





# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND,

ANNO SEXTO

VICTORIÆ REGINÆ.

FIRST SESSION OF THE SIXTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

PRINTED BY J. D. HASZARD, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1843.





BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT,

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

H. V. HUNTLEY,  
*Lieutenant Governor.*

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands prorogued until Wednesday the Sixth day of July next. I have thought fit to DISSOLVE the said General Assembly, and the same is hereby Dissolved accordingly.

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

And I do further declare that I have this day given orders that Writs for calling a new General Assembly be issued, in due form—the said Writs to bear teste on Tuesday the Thirty-first instant, and be returnable on Wednesday the Seventeenth day of August next.

Given under my Hand and the Great Seal of this Island, at Charlottetown, in the said Island, this Thirtieth day of May, in the Year of Our Lord One Thousand eight hundred and Forty-two, and in the Fifth year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

*God save the Queen.*

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BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT,

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

H. V. HUNTLEY,  
*Lieutenant Governor.*

## A PROCLAMATION.

**WHEREAS** the Writs for Electing Members to serve in General Assembly for the several Districts, Towns and Royalities of this Island, are returnable on Wednesday the 17th day of August, instant:

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until Wednesday the Ninth 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 Fifteenth day of August, in the year of our Lord One thousand eight hundred and Forty-two, and in the Sixth year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

*God save the Queen.*

BY HIS EXCELLENCY

SIR HENRY VERE HUNTLEY, KNIGHT.

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

H. V. HUNTLEY,  
Lieutenant Governor.

## A PROCLAMATION.

**WHEREAS** the General Assembly of this Island stands Prorogued to Thursday the Fifteenth 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-fourth day of January next, then to meet for the DISPATCH of BUSINESS—of which  
all persons concerned are required to take notice and govern themselves accordingly.

Given under my Hand, and the Great Seal of this Island, at Charlottetown, in the said Island,  
this Twelfth day of December, in the year of Our Lord, One thousand eight hundred and  
forty-two, and in the Sixth year of Her Majesty's Reign.

By His Excellency's Command,

T. H. HAVILAND, Secretary.

*God save the Queen.*

# JOURNAL

OF THE

## LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND.

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TUESDAY, January 24th, 1843.

The General Assembly having been by Proclamation Prorogued to this day, the  
Legislative Council met:

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. *Mr. Macdonald*,  
*Mr. Macintosh*,  
*Mr. Dalrymple*,  
*Mr. Macnutt*,

The Hon. *Mr. Solicitor General*,  
*Mr. Holl*,  
*Mr. Young*.

**T**HE President acquainted the House, that His Excellency the Lieutenant Governor had provisionally appointed Charles Hensley, Esquire, by Warrant bearing date the 7th day of August, 1842, a Member of this House and desires to be admitted.

*Ordered*, That *Mr. Macintosh* and *Mr. Young* be a Committee to attend *Mr. Hensley*, and see him qualified.

The President also acquainted the House that His Excellency the Lieutenant Governor had provisionally appointed William Walter Irving, Esquire, by Warrant bearing date the 27th day of October, 1842, a Member of this House, and desires to be admitted.

*Ordered*, That *Mr. Macintosh* and *Mr. Young* be a Committee to attend *Mr. Irving*, and see him qualified.

Mr. *Young*, from the Committee appointed to attend Mr. *Hensley* and see him qualified, reported, that they had, according to order, attended Mr. *Hensley*, who took the Oaths in presence of the Lieutenant Governor.

The Honorable Mr. *Hensley* was then introduced between Mr. *Macintosh* and Mr. *Young*, and took his seat.

Mr. *Young* from the Committee appointed to attend Mr. *Irving*, and see him qualified, reported that they had, according to order, attended Mr. *Irving*, who took the Oaths in presence of the Lieutenant Governor.

The Honorable Mr. *Irving* was then introduced between Mr. *Macintosh* and Mr. *Young*, and took his seat.

The President also acquainted the House, that His Excellency the Lieutenant Governor had been pleased, by Commission bearing date the 24th of November, 1842, to appoint *Henry Palmer*, Esquire, Usher of the Black Rod and Sergeant at Arms, in the room of *George Wright*, Esquire, resigned.

The House adjourned during pleasure,

After some time, the House formed,

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

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

The Gentlemen of the House of Assembly then withdrew, and in a short time returned, when the Honorable *JOSEPH POPE* addressed His Excellency, and stated, that agreeably to His Excellency's commands, the House of Assembly had proceeded to the election of a Speaker, and that their choice had fallen upon him :—

The President of the Council then replied—

Honorable *JOSEPH POPE*,

I am commanded by His Excellency the Lieutenant Governor, to acquaint you that he hath so good an opinion of your integrity, diligence and sufficiency for executing the important office to which you have been elected, that His Excellency is perfectly satisfied with the choice which the House of Assembly have made, and doth allow and confirm you to be their Speaker.

The Speaker then addressed His Excellency as follows :

May it please your Excellency,

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

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

Mr. SPEAKER,

I am commanded by His Excellency the Lieutenant Governor, to say, that His Excellency being fully assured of the prudence, loyalty, and good affection of the House of Assembly, most willingly grants to them all their privileges, conformably to ancient usage, the laws of the land, and Her Majesty's Instructions.

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

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

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

I have a sincere gratification in again meeting the Houses of Legislature, fully convinced that they will zealously unite with me for the great object of advancing the general interests of this Island, I avail myself of this occasion to assure you that I shall warmly support all measures based upon the constitutional principles of the Empire ; and I ardently offer to your notice the infinite importance of using every endeavor to promote the diffusion of Religious and Civil Instruction amongst the poorer classes.

I wish to bring before your attention the Laws relating to the Repairs of the Roads and Bridges in this Colony ; with a most liberal expenditure annually upon them, they do not seem to be in that good condition which the people have a right to expect, and so especially necessary to the pursuits of the Agriculturists, to whose industry and welfare this Colony must look for its advancement. I hold this subject to be worthy of your careful examination in all its relations.

I think the public would derive a benefit, from a Revision of the Laws regulating the Small Debt Courts.

I would also suggest the advantage of assimilating the Laws between Debtor and Creditor, as far as circumstances will permit, to those in force in Great Britain.

The facility with which Marriage Licences can be legally obtained, has led to some extremely improper practice, and I feel it my duty to ask your consideration of the laws upon this subject.

The operation of the Assault and Battery Court seems not sufficiently efficacious ; some offenders have escaped punishment, solely from the delays necessarily occurring under the construction of this Court. I recommend the adoption of a more summary method of adjudicating the minor cases of offence.

I had hoped to have been in possession of such information as would have enabled me to have placed before your notice, the possible advantage of giving encouragement to a Fishery, proposed to be established upon a large scale in this Island ; and although events, of I trust only a temporary nature, have interfered to prevent me ; yet I feel that I may express the anxiety which I entertain upon this subject.

fully satisfied that the Colony in general, but the Agricultural interest in particular, will derive incalculable benefit from such an Establishment. I would here call your attention to the well-founded complaints which are annually made by the Inhabitants, of the encroachments upon our shores, by the American fishing vessels, in the hope that you will be able to devise some effectual means of compelling them to regard the limits laid down by the Treaty.

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

The Public Accounts shall be laid before you without delay.

In the Impost Duties a deficiency will be found, but by no means so extensive as might reasonably have been expected under the recent general depression of Trade ; in the Imperial Duties there will, however, be found an increase, nearly, if not quite equal, to the loss upon the Impost Duties, independently of any Duties that may arise from goods now in the Bonded Warehouse.

The Imperial Government having, with an enlightened liberality and consideration of the Colonies, materially altered the Duties upon Foreign Articles, (the papers relating to which, shall at an early moment, be laid before you,) it will be necessary to reconsider the Revenue Laws of this Colony.

I rely with confidence upon you for the Supplies necessary for the Public Service.

Amongst other papers which I shall lay before you, there will be some relating to a circumstance that occurred about the termination of the last Session, involving the confidence that should exist between the Executive and the House of Assembly : this subject will, I am satisfied, receive every proper attention.

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

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

Be pleased to accept the assurance of the confidence I place in the deliberation which you may feel a right to extend to my suggestions, and other communications, which it will be expedient to make by means of Message, and I trust that you will also believe me to be most anxious to co-operate with you for the prosperity of the Colony.

The Speech being ended, and the House of Assembly having withdrawn, His Excellency was pleased to retire.

Prayers were then read.

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 this House, for his Speech delivered this day.

Ordered, That *Mr. Macdonald, Mr. Dalrymple, Mr. Solicitor General*, be a Committee pursuant to the above Resolution.

On motion, Ordered, that *Mr. Macnutt, Mr. Young and Mr. Irving* be a Committee to revise the Journals of this House each day.

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

On motion, Ordered, that the Journals of this House be printed daily, and that One Hundred and Twenty copies thereof be furnished.

Adjourned until Twelve o'clock to-morrow.

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## WEDNESDAY, January 25th, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,  
Mr. *Macnutt*,  
Mr. *Young*,

The Hon. Mr. *Hensley*,  
Mr. *Irving*.

PRAYERS.

**T**HERE not being a Quorum :

Adjourned until One o'clock To-morrow.

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## THURSDAY, January 26th, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,  
Mr. *Dalrymple*,  
Mr. *M'Nutt*,  
Mr. *Solicitor General*,

The Hon. Mr. *Holl*,  
Mr. *Young*,  
Mr. *Hensley*,  
Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of Tuesday last.

Mr. *Macdonald* from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported a Draft thereof, which he read in his place.

*Ordered*, That the Report be received, and the said Draft was again read by the Clerk, and it was ordered that the House be forthwith put into a Committee of the whole, to take the same into consideration.

The House was adjourned during pleasure, and put into a Committee on the said Address.

After some time the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Address, and that they had agreed to the same with several amendments.

The said amendments being twice read by the Clerk, were agreed to by the House.

*Ordered*, That the said Address with the amendments be engrossed.

On motion, the said Address was read a third time and passed, whereupon the President signed the same, and it is as follows :—

*To His Excellency Sir HENRY VERE HUNTLEY, Knight, Lieutenant Governor and Commander in Chief in and over Her Majesty's Island Prince-Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.*

MAY IT PLEASE YOUR EXCELLENCY,

WE the Members of Her Majesty's Legislative Council, in General Assembly convened, tender our thanks to your Excellency for your Speech at the opening of the present Session.

We fully concur with your Excellency in the great importance of the diffusion of Civil and Religious Instruction among the poorer classes; and we beg leave to assure your Excellency, that no endeavours shall be wanting on our part to promote so desirable an object.

We quite agree with your Excellency in thinking that, with the large sums annually expended upon the Roads and Bridges, the public have a right to expect them to be in a much more efficient state than they generally are. Deeply sensible of the immense importance of this subject, especially to the Agriculturists, to whose industry (as justly remarked by your Excellency,) this Colony must look for its advancement; your Excellency may rely on this subject receiving our most attentive consideration, and on our giving our support to such measures as may tend to introduce a better system.

The expediency of revising the Laws regulating the Small Debt Courts shall receive our most mature deliberation. The assimilation of the Laws (as far as circumstances will permit,) to those of the Mother Country, must ever be a desideratum in Colonial Legislation.

The enactment of such Laws as will prevent abuse by the facility with which Marriage Licences may be obtained, shall, in accordance with your Excellency's suggestion, receive our fullest consideration.

Our attention shall be given to the making of such amendments of the Laws regulating the Assault and Battery Court as will render that Court more efficacious in the punishment of offenders.

The establishment of a Fishery upon an extensive scale, while it would be of incalculable benefit to the agricultural interests of this Island, would develop a long neglected source of great and permanent wealth; and while in the anxiety expressed by your Excellency on this subject we hail a renewed token of the warm interest you take in all measures tending to advance the prosperity of the Colony, over which you have been called to preside, we sincerely join with your Excellency in hoping that the events which at present seem to interfere with the progress of the Establishment alluded to, may be only temporary in their nature. Deeply impressed with the importance of the Fishery, as a field for the exercise of the industry of our population, and the enterprise of the capitalist, and aware that the complaints made by the inhabitants, of the encroachments by the Americans, are well founded, your Excellency may rely on our earnest endeavours to devise some effectual means of compelling them to regard the limits laid down by the treaty.

Fully persuaded of your Excellency's anxious desire to advance the prosperity of the Colony, we assure your Excellency that all other matters which your Excellency may be pleased to lay before us shall receive our best attention.

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

On motion, Ordered, that the same Committee who prepared the Address, do wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address.

*Ordered*, That Mr. *Macnutt*, have leave to absent himself next week.

*Ordered*, That Mr. *Irving* have leave to absent himself on Saturday next.

Adjourned until one o'clock to-morrow.

