Legislature, respectfully request, that your Excellency will be pleased to forward the same to Her Majesty's Government, for the assistance of the Queen in Council, in deliberating on the question which awaits Her Majesty's decision, as desired by the Right Hon. Lord Glenelg.

In transmitting this Report, the Council and Assembly request that your Excellency will be pleased to urge upon Her Majesty's Government the great importance of bringing to a speedy and favourable issue a measure so intimately connected with the best interests of the Colony as the Act in question.

Ordered, That the said Address be agreed to.

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to wait on His Excellency with the said Address.

Ordered, That the same Committee who prepared the Address be a Committee for that purpose.

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

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government the Joint Report of the Council and Assembly, upon His Excellency's Message of the 16th February last, communicating to both Houses copy of a Despatch from the Right Honorable Lord Glenelg, accompanied by a correspondence from His Grace the Archbishop of Canterbury, and the Bishop of Nova Scotia, on the subject of the Act for the sale of Glebe and School Lands in this Island.

Ordered, That the same Committee who prepared the Report, be a Committee for that purpose.

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

A Message from the House of Assembly, by Mr. Pope, with the Bill intituled "An Act for the regulation of the Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose"—agreed to, as amended by the Legislative Council.

And also—

In the House of Assembly,

Friday, 6th April, 1838.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government the Joint Report of the

Council and Assembly, upon His Excellency's Message of the 16th February last, communicating to both Houses, copy of a Despatch from the Right Honorable Lord Glenelg, accompanied by a correspondence from His Grace the Archbishop of Canterbury, and the Bishop of Nova Scotia, on the subject of the Act for the sale of Glebe and School Lands in this Island.

Ordered, That Mr. Pope, Mr. Macnutt, Mr. Thornton, Mr. Ramsay, Mr. Green and Mr. Macdonald do compose the said Committee.

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

Mr. *Haviland*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Government the Joint Report of the Council and Assembly, on the subject of the Act for the sale of Glebe and School Lands, presented to the House an Address, as prepared by the Joint Committee, and the same was read, and is as follows, viz:

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

May it please your Excellency;

The Council and Assembly having agreed to a Joint Report upon your Excellency's Message of the 16th day of February last, communicating to both Houses copy of a Despatch of the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State, accompanied by a correspondence from His Grace the Archbishop of Canterbury, and the Bishop of Nova Scotia, upon the subject of the Act for the sale of Glebe and School Lands in this Island, respectfully request that your Excellency will be pleased to transmit the said Report to Her Majesty's Government, as embodying the reasons of the Council and Assembly for dissenting from the Bishop of Nova Scotia's views in reference to the Act in question.

On motion, that the said Address be agreed to;

The House divided:

CONTENTS.

The Chief Justice,
Mr. Haviland,
Mr. Attorney General,
Mr. Brecken.

NON-CONTENTS.

Colonel Lane,
Mr. Smith,

And it passed in the affirmative.

Ordered, That the said Address be engrossed.

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to wait on His Excellency with the said Address.

Ordered, That the same Committee who prepared the Address, be a Committee for that purpose.

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

Adjourned until Twelve o'clock to-morrow.

SATURDAY, April 7th, 1838.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Chief Justice Jarvis*, President;

The Hon. *Mr. Wright*,

Mr. Haviland,

Mr. Attorney General,

The Hon. *Mr. Brecken*,

Mr. Smith,

Mr. Goodman.

PRAYERS.

READ the proceedings of yesterday.

Mr. Haviland, from the Committee appointed to wait upon His Excellency the Lieutenant Governor with the Joint Report of the Council and Assembly, on the subject matter of certain documents communicated to both Houses, relative to the Land Assessment Act of last Session, and also the accompanying Address, to His Excellency, praying that he will be pleased to transmit the said Joint Report to Her Majesty's Ministers, reported that the Committee had performed the duty assigned them, and that His Excellency was pleased to say, that he approved of the Report, and that in transmitting the same, he would use his influence to obtain for the Colony the advantage of the measure to which the Report refers.

Mr. Haviland, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Joint Report of the Council and Assembly, on the subject matter of certain documents communicated to both Houses on the 16th February last, relative to the Act authorizing the sale of the Glebe and School Lands in this Island; and also the accompanying Address to His Excellency, requesting that he will be pleased to transmit the said Joint Report to Her Majesty's Ministers, reported that the Committee had performed the duty assigned them, and that His Excellency was pleased to say he would transmit the Report as desired.

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

The Rev. L. C. Jenkins, Chaplain to this House,	£20 0 0
John C. Wright, Esq. Usher of the Black Rod, 69 days, at 10s. per diem,	34 10 0
Clerk of the Legislative Council, including Stationary,	140 1 4
John Rider, Messenger, including sundry disbursements,	28 15 9
Moses Hayes, Doorkeeper,	23 1 6
Charles Desbrisay, for preparing an Index to the Journals of last Session,	7 10 0

Resolved, That an Index be prepared to the Journals of the present Session, by the Deputy Clerk, and that he be allowed the sum of Seven Pounds Ten Shillings for his extra trouble in preparing the same, when completed, on the certificate of the President.

Resolved, That the Printer be directed to bind the Journals of the present Session, for each of the Members of this House.

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

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

An Act for the regulation of Grist Mills in this Island, and to repeal the Acts formerly passed for that purpose.

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 Michaelmas Term of the said Court in Queen's County, a Term for the trial of Issues, for a limited period."

An Act for regulating the several Jails within this Island, and establishing Prison Discipline therein.

An Act to prevent the Streets and Squares of Charlottetown being encumbered with Nuisances.

An Act to prevent disorderly riding, and to regulate the driving of Carriages on the Streets and Public Roads.

An Act relating to the Office of Surrogate and Judge of Probate of Wills, and for granting Letters of Administration.

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, intituled "An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters."

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

May it please your Excellency ;

In behalf of the House of Assembly, I beg leave to present, for your Excellency's assent, the following Bills of aid, and for appropriating the Supplies which Her Majesty's faithful subjects have granted this Session for the support of the Provincial Government. I trust your Excellency will find them liberal, and they will, no doubt, produce the desired effect of promoting the general prosperity of the Colony; besides they will afford your Excellency an unequivocal proof of our devoted loyalty and attachment to Her Majesty's Government, under which we have the happiness to live. I likewise embrace the present opportunity of expressing to your Excellency, on behalf of the House of Assembly, their sincere thanks for the cheerful and ready attention which has uniformly been bestowed on all subjects which they, as representatives of the people, found it necessary to submit for your Excellency's consideration.

And then Mr. Speaker presented the following Bills, viz:

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."

An Act to continue for one year and to amend an Act passed in the Seventh Year of His late Majesty's Reign, intituled "An Act for the increase of the Revenue of this Island."

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

To each of which His Excellency was pleased, in Her Majesty's name, to signify his assent.

And then His Excellency was pleased to make the following Speech to both Houses:

Mr. President, and Gentlemen of the Legislative Council;

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

The business of the Session having been brought to a close, I have much pleasure in being enabled to release you from your Legislative duties; and in doing so, I beg to return you my sincere thanks for the attention you have so readily given to the different Messages I have had occasion to submit to your consideration.

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

I thank you for the Supplies which you have voted for the Public Service. My best attention shall be given to their proper application.

Mr. President, and Gentlemen of the Legislative Council;

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

In my Speech, at the commencement of the present Session, I took occasion to call your attention to the continuance of the excitement on the question of Escheat; and I felt gratified by the prompt assurance which you gave me of your desire to support me in the vindication of the Laws, and the preservation of the rights of property. I now ask for your co-operation, in my endeavours still further to undeceive the public mind on this subject; and for this purpose, I address myself more particularly to those Members of the House of Assembly who reside in the country districts.