FRIDAY, January 27th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,

Mr. *Macintosh*,

Mr. *Dalrymple*,

Mr. *Macnutt*,

Mr. *Solicitor General*,

The Hon. Mr. *Holl*,

Mr. *Young*,

Mr. *Hensley*

Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Macdonald* from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know when he would be pleased to receive the address of this House in answer to His Excellency's Speech, reported, that they had waited on His Excellency and that His Excellency had been pleased to appoint the hour of Two of the clock, P. M. this day for that purpose.

At Two of the clock, P. M. the House accordingly proceeded to Government House with their Address in answer to His Excellency's Speech, and having returned, the President reported, that His Excellency had been pleased to receive the same, and give an answer thereto which was read by the Clerk, and is as follows :—

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

Moved by the sincerest anxiety to advance the prosperity of the Inhabitants of this Colony, I trust that you will believe me deeply sensible of the value of your co-operation; and I receive your assurances of assistance, Mr. President, and Honorable Gentlemen, with unfeigned gratification and thankfulness.

Government House, January 27th, 1843.

Ordered, That Mr. *Macdonald*, have leave to absent himself to-morrow and Monday next.

Adjourned until one o'clock to-morrow.

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## SATURDAY January 28th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President:	
The Hon. Mr. <i>Macintosh</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Young</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Hensley</i> .

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, Resolved, that an humble Address be presented to His Excellency the Lieutenant Governor, praying His Excellency to order the several Commissioners for the Recovery of Small Debts in this Island, to lay before this House, returns of the number of Summonses issued by them for the last twelve months—such Returns to specify

the Costs of Commissioners, Witnesses and Constables separately—and also the several cases wherein Executions have been issued.—And also, that His Excellency will be pleased to direct the Prothonotary of the Supreme Court to lay before this House a Return specifying the number of Appeals from said Commissioners' Courts, for the above mentioned period—also, specifying the number of cases wherein the Judgments below, were reversed by the Supreme Court.

Ordered, that *Mr. Holl* and *Mr. Hensley* be a Committee to prepare the said Address.

On motion, Ordered, that a Committee be appointed to search for Precedents, to ascertain the power of this House to adjourn to a period beyond the day next succeeding such adjournment, and to report thereon.

Ordered, that *Mr. Macintosh*, *Mr. Holl* and *Mr. Young* be a Committee for that purpose.

Adjourned until Monday next at One o'clock.

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## MONDAY January 30th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President:	
The Hon. Mr. <i>Macintosh</i> ,	The Hon. Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> .
Mr. <i>Solicitor General</i> ,	Mr. <i>Irving</i> .
Mr. <i>Holl</i> ,	

PRAYERS.

**R**EAD the proceedings of Saturday,

*Mr. Holl* from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor praying that His Excellency will be pleased to order the several Returns from the Commissioners of Small Debts, and from the Prothonotary of the Supreme Court, to be laid before this House, reported the Draft of an Address, which he read in his place, and was afterwards read by the Clerk, and is as follows:—

To His Excellency SIR HENRY VERE HUNTLEY, Knight, Lieutenant Governor, and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY;

The Legislative Council respectfully request, that your Excellency will be pleased to order the several Commissioners for the Recovery of Small Debts in this Island, to lay before this House, Returns

of the number of Summonses issued by them for the last Twelve Months; such Returns to specify the Costs of Commissioners, Witnesses and Constables separately, and also the several cases wherein Executions have been issued. And also that your Excellency will be pleased to direct the Prothonotary of the Supreme Court to lay before this House, a Return, specifying the number of Appeals from said Commissioners' Courts, for the above mentioned period, also specifying the number of cases wherein the Judgments below were reverse d by the Supreme Court

Ordered, That the said Address be received and adopted.

Ordered, That the same Committee who prepared the Address, be a Committee to present the same to His Excellency, who returning, reported that the Committee had presented the said Address, and that His Excellency had been pleased to say, that he would attend to the request of the House.

The Honorable Mr. Haviland, Colonial Secretary, informed the House, that he was directed by His Excellency the Lieutenant Governor, to lay before the House, the following written Message signed by His Excellency:—

MESSAGE.

H. V. HUNTLEY, Lieutenant Governor.

The Lieutenant Governor transmits to the Legislative Council, Copies of the following Despatches and Documents, viz:—

No. 1. Despatch from Lord Stanley, No. 19, dated 4th of April, 1842, in answer to the joint Address of the Council and Assembly to the Queen, congratulating Her Majesty on the Birth of the Prince of Wales.

No. 2. Despatch from Lord Stanley, No. 21, dated the 27th May, 1842, in answer to the joint Address of the Council and Assembly to the Queen, praying that Corn and other articles the growth of this Colony may be admitted into the United Kingdom Duty free.

No. 3 & 4. Despatches from Lord Stanley, Nos. 25 and 42, dated 1st July and 3d September, 1842, in answer to the joint Address of the Council and Assembly to the Queen, praying that the Moneys arising from the sale of School Lands under the Provincial Act of the 5th William 4th, Cap. 13, may be invested with the Treasurer of this Island in the Public Funds.

No. 5 & 6. Despatches from Lord Stanley Nos. 30 & 38, dated the 2d and 25th of August 1842, in answer to the Address of the Legislative Council to the Queen, praying that the Port of Charlottetown may be declared a Free Warehousing Port.

No. 7. Despatch from Lord Stanley No. 32, dated 4th of August, 1842, with reference to the Act passed in the Session of 1842, to create a fund for defraying the expences of Medical Assistance for sick Emigrants and enabling indigent persons of that description to proceed to the place of their destination.

No. 8. Despatch from Lord Stanley No. 33, dated 4th of August, 1842, stating an objection to the wording of the Act relating to the admission of Barristers, Attorneys and Solicitors passed in the Session of 1842, and suggesting the propriety of amending the Act.

No 9. Despatch from Lord Stanley No. 34, dated 19th August, 1842, transmitting a Copy of an Act of Parliament of the 5th and 6th of Victoria, cap. 49, to amend the Laws for the regulation of the

Trade of the British Possessions abroad, together with a Copy of a Despatch addressed to the Governor General explaining the policy by which Her Majesty's Government have been governed in recommending to Parliament the adoption of the important changes in the Laws affecting the trade of the Colonies, which are sanctioned by this Act—also a circular Despatch from Lord Stanley dated 20th August, 1842, on the same subject.

No. 10. Despatch from Lord Stanley No. 56, dated 22d December, 1842, with reference to the Act for the increase of the Revenue of this Island passed in the Session of 1842.

No. 11. Despatch from Lord Stanley No. 58, dated 31st December, 1842, communicating the disallowance by Her Majesty's Government of the Act to authorise the issue of a Copper Coinage in this Colony and to prohibit the circulation of base coppers, passed in the session of 1842.

Also Despatch from Lord Stanley No. 36, dated 20th August, 1842, on the same subject.

No. 12. Order of her Majesty in Council dated 27th April, 1842, leaving to their operation An Act passed by the Legislature of this Island in the session of 1841.

An Act to amend an Act of the 7th year of the Reign of His late Majesty King William the Fourth intituled 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. And An Act passed in the session of 1842, to confirm and render valid certain proceedings of the Executive Government of this Island.

No. 13. Order of Her Majesty in Council dated the 11th of August, 1842, especially confirming An Act to authorise the erection of a Building near Charlottetown as an Asylum for insane Persons and other objects of Charity; and to provide for the future maintenance of the same.

No. 14. Order of Her Majesty in Council dated 11th August, 1842, leaving to their operation Seventeen Acts passed by the Legislature of this Island in the Session of 1842.

No. 15. Order of Her Majesty in Council dated the 2d of November, 1842, leaving to their operation an Act for the Incorporation of the Prince Edward Island Steam Navigation Company; and an Act to authorise the appointment of Commissioners to manage certain Shares and property in the Prince Edward Island Steam Navigation Company, on behalf of the Government of this Colony, passed in the Session of 1842.

No. 16. Order of Her Majesty in Council dated 10th of December, 1842, leaving to their operation An Act to amend An Act made and passed in the Third year of the Reign of Her present Majesty intituled an Act to prohibit the exportation of Oysters from this Island for a limited period, and an Act to amend An Act for the appointment of Fish Inspectors, and to continue and extend the Provisions of the Act now in force regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein.

Government House, January 30, 1843.

[Vide Appendices Nos. 1 to 16.]

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

A Message from the House of Assembly, by the Honorable J. S. Macdonald :

In the House of Assembly, Monday, January 24th, 1843.

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

Ordered, That the Honorable J. S. Macdonald, Mr. Macaulay, Mr. Longworth, Mr. Montgomery, and Mr. Beairsto, do compose the said Committee.

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

Also, with a Bill intituled "An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties in this Island," to which they desire the concurrence of the Legislative Council.

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

Ordered, That Mr. Dalrymple, Mr. Young and Mr. Hensley do compose the said Committee.

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

Read a first time the Bill intituled "An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties within this Island.

Adjourned until one o'clock to-morrow.

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## TUESDAY, January 31st, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President:

The Hon. *Mr. Macdonald*,  
*Mr. Macintosh*,  
*Mr. Dalrymple*,  
*Mr. Holl*,

The Hon. *Mr. Young*,  
*Mr. Hensley*  
*Mr. Irving*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Holl*, from the Committee appointed to Examine into and Report upon the expiring Laws, made a Report which he read in his place, and is as follows:

Your Committee having examined the Laws of the Island, to ascertain those which are about to expire during the present Session of the Legislature, beg leave to report :

That the Act 7th Will. IV. cap. 9, intituled "An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail of Charlottetown, and the Act for regulating the Jails of King's and Prince Counties"—Will expire on the last day of the present Session.

The Act 3d Victoria, Cap. 20, intituled "An Act to facilitate the intercourse between this Island and the Province of Nova Scotia and New Brunswick,"—will expire on the 29th day of April next.

The Act 5th Victoria, Cap. 4, intituled "An Act for the increase of the Revenue of this Island," will expire on the fifth day of May next.

*Ordered*, That the Report do lie on the table.

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

Adjourned until One o'clock To-morrow.

.....

## WEDNESDAY, February 1st, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,

The Hon. Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Hensley*,

Mr. *Solicitor General*,

Mr. *Irving*.

Mr. *Holl*,

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Young*, from the Committee appointed to search for precedents, to ascertain the power of this House to adjourn to a period beyond the day next succeeding such adjournment, made a report which he read in his place, and is as follows:—

Your Committee, who have been appointed to search for precedents, for the purpose of ascertaining the power of this House, to adjourn to a period beyond the day next succeeding an adjournment, beg leave to report as follows:—

That in "Chitty on Prerogatives," page 71. It is laid down, "The two Houses of Parliament, respectively, possess the exclusive power of adjourning themselves, nor can the King exercise it; and an adjournment of one House is not, *ipso facto*, an adjournment of the other. It appears, however, to have been usual, when the King has signified his pleasure that both, or either of the Houses, should adjourn themselves to a certain day, to obey the King's pleasure, so signified, and to adjourn accordingly. Otherwise, besides the indecorum of a refusal, a prorogation would assuredly follow; which, as it terminates the Session, would occasion great inconvenience to public and private business. An adjournment may be made by the Houses not only from day to day, but for a fortnight, or a longer period, as is usually done at Christmas or Easter, or upon other particular occasions; but the King may, by Proclamation, call them together at the end of fourteen days from the date thereof, notwithstanding any previous adjournment to a longer and more distant day."

And that in the first volume of "Blackstone's Commentaries," chapter 2d, page 185, the same doctrine is laid down as follows, viz: "An adjournment is no more than a continuance of the Session from one day to another, as the word itself signifies; and this is done by the authority of each House separately every day; and sometimes for a fortnight or a month together, as at Christmas or Easter, or upon other particular occasions. But the adjournment of one House is no adjournment of the other. It hath also been usual, when His Majesty hath signified his pleasure, that both or either of the Houses should adjourn themselves to a certain day, to obey the King's pleasure so signified, and to adjourn accordingly. Otherwise besides the indecorum of a refusal, a Prorogation would assuredly follow; which would often be very inconvenient to both public and private business. For Prorogation puts an end to the Session, and then such bills as are only begun and not perfected, must be resumed *de novo* (if at all) in a subsequent session: whereas after an adjournment, all things continue in the same state as at the time of the adjournment made, and may be proceeded on without any fresh commencement."

That on searching the Lord's Journals, your Committee find repeatedly the House of Lords adjourn without any authority from the Crown, namely, from the 2d to the 5th July, 1830,—from the 26th July to the 29th July, 1830,—from the 23d December 1830, to the 3d February 1831; and that it seems the constant practice in the House of Lords, to adjourn from Friday to Monday.

That on searching the Journals of the Legislative Councils respectively, in Canada, New Brunswick and Nova Scotia, your Committee find it to be the practice of these Councils, to adjourn from Friday to Monday, without the leave of the Lieutenant Governor.

That in searching the Royal Instructions, your Committee find nothing to prevent this House from adjourning to a period beyond the day next succeeding an adjournment, or for a longer period.

From these data your Committee are of opinion, that this House has the power to adjourn to a period beyond the day next succeeding an adjournment.

**Ordered**, that the Report of the Committee be received.

Read a second time, the Bill intituled "An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties within this Island.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and Mr. Young reported, that the Committee had gone through the Bill, and that they had made several amendments thereto, which they recommend to the adoption of the House.

On motion, Ordered, that the Report of the Committee be received.

The said amendments were then read, and are as follow:—

*Folio 1, line 5*—After the word “to,” insert “repeal certain parts amend and”

*Folio 2, line 4*—After the word “longer,” insert the following clause—

“And be it further enacted, that so much of the said Act as extends the limits of the said  
“Jails in King’s and Queen’s Counties, to the Wharves and Water Lots, shall be, and  
“the same is hereby repealed, and that the said Limits in the said Counties, shall not  
“hercafter be held to extend to any Water Lots or Wharves in the said Counties.  
“Provided always, that all Limit Bonds in King’s and Queen’s Counties, given before  
“the passing hereof, shall, with respect to all breaches of the conditions thereof,  
“committed after the passing of this Act, have the same effect, as if the Limits defined  
“by this Act were inserted therein.”

*In the Title, folio 1, line 1*—After the word “to,” insert “repeal certain parts, amend and”

The said amendments being read a second time, were agreed to by the House.

Ordered, That the said amendments be engrossed, and that the said Bill with the amendments be read a third time on Friday next.

Adjourned until Friday next at one o’clock.

FRIDAY February 3d, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Mucintosh*,

The Hon. Mr. *Holl*,

Mr. *Dalrymple*,

Mr. *Young*,

Mr. *Solicitor General*,

Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of Wednesday.

Pursuant to order the Bill intituled "An Act to continue the Act relating to the Limits and Rules of Jails, in the several Counties in this Island, was read a third time, with the amendments.

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

DISSENTIENT.

Mr. *Young*.

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

Resolved, That a Committee be appointed to take into consideration that part of His Excellency the Lieutenant Governor's Speech, relating to the facility with which Marriage Licences can be legally obtained, and to report thereon by Bill or otherwise, with power to send for persons, papers, and records.

Ordered, that Mr. *Macintosh*, Mr. *Solicitor General* and Mr. *Holl* be a Committee for that purpose.

Resolved, That a Committee be appointed to take into consideration, that part of His Excellency's Speech which relates to the encroachment upon the shores of this Island, by the American Fishing Vessels, and to report thereon by Bill or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. *Dalrymple*, Mr. *Holl* and Mr. *Young* be a Committee for that purpose.

Resolved, That a Committee be appointed to take into consideration that part of His Excellency's Speech, which relates to the diffusion of Religious and Civil Instruction amongst the poorer classes, and to report thereon by Bill or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. *Young*, Mr. *Hensley* and Mr. *Irving*, be a Committee for that purpose.

Resolved, That a Committee be appointed to take into consideration that part of His Excellency's Speech, which relates to the inefficacy of the Assault and Battery Court, and to report thereon by Bill or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. *Solicitor General*, Mr. *Holl* and Mr. *Young* be a Committee for that purpose.

On motion, the House was adjourned during pleasure, and put into a Committee on that part of His Excellency's Speech, which suggests the propriety of assimilating the Laws between Debtor and Creditor, as far as circumstances will permit, to the Laws in force in Great Britain. After some time the House was resumed, and Mr. *Solicitor General* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

Adjourned until Monday next at one o'clock.

**MONDAY** February 6th, 1843.

PRESENT :

The Honorable Mr. *Attorney General*, President:The Hon. Mr. *Dalrymple*,  
Mr. *Solicitor General*,The Hon. Mr. *Young*,  
Mr. *Hensley*.

PRAYERS.

**T**HERE not being a Quorum :

Adjourned until one o'clock to-morrow.

**TUESDAY**, February 7th, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :The Hon. Mr. *Macdonald*,  
Mr. *Macintosh*,  
Mr. *Dalrymple*,  
Mr. *Solicitor General*,The Hon. Mr. *Holl*,  
Mr. *Young*,  
Mr. *Hensley*,  
Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of Friday last.Mr. *Macdonald* informed the House, that indisposition prevents Mr. *Macnutt* from attending in his place.Ordered, That Mr. *Macnutt's* excuse be received.Mr. *Young* moved for leave to bring in a Bill to authorise the Justices of the Supreme Court, to try Criminal offences during Easter and Michaelmas Terms, at Charlottetown. Leave being granted, the said Bill was brought in, and read a first time.Mr. *Solicitor General*, moved for leave to bring in a Bill to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled "An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates," and to make other provisions in lieu thereof.—Leave being granted, the said Bill was brought in, and read a first time.

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

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

Read a second time, the Bill to authorise the Justices of the Supreme Court, to try Criminal Offences during Easter and Michaelmas Terms at Charlottetown.

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

*Mr. Young* moved that the House do come to the following Resolution:

*Resolved*, That an humble Address be presented to His Excellency the Lieutenant Governor, asking if His Excellency have received any Instructions from the Home Government, relative to the Fishery Reserves in this Island, and if so, to request His Excellency to be pleased to have the same, with any suggestions His Excellency may offer, laid before this House.

On motion, that the said Resolution be agreed to, the House divided.

CONTENTS.

*Mr. Dalrymple*,  
*Mr. Young*.

NON-CONTENTS.

*The President*,  
*Mr. Macdonald*,  
*Mr. Macintosh*,  
*Mr. Solicitor General*,  
*Mr. Holl*,  
*Mr. Hensley*,  
*Mr. Irving*.

And it passed in the negative.

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

Adjourned until One o'clock To-morrow.

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## WEDNESDAY, February 8th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Hon. <i>Mr. Macdonald</i> ,	<i>Mr. Dalrymple</i> ,	<i>Mr. Solicitor General</i> ,	<i>Mr. Holl</i> ,	The Hon. <i>Mr. Young</i> ,	<i>Mr. Hensley</i> .	<i>Mr. Irving</i> .

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Dalrymple*, 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.

Ordered, That the said Report be referred to the Committee appointed to report upon Education.

[See Appendix, No. 17.]

Mr. *Young*, moved for leave to bring in a Bill relating to Landlord and Tenant.—Leave being granted, the said Bill was brought in and read a first time.

On motion, Ordered, that the said Bill be read a second time on Monday next.

Pursuant to order, the House was adjourned during pleasure, and put into a Committee on the Bill to authorise the Justices of the Supreme Court, to try Criminal Offences during Easter and Michaelmas Terms, at Charlottetown. After some time the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill, and that it had agreed to the same without any amendment.

On motion, that the Report of the Committee be received,

It was moved as an amendment that the Report of the Committee be not received, and that the said Bill be recommitted.

The House divided on the motion of amendment.

CONTENTS.

Mr. *Macdonald*,  
Mr. *Irving*,

NON-CONTENTS.

*The President*,  
Mr. *Dalrymple*,  
Mr. *Solicitor General*,  
Mr. *Holl*,  
Mr. *Young*,  
Mr. *Hensley*,

And it passed in the negative.

The question being put on the original motion, the House again divided, and it passed in the affirmative.

Ordered, that the said Bill be engrossed, and that the title be, "An Act to authorise the Justices of the Supreme Court to try Criminal offences during Easter and Michaelmas Terms, at Charlottetown"

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of that part of His Excellency's Speech, which suggests the propriety of assimilating the Laws between Debtor and Creditor, as far as circumstances will permit, to the Laws in force in Great Britain. After some time the House was resumed, and Mr. *Solicitor General* reported that the Committee having had the same under consideration, had come to a Resolution, which they recommended to the adoption of the House, and the same was read and is as follows:

Resolved, That this Committee having agreeably to His Excellency's suggestion in his opening Speech, taken into its serious consideration the Laws affecting Debtor and Creditor in this Island, are of opinion, that it would be at present inexpedient to make any alteration therein.

On motion, Ordered, that the Report of the Committee be agreed to.

Adjourned until One o'clock to-morrow.

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## THURSDAY, February 9th, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. *Mr. Macdonald*,

*Mr. Macintosh*,

*Mr. Dalrymple*,

*Mr. Solicitor General*,

The Hon. *Mr. Holl*,

*Mr. Young*,

*Mr. Hensley*,

*Mr. Irving*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time as engrossed, the Bill intituled "An Act to authorise the Justices of the Supreme Court to try Criminal Offences during Easter and Michaelmas Terms, at Charlottetown.

Resolved, That the said Bill do pass.

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

*Mr. Solicitor General* moved for leave to bring in a Bill to prevent the burning of Limestone, within the Towns of Charlottetown and Georgetown. Leave being granted, the said Bill was brought in and read a first time.

Adjourned until one o'clock to-morrow.

**FRIDAY, February 10th, 1843.**

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. *Mr. Macdonald*,  
*Mr. Macintosh*,  
*Mr. Dalrymple*,  
*Mr. Solicitor General*,

The Hon. *Mr. Holl*,  
*Mr. Young*,  
*Mr. Hensley*,  
*Mr. Irving*.

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly by Mr. Yeo, with a Bill intituled "An Act to amend the Act regulating the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and Lesser Streams in this Island, and for other purposes therein mentioned,"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Pursuant to order, the House was adjourned during pleasure, and put into a Committee on the Bill to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled "An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates," and to make other provisions in lieu thereof.—After some time the House was resumed, and Mr. *Solicitor General* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly by Mr. Wightman, with a Bill intituled "An Act to compel persons appointed to the office of Constable to serve as such,"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled an Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates, and to make other provisions in lieu thereof,"—After some time the House was resumed, and Mr. *Solicitor General* reported that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received and leave granted.

Adjourned until Monday next at One o'clock.



Pursuant to order, the Bill intituled "An Act to compel persons appointed to the Office of Constable, to serve as such,"—was read a second time.

Mr. *Solicitor General* moved for leave to bring in a Bill to enable Married Women to convey Freehold Property, to which they may be entitled in their own right.—Leave being granted, the said Bill was brought in, and read a first time.

Pursuant to order, the Bill relating to Landlord and Tenant was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, to repeal an Act made and passed in the twenty-first year of the Reign of King George the Third, intituled "An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates," and to make other provisions in lieu thereof.—After some time the House was resumed, and Mr. *Solicitor General* reported that the Committee had gone through the Bill, and that they had agreed to the same with certain amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the title be "An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of intestates,' and to make other provisions in lieu thereof."

Read a second time, the Bill to prevent the burning of Limestone within the Towns of Charlottetown and Georgetown.

On motion, the House was adjourned during pleasure and put into a Committee on the said Bill—After some time the House was resumed, and Mr. *Solicitor General* reported, that the Committee had gone through the Bill and that they had agreed to the same with certain amendments—and an alteration in the title.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, that the said Bill be engrossed, and that the title be, "An Act to prevent the burning of Limestone within the Town of Charlottetown."

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act to compel Persons appointed to the office of Constable, to serve as such."—After some time the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same with a certain amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

The said amendment was then read, and is as follows:

*Folio 3, line 19,*—After the word "days," insert, "And be it further enacted, That in cases where any  
 "Constable appointed under and by virtue of this Act, shall neglect or refuse to  
 "serve, it shall and may be lawful to and for the Chief Justice, or any of the Justices  
 "of the said Court, to appoint other persons in the place of such person or persons  
 "as may refuse or neglect to serve as aforesaid, and so often as similar cases may  
 "arise, and such persons so appointed, shall be subject to the like penalties for refusal  
 "or neglect to serve, as are provided in and by this Act."

The said amendment being read a second time, was agreed to by the House.

On motion, Ordered, that the said amendment be engrossed and that the Bill with the amendment, be read a third time to-morrow.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill relating to Landlord and Tenant.—After some time, the House was resumed, and Mr. Young 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 motion, Ordered, that the Report of the Committee be received and leave granted.

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

MR. PRESIDENT:

The House of Assembly desire a Conference with the Legislative Council, on the amendment to the Bill, intituled "An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties in this Island,"—and have appointed Mr. Rae, Mr. Montgomery, and the Honorables Mr. Palmer and J. S. Macdonald a Committee to manage the said Conference.

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

Ordered, that Mr. Young and Mr. Hensley be a Committee to manage the said Conference, to meet in the Committee Room, instanter.