In a Despatch, which I received from Her Majesty's Secretary of State for the Colonies, by the February Packet, I am commanded to take the earliest and best means of making public the fixed and unalterable determination of Her Majesty's Government, to abide by their repeated decisions against the establishment of a Court of Escheat in this Colony; and I am further commanded to use the most explicit and distinct terms, in warning the deluded Tenantry, that, should the execution of the Laws be resisted—the peace of the Colony disturbed—or any attempt made to violate the rights of property, such offences will most assuredly be visited with the utmost severity of the Law. I would fain hope, that such a necessity will not arise. I trust, the excitement is subsiding; and it is my most anxious wish, that any persons who have been led away by specious, but deceptive hopes and expectations, should return to those more peaceful occupations, which will be far more conducive to their own welfare—the domestic happiness of their families—and the general interests of the Colony.

But, lest my sanguine expectations should be disappointed, and lest any misguided individuals—mistaking the forbearance hitherto shewn by the Government for timidity, or forgetful of what is due to the general cause of good order, and the undoubted rights of private property—should be so rash as to attempt to violate these rights, or to resist the authority of the Law, I entreat you, on returning to your homes, to make known as widely as possible the commands I have received, and also to impress upon the minds of your constituents the hopelessness of persisting any longer to agitate this question.

I turn now to a more pleasing theme—the various useful and important measures which have passed during the progress of the Session; and I venture to express my fervent hope, that the good understanding which has prevailed between the three branches of the Legislature, at the commencement of my administration of this Government, may continue so long as I have the honor to preside over the affairs of this Colony; and I request you to believe, that, in returning to your more private avocations, you will carry with you my best wishes for your prosperity and happiness.

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 Thursday the Seventeenth day of May next; and this General Assembly is accordingly prorogued until Thursday the Seventeenth day of May next.

END OF THE SESSION.



APPENDIX

TO THE

JOURNAL

OF THE

LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND,

FOR THE SESSION COMMENCING THE TWENTY-THIRD DAY OF JANUARY, AND
ENDING THE SEVENTH DAY OF APRIL,

1838.



APPENDIX

[A.]

(SEE PAGE 17.)

DIVERS DOCUMENTS

ADDRESSED

To the Right Honorable Lord Glenelg,

Her Majesty's Principal Secretary of State for the Colonial Department, relative to the Act of the Legislature of Prince Edward Island, passed in 1837, levying an Assessment on Land, and now awaiting the Royal Allowance.

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- No. 1. MEMORIAL to Lord Glenelg, from the 'Proprietors of Land and others interested in the prosperity of Prince Edward Island,' protesting against the Royal Assent being given to the Land Assessment Act, and praying to be heard by their Counsel.
 2. LETTER addressed to Lord Glenelg, by Henry R. Hill, Esq. containing a paper of Observations on the above mentioned Act.

No. 1.

To the Right Hon. Lord Glenelg, &c. &c. &c.

The Memorial of Proprietors of Land in Prince Edward Island, and others interested in the prosperity of that Colony, agreed upon at the monthly Meeting of the Association, held at No. 94, Great Russell Street, on the 13th of August, 1837—Robert Stewart, Esq. having been nominated Chairman—

Most respectfully sheweth;

THAT your Lordship's Memorialists have received the copy of an Act, passed during the sitting of the last Session of the Legislature of Prince Edward Island, by the Council and House of Assembly, and transmitted by the Lieutenant Governor, for the Royal Allowance, and now under consideration of Her Majesty in Council, intituled *An Act for levying an Assessment on all Lands in this Island*, in which (amongst other things) it is enacted, that there shall be paid, annually, during the continuance of this Act (Ten years), the sum of Four Shillings for every Hundred Acres of wilderness or unimproved Land, and the sum of Two Shillings for every Hundred Acres of cultivated or improved Land, contained in the several Townships, and the several Islands belonging thereto.

APPENDIX (A.)

That on reference to a certain Despatch of Viscount Goderich (now Earl Ripon), dated 27th January, 1833, and appearing under Proclamation in the Charlottetown *Royal Gazette*, dated 2d April, 1833, and referred to in the Right Honorable Mr. Secretary Stanley's Despatch, dated 28th May, 1834, and again appeared under Proclamation in the said *Gazette*, dated 18th October, 1836, specifying the terms on which Proprietors of Land in the Colony can redeem the Quit Rents issuing from their Lands, it appears to your Memorialists that if the said Act be permitted to go into operation, by receiving the Royal Allowance, it will repudiate the Despatch and Proclamations, and the arrangements entered into under them by Proprietors, for redeeming the Quit Rents on their Lands: and your Memorialists respectfully submit, that this would be inconsistent with the faith and respect to which such Despatches, Proclamations and Arrangements are, and ought to be, and ever were, entitled.

That by the Land Assessment Act, 2 Geo. 4, cap. 7, now about to expire (when the Quit Rents will be revived), all the Township Lands in Prince Edward Island are taxed at Two Shillings per One hundred Acres, which, with the Tax upon the Town, Pasture and Water Lots, amount to upwards of One thousand four hundred Pounds per annum. And your Memorialists respectfully submit, that this is an ample and even heavy portion of taxation for the Land to bear, and exceeds what is paid in any other Colony in British North America.

That by the Upper Canada Act, 59 Geo. 3, cap. 7, levying a Tax upon Lands, as well as upon private property of every description, the Tax laid on wilderness land is not to exceed, in any one year, One Shilling and Eight-pence per One hundred acres, being one-sixth less than the Tax already on wilderness land in Prince Edward Island; and by the same Act, the cultivated land in Upper Canada is taxed at Eight Shillings and four-pence per One hundred acres, and all other property in proportion to its value. This Act (the 59 Geo. 3, cap. 7,) was referred to in your Lordship's Despatch of the 10th August, 1836, to His Excellency Sir John Harvey, and a copy transmitted to His Excellency on the 29th of December following.

That to lay an exclusive Tax on wilderness or uncultivated land, or to lay even an equal and exclusive Tax on all lands, cultivated and uncultivated, is, in the highest degree, inequitable and unfair, and is a Tax so opposed to sound principles as not to have been introduced into any other British Colony. That to tax the wilderness land in Prince Edward Island at Four Shillings per One hundred acres, and the cultivated land at only Two Shillings per One hundred acres, when the wilderness lands in the Colonies immediately adjoining are not subject to any such imposition, will be a most oppressive and unjust act, and must, in many instances, lead to a forfeiture.

That your Memorialists consider such a measure not only doubtful but dangerous, both in policy and in principle, in any country; for its clear and inevitable operation will be, to deter persons from investing funds in Landed Estate where such a Law prevails, it being a Law without precedent in any part of Europe or America.

That in all countries there are tracts of land which never can be profitably cultivated, however dense the population may become; and to impose a burthen upon them is opposed to the principle of rational taxation.

That Ireland, for instance, a country as densely peopled as any in Europe, contains nineteen millions four hundred and forty-one thousand nine hundred and forty-four acres, being about two and a half acres to each person, out of which quantity there are seven millions three hundred thousand acres uncultivated, and about four millions five hundred thousand acres of this quantity are capable of cultivation and improvement, as appears by the Third Report of the Committee on Emigration (being more than three times the number of acres in Prince Edward Island), a great portion of which only requires draining, to render it equal, in point of fertility, to the best land in Prince Edward Island, and with a climate infinitely superior.

That Great Britain, as appears by the same Report, contains 56,833,330 acres, being about $3\frac{1}{2}$ acres for each person. Of this quantity there are 22,819,330 acres uncultivated, more than one third of the whole quantity, 9,934,000 acres of which are capable of cultivation and improvement, being more than seven times the number of acres in Prince Edward Island; and yet no person ever proposed to lay an exclusive Tax on uncultivated land in Great Britain or Ireland, notwithstanding the outcry about surplus population, and the want of employment for labourers.

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That there are large tracts of land in Prince Edward Island, known by the name of Black Spruce and other Swamps, White Sands, and Barrens, the greatest portion of which never can be profitably cultivated; much less is it reasonable to expect that any part of such land could be so, when the Island is surrounded with so many millions of acres of good productive land in the adjoining Colonies of Nova Scotia, Cape Breton, and New Brunswick, from which it is only separated by a Strait, in parts not ten miles across.

That until within the last few years Crown Lands were granted in the neighbouring Colonies, upon payment of certain small fees. That Public Works, to a great extent, were carried on in the adjoining Colonies, causing large sums of the public money to be put into circulation, which naturally attracted Emigrants to those Colonies. That the least reflection must satisfy any person, that Emigrants without capital will give a preference to a Colony where there is a certainty of employment and of money wages, to one where no such return for labour can be secured, which was and is the case in Prince Edward Island. In New Brunswick, Nova Scotia and Cape Breton, there are large fields of minerals, which are extensively worked by the General Mining Association, who have expended upwards of £300,000 in mining operations, and employ hundreds of hands daily. That, notwithstanding those advantages enjoyed by the adjacent Colonies, Prince Edward Island has a greater population, in proportion to its superficial extent—the only test by which a fair comparison can be made—than any other Colony in British North America; seeing that in Prince Edward Island there are only Forty-two acres for each person; that in Nova Scotia there are Seventy-two acres for each person; in Cape Breton One hundred and sixty-six acres for each person; in New Brunswick Two hundred and twenty-five acres for each person; in Lower Canada Three hundred and thirty-two acres for each person; in Upper Canada Three hundred and sixty-seven acres for each person; and in Newfoundland Three hundred and eighty-seven acres for each person—as will appear by reference to the Table in the third page of the Charlottetown *Royal Gazette* of the 18th July, 1837.

That the population of Prince Edward Island has, notwithstanding the many disadvantages above mentioned, progressively increased at a very rapid progress—the population in 1806 being only 9,676; in 1827, 23,766; and in 1833, 32,292, being an increase in 27 years of 22,616, and, the last six years, of 9,026. Since 1833, the population has continued to increase, and is now supposed to amount to about 40,000 persons.

That upon comparing the quantity of cultivated, and the quantity of uncultivated land in the British North American Colonies, it will appear, that in Prince Edward Island, one seventh part of the whole is under cultivation, whilst in Nova Scotia, only one thirteenth part—in Cape Breton, only one thirty-fourth part—in New Brunswick, only one forty-second part—in Newfoundland, only one hundredth part—in Upper Canada, only one forty-eighth part—in Lower Canada, only one thirty-eighth part—of the whole is under cultivation; as will appear on reference to Bouchette's *British Dominions in North America*, vol. 2, page 235; and yet the only plea for imposing such an oppressive tax is the non-settlement of the Colony.

That evil disposed persons in the Colony have asserted with much pertinacity that Prince Edward Island has not kept pace with the Colonies immediately adjoining, in the progress of settlement. This assertion is manifestly untrue, although it has been adopted without due inquiry by some persons otherwise well informed on matters relating to the British Colonies. The fact, nevertheless, is, Prince Edward Island has not only kept pace with the Colonies immediately adjoining, in regard to settlement, but has actually preceded them, in whatever way the comparison may be made, and will probably continue to do so, if the spirit which leads to agitation can be allayed; but it cannot reasonably be expected to outstrip them more than it has done; the adjoining Colonies must and will continue to be settled in nearly the same ratio, as they possess advantages and facilities for settlers which Prince Edward Island never did and never can possess.

That the doubts thrown upon the validity of the Titles to the Lands in Prince Edward Island, from time to time, by the mischievous and absurd agitation of the Escheat question, have been, and still continue to be, the cause of deterring respectable emigrants from proceeding to or investing property in the Colony, and have done much to retard its settlement and improvement.

The Right Honorable Mr. Secretary Stanley, in his Despatch, dated 28th May, 1834, in which he countenances the imposition of a Tax on Wilderness Land, assumes the value of Wilderness Land to exceed greatly what it has ever been known to sell at; for he says,—'on land of a good quality, which probably

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‘ would sell at 20s. per acre, a Tax of 4s. 6d. per one hundred acres, or $4\frac{1}{2}$ per cent. on the interest of the purchase money, can hardly be said to be exorbitant; but if, upon a Grant of 10,000 acres, one half be altogether irreclaimable and valueless, the Tax is then doubled in effect, and becomes absolutely ruinous.’ Your Memorialists, however, maintain, and are prepared to prove, that the average value of Wilderness Land in the Island is under 4s. per acre—but say 4s.—and, at that rate, instead of $4\frac{1}{2}$ per cent. according to Mr. Stanley’s estimate, 4s. per one hundred Acres on wilderness land will be twenty per cent. on the interest of the purchase money. In proof of this, it may only be necessary to state, that there are tracts of as good average land as any in the Island, which have been repeatedly, and for years, and still are, offered for sale at 2s. 4d. per acre, but for which no purchaser can be found; nor is there an instance, so far as your Memorialists know or believe, of a tract of 4000 acres, and upwards, having realized 4s. per acre.

Your Memorialists, therefore, respectfully submit, that a Tax of 4s. per 100 acres, on wilderness land, or 20 per cent. on the interest of the purchase money, is an exorbitant tax, and will become absolutely ruinous, supposing all the land to be equally good in quality, which, it is well known, not to be.

That certain insidious and evil disposed persons have promulgated opinions and statements tending to persuade the people of the Island, and persons in this country, that the Proprietors of Lands have acted, and do still act, in hostility to the resident population—whereas your Memorialists deny such opinions and statements to be founded on fact; and on the contrary, are able distinctly to prove, that, with the exception of the few Indian and Acadian population, the whole of the population have either been taken to the Island at the expense of the Proprietors, or induced to settle in the Colony in consequence of the encouragement and employment offered to them by the large Proprietors, resident and absent, very many of whom have expended large sums of money, and have as yet received either no returns, or if any, so small as to yield no compensation for the capital invested and the annual outlay required.

That your Memorialists maintain, and are prepared to prove, that land can be obtained in Prince Edward Island, upon as easy, if not upon more easy terms than in any of the neighbouring Colonies—namely, to purchase at from 2s. to 20s. per acre, and to rent at from 6d. to 1s. 6d. per acre; and that they have been, and still are willing and anxious, to advance the settling of their lands and the general prosperity of the Colony, as far as may be consistent with reasonable expense; but they cannot view otherwise than as a measure at once injurious and unjust, the plan of compelling your Memorialists to incur ruinous and fruitless expense in attempting, prematurely, to settle their lands, or submitting to the alternative of what may fairly be deemed a forfeiture, by forcing the Wilderness Land into a market already overstocked with land for sale. Of the effect of such a measure Mr. Secretary Stanley was fully aware, when, in his Despatch already referred to, he says—‘ Independently of the difficulties and expense of collection, the avowed intention and expected effect is, to bring large masses of land under escheat for non-payment. But although provision is made for selling so much of the land as may be necessary to cover the assessment, the effect of pouring so large a portion of land into a market already overstocked, may be so far to reduce the price, as to render it impossible to find purchasers willing to take it at any price, subject to the amount of the duty.’

That your Memorialists respectfully submit, that if the object of the promoters of the Act were to raise a permanent Revenue, that object would be more equitably obtained by laying a fair and moderate Tax upon land, in common with all other property, similar to the plan adopted in the Upper Canada Acts, 59 Geo. 3, cap. 7, and 6 Geo. 4, cap. 7, referred to in your Lordship’s Despatch to His Excellency Sir John Harvey, of the 10th of August, 1836.

That your Memorialists also submit, that the proposed scheme of Taxation is a flagrant act of injustice and partiality, inasmuch as one species of property alone—and that of necessity an unproductive one—is taxed, to the exemption of all other; and they cannot consider the measure otherwise than as an unprovoked attack upon the sacred rights of property, tending to render the lands of your Memorialists valueless, and, in short, intended by its framers to bear as a penalty upon your Memorialists, for not being able to perform impossibilities.

That His Majesty had been graciously pleased, from time to time, to wave some of the conditions of settlement, imposed by the original Grants—such conditions having been found impracticable to be fulfilled.