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

Thereupon the Managers went to the Conference, and having returned, they reported, that they had met the Managers on behalf of the House of Assembly, who had delivered to them the said Bill, with the amendments, and also a paper containing as follow:

BECAUSE the House of Assembly conceive that by excluding the Water Lots and Wharves in the Limits of the Jails of King and Queen's Counties, it will in a great measure prevent unfortunate Debtors from earning a livelihood—in many instances they have been employed within the limits of the Water Lots—many of which are inhabited. In all instances in which they do obtain employment, they would probably require (in the pursuit of such employment) occasionally to go upon the Wharves, and to the Post Office, Custom House, Excise Office, and Bonded Warehouse, from all which by the purposed Amendments they would be excluded.

Because in some cases there is no visible boundary dividing the Water Lots from the Town Lots, and that the Debtor employed in the Town Lots, might unconsciously enter some of the Water Lots, and thereby subject his bail to pay the debt.

Because in the absence of a Bankrupt Law, the privilege of living unmolested on the Limits, may enable some Debtors not only to earn their livelihood, but to save as much as to discharge their debts.

Because by reference to the proceedings of the Imperial Legislature, it would appear that they have mitigated the rigour of imprisonment for debt, and in some instances have altogether superseded it.

Because the House of Assembly are not aware of any inconvenience having resulted from the privilege now proposed to be abolished.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill relating to Landlord and Tenant.—After some time the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same with several amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the Title be “An Act relating to Landlord and Tenant.”

On motion, that the House do insist on their Amendments made to the Bill intituled “An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties in this Island—

The House divided—

CONTENTS.

*The President,*  
*Mr. Macdonald,*  
*Mr. Solicitor General,*  
*Mr. Holl,*  
*Mr. Irving.*

NON-CONTENTS.

*Mr. Dalrymple,*  
*Mr. Young,*  
*Mr. Hensley.*

And it passed in the affirmative.

On motion, Ordered, that a Committee be appointed to draw up Reasons, to be offered to the House of Assembly at a Conference, for insisting on the amendments made by this House to the said Bill.

Ordered, That Mr. *Solicitor General* and Mr. *Holl* be a Committee for that purpose.

Read a second time, the Bill to enable Married Women to convey Freehold Property, to which they may be entitled in their own right.

Adjourned until One o'clock To-morrow.

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**THURSDAY, February 16th, 1843.**

The Council met pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Macdonald,</i>	The Hon. Mr. <i>Young,</i>
Mr. <i>Dalrymple,</i>	Mr. <i>Hensley,</i>
Mr. <i>Solicitor General,</i>	Mr. <i>Irving.</i>
Mr. <i>Holl,</i>	

PRAYERS.

**R**ead the proceedings of yesterday.

Read a third time as engrossed, the Bill intituled "An Act relating to Landlord and Tenant."

Resolved, That the said Bill do pass.

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

Read a third time as engrossed, the Bill intituled "An Act to prevent the burning of Limestone within the Town of Charlottetown."

Resolved, That the said Bill do pass.

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

Pursuant to order, the Bill intituled "An Act to compel persons appointed to the Office of Constable, to serve as such,"—was read a third time, with the amendment.

Resolved, That the said Bill, with the amendment do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to enable Married Women to convey Freehold Property, to which they may be entitled in their own right.—After some time, the House was resumed, and Mr. *Hensley* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the title be "An Act to enable Married Women to convey Freehold Property to which they may be entitled in their own right."

Mr. *Young* moved for leave to bring in a Bill for the Naturalization of Aliens in this Island.—Leave being granted, the said Bill was brought in, and read a first time.

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

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

Mr. *Holl*, from the Committee appointed to draw up Reasons to be offered to the House of Assembly, at a Conference, for insisting on the amendment made by this House to the Bill intituled "An Act to continue the Act relating to the Limits and Rules of Jails, in the several Counties in this Island,"—presented to the House the Report of the said Committee, which report, he read in his place, and was afterwards read by the Clerk, and is as follows :

The Legislative Council insist on their amendments, to the Bill, intituled "An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties in this Island,"—for the following reasons, viz :

BECAUSE the Legislative Council conceive that the legitimate objects of Jail Limits is, to afford air and exercise to persons confined for debt—which object the Council consider will be fully attained by confining the limits to the Towns and Royalties—they being sufficiently extensive for that purpose. The extension of the Limits to places where persons may obtain employment, is not, in the opinion of the Council, important, as, by the Act for the relief of Insolvent Debtors, a person not having property may compel his Creditor to pay the maintenance allowed by such Act, or otherwise obtain his discharge; and if such person has property which he withholds from his Creditor, the Council think he has no right to complain if he suffer some inconvenience in consequence of his dishonesty, in endeavouring to deprive his Creditor of such property.

Because, by extending the Limits to the Wharves and Water Lots persons residing in the Towns will suffer no inconvenience from being imprisoned, inasmuch as their ordinary business will not be thereby interfered with; and it is notorious that many persons have avoided the payment of their just debts in consequence of the said Limits being so extended; and such extension virtually does away with imprisonment for debt, as to persons residing in the Towns, but leaves persons residing in the country liable to all its inconveniences.

Because the Limits of the Water Lots, are not visible, some extending to the Channel, and some a very small distance from the shores—in consequence of which persons confined are much more likely to commit involuntary breaches of their Bonds, than if the Limits were confined, according to the amendments made by the Council, to the Towns and Royalties—the boundaries of which are, in general, much more clearly defined.

The Council do not conceive that the recent English Acts, abolishing imprisonment for Debt, materially bear upon the present question, inasmuch as those Acts contain provisions for the protection of the Creditor against fraudulent Debtors, which are not in force in, and cannot, in the opinion of the Council, be made applicable to this country.

The Council conceive that much inconvenience has already resulted from the extension of the Limits; being fully impressed with the conviction that, many persons possessing means sufficient for the discharge of their debts, have thereby evaded the payment of them.

On motion, that the Report of the Committee be agreed to, the House divided :

## CONTENTS.

*The President,*  
*Mr. Macdonald,*  
*Mr. Solicitor General,*  
*Mr. Holl,*  
*Mr. Irving.*

## NON-CONTENTS.

*Mr. Dalrymple,*  
*Mr. Young,*  
*Mr. Hensley.*

And it passed in the affirmative.

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the subject matter of the last Conference.

Ordered, that *Mr. Holl* and *Mr. Irving* be a Committee to manage the said Conference, to meet in the Committee Room, on Monday next, at two o'clock.

*Resolved,* That at such Conference, the Managers on the part of this House, do communicate to the Committee of the House of Assembly the above reasons for insisting on their amendments.

Adjourned until One o'clock to-morrow.

## FRIDAY, February 17th, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,  
 Mr. *Macintosh*,  
 Mr. *Dalrymple*,  
 Mr. *Holl*,

The Hon. Mr. *Young*,  
 Mr. *Hensley*,  
 Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, the Bill, intituled "An Act to enable Married Women to convey Freehold property to which they may be entitled in their own right."

Resolved, that the said Bill do pass.

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

The *President*, by leave, presented a Petition from William Weeks, of Bay Verte, in the Province of New Brunswick, praying a Grant of a sum of Money, in aid of running his Sailing Packet between Bay Verte and this Island.

The said Petition was read and ordered to lie on the table.

Read a second time, the Bill intituled "An Act to amend the Act regulating the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and Lesser Streams in this Island, and for other purposes therein mentioned."

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

Adjourned until Monday next at One o'clock.

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## MONDAY February 20th, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,  
 Mr. *Macintosh*,  
 Mr. *Dalrymple*,  
 Mr. *Holl*,

The Hon. Mr. *Young*,  
 Mr. *Hensley*,  
 Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of Friday last.

Mr. *Holl*, from the Committee to whom was referred that part of His Excellency's opening Speech, which relates to Marriage Licences, made a Report which he read in his place, and is as follows:—

Your Committee to whom was referred that part of His Excellency's opening Speech, which relates to Marriage Licences, beg leave to report, that the House of Assembly have now a Bill before them, upon this important subject, and your Committee under these circumstances, deem it unnecessary to make any further report, and feel convinced that this House will give the subject its serious consideration, when such Bill shall come before this House in due course.

On motion, Ordered, that the Report of the Committee be received.

Mr. *Young*, from the Committee to whom was referred that part of His Excellency's opening Speech, which relates to the Assault and Battery Court, made a Report which he read in his place, and is as follows:—

Your Committee, to whom was referred that part of His Excellency's opening Speech, which relates to the Assault and Battery Court, beg leave to Report, that the House of Assembly have now a Bill before them upon this subject, and your Committee, under these circumstances, deem it unnecessary to make any further Report, and feel convinced that this House will give the subject its serious consideration, when such Bill shall come before this House in due course.

On motion, Ordered, that the Report of the Committee be received.

A Message from the House of Assembly, by Mr. Cambridge, with a Bill intituled "An Act to amend the Marriage Law,"—to which they desire the concurrence of the Legislative Council, also,

MR. PRESIDENT:

The House of Assembly have agreed to the amendment, made by the Legislative Council, to the Bill intituled "An Act to compel persons appointed to the office of Constable to serve as such," with an amendment, to which they desire the concurrence of the Legislative Council.

And also, with the following written Message:

MR. PRESIDENT,

The House of Assembly do agree to a further Conference as is desired by 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 the names of the Managers being called over, they went to the Conference, and being returned, they 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 Marriage Law."

On motion, the amendment proposed by the House of Assembly to the amendment made by the Council, to the Bill intituled "An Act to compel persons appointed to the Office of Constable to serve as such,"—was read a first time, and is as follows:—

*Folio 1, line 8*,—After the word "Court," insert, "out of the list returned by the Grand Jury, as now  
"by Law prescribed."

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

Resolved, That this House do agree to the said amendment.

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

Read a third time as engrossed, the Bill intituled "An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates,' and to make other provisions in lieu thereof."

Resolved, That the said Bill do pass.

DISSENTIENT.

*Mr. Young.*

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

Pursuant to order, the House was adjourned during pleasure, and put into a Committee on the Bill for the Naturalization of Aliens in this Island.—After some time the House was resumed, and *Mr. Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the Title be "An Act for the Naturalization of Aliens in this Island."

Adjourned until Eleven o'clock to-morrow.

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**TUESDAY, February 21st, 1843.**

The Council met pursuant to adjournment.

PRESENT :

The Honorable *Mr. Attorney General*, President :

The Hon. *Mr. Macdonald*,  
*Mr. Macintosh*,  
*Mr. Holl*,

The Hon. *Mr. Young*,  
*Mr. Hensley*,  
*Mr. Irving*.

PRAYERS.

**R**EAD the proceedings of yesterday.

*Mr. Young* informed the House, that indisposition prevents *Mr. Dalrymple*, from attending in his place.

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

## DISSENTIENT.

To the Bill passed yesterday, intituled "An Act to amend an Act made and passed in the twenty-first year of the Reign of King George the Third, intituled, an Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates' and to make other provisions in lieu thereof."

BECAUSE, I am of opinion, that an Executor should not be compelled under any circumstances, to give a Bond with Sureties for the faithful execution of the trusts reposed in him, as is required by the thirty-second Section of the Bill. As an Executor is placed in an entirely different situation from an Administrator, because he is appointed by the Testator himself, and is one in whom he reposes the most unbounded confidence; whereas an Administrator is generally a stranger to the Intestate, and frequently seeks the office from interested motives.

AND BECAUSE, I am further of opinion, that the Bill gives too much power to the Surrogate in the following instance; namely, where an Executor or Administrator should neglect or refuse to account, the Surrogate is then impowered to imprison such Executor or Administrator, whereas in my opinion, it should be enacted by the Bill, that a fine in the first instance should be named by the Surrogate, and should not exceed a certain sum, or a certain per centage, to be recovered in the Supreme Court of Judicature of this Island, and then, if the Executor or Administrator should still continue to neglect or refuse to account, the Surrogate might in such case, have the power to imprison, in order to enforce his decrees. With these exceptions I am in favour of the Bill.

CHARLES YOUNG.

Adjourned until one o'clock to-morrow.

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## WEDNESDAY, February 22d, 1843.

The Council met pursuant to adjournment.

## PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,  
Mr. *Macintosh*,  
Mr. *Holl*,

The Hon. Mr. *Young*,  
Mr. *Hensley*,  
Mr. *Irving*.

## PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time as engrossed, the Bill intituled "An Act for the Naturalization of Aliens in this Island."

Resolved, That the said Bill do pass.

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

The *President* laid before the House, a Communication which he had received from the Chairman of the Directors of the Prince Edward Island Steam Navigation Company, —and the same was read, and is as follows:—

TO HIS HONOR THE PRESIDENT OF THE LEGISLATIVE COUNCIL,

The Directors of the Prince Edward Island Steam Navigation Company, beg to transmit to your Honor, for the information of The Honorable The Legislative Council, a Copy of their Report and Statement of the accounts of the Company, by which it will be seen, that notwithstanding their earnest desire to fulfil the duties prescribed by the Act of Incorporation, they have found it impracticable to do so to the full extent.