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That His Majesty was advised to adopt this course on principles of sound policy and justice by his Ministers, who declined advising His Majesty to establish a Court of Escheat in Prince Edward Island; and that if the proposed measure of taxing uncultivated or wilderness land be suffered to receive the Royal Assent, the above mentioned indulgence and waiver of conditions, on the part of the Crown, will be rendered nugatory, and of course be defeated.

That your Memorialists are informed, and believe, that to render His Majesty's indulgence and waiver of conditions nugatory is the real wish and object of those parties in the Island who have introduced this measure for taxing so exorbitantly the uncultivated or wilderness lands; and that an avowal of such wish and object, on the part of a member of the Prince Edward Island House of Assembly—the proposer of the present measure of taxation—may be found in the *Charlottetown Gazette*, of the 26th of February, 1833, where it is distinctly stated, that such a Tax on Wilderness Land will be a virtual Escheat.

That a reference to the Prince Edward Island *Royal Gazette*, of the 10th January, 1837, will shew that such wish and object have lately been openly declared and promulgated by other individuals in the Prince Edward Island *Gazette*; and that the seditious and inflammatory nature of certain expressions, therein stated to have been used, called forth the marked notice and reprobation of His Excellency the Lieutenant Governor, Sir John Harvey.

That, among other improper and objectionable propositions, a design was avowed of furnishing His Majesty's Ministers with an excuse to the proprietors for advising His Majesty to sanction the aforementioned measure of Taxation; and that such excuse was to consist of a repetition and continuance of the same seditious and inflammatory expressions of feeling and opinion.

That the present is by no means the first attempt made by certain parties in the Island to render valueless the property of your Memorialists; but that, for several years past, one measure after another, to that end, has been in agitation in the Island. That your Memorialists view the present attempt as part of a system of injury against which they have no protection, other than the goodness of their cause and the wisdom and firmness of Her Majesty's Government.

Your Memorialists therefore pray your Lordship, that for the above, and other equally cogent reasons, the said Act may not receive the Royal Allowance; or, at any rate, that such Allowance may not be given without the same being first referred to the Judicial Committee of the Privy Council, and your Memorialists afforded an opportunity of stating and supporting their objections to the said Act by their Counsel.

(Signed)

ROBERT STEWART, Chairman.

No. 2.

(Copy.)

12, COPTHALL COURT,
Throgmorton Street, 20th September, 1837.

My Lord;

A Memorial from the general body of Proprietors of Lands in Prince Edward Island, against the principle of an Act which has recently passed the two Houses of the Colonial Legislature, and now lies before Her Majesty in Council, for allowance or disallowance, having been recently presented to your Lordship; but without entering into any of those specific objections which, I humbly submit, may justly be entertained to some of the details of the measure, I beg leave, on the behalf of my family (who, being interested in Eighty thousand acres of Land in that Colony, will be deeply affected by the operation of the Act, if it receives the Royal Allowance), to solicit your Lordship's attention to the accompanying observations on several of the Sections of the Act.

I have to apologise to your Lordship for so long a trespass upon your invaluable time; but I trust that the importance to the parties concerned of the questions involved in the Colonial Act on which I have ventured to offer these remarks, will be received as a sufficient excuse.

I have, &c.

(Signed)

HENRY R. HILL.

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

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Observations upon the Act of the Prince Edward Island Legislature, 7 Will. 4, cap. 31, intituled *An Act for levying an Assessment on all Lands in this Island.*

Section 1.—The preamble assumes that the Lands are in the hands of the original Grantees, and that they have not settled or disposed of them, or made any exertions for either of those purposes; whereas there is scarcely a single Lot remaining in the possession of the original Grantees or their descendants. The great majority of the present proprietors have become so as purchasers, for valuable consideration, which, of itself, negatives the assumption that the original Grantees have not disposed of their lands; but we have yet to learn that it was a condition or object of the original Grants that the Grantees should part with their interests. Property is usually granted to be *enjoyed*, not disposed of. As to the allegation of non-settlement, it is totally devoid of truth. Settlement, in the sense in which the word is here employed, is a relative term. By what test is its application to the lands in Prince Edward Island to be tried? Is it by the terms of the original Grants, or by the relative condition of the neighbouring Colonies? For no one surely can be so unreasonable as to institute a comparison between an infant Colony in the New World and a populous nation of the old Continent. This is a subject upon which infinite pains have been taken to mislead His late Majesty's Government, and, it is to be feared, with some effect. There is consequently the more reason to set this matter in its true light. If, then, we look to the terms of the original Grants, we find that settlement was there defined to be a population in the proportion of one person to every two hundred acres; but it was most absurdly superadded, that such settlers should be *Foreign Protestants*. This formed an obstacle to the settlement of the lands (particularly during the war which raged in Europe, and in which this country was engaged nearly half a century after the Grants were made,) that it was impossible to surmount, while, at the same time, it was alike calculated to deter the proprietors from the expenditure of capital, in the transportation of British settlers, and to discourage Emigrants from settling in the Island under Landlords whose titles were rendered precarious by the impracticability of complying with this absurd condition. It was not until the year 1813, that the representations of the proprietors on this subject were attended to, and this condition released by the Prince Regent, and a further term of ten years given to the Proprietors to settle their lands within those ten years. The condition thus rendered practicable was complied with by the great body of Proprietors, and the names and ages of the persons constituting the population were registered in a public Office in the Island. Thus the settlement, as defined by the original Grants and the Proclamation of the Prince Regent, was complied with. But let it not be supposed, that no earlier efforts had been made to settle the lands. So far is this from being true, that it is notorious that many of the persons who purchased the lands of the original Grantees, and who did so with a view to their settlement and improvement, were absolutely ruined, or greatly impoverished, by the vast sums they expended in their endeavours to accomplish this object, foiled as they were in their attempts, by the above condition that the settlers should be Foreign Protestants—by the misgovernment of the Island, where fraud, rapine and injustice were practiced by the local authorities, and the judgment seat itself polluted by party predilections and antipathies, and by rapine and extortion, no less than it was degraded by ignorance and imbecility. The proof of this is to be found in the removal of the Public Officers, from time to time, when the outrages committed (see the note at the end of these remarks) had exhausted the patience of the Colonists, and their clamours for justice—long unattended to—had forced their way to the foot of the Throne.

The late Captain John Macdonald, Mr. Clarke, Major Fedd, Mr. Smith, the late chief Baron Montgomery (of Scotland), and Mr. John Hill, were among the Proprietors who, as early as 1770—1790, and for a long series of years afterwards, expended large sums of money in attempts to settle and improve the Lands; and there were many others who, at a later period, (amongst whom was the late Earl of Selkirk,) did the same.

Secondly.—If we compare the settlement of the Island with that of the neighbouring Colonies, which, be it remembered, (and this fact should never be lost sight of,) have enjoyed the advantage of great public works being carried on at the expense of the Government (an advantage never extended to Prince Edward Island,) what is the result? The accompanying tabular view of the British North American Colonies shews that, with inferior advantages—in despite of past misgovernment, the most disheartening—without the aid of the public money, so bountifully expended in canals and other public works in Canada—without the advantages which Nova Scotia and Cape Breton have enjoyed, in their mines, and in the presence of a large fleet at Halifax

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during the long war—one seventh part of its surface has been cultivated, while in Nova Scotia only one thirtieth; in Cape Breton, only one twenty-fourth; in Lower Canada, only one thirty eighth; in New Brunswick, only one forty-second; and in Upper Canada, only one forty-eighth part have been brought into cultivation; and that while the population of Nova Scotia and Cape Breton is only nine persons to every square mile—that of Upper and Lower Canada only about three—and that of New Brunswick between three and four—Prince Edward Island is peopled in the proportion of fifteen persons to the square mile. What then becomes of the clamour about nonsettlement and non-cultivation!

Section 4 provides that the Proprietor shall be entitled to redeem his Lands within two years after sale under the Act, on repayment of the purchase money, with interest and expenses, and a fair allowance for improvements—the same, in case of dispute, to be ascertained by the Supreme Court. That Court is one of Common Law Jurisdiction only—and how is it to ascertain what are fair allowances? It has none of the machinery by which a Court of Equity works out an inquiry of this nature. Is the Supreme Court to ascertain the fact by the aid of a Jury, or to decide upon affidavits?

Section 7 enacts that when the Sheriff shall have sold any Lands, for non-payment of the assessment and costs, and such Lands shall have produced more than sufficient, the Sheriff shall pay the surplus to the Treasurer of the Island, for the benefit of the Proprietor; and in case of dispute as to the right of any claimant to such surplus, the same shall be determined in a summary way by the Justices of the Supreme Court, and the costs shall be paid by the person wrongfully claiming. The consequences of this enactment may be most serious. Put the case of a disputed Title to Land—the very case in which the assessment is most likely to remain unpaid. The Supreme Court then is to decide in a summary way—of course without the aid of a Jury—questions of title to real property of the most delicate nature, however complicated the facts, however intricate the law—involving questions of legitimacy, international law, and other difficulties innumerable, many of which will suggest themselves to the mind of every real property lawyer.

Section 8 enacts that all Lands shall be deemed wilderness or unimproved Lands, and charged with the higher rate of assessment, unless the owner or occupier shall make a return of such land in the mode prescribed in the Act; and if he shall make a false return, he shall forfeit £50—one half of which fine shall go to the informer. To many of the smaller proprietors on the Island, the fine of £50, which of course is to be paid in specie, in a country having a very scanty circulating medium, would be ruinous; and yet an inadvertence will equally expose them to its infliction with a deliberate attempt to mislead. The word 'wilfully' or 'fraudulently' should have been inserted before the word 'make.' The word 'wilful' is inserted in the Canada Act, referred to in Lord Glenelg's Despatch of the 10th of August, 1836, to the Lieut. Governor. There can be no question, that the temptation held out by the moiety of the penalty given to the informer will, in a state of society like that of Prince Edward Island, lead to numerous harassing informations; and as the distinction between improved and unimproved lands is not well defined in the Act (see the observations on the next Section), there may be cases of doubt, in which the Proprietors may really have acted *bona fide*, to say nothing of the hardship of the case upon absent proprietors, who are obliged to entrust these matters to Agents, not always educated persons.

Section 9 is the only Section which defines, or attempts to define, what is meant by cultivated Land; and it enacts, that when it shall appear from the return that any person is the owner or lessee of any quantity of land containing 300 acres, or any less quantity, and shall have actually settled thereon, or in case of non-residence, shall have inclosed and cultivated in the proportion of five acres for each hundred acres, and in the same proportion for any less quantity thereof, such land shall be deemed cultivated or improved within the meaning of the Act. But suppose an owner or lessee of 350 acres—what is he to do? He may inclose and cultivate from North to South and from East to West, but it will not avail him under this Section. Is he to be forced to sell or give away 50 acres of land, that he may be able to describe himself as owner or lessee of 300 acres only? or is he to incur the hazard of a penalty for a false return by untruly registering himself as owner or lessee of that quantity only? The words 'inclose' and 'cultivate' also require to be defined. Inclosure is not to avail without culture, or culture without inclosure.

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1st. What will satisfy the word inclose? Is a man to be at the expence of running a brick wall or a wooden fence, or digging a trench, or throwing up a bank round his 300 acres of land? There are many districts in England in which inclosure is not practiced in any form, as in the Isle of Thanet, and in many parts of Wiltshire and Oxfordshire; yet the land is not the worse cultivated.

2. What amounts to culture? Is the cutting down of the trees sufficient? It would appear not. Is cultivating between the stumps sufficient? Will patches of grain, potatoes, &c. at intervals, do? or must they be continuous? Is meadow or pasture land to be deemed cultivated? and if it is, it may be in jeopardy for non-inclosure. The word 'owner' is extremely vague. The question immediately arises, is a Mortgagee, in possession, an owner? Is a Tenant for life an owner? Is a Trustee or his Cestuique Trust the owner?

Section 11 empowers the Sheriff to adjourn the sale from day to day, at his discretion, on giving public notice thereof. He is not restricted to a case where there is any reason for so doing, nor is he directed to give any definite *previous* notice. A proprietor residing in a remote part of the Island, who is disputing with the Town Officers about the construction of the Act, and the liability of his land to the larger assessment (and God knows there is room enough for a doubt upon its construction), suddenly finds it advertised for sale. The Sheriff is, perhaps, a personal enemy, or secretly influenced by one, or by a friend of his own who is desirous of buying the good man's land for an old song (these personal feelings and interests are constantly operating in a small community); he travels to Charlottetown, to bid, or procures a compassionate neighbour to go there and bid a fair price, to prevent his property being sacrificed. The Sheriff hears that he has arrived, and he sends the crier round, on the morning of the day appointed for the sale, to proclaim the postponement, and waits until the Proprietor or his friend can stay in town no longer. True it is, that he may redeem within two years; but he must raise the money in cash. A little delay takes place, and then he finds he shall be involved in litigation about the 'fair allowances claimed for improvements. The Upper Canada Act, before referred to, only authorises a sale when the Tax is eight years in arrear.

Section 12 enacts that no omission of any direction contained in the Act, relative to notices or forms of proceeding, previous to any sale made under the Act, shall render such sale invalid; but the aggrieved party shall seek redress, in the shape of damages, from the person guilty of the omission—that is to say, your land may be sold without any notice whatever, and you may enjoy the luxury of bringing an action against a man who has left the Island, or who is only a man of straw. Really, when it is considered that the operation of the Act is *highly penal*—that its consequences are to strip a man of his land—it is one in which the conduct of the Officers certainly ought to be jealously watched, and the most strict regularity exacted.

The remaining Sections are principally devoted to the establishment of a Building for keeping the Records of the Colony, and other Documents, and for the sittings of the Legislature, which seem to be objects inconveniently mixed up with the only subject mentioned in the Title of Act: but it is not for the writer to complain of this, if the Government sees no objection to it. He may be, however, permitted to remark, that £5000 seems to be an enormous sum for the building required, in a Colony in which £500 will build a first-rate house; where the Records are so few, that a room of twelve feet square would more than suffice for their deposit: and, moreover, a Colony in which the annual Revenue is not more than double the sum proposed to be expended on this building.

It is not the least amusing part of this clumsy attempt at Legislation, that the 23^d Section, which suspends the operation of the act until it shall be ascertained that Her Majesty has been pleased to relinquish all claim to the Quit Rents during the continuance of the Act, recites, that it has been passed in the confident expectation that Her Majesty, taking into consideration the very depressed state of the Colony, and the small advancement made in its improvement, will be pleased to forego the claim to Quit Rents. It certainly is a novel mode of relief, to double the burden upon the proprietor, as this Act proposes to do.

Lastly.—Although the Assessment is to be a substitute for the Quit Rents, there is no provision made in the Act for the case of those who wish to avail themselves of the arrangement with Earl Ripon, for their redemption. See his Despatch of the 27th January, 1833.

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Although the memorial of the general body of Proprietors, lately presented to Lord Glenelg, is directed against the principle of the Bill, the importance of the stake to the individuals whom the writer represents, will, he trusts, plead his apology for trespassing further upon his Lordship's attention, by a few additional observations on the general tendency of the measure in question; and that although it should happen to repeat some of the arguments contained in the memorial referred to.

The ' avowed object and expected effect' of this Act (to use the words of Mr. Secretary Stanley's Despatch to the Lieutenant Governor, dated 28th May, 1834,) being to produce a forfeiture of the Wilderness Lands now held by the Proprietors, an inquiry into the justice of the measure becomes necessary.

It has already been shewn, that the alleged cause of complaint does not exist—that the population of the Island is greater, in proportion, than that of either of the other North American Colonies—and that a larger proportion of the land is under cultivation.