They therefore respectfully request, that your Honorable House will review that Act, for the purpose of making such alterations and amendments, as in its wisdom, it may deem proper.

(Signed)

CHARLES HENSLEY, Chairman.

Ordered, That the above Communication with the Report accompanying the same, do lie on the table.

The *President* laid before the House a Return of the number of Appeals from the Courts of Commissioners of Small Debts, to the Supreme Court, for the year 1842.

Ordered, That the said Return do lie on the table.

The *President* acquainted the House that His Excellency the Lieutenant Governor, had provisionally appointed *Lawrence Coddington Worthy*, Esquire, by Warrant bearing date the 22d of February 1843, a Member of this House, in the place of *Charles Worrell*, Esquire, resigned, who desires to be admitted.

Ordered, That Mr. *Macdonald* and Mr. *Holl* be a Committee to attend Mr. *Worthy*, and see him qualified.

Mr. *Macdonald* from the Committee appointed to attend Mr. *Worthy* and see him qualified, reported that they had, according to order, attended Mr. *Worthy*, who took the oaths in presence of His Excellency the Lieutenant Governor.

The Honorable Mr. *Worthy* was then introduced between Mr. *Macdonald* and Mr. *Holl*, and took his seat.

Pursuant to order, the House was adjourned during pleasure and put into a Committee on the Bill intituled "An Act to amend the Act regulating the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and Lesser Streams in this Island, and for other purposes therein mentioned." After some time the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the report of the Committee be agreed to.

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

Resolved, that the said Bill do pass.

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

On motion, Ordered, that the Bill intituled "An Act to amend the Marriage Law," be read a second time on Tuesday next.

Adjourned until One o'clock to-morrow.

**THURSDAY, February 23d, 1843.**

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,  
Mr. *Macintosh*,  
Mr. *Holl*,  
Mr. *Young*,

The Hon. Mr. *Hensley*,  
Mr. *Irving*,  
Mr. *Worthy*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Adjourned until One o'clock To-morrow.

**FRIDAY, February 24th, 1843.**

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,  
Mr. *Young*,

The Hon. Mr. *Irving*,  
Mr. *Worthy*.

PRAYERS.

**T**HERE not being a Quorum :

Adjourned until Monday next at One o'clock.

**MONDAY, February 27th, 1843.**

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,  
Mr. *Mucintosh*,  
Mr. *Holl*,  
Mr. *Young*,

The Hon. Mr. *Hensley*,  
Mr. *Irving*,  
Mr. *Worthy*.

PRAYERS.

**M**R. *Young*, from the Committee to whom was refered that part of His Excellency the Lieutenant Governor's opening Speech, which relates to the encroachments on the

Shores of this Island, by American Fishing Vessels, made a Report, which he read in his place, and is as follows:—

Your Committee, to whom was referred that part of His Excellency's Speech, which relates to the encroachments upon our shores by the American fishing Vessels, report, that they have maturely considered this important subject, and have endeavoured to devise some practicable scheme, by which this growing evil may be remedied. That your Committee would premise with the hope, that such a branch of industry as that of the Fisheries will attract more attention of the Inhabitants of the Island, than it has hitherto received, and that they will embark in it with that energy, talent, and capital, necessary to insure success in the undertaking. That your Committee consider the Fisheries to be an inexhaustible mine of wealth, kindly furnished by providence for the wants of our population, and they view with dissatisfaction, those encroachments, which the Americans are constantly making upon our shores, in direct violation of the Treaty of 1818. That from information, which your Committee have collected, they find, that the Americans are constantly in the habit of fishing within the prescribed distance as defined by the Convention of 1818, of drying the fish so caught upon our shores, and of running into our harbours, bays, and creeks, whenever it suits their convenience; and your Committee very much fear, that they are generally encouraged so to do by the Inhabitants of this Island, from the benefits which they suppose they derive, by an intercourse with the Americans in a contraband trade, and in bartering Island produce for American manufactures; and that this is mainly the cause why complaints have not been more frequently and officially made.

Your Committee are of opinion that the Ship of War, graciously sent by the Home Government every Season, for the purpose of cruising round our Coast to protect the fisheries, is wholly ineffective, as it is too large a Vessel to pursue the Americans into our smaller bays, rivers, and creeks, and in the next place, it is so lofty, that the Americans can perceive its approach from a considerable distance, and escape before the Ship of War can come near them. Your Committee are of opinion, that an armed Steamer, drawing but little water, would be much more effective in protecting our Fisheries from the encroachments of the Americans, than a Ship of War, as the Steamer could run into the smaller bays, rivers, and creeks of our shores, and seize American Vessels, if the crews thereof are acting contrary to, and in violation of the terms of the Treaty. And a Steamer, from the rapidity with which it generally goes through the water, would be enabled to overtake the American Vessels, and come upon them with scarcely any warning.

Your Committee would therefore recommend, that an Address be prepared by this House, to Her Gracious Majesty The Queen, setting forth the foregoing facts, and humbly praying that Her Majesty would be pleased to order, that an armed Steamer, drawing but little water, be placed upon this station instead of the Ship of War, that has hitherto been sent to us to protect our Fisheries, and keep off the Americans,—and that the House of Assembly be requested to join in the said Address, and also that an Address be prepared and presented to His Excellency the Lieutenant Governor, soliciting His Excellency to be pleased to transmit the said Address to Her Majesty, and to give its prayer his powerful recommendation.

On motion, Ordered, that the Report of the Committee be received.

Resolved, That an humble Address be presented to Her Majesty, in accordance with the said Report, and that the House of Assembly be requested by Message to join in the said Address.

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

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

The Honorable Mr. Haviland, Colonial Secretary, informed the House, that he was directed by His Excellency the Lieutenant Governor, to lay before the House, the following written Message signed by His Excellency:—

## MESSAGE.

H. V. HUNTLEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, Copy of an order of Her Majesty in Council, specially confirming an Act intituled, "An Act to alter and in addition to an Act made and passed in the tenth year of Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned."—passed during the last Session of the Colonial Legislature.

Government House, February, 24th, 1843.

The said Message and Order in Council were read, and ordered to lie on the table:

[See Appendix No. 18.]

On motion, Resolved, That the Despatch from the Right Honorable Lord Stanley, containing an objection to the wording of the Act relating to the admission of Barristers, Attorneys, and Solicitors, passed in the Session of 1842, be refered to a Committee of this House, to Report thereon by Bill or otherwise.

Ordered, That Mr. *Young* and Mr. *Hensley* do compose the said Committee.

Adjourned until One o'clock to-morrow.

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## TUESDAY, February 28th, 1843.

The Council met pursuant to adjournment.

## PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. *Mr. Macintosh*,

The Hon. *Mr. Hensley*,

*Mr. Holl*,

*Mr. Irving*

*Mr. Young*,

*Mr. Worthy*.

## PRAYERS.

**R**EAD the proceedings of yesterday.

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

## MR. PRESIDENT:

The House of Assembly have passed the following Bills, with certain amendments, to which they desire the concurrence of the Legislative Council, viz :

A Bill intituled "An Act to enable Married Women to convey Freehold Property to which they may be entitled in their own right."

A Bill intituled "An Act relating to Landlord and Tenant."

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act to enable Married Women to convey Freehold Property to which they may be entitled in their own right," were read a first time, and are as follow:—

*Folio 2, line 2,*—Strike out the word "King's," and insert "Queen's,"

*Same folio, line 20,*—After the word "Ireland," insert "a."

The said amendments being read a second time were agreed to by the House.

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

On motion, the amendments made by the House of Assembly to the Bill intituled "An Act relating to Landlord and Tenant," were read a first time and are as follow:—

*Folio 1, line 4,*—After the word "premises" leave out the words "Situate within Charlottetown, George-town and Prince town in this Island."

*Same Folio, line 15,*—Leave out from the word "premises" to the word "Island" in line 17, both inclusive, and insert "any messuage, tenement, or premises, situate within this Island, where any Land held therewith shall not exceed one acre."

*Folio 4, line 13,*—After the word "for," insert any one of the Justices of."

*Same Folio, line 14,*—Leave out the words "in term time."

*Same Folio, line 8,*—After the word "contained" insert "Provided, that where such Tenant shall give to such Justices sufficient security for the payment of such costs within thirty days from the time of Judgment, then no prosecution shall issue against the body, or goods and chattels, of such person, during the said period of thirty days."

*Folio 7, line 13,*—Leave out the word "five" and insert "two"

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

On motion, the House was adjourned during pleasure, and put into a Committee on the said amendments.—After some time the House was resumed, and Mr. Young reported, that the Committee had agreed to the same with an amendment.

On motion, Ordered, that the Report of the Committee be received.

The said amendment was then read and is as follows:—

*Folio 2, line 4,*—Strike out the word "prosecution" and insert "Execution."

The said amendment was then read a second time, and agreed to by the House.

On motion, Ordered, That the said amendment be engrossed, and read a third time to-morrow.

Mr. Young, from the Committee to whom was refered the Despatch of the Right Hon. Lord Stanley, on the subject of the Act relating to the admission of Barristers, Attornies, and Solicitors, with power to report thereon by Bill or otherwise, presented the Draft of a Bill as prepared by the Committee, and the same was received and read a first time.

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

Mr. Hensley, from the Committee, to whom was referred that part of His Excellency the Lieutenant Governor's opening Speech, which relates to the diffusion of Religious and Civil Instruction, amongst the poorer classes, made a Report, which he read in his place, and is as follows:—

Your Committee, to whom was referred that part of His Excellency's opening Speech, which relates to the diffusion of Religious and Civil Instruction amongst the poorer classes, beg leave to report that they have carefully examined the Visitor's Report upon the state of Education in this Island, and such other documents as appeared likely to offer information upon this very important and interesting subject ; and whilst they are gratified in observing that some progress has been made during the past year, that gratification is much alloyed with the prospect of the great task that still remains unaccomplished.

It will appear from the examination of the accompanying tabular statement, that a large portion of those who are at the proper age for receiving instruction, are destitute of its advantages; and by the Visitor's Report, it appears that a considerable part of those who are admitted to the privilege, enjoy it in an unsatisfactory and inefficient manner.

Your Committee are fully aware of the difficulty which attaches to the attempt to diffuse through wild and thinly-peopled districts, in a somewhat inclement climate, a well disciplined and sound system of instruction, and they willingly render justice to the laudable exertions which have been made for its promotion. But the difficulty of the enterprise when considered, with reference to its all important consequences, should rather excite our ardor for its achievement, than be permitted to slacken our efforts : and your Committee deeply impressed with the great responsibility which attends the neglect on the part of Government, of providing a proper Education for the people, cannot but express a hope that on the expiration of the present Act in 1844—the whole subject of Education will receive the solemn consideration of the Legislature, for the purpose of its improvement and invigoration.

Your Committee desire to express their belief, that by improving education and extending its limits, we shall most wisely prepare for the general prosperity and happiness of the community, and at the same time most conscientiously discharge the duty which is enforced upon all, as a private, public and religious obligation.

POPULATION.	ONE FIFTH BETWEEN 6 AND 14 YEARS.	NO. OF DISTRICT SCHOOLS.	NO. RECEIVING INSTRUCTION IN EACH COUNTY.		
PRINCE COUNTY 11,588	2317	41	1640	In inferior Schools receiving small Legislative Grants, 10 Schools averaging 15 scholars is	150
				In all the public and private schools not receiving aid,	596
				In Licensed District Schools,	4480
QUEEN'S COUNTY 24,248	4849	44	1760	Total of young persons receiving instruction,	5226
KING'S COUNTY 11,198	2239	27	1080	Number of youth between the age of 6 and 14, - - -	9405
				Receiving instruction, - - -	5226
TOTAL 47,034	9405	112	4480	Without any visible means of Education, - - - - -	4179

On motion, Ordered, that the Report of the Committee be received.

The Order of the day for the second reading of the Bill intituled An Act to amend the Marriage Law, being read—

Ordered, That it be discharged, and that the same do stand as the order of the day for Thursday next.

On motion, Resolved, that a Committee be appointed to inquire into the state of the Central Academy at Charlottetown, and to report thereon by Bill or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. *Holl*, Mr. *Young*, and Mr. *Hensley*, be a Committee for that purpose.

Adjourned until One o'clock to-morrow.

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## WEDNESDAY, March 1st, 1843.

The Council met pursuant to adjournment.