The Tax put upon Wilderness Land is, therefore, unjust, and it operates with peculiar hardship and cruelty upon those Proprietors whose families have been impoverished by their expenditure upon their Estates in the Island.

Secondly.—The amount of the Tax is excessive. Mr. Secretary Stanley, although he had not before him those data which are now furnished, and which exhibit the falsehood of the allegation of non-settlement and non-cultivation, and, in the absence of such information, was induced to countenance the imposition of a penal assessment, yet did not shut his eyes to the necessity of great caution, least the Tax should be excessive. He says, in the Despatch above referred to—' but the amount of the penalty ought to be fairly considered, and if possible, adjusted according to the practicability of fulfilling the intention of the Grant. On land of a good quality, which probably would sell at 20s. per acre, a tax of 4s. 6d. per 100 acres, or 4½ per cent. on the interest of the purchase money, can hardly be said to be exorbitant; but if, upon a Grant of 10,000 acres, one half be altogether irreclaimable and valueless, the tax is then doubled in effect, and becomes absolutely ruinous. I am aware of the difficulty, if not the impossibility, of putting different assessments, according to the supposed quality of Wilderness Land; but if this be impossible, it is the more necessary to see that the Assessments are, on the whole, moderate, and not unreasonable.' Now, what is the fact? So far from 20s. per acre being the average value of land in Prince Edward Island, when sold in any large quantity, it is not above 3s. 4d. per acre.

The proposed Tax, therefore, is in the proportion of five or six times the amount which the Right Honourable Secretary thought ' could hardly be said to be exorbitant.' There are in Prince Edward Island, as in every other country, Swamps, and other bad tracts of land, which never can be brought into cultivation; while boundless tracts of fertile land are to be found in their immediate vicinity, which, in fact, no Proprietor in his senses would ever attempt to bring into cultivation, until a crowded population should render it not a losing speculation to endeavour to reclaim such land. In some instances, the proprietor of 20,000 acres finds half his land in this condition—yet no mercy is to be shewn to him by this Act; his comparatively valueless land must be paid for at the same rate as the valuable land in the neighbourhood, and that, avowedly, as a penalty upon him for the non-settlement of land which, in the nature of things, it is impossible for him to settle for many years to come.

A writer in a P. E. Island Newspaper—the *Colonial Advocate*, of the 29th April, 1837—in an article which advocates the Escheat of the lands, and censures, with much asperity, the abandonment of that measure, makes the following observation upon the Land Assessment Act, then under consideration in the House of Assembly, and which evinces the knowledge that party has of the effect of this measure. He says—' the Escheat of the forfeited lands has been called by some of the turn-about members (who lately supported it) wholesale robbery! The House of Assembly are about to pass a Law, to impose a tax of 4s. per 100 acres on wilderness land—What should this be called? If this is not worse than Escheat, we are much deceived in our view of the change of measures; for if a Court of Escheat went into operation, Government, after its repeated indulgences, must, in justice, give the Proprietors remuneration for their land. But this Bill would ruin some of the monopolists by piecemeal, because they would have to pay about £40 per Lot, when their rents were not half that sum.' This shews that the party are aware that the present measure is a virtual confiscation, although in disguise; and while the parties represented by the writer ac-

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knowledge with thankfulness the firmness with which the Home Government has withstood the clamour for a direct escheat or forfeiture of the lands, they rely with confidence upon the same Government not permitting that to be done indirectly which they have declared unfit to be done by direct means.

It should also be remembered, when a tax is imposed for the avowed purpose of operating as a penalty upon non-settlement, and in order to work a forfeiture of wilderness land, that the title to such land may be in litigation; and it cannot be expected that the contending parties will, before their right is decided, embark capital in the settlement and cultivation of the land. Large tracts of land may also be in settlement, and the parties entitled may be *infant children*, yet no exception is made in favour of lands thus situated.

Note referred to in Section 1.

A particular instance of the enormities here charged, against the authorities of those days, may be mentioned. Mr. Hill, one of the Proprietors resident in England, had originally concurred, with a few others, in complaints to the Home Government, of the conduct of the Governor, Chief Justice, Attorney General, and other Public Officers; but disapproving of the manner in which the majority of such complainants were disposed to bring their grievances before the Government, he withdrew from the matter at an early stage. The complaints at that time failed, and the Chief Justice brought an action against one of the complainants, who happened to be on the Island, for libels alleged to be contained in the proceedings at home, and recovered damages, which the defendant was unable to pay. The Chief Justice then suggested to him, that he should bring an action against Mr. Hill in the Island Court, to be tried before himself, for contribution (contribution between wrong doers or supposed wrong doers!!!) and promised him a Verdict, which Verdict would enable him to pay the Chief Justice at Mr. Hill's cost. Such verdict was accordingly obtained, in the absence of Mr. Hill in England, in the winter season, when all communication was cut off; and before he knew any thing of it, his chattel property on the Island, valued at £5000, was seized, and sold by the Sheriff for about £1,200. Against this iniquitous judgment, Mr. Hill, as soon as he heard of it, appealed to the King in Council. It is unnecessary to say, that judgment was reversed; but the reversal availed him nothing, for his antagonist then went into the *Gazette*, and Mr. Hill never got back one shilling!! In such a state of society, who could be expected to have the courage to invest money in the improvement of Land?

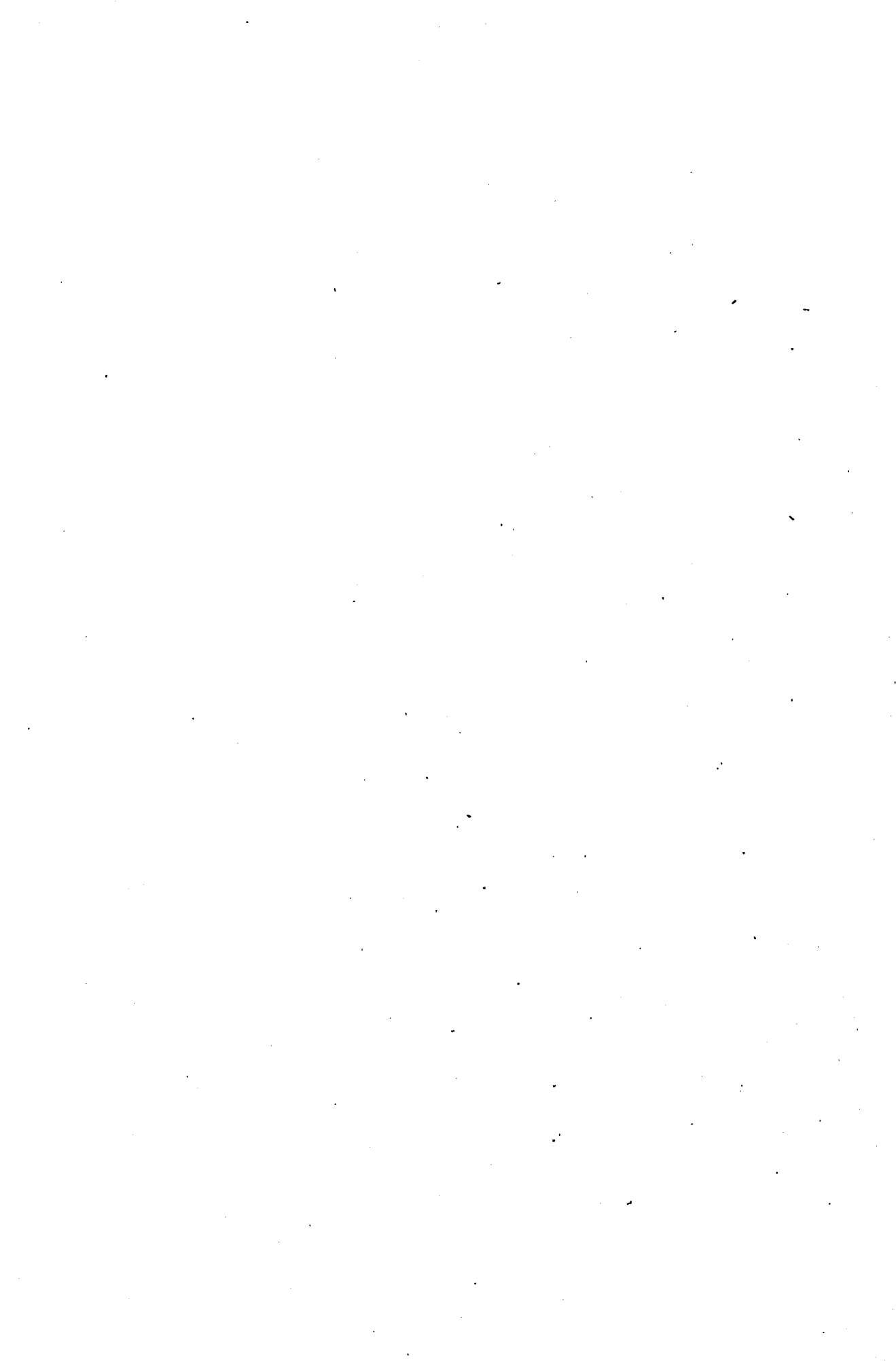
APPENDIX (A.)