PRESENT:

<p>The Honorable Mr. <i>Attorney General</i>, President:</p> <p>The Hon. Mr. <i>Mucintosh</i>,</p> <p style="padding-left: 2em;">Mr. <i>Macnutt</i>,</p> <p style="padding-left: 2em;">Mr. <i>Holl</i>,</p> <p style="padding-left: 2em;">Mr. <i>Young</i>,</p>	<p>The Hon. Mr. <i>Hensley</i>,</p> <p style="padding-left: 2em;">Mr. <i>Irving</i>,</p> <p style="padding-left: 2em;">Mr. <i>Worthy</i>.</p>
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PRAYERS.

**R**EAD the proceedings of yesterday.

The *President* laid before the House, the Accounts of the Collector of Impost and Excise for the past year.

Ordered, that the said Accounts do lie on the table.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to amend the Law relating to the admission of Barristers, Attornies, and Solicitors. After some time the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same with certain amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the Title be "An Act to amend the Law relating to the admission of Barristers, Attornies and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty and Court of Probate in this Island; and to repeal a certain Act therein mentioned."

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with a Bill intituled "An Act to provide for the Summary trial of Small Debts, and to regulate proceedings in Cases of Summary Capias"—to which they desire the concurrence of the Legislative Council.

Also, with the following written Message :

House of Assembly, February 28th, 1843.

RESOLVED, That a Committee of this House, be appointed to join the Committee of the Legislative Council, to prepare a joint Address to Her Majesty, praying that she will be pleased to order, that an armed Steamer, of moderate draught of water, may be placed upon this Station during the Summer season, to protect the fisheries from encroachments by American vessels.

Ordered, That Mr. Cooper, Mr. D. Maclean, Mr. Wightman, Hon. Mr. Palmer, Mr. Beairsto, and the Hon. J. S. Macdonald, do compose the said Committee.

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

Read a first time, the Bill, intituled "An Act to provide for the Summary trial of Small Debts, and to regulate proceedings in cases of Summary Capias."

On motion, Ordered, that the said Bill be printed, and that the Printer be directed to furnish thirty-six copies thereof.

Pursuant to order, the amendment proposed by this House to the amendments made by the House of Assembly, to the Bill intituled "An Act relating to Landlord and Tenant," was read a third time.

Resolved, that the said amendments as amended do pass.

Ordered, that a Message be sent down to the House of Assembly acquainting them that this House have agreed to their amendments, with an amendment, and that their concurrence thereto be desired.

Adjourned until Monday next at One o'clock.

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**MONDAY, March 6th, 1843.**

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. *Mr. Macintosh*,

The Hon. *Mr. Holl*,

*Mr. Dalrymple*,

*Mr. Young*,

*Mr. Macnutt*,

*Mr. Hensley*,

*Mr. Solicitor General*,

*Mr. Worthy*.

PRAYERS.

**R**EAD the proceedings of Wednesday last.

The *President* laid before the House, the Returns from the several Commissioners of Small Debts, throughout the Island, in compliance with the Address of this House to His Excellency, of the 30th January last.

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

Read a second time, the Bill intituled, "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias."

Pursuant to order, the Bill intituled "An Act to amend the Marriage Law," was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Holl* 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.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

On motion, Ordered, that the Bill intituled "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias," be committed to a Committee of the whole House on Thursday next.

Mr. *Young*, from the Committee appointed to inquire into the State of the Central Academy at Charlottetown, with power to report by Bill or otherwise; reported a Bill, as prepared by the Committee; and the same was received and read a first time.

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

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

Adjourned until One o'clock to-morrow.

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## TUESDAY, March 7th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Dalrymple*,  
 Mr. *Macnutt*,  
 Mr. *Solicitor General*,  
 Mr. *Holl*,

The Hon. Mr. *Young*,  
 Mr. *Hensley*,  
 Mr. *Irving*,  
 Mr. *Worthy*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to Order, the House was adjourned during pleasure and put into a Committee on the Bill to amend the Act relating to the Academy in Charlottetown. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same with certain amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, that the said Bill be engrossed, and that the Title be "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown."

The *President* laid before the House, a copy of a circular Despatch from Lord Stanley, to His Excellency the Lieut. Governor, dated 26th of September, 1842.

And the said Despatch was read, and is as followeth :

(CIRCULAR.)

Downing Street, 26th September, 1842.

Sir,

Referring to Lord Glenelg's Circular Instruction of the 11th of November, 1836, explanatory of the measures which his Lordship directed to be taken for vesting the Ordnance Property in Prince Edward Island in the principal Officers of the Ordnance, I have to instruct you to report to me whether any, and what steps were taken, for carrying that Circular Instruction into effect. In the event of no enactment having been passed by the Legislature of Prince Edward Island, with a view to the object in question, you will consider it your duty to propose a Law for the consideration of the Legislature, framed in conformity with the draft herewith enclosed. But if a Law should actually have been passed in accordance with the Circular Instruction of 1836, you will move the Legislature to consider of the propriety of amending such Law in conformity with the enclosed draft.

I have the honor to be, Sir,

Your most obedient humble Servant,

STANLEY.

Lieut. Gov. Sir H. V. Huntley, Prince Edward Island.

Ordered, That the said Despatch, with its enclosure do lie on the table.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to amend the Marriage Law,"—After some time the House was resumed, and Mr. *Holl* reported that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received and leave granted.

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

MR. PRESIDENT:

The House of Assembly desire a free Conference with the Legislative Council, on the subject matter of the last Conference, and have appointed Mr. Rae, Mr. Montgomery, the Hon. Mr. Palmer, the Hon. J. S. Macdonald, Mr. Thornton, and Mr. Coles, a Committee to manage the said free Conference.

And Also, MR. PRESIDENT,

The House of Assembly have agreed to the Amendment proposed by the Legislative Council to the amendment made by the House of Assembly to the Bill intituled "An Act relating to Landlord and Tenant."

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

Ordered, that Mr. *Solicitor General*, Mr. *Holl*, and Mr. *Irving*, be a Committee to manage the said free Conference, to meet in the Committee Room, to-morrow, at half past One o'clock.

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

Adjourned until One o'clock To-morrow.

## WEDNESDAY, March 8th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President:	
The Hon. Mr. <i>Macdonald</i> ,	The Hon. Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> .
Mr. <i>Macnutt</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .
Mr. <i>Holl</i> ,	

PRAYERS:

**R**EAD the proceedings of yesterday.

The time appointed for holding the free Conference with the House of Assembly, on the amendments made by this House to the Bill intituled "An Act to continue the Act relating to the Limits and Rules of Jails in the several Counties in this Island,"—having arrived—

The names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to amend the Marriage Law,"—After some time, the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill and that they had agreed to the same with several amendments.

On motion, Ordered, that the Report of the Committee be received.

The said amendments were then read, and are as follow:—

*Folio 1, line 15*,—After the word "Act" strike out the words "it shall not be lawful for the Lieutenant Governor or other Administrator of the Government, for the time being to grant any License" and insert "no License shall be granted."

*Folio 2, line 11*,—Strike out the word "credible."

*Same folio, line 12*,—Strike out from the word "and" to the word "years" in folio 4, line 21, both inclusive, and insert the following:—

"And be it enacted, that no Licence for Marriage shall be granted, without a Bond being previously given by the applicant, and one sufficient security (according to the form set forth in the Schedule to this Act annexed:

"And be it enacted, That the Deputy Prothonotaries in Prince and King's Counties, be empowered to issue Marriage Licences, and to take the Bonds required in such cases, under such regulations as the Governor, or the Administrator of the Government for the time being, may think proper to prescribe; and all such Bonds, shall, on or before the first day of January in each and every year, be transmitted to the Office of the Colonial Secretary, and there deposited. Such Deputy Prothonotary receiving the Fees due to the

“ Lieutenant Governor and Private Secretary for such Licence, and being  
 “ responsible therefor, together with the Fee of five shillings and six pence to  
 “ himself, for the issuing such Licence, and taking such Bond.

“ And be it further enacted, That it shall and may be lawful for the said Lieu-  
 “ tenant Governor, or for any of his successors in office, on application to him  
 “ made, by any person or persons aggrieved, to assign the said bond to him or them  
 “ by indorsement thereon, and which said Indorsement, shall to all intents and  
 “ purposes, operate as an assignment thereof, and the penalty in said bond may be  
 “ recovered together with costs, by suit in the name of the said Assignee in Her  
 “ Majesty’s Supreme Court of Judicature for this Island.

SCHEDULE.

FORM OF BOND.

“ Prince Edward Island.

“ **K**NOW all Men by these presents That We  
 “ to His Excellency  
 “ Governor and Commander in Chief, in and over Her Majesty’s Island Prince  
 “ Edward, and its Dependencies, and to his successors in office, in the sum of One  
 “ hundred pounds, lawful money of Great Britain, to be paid to the said  
 “ or his certain Attorney, for the true payment whereof  
 “ We bind ourselves, and each of us, by himself, for the whole and every part  
 “ thereof, and the Heirs, Executors and Administrators of us, and each of us,  
 “ firmly by these presents, Sealed with our Seals, dated the day of  
 “ in the year of our Sovereign, by the Grace of God, of the United  
 “ Kingdom of Great Britain and Ireland Defender of the Faith, and in  
 “ the year of our Lord one thousand eight hundred and  
 “ The condition of this obligation is such, that if hereafter there shall appear  
 “ any lawful let or impediment, by reason of consanguinity, affinity, or any other  
 “ lawful means whatever, why the said may not lawfully  
 “ solemnize marriage together, and in the same afterwards to remain and continue  
 “ for man and wife, according to the Law in that behalf provided, (*if the Licence*  
 “ *be directed to a Magistrate, insert* and if the same marriage shall be openly  
 “ solemnized according to the form of the Book of Common Prayer now esta-  
 “ blished,) and if the above bounden do save harmless the said  
 “ and other his officers whatsoever, by reason of the premises,  
 “ then this obligation to be void else to remain in full force and virtue.  
 “ Signed, Sealed, and Delivered, }  
 “ in the presence of ” }

The said amendments being read a second time were agreed to by the House.

On motion, Ordered, That the said amendments be engrossed, and that the Bill with the amendments be read a third time to-morrow.

A Message from the House of Assembly, by the Hon. Mr. Palmer, with a Bill intituled “An. Act to repeal the Acts now in force for the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof”—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that the said Bill be printed, and that the Printer be directed to furnish forty copies thereof.

Adjourned until One o’clock to-morrow.

**THURSDAY, March 9th, 1843.**

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. <i>Attorney General</i> , President:	
The Hon. Mr. <i>Macdonald</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

PRAYERS.

**R**EAD the proceedings of yesterday

Read a third time, as engrossed, the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown."

Resolved, That the said Bill do pass.

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

Pursuant to order, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias."

After some time, the House was resumed, and Mr. *Macnutt* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

**FRIDAY, March 10th, 1843.**

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Macdonald</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by the Hon. *J. S. Macdonald*, with a Bill intituled, "An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias." After some time, the House was resumed, and *Mr. Macnutt* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by *Mr. Longworth*, with a Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Monies on the Highways," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias." After some time the House was resumed, and *Mr. Macnutt* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by *Mr. Wightman*, with a Bill intituled "An Act to prevent the going at large of Swine and Geese at all seasons, and of Horses at certain seasons, in the Square and Streets of Georgetown;" to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias." After some time the House was resumed, and *Mr. Macnutt* reported, that the Committee had made further progress therein, and that he was directed to move that they may have leave to sit again.

On motion, Ordered, that the Report of the Committee be received, and leave granted.

Adjourned until Twelve o'clock to-morrow.

## SATURDAY, March 11th, 1843.

The Council met pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,

The Hon. Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Hensley*.

Mr. *Macnutt*,

Mr. *Irving*,

Mr. *Solicitor General*,

Mr. *Worthy*.

Mr. *Holl*,

### PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to provide for the summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias."—After some time, the House was resumed, and Mr. *Macnutt* reported, that the Committee had gone through the Bill and that they had agreed to the same with several amendments.

On motion, Ordered, that the Report of the Committee be received.

The said amendments were then read a first time.

On motion, the said amendments were read a second time, and agreed to by the House.

Ordered, that the said amendments be engrossed.

On motion, Ordered, that the Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways," be printed, and that the Printer do furnish forty copies thereof.

Read a second time, the Bill intituled "An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill; after some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same with several amendments.

On motion, Ordered, that the Report of the Committee be received.

The said Amendments were then read, and are as follow:—

*Folio 2, line 4*—Strike out the word "May," and insert "June."

*Same folio, line 10*—Strike out the word "May," and insert "June."

*Folio 3, line 2*—Strike out from the word "the" to the word "directed," in line 10, and insert "persons giving the usual Warrant of Attorney in cases of Replevin, shall be forced and obliged to produce such Horses or Cattle on the First day of June, or at the time legally appointed for the sale thereof, and also not to convert such fodder to any other use than as herein directed."

*Folio 4, line 10*—Strike out from the word "Two," to the word "made," in the 19th line, both inclusive, and insert "Threepence."

The said Amendments being read a second time, were agreed to by the House.

Ordered, That the said amendments be engrossed.

Read a second time, the Bill intituled "An Act to prevent the going at large of Swine and Geese at all seasons, and of Horses at certain seasons, in the Square and Streets of Georgetown."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill; after some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be received.

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

Resolved, That the said Bill do pass.

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

Adjourned until Monday the Twentieth instant, at 2 o'clock.

MONDAY, March 20<sup>th</sup>, 1843.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macintosh*,  
Mr. *Dalrymple*,  
Mr. *Young*,

The Hon. Mr. *Irving*,  
Mr. *Worthy*.

PRAYERS.

THERE not being a quorum—

Adjourned until One o'clock to-morrow.

TUESDAY, March 21<sup>st</sup>, 1843.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Dalrymple*,  
Mr. *Solicitor General*,  
Mr. *Young*,

The Hon. Mr. *Hensley*,  
Mr. *Irving*.

PRAYERS.

THERE not being a quorum—

Adjourned until Twelve o'clock to-morrow.

## WEDNESDAY, March 22d, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,

The Hon. Mr. *Young*,

Mr. *Macintosh*,

Mr. *Hensley*,

Mr. *Dalrymple*,

Mr. *Irving*,

Mr. *Solicitor General*,

Mr. *Worthy*.

Mr. *Holl*,

PRAYERS.

**R**EAD the proceedings of Saturday the Eleventh instant.

Mr. *Solicitor General*, by leave, presented a Petition from John Llewelin Lewelin, Esq. of Woodley Grove, praying, for reasons therein stated, that this House will withhold its assent to a Bill at present before the House of Assembly, for authorising and regulating the collecting of Sea Weed on the shores of this Island.

The said Petition was read, and ordered to lie on the Table.

Read a second time, the Bill intituled "An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill.

After some time the House was resumed, and Mr. *Holl* reported that the Committee had gone through the Bill, and they recommend that the said Bill be referred to a special Committee to report thereon, and to make such amendments thereto as may be deemed necessary.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, that Mr. *Solicitor General*, Mr. *Young* and Mr. *Irving* be a Committee for that purpose.

Read a second time, the Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of public Moneys on the Highways."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill; after some time the House was resumed, and Mr. *Hensley* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. *Dalziel*, with a Bill intituled "An Act to authorise and regulate the collecting of Sea Weed on the Shores of this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

A Bill intituled "An Act in addition to the several Acts relating to Licences for the retailing of Spirituous and Fermented Liquors."

A Bill intituled "An Act to continue and amend an Act therein mentioned, for the relief of Insolvent Debtors."

A Bill intituled "An Act to further amend an Act, intituled 'An Act to prohibit the Exportation of Oysters from this Island, for a limited period.'"

Read the said Bills a first time.

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

A Bill intituled "An Act to prevent the running at large of Hogs, within the Common and Royalty of Charlottetown."

A Bill intituled "An Act to confirm the closing of old Roads in certain cases."

Read the said Bills a first time.

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

A Bill intituled "An Act to alter and amend the several Acts therein mentioned, relating to the Prince Edward Island Steam Navigation Company."

A Bill intituled "An Act to continue and amend the Act for facilitating the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of Sailing Packets."

Read the said Bills a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways;" after some time the House was resumed, and Mr. *Hensley* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly, on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Solicitor General*, Mr. *Young* and Mr. *Hensley*, be a Committee to manage the said Conference, to meet in the Committee Room to-morrow at half past One o'clock.

Read a second time, the following Bills, viz :—

A Bill intituled "An Act to continue and amend an Act therein mentioned for the relief of Insolvent Debtors."

A Bill intituled "An Act in addition to the several Acts relating to Licences, for the retailing of Spirituous and Fermented Liquors."

A Bill intituled "An Act to further amend an Act, intituled 'An Act to prohibit the exportation of Oysters from this Island, for a limited period.'"

A Bill intituled "An Act to prevent the running at large of Hogs within the Common and Royalty of Charlottetown."

A Bill intituled "An Act to confirm the closing of old Roads, in certain cases."

A Bill intituled "An Act to prevent Trespassing on the Common of Georgetown."

A Bill intituled "An Act to alter and amend the several Acts therein mentioned, relating to the Prince Edward Island Steam Navigation Company."

A Bill intituled "An Act to continue and amend the Act for facilitating the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick, by means of Sailing Packets."

Adjourned until One o'clock to-morrow.

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## THURSDAY, March 23d, 1843.

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. *Mr. Macdonald*,

The Hon. *Mr. Holl*,

*Mr. Macintosh*,

*Mr. Young*,

*Mr. Dalrymple*,

*Mr. Hensley*,

*Mr. Macnutt*,

*Mr. Irving*,

*Mr. Solicitor General*,

*Mr. Worthy*.

PRAYERS.

**R**EAD the proceedings of yesterday.

The Honorable Mr. Haviland, Colonial Secretary, informed the House that he was directed by His Excellency the Lieutenant Governor, to lay before the House the following written Message, signed by His Excellency:—

H. V. HUNTLEY, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Communication which he has received from His Excellency Major General Sir John Harvey, Governor of Newfoundland, relative to the maintenance of a Light House proposed so be erected on the S. W. coast of Newfoundland, as such an establishment would prove highly advantageous to the trade of this Island, the Lieutenant Governor recommends the subject matter of the Communication to the serious consideration of the Legislative Council.

Government House, 23d March, 1843.

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

[ See Appendix No. 19. ]

The time appointed for holding the Conference with the House of Assembly, on the Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways," having arrived, the names of the Managers being called over, they went to the Conference, and being returned, they reported, that they had complied with the instructions given them by this House.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prevent the running at large of Hogs within the Common and Royalty of Charlottetown; after some time, the House was resumed, and Mr. *Macnutt*

reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

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

Resolved, that the said Bill do pass.

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

Mr. *Young* by leave, presented a Petition from William Morrison, Fish Inspector at Georgetown, setting forth certain facts therein contained, and praying that this House will acquiesce in any measure that the House of Assembly may adopt in his behalf.

The said Petition was read, and ordered to lie on the Table.

Read a third time the Bill intituled "An Act to amend the Marriage Law," with the amendments.

Resolved, that the said Bill, with the amendments do pass.

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

Read a third time the Bill intituled "An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin," with the amendments.

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

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

Read a third time the Bill intituled "An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias," with the amendments.

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend an Act intituled An Act to prohibit the exportation of Oysters from this Island, for a limited period;" after some time, the House was resumed, and Mr. *Irving* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

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

Resolved, That the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to alter and amend the several Acts therein mentioned, relating to the Prince Edward Island Steam Navigation Company;" after some time the House was resumed, and Mr. *Hensley* 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 motion, Ordered, That the Report of the Committee be received and leave granted.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prevent Trespassing on the common of Georgetown;" after some time the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same with several amendments.

On motion, Ordered, That the Report of the Committee be received.

The said amendments were then read, and are as follow:—

Strike out the Second clause, and insert—

"And be it enacted, That it shall be lawful for the Administrator of the Government for the time being, in the month of July in each year, to nominate and appoint Three Householders, resident in Georgetown, to act as Conservators of the Common of said Town, for one year, and no longer."

Strike out the third Clause.

*Folio 3, line 16*—Strike out the word "elected," and insert "appointed."

*Folio 5, line 9*—After the word "after," insert "notice of," and in the same line strike out the word "Election," and insert "appointment."

*Folio 7, line 13*—Strike out the words "the event," and insert "case."

The said Amendments, being read a second time, were agreed to by the House.

On Motion, Ordered, That the said Amendments be engrossed, and that the said Bill, with the Amendments, be read a third time to-morrow.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act in addition to the several Acts relating to Licenses for retailing Spirituous and Fermented Liquors;" after some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

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

Resolved, That the said Bill do pass.

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

Adjourned until One o'clock to-morrow.

FRIDAY, March 24th, 1843.

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Macdonald*,

The Hon. Mr. *Holl*,

Mr. *Macintosh*,

Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Hensley*,

Mr. *Macnutt*,

Mr. *Irving*,

Mr. *Solicitor General*,

Mr. *Worthy*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to order, the Bill intituled "An Act to prevent Trespassing on the Common of Georgetown," was read a third time, with the amendments.

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

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

Mr. *Macdonald*, by leave, presented a Petition from John Clarke, of Cape Traverse, praying that this House will withhold its assent to the Bill now before the House, sent up from the House of Assembly, for regulating the collecting of Sea Weed on the Shores of this Island.

The said Petition was read, and ordered to lie on the Table.

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

A Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown."

A Bill intituled "An Act to amend the Act relating to the Pumps and Wells of Charlottetown."

Read the said Bills a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act to continue and amend the Act for facilitating the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of Sailing Packets;" after some time, the House was resumed, and Mr. *Macnutt* reported, that the Committee had gone through the Bill, and that they had agreed to the same with a certain amendment.

On motion, Ordered, that the Report of the Committee be received.

The said Amendment was then read, and is as follows:—

*Folio 2, line 20*—After the word "Act," insert as follows:—

"And be it further enacted, that before any Licence shall be granted, in any case, under and by virtue of the Act which this Act continues and amends, or by virtue of this Act, it shall be lawful for the Administrator of the Government in Council, for the time being, to appoint one competent person resident in Bedeque, no way interested in the Vessel offered to be run as a Packet between that Port and Shediack in the Province of New Brunswick, and one competent person resident in Georgetown, no way interested in the Vessel offered to be run as a Packet between that Port and Pictou aforesaid, whose duties shall be respectively to inspect such Vessels, and ascertain the fitness of such Vessels for such purpose, and also examine into, enquire, and ascertain the capacity and character of the respective Masters of said Vessels, for their offices, and who shall report thereon to the Administrator of the Government in Council, for the time being; and such Licenses shall only be granted in the event of such Report being satisfactory, on the said several points hereinbefore mentioned, any thing in the said Act, which this Act continues and amends, or in this Act to the contrary thereof notwithstanding."

The said Amendments being read a second time, were agreed to by the House.

Ordered, That the amendments be engrossed, and that the said Bill with the amendments be read a third time, on Monday next.

Mr. Young, from the joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty, praying that Her Majesty will be graciously pleased to order that an Armed Steamer, drawing but little water, may be placed on this station, to protect the Fisheries on the coast of this Island from encroachments by American Fishing Vessels, presented to the House the draught of an Address, as prepared by the Joint Committee, and the same was read and agreed to, and is as followeth:—

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign;

We your Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of Prince Edward Island, in General Assembly convened, humbly approach the Throne with sentiments of the most sincere and affectionate attachment to your Majesty's person and Government.

We beg leave to state to your Majesty that encroachments upon the Shores of this Island by American Fishermen have been brought to our notice by His Excellency the Lieutenant Governor, in his opening Speech at the commencement of the present Session; that we have given this important subject due consideration, and, from information that we have collected, we find that the Americans are constantly in the habit of fishing within the prescribed distance, as defined by the convention of 1818, of running into our Harbours, Bays and Creeks, whenever it suits their convenience, to procure bait, and of thus seizing the opportunity to carry on a contraband trade with the inhabitants of this Island.

That the Ship of War graciously sent by your Majesty every season for the purpose of cruising round our coast, to protect the Fisheries, is ineffective, inasmuch as it cruises to visit the several Fishing Stations round the shores of the Gulf of St. Lawrence, for which it is better adapted than for the shallow waters around this Island, and the American Fishermen take advantage of the distance of the Ship of War to continue their encroachments.

That an armed Steamer, drawing but little water, would, in the opinion of the Council and Assembly, be much more effective in protecting our Fisheries from the encroachments of the Americans than a Ship of War, as the Steamer could take advantage of the light winds and calms so frequent during the fishing season, and could run into the smaller Bays, Rivers and Creeks of our shores, and seize American Vessels, if the crews thereof are acting contrary to and in violation of the terms of the Convention.

We therefore humbly pray that your Majesty would be graciously pleased to order that an armed Steamer, drawing but little water, be placed upon this station every season, to protect our Fisheries from the encroachments of the Americans.

And as in duty bound, we shall ever pray.