**Comparative View of the Extent and Population of the
British North American Colonies.**

PROVINCES.	Superficies of the Land, in Square Statute Miles.	Superficies of the Land, in Statute Acres.	Average number of Acres under Cultivation.	POPULATION.	Number of Acres to each person in each Province.	No. of Inhabitants to a square mile in each Province.	Proportion of the No. of acres under cultivation to the whole quantity in each Province.	REMARKS.
1 New Brunswick.	26,704	17,099,560	410,000	93,700	182	3½	1-42	<p>According to Mr. Baillie, the Surveyor General of New Brunswick, the No. of acres in that Province are 17,000,000 and the No. of Inhabitants 7,000.</p> <p>Mr. Bouchette states the population of Cape Breton as here given; but it should have been only 16,700, according to the last Census.</p>
2 Nova Scotia.	14,031	8,979,200	700,000	139,334	64	9	1-13	
3 Cape Breton.	3,125	2,000,000	35,000	28,802	70	9 1-5	1-24	
4 P. E. Island.	2,134	1,366,000	189,000	32,292	42	15	1-7	
5 Newfoundland.	35,923	22,990,720	240,000	75,900	303	2	1-100	
6 Upper Canada.	95,125	60,880,000	1,250,000	220,000	295	2¼	1-48	
7 Lower Canada.	205,863	131,752,320	3,500,000	561,051	235	2¼	1-38	

1. See an Account of New Brunswick, by Thomas Baillie, Esq. Surveyor General, pages 4 and 127.
2. See Captain Moorsom's Letters from Nova Scotia, page 176. Captain Moorsom's estimate will be confirmed by calculating the Area from the Map of New Brunswick and Nova Scotia, by T. Wyld, Charing Cross. For the population, including Cape Breton, see Letters on the British North American Colonies, by George R. Young, Esq., page 120. In Marshall's Tables, page 221, the Population of Nova Scotia, including Cape Breton, is only put at 142,548.
3. The Area and Population of Cape Breton are taken from a Map of the British Colonial Possessions, published July, 1829, by J. Wyld, Charing Cross.
4. The Area of Prince Edward Island is taken from the Map by Captain Holland, late Surveyor General, and the Population from the Census taken by authority in the year 1833.
5. The Area and Population of Newfoundland was taken from a Map of the British Colonial Possessions, published in 1829, by T. Wyld, Charing Cross. In Marshall's Tables, page 218, the Population is stated to be 60,088; and in page 221, the Population is put at 58,088 only.
6. The Area and Population of Upper Canada are taken from the Map published by T. Wyld, Charing Cross, in 1829.
7. The Area and Population of Lower Canada are taken from the same Map.

The above Tables and Authorities, with some slight differences, and with the exception of the column shewing the average number of acres under cultivation, and the last column, appeared in the *Charlottetown Royal Gazette* of the 18th July, 1837. The additional columns, and the general calculations here given, are taken from similar Tables in Bouchette's *North American Colonies*, vol. 2, page 235; Lond. 1831. Bouchette states the Population of Prince Edward Island at 50,700, giving only 27 acres to each person, and 23½ persons to each square mile; but this is an over statement. According to the last Census, taken in 1833, which has been followed in the above Table, the Population was 32,292, giving 42 acres to each person, and 15 inhabitants to each square mile. The present population is supposed to be about 40,000. In 1827, it was only 23,266, and by 1833, had increased 9,026—that is, about 40 per cent. in six years.



APPENDIX.

[B.]

First Report of the Visiter appointed to inspect the District Schools throughout the Island.

To the Members of the Board of Education, Charlottetown.

GENTLEMEN,

In laying this my first Report before your Board, I deem it altogether unnecessary for me to offer any remarks upon the value and importance of Education in all countries, and among all classes of the community. Without education man is altogether unable, not only to fill any respectable station in society, but even to discharge aright the most ordinary duties of life. This is, indeed, now, so universally felt and acknowledged, that it becomes an object of every parent's first care and ambition, to have this blessing imparted to his children.

Though various laws have been enacted from time to time by the Legislature of this Island, for the regulation of Schools, and considerable sums of money have been appropriated for their encouragement, I regret to have it to state, from recent personal observation, that the system of instruction pursued in many of the country schools throughout the Island is extremely defective, and consequently but little really useful and substantial knowledge is acquired by the children attending them.

This appears to me to arise from several causes; some of these perhaps unavoidable in a new country like this. In many of the settlements, the inhabitants are poor—and having to struggle with numerous difficulties in procuring the means of subsistence for their families, the education of their children is with them an object of mere secondary consideration. And even when they do turn their attention to this important object, they are not (generally speaking) very scrupulous in the selection of their teachers, satisfying themselves with the common idea, that it is better to have any teacher than none at all.

The little encouragement which is in most cases held out to teachers of character and qualification, and the precarious manner in which their salaries are paid, operate most powerfully as a bar in the way of the advancement of education. Hence it too frequently happens that it is only persons of shipwrecked character, and blasted prospects in life, after every other resource has failed them, who take up the important office of Schoolmaster; and hence also the frequent changing of the teacher; the long lapse of time that takes place after the expiration of the engagement of the old, before a new one is appointed; in consequence of which the children nearly forget what they had previously acquired.

The migratory character of the schools, or the shifting of them from place to place, has, in my opinion, another injurious effect upon the progress of education. From this cause it happens, that after the children have made considerable proficiency, their career is stopped all at once by the removal of the school to another part of the district, where the population has recently become more dense; and then the former locality is completely deserted; the settlers immediately around it being unable, without the co-operation of their more distant neighbours, to secure the continuance of the school.

The irregular attendance of the children at school, in many instances, where their parents keep them at home to work, during the busy season of the year, tends seriously to retard their own improvement, and acts as a drawback upon the diligence and efficiency of the teacher.

I must also mention another practice which is too prevalent in the country, and which, I conceive, to be exceedingly injurious to the respectability of the teacher in the eyes of his pupils, and consequently hurtful to his usefulness—that is, receiving his board by going about from house to house; in which case, he is regarded, both by parents and children, as little better than a common menial; and from the familiarity which must necessarily subsist between himself and the family, he cannot exercise that authority over his pupils, which is indispensably necessary for a teacher to maintain.

APPENDIX (B.)

The want of a uniform method of teaching, of a regular supply of school books, together with the defective accommodations provided for schools, are other causes which very much retard the advancement of education on the Island.

Since the last quarterly meeting of your Board, I have been engaged, with little intermission, in visiting and examining all the schools taught throughout the Island, whether under the operation of the School Act or not. The number of these, and of the children attending them, is as follows:

	SCHOOLS.	SCHOLARS.
In Queen's County,	21	624
“ King's County,	15	490
“ Prince County,	15	535
	—	—
Total	51	1649

In the Appendix to this Report, I have submitted a detailed account of the state of each of these Schools; the method of instruction pursued by the teachers; the branches taught, and the proficiency made by the scholars. From this will be observable the many faults and errors I had occasion to remark in the majority of the Schools, whether arising from ignorance, inexperience in teaching, or want of a proper method of instruction. It is not necessary for me to comment any further upon these topics, but I may be allowed to indulge the hope, that the unfavourable description which I felt it incumbent upon me to give of these schools, will have the effect of causing the teachers to attend more diligently to their duties, and endeavour to qualify themselves more and more for the important office which they have undertaken.

I have only to add, that wherever I met with any errors or deficiency in the method of instruction pursued by the teacher, I endeavoured to point them out and correct them. I have shewn the advantage of exciting among their scholars a spirit of emulation, and ambition to excel,—and the necessity of economizing their time, and attending to a “division of labour,”—matters so essential to be observed in teaching, from the complicated and varied nature of its details. While such, I regret to say, is the indifferent character of the greater number of our schools, it is due to several of the teachers to make favourable mention to your Board of their capacity, diligence, and strict attention to their duties, as displayed in the good order of their schools, and in the proficiency of their scholars.

Among the best Schools I have seen, I can mention the following:

W. H. Nelis, Bedeque;
 Donald Lamont, Elliot River;
 Archibald Mackenzie, Murray Harbour;
 Robert Robertson, St. Peter's Road;
 Malcolm Darrach, Dog River;
 John Mackinnon, Ellis River.

The Princetown School, taught by Sebastian Davidson, I have reason to believe, might be classed with the above; but it is to be regretted that but few of the children attended the examination—the busy season the harvest causing the absence from the school of the more advanced scholars.

At the East Point (King's County), is a school taught by a competent teacher, John Slattery, in which I met with the only Latin scholars taught in any school on the Island. I have reason to indulge the hope that there are several other deserving teachers, who, when they shall have enjoyed the benefit of suitable school books, and the operation of a more approved method of instruction, will afford me the pleasure of bringing them under the favourable notice of the Board at some future period.

As a serious obstacle to the advancement of the education of the country, I have already taken notice of the almost universal want of suitable books. Along with the class books which your Board may order for the use of Schools, I would beg leave to suggest the advantage of introducing into District Schools, some elementary works upon useful knowledge.

APPENDIX (B.)

Amid the variety of excellent works of this nature which are continually issuing from the press, it would not be difficult for your Board to make a selection; although I am aware that the limited sum of money at present placed at your disposal precludes the possibility of procuring anything like an adequate supply.

Cheap elementary works of an approved character, and embracing as much variety and accuracy of information as possible in a small compass, would, I humbly conceive, be, every way, best adapted for our schools, in their present state.

The advantage of an acquaintance with the following branches of education must, I am certain, be apparent to every person:

Ancient and Modern History;
General Knowledge;
Trade and Commerce;
Geography.

To which might be added, for the use of the more advanced scholars, Catechisms of
Mental Philosophy and British Law.

In conclusion, I would earnestly call the attention of the Trustees of schools to the important duties which the law, as well as their own immediate interests, imposes upon them—to take care that the school be properly conducted; that the requisite conveniences, such as suitable school-houses, desks, seats, firewood, &c. be provided—that the children be at stated periods regularly examined, so that their progress may be seen; and that the teacher be not careless or remiss in the discharge of his duties—to be strict and conscientious in not giving a certificate of sobriety and good conduct to any teacher, but such as really deserves it—for when Trustees neglect their duty in this respect, all the enactments of our Legislature requiring good conduct on the part of the teacher, will be rendered nugatory.

If a remedy were applied to these evils and abuses which I have endeavoured to enumerate, as tending to impede the advancement of education, our schools would assume a healthy and flourishing appearance; and our native youth, who are remarkable for quickness of apprehension, and capacity to learn, would prove a credit to themselves and their teachers, and an honour to the land which gave them birth.

I have the honor to be, gentlemen,

Your obedient humble servant,

JOHN MACNEILL,
Visiter of District Schools.

October 26th, 1837.

APPENDIX (B.)

List of Teachers in the Island—the number of Scholars, as examined by the Visiter; and the average number attending daily at the Schools, as given by the Teachers, with the Books required for each School—October, 1837.

QUEEN'S COUNTY.

KING'S COUNTY.

TEACHERS.	No. Examined.	No. on the Teacher's List.	Books required.			
			Readers.	Spelling-books.	First Books.	Arithmetics.
Malcolm Darrach,	35	46	14	24	12	16
Donald Lamont,	29	30	12	12	6	6
Donald Shaw,	9	27	6	12	6	3
Archibald M'Kinnon,	33	57	24	12	9	9
Robert Robertson,	18	32	12	12	6	3
— Butler,	16	30	12	12	6	6
Michael M'Carthy,	37	37	24	20	10	6
John Le Page,	17	27	12	12	6	5
John M'Kinnon,	47	47	6	10	9	7
Neil M'Kinnon, Absent,						
Alexander M'Cahe, do.						
J. R. Bott,	9	11	6	6	3	3
Robert Small,	6	28	12	12	6	9
H. D. Tyson,	17	20	9	8	4	5
Thomas Henessy,	11	13	3	3	6	3
James Reid,	12	34	18	18	12	12
Neil Arbuckle, Absent,						
Charles M'Eachern,	27	50	24	12	12	12
Donald Graham, Absent,						
— Burhoe,	7	25	10	15	6	6
Allan Stewart, Absent.						
21 Schools,	285	499	215	221	119	116

TEACHERS.	No. Examined.	No. on the Teacher's List.	Books required.			
			Readers.	Spelling-books.	First Books.	Arithmetics.
Pierce Ryan,	27	30	14	6	6	6
Archibald M'Kenzie,	45	45	12	16	6	10
John M'Millan,	32	50	12	10	6	5
Edmund Shea,	15	21	12	12	6	6
John M'Neil,	35	30	24	12	6	3
Michael Dunn,	30	30	12	12	12	6
Donald Mackay,	13	15	12	3	6	6
M. Anderson,	15	15	—	—	—	—
Patrick Deverichs,	4	10	—	—	—	—
John Slattery,	30	34	20	20	6	3
Donald Macdonald,	9	25	12	12	4	3
William M'Kenzie,	21	23	24	18	12	6
Thomas Bambrick,	25	35	30	12	12	6
Thomas Walsh,	26	26	24	12	6	6
Daniel Scott,	22	25	12	6	6	6
15 Schools,	349	419	232	168	94	81

As appears from the above, there are in

	SCHOOLS.	SCHOLARS
Queen's County,	21	624*
Prince County,	15	535
King's County,	15	419
Total,	51	1,649

And the Books required for these Schools are 645 Readers, 559 Spelling Books, 338 First Books, and 290 Arithmetics.

PRINCE COUNTY.

Henry Lecky,	17	50	24	18	6	6
Donald M'Kinnon,	20	47	18	12	9	9
Thomas Crowe,	10	45	18	12	9	6
W. H. Nelis,	28	35	12	12	12	12
James R. Downing,	10	15	6	12	6	3
John Ross,	10	30	12	8	9	6
Sebastian Davidson,	18	50	24	24	12	12
Edward Brenan,	17	33	18	18	6	6
Thomas Collins,	9	30	12	12	12	6
Robert B. Stubbs,	—	45	10	10	6	6
J. P. Sherlock,	—	50	At present vacant.			
John M'Kinnon,	17	30	12	9	8	9
A. C. Bickford,	22	30	12	9	6	8
Ephraim Laird,	5	15	6	6	12	4
John Ronayne,	25	30	24	12	18	6
15 Schools,	158	535	198	170	125	93

*In Queen's County, the five Schools, the teachers of which were absent, contain, on an average, 25 scholars each, making a total of 624 in that County.

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