Mr. Young, from the same Committee, reported the draught of a Joint Address of the Council and Assembly to His Excellency the Lieutenant Governor praying that he will be pleased to forward the foregoing Address, for the purpose of being laid at the foot of the Throne, which was read and agreed to, and is as followeth:—

To His Excellency Sir HENRY VERE HUNTLEY, Knight, Lieutenant Governor, and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

The Legislative Council and House of Assembly having given that part of your Excellency's opening Speech, at the commencement of the present Session, which relates to the encroachments of the Americans upon our Shores, every consideration, have adopted a Joint Address to the Queen, upon this important subject, praying that an armed Steamer, drawing but little water, be placed upon this station every Season, to protect our Fisheries from the encroachments of the Americans; and we respectfully request that your Excellency will be pleased to forward the same, so that it may be laid at the foot of the Throne; and also that your Excellency will be further pleased to give the prayer of this Address your powerful recommendation.

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

Ordered, That the same Committee who prepared the Address, be a Committee on the part of this House, to wait upon His Excellency with the same.

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

Mr. *Young* from the Special Committee, to whom was referred the Bill, intituled "An Act to repeal the Acts now in force relating to the trial of Common Assaults and Batteries, and to make other provisions in lieu thereof," Reported that the Committee had carefully examined the said Bill, and they recommend that the following amendments be made to the said Bill, which he read in his place, and are as follow:—

*Folio 1, line 6*—Strike out from the word "whereas," down to the word "repealed" in folio 2, line 11, both inclusive, and insert "it is expedient to repeal the First and Second Sections of the Act, intituled 'An Act for the Summary trial of Common Assaults and Batteries:'  
"Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That the First and Second Sections of the said recited Act be, and the same are hereby repealed."

*Folio 3, line 3*—Strike out from the word "and" down to the word "degree," in same folio line 3, both inclusive.

*Same Folio, line 15*—After the word "December," insert "and at such other times to call Special Courts, as occasion may render necessary."

*Folio 4, line 11*—After the word "determine," insert "and shall have the same jurisdiction in all cases as is set forth and contained in the said recited Act, and in the amendments made thereto."

*Folio 5, line 1*—Strike out from the word "and" to the figure 3 in folio 20, last line both inclusive.

*Folio 21*—Strike out the last clause, and insert, "And be it enacted, That this Act shall be in force, for and during the continuance of the Act, to which it is an amendment."

*In the Title, folio 1, line 1*—After the word repeal, insert "certain part of;" and in same folio and line, strike out from the word "the" to the word "thereof" in line 5, both inclusive, and insert "and amend an Act, intituled 'An Act for the Summary Trial of Common Assaults and Batteries.'"

On motion, Ordered, that the Report of the Committee be received.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Report, after some time the House was resumed, and Mr. *Young* reported that the Committee had gone through the Report of the Special Committee, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be received.

The amendments were then read a first time:

The said amendments being read a second time, were agreed to by the House.

Ordered, that the said amendments be engrossed, and that the said Bill with the amendments be read a third time to-morrow.

On motion, That the Bill intituled "An Act to authorize and regulate the collecting of Sea Weed on the Shores of this Island, 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 motion of amendment.

## CONTENTS.

The <i>President</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

## NON-CONTENTS.

Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> .
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On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to confirm the closing of old Roads, in certain cases," after some time, the House was resumed, and Mr. *Holl* reported, that the Committee had gone through the Bill and that they had agreed to the same with certain amendments, and an alteration in the Title.

On motion, Ordered, That the Report of the Committee be received.

The said amendments were then read, and are as follow:—

*Folio 1, last line*—After the word "that" insert "where."

*Folio 2, line 1*—Strike out the word "that."

*Same folio, line 10*—After the word "year," strike out the remainder of the Bill, and insert as follows:  
 "It shall and may be lawful for the Administrator of the Government for the time being, in Council to order and direct, that the shutting up and closing of such Roads be confirmed; Provided, that the power to make such order, shall be under the like regulations, and subject to the same restrictions, as are imposed respecting the shutting up of Roads under the hereinbefore recited Act."

*In the Title*—Strike out the word "confirm," and insert "authorize."

Ordered, That the said amendments be engrossed, and that the said Bill, with the amendments, be read a third time on Momday next.

Read a second time the Bill intituled "An Act relating to the Pumps and Wells of Charlottetown."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill; after some time the House was resumed, and Mr. *Young* reported that the Committee had gone through the Bill, and that they had agreed to the same.

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

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

Resolved, That the said Bill do pass.

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

Read a second time, the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill; after some time, the House was resumed, and Mr. *Irving* 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 motion, Ordered, that the Report of the Committee be received and leave granted.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue and amend an Act therein mentioned, for the

relief of Insolvent Debtors; after some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

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

Resolved, That the said Bill do pass.

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

Adjourned until Monday next, at One o'clock.

## MONDAY, March 27th, 1843.

The Council met pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macintosh*,

Mr. *Dalrymple*,

Mr. *Macnutt*,

Mr. *Solicitor General*,

The Hon. Mr. *Young*,

Mr. *Hensley*,

Mr. *Worthy*.

### PRAYERS.

**R**EAD the proceedings of Friday last.

Mr. *Hensley* informed the House that indisposition prevents Mr. *Holl* from attending in his place.

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

Mr. *Dalrymple* informed the House that urgent business prevents Mr. *Macdonald* from attending in his place.

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

Pursuant to order, the Bill intituled "An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof," was read a third time, with the amendments.

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

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

Pursuant to order, the Bill intituled "An Act to continue and amend the Act for facilitating the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of Sailing Packets, was read a third time, with the amendments.

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

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

Pursuant to order, the **Bill** intituled "An Act to confirm the closing of old **Roads** in certain cases," was read a third time, with the amendments.

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

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

Adjourned until One o'clock to-morrow.

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## TUESDAY, March 28th, 1843.

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macintosh*,

The Hon. Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Hensley*,

Mr. *Macnutt*,

Mr. *Irving*,

Mr. *Solicitor General*,

Mr. *Worthy*.

PRAYERS.

**R**EAD the proceedings of yesterday.

Mr. *Young* moved for leave to bring in a **Bill** relating to the **Fisheries**, and for the prevention of illicit **Trade** in **Prince Edward Island**, and the **Coasts and Harbours** thereof. Leave being granted, the said **Bill** was brought in, and read a first time.

On motion, Ordered, that a further free **Conference** be desired with the **House of Assembly** on the amendments made to the **Bill** intituled "An Act to continue the Act relating to the **Limits and Rules of Jails** in the several **Counties** of this **Island**."

Ordered, That Mr. *Solicitor General* and Mr. *Hensley* be a **Committee** to manage this further free **Conference**, to meet in the **Committee Room** to-morrow at 2 o'clock.

Mr. *Young* moved for leave to bring in a **Bill** to prevent the exposure of **Stallions** from covering **Mares**, within the **Town, Common and Royalty** of **Charlottetown**.

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

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

On motion, Ordered, that the further consideration of the **Bill** intituled "An Act to alter and amend the several Acts therein mentioned, relating to the **Prince Edward Island Steam Navigation Company**," do stand as the order of the day for **Thursday** next.

On motion, the **House** was adjourned during pleasure, and put into a **Committee** on the **Bill** to prevent the exposure of **Stallions** from covering **Mares**, within the **Town, Common, and Royalty** of **Charlottetown**. After some time the **House** was resumed.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, March 29th, 1843.

The Council met, pursuant to adjournment.

### PRESENT :

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Macdonald*,

The Hon. Mr. *Young*,

Mr. *Dalrymple*,

Mr. *Hensley*,

Mr. *Macnutt*,

Mr. *Irving*,

Mr. *Solicitor General*,

Mr. *Worthy*.

### PRAYERS.

**R**EAD the proceedings of yesterday

Mr. *Irving* moved for leave to bring in a Bill to prevent the running at large of Bulls and Hogs. Leave being granted, the said Bill was brought in, and read a first time.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and Mr. *Irving* reported that the Committee had gone through the Bill, and that they had agreed to the same with certain amendments.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the Title be "An Act to prevent the running at large of Bulls and Swine.

Read a second time, the Bill relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That the said Bill be engrossed, and that the Title be "An Act relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof."

On motion, the House was adjourned during pleasure, and put into a Committee on the Circular Despatch from the Right Honorable Lord Stanley, to His Excellency the Lieutenant Governor, relative to certain Estates and Property belonging to the Ordnance Department. After some time the House was resumed, and Mr. *Solicitor General* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Béairsto, with a Bill intituled "An Act to further amend an Act passed in the Fourth year of the Reign of the late King William the Fourth, for ascertaining the Boundaries of the several Townships in this Island," 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 Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of public Moneys on the Highways," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

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

Ordered, that the same Committee who managed the former Conference thereon be a Committee to manage this further Conference, to meet in the Committee Room this day at Four o'clock.

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 do agree to a further free Conference as is desired by the Legislative Council, on the Bill intituled "An Act relating to the Limits and Rules of Jails in the several Counties in this Island," and have appointed Mr. Thornton, Mr. Montgomery, the Hon. J. S. Macdonald and Mr. Coles, a Committee to manage this further free Conference, and the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Read a first time, the Bill intituled "An Act to further amend an Act passed in the Fourth year of the Reign of the late King William the Fourth, for ascertaining the Boundaries of the several Townships in this Island.

The time appointed for holding the further Conference with the House of Assembly on the subject matter of the Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways," having arrived, the names of the Managers being called over, they went to the Conference, and being returned they reported the substance thereof to the House.

Adjourned until One o'clock to-morrow.

## THURSDAY, March 30th, 1843.

The Council met pursuant to adjournment.

### PRESENT:

The Honorable Mr. <i>Attorney General</i> , President:	
The Hon. Mr. <i>Macdonald</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Macnutt</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

### PRAYERS.

**R**EAD the proceedings of yesterday.

Read a third time, as engrossed, the Bill intituled "An Act to prevent the running at large of Bulls and Swine."

Resolved, That the said Bill do pass.

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

Read a third time, as engrossed, the Bill intituled "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, and to repeal a certain Act therein mentioned."

Resolved, that the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown." After some time, the House was resumed, and Mr. *Hensley* reported, that the Committee had gone through the Bill, and that they had agreed to the same with several amendments.

On motion, Ordered, that the Report of the Committee be received.

The said Amendments were then read, and are as follow:—

*Folio 5, line 6*—Strike out the word "Rector," and insert "Head Master."

*Folio 7*,—Strike out the Seventh clause, and insert as follows in its place:—

"And be it enacted, That the tuition money received from the different Pupils at the said Academy, if the same does not exceed One hundred and Fifty Pounds currency per annum, shall be paid to the Head Master, to be appointed for the said Academy; and if the said tuition money received as aforesaid, shall exceed that sum, the overplus shall be paid to, and divided between the other two masters in such proportions as the said Trustees shall deem just and reasonable."

The said amendments being read a second time, were agreed to by the House.

Ordered, that the said amendments be engrossed, and that the said Bill with the amendments, be read a third time to-morrow.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to alter and amend the several Acts therein mentioned, relating to the Prince Edward Island Steam Navigation Company." After some time the House was resumed, and Mr. *Hensley* reported that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

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

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

Resolved, That the said Bill, do pass.

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

On motion, Ordered, That the Bill intituled "An Act to further amend an Act passed in the Fourth year of the Reign of the late King William the Fourth, for ascertaining the Boundaries of the several Townships in this Island," be read a second time on Tuesday next, and that the Members of the House be summoned.

A Message from the House of Assembly, by Mr. Longworth, with a Bill intituled "An Act to confirm the Titles to Land purchased under the several Acts for raising an Assessment on Lands in this Island," to which they desire the concurrence of the Legislative Council.

Also, with the following Bills, agreed to, as amended by the Legislative Council, viz :

A Bill intituled "An Act to prevent Trespassing on the Common of Georgetown."

A Bill intituled "An Act to continue and amend the Act for facilitating the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of Sailing Packets."

And also, with the following written Message:—

Mr. President;

The House of Assembly desire a Conference with the Legislative Council, on the Amendments made to the Bill intituled "An Act to confirm the closing of old Roads, in certain cases," and have appointed Mr. Longworth, Mr. Coles, the Hon. Mr. Palmer and Hon. J. S. Macdonald, a Committee to manage the said Conference.

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

Ordered, That Mr. *Young* and Mr. *Irving* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

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

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had met the Committee on behalf of the House of Assembly, who had delivered to them the said Bill, with the amendments, and also a paper containing as follows:—

"Because the closing up of any old Road, by the authority of any Commissioner or Overseer of Roads, prior to the passing of the Act of 3d of Will. 4, cap. 23, and its remaining so closed for a period of nine years and upwards, with the acquiescence of the public, should, in the opinion of the House of Assembly, be deemed an abandonment of their right to any such Road; and the more particularly in any case where a Road has been substituted in its place.

“ Because at any time during the period referred to, it was in the power of any individual who might in any way have felt injured or aggrieved, to cause proceedings to be instituted for the re-opening of any Road coming within the scope of the present Bill.

“ Because the amendments made by the Legislative Council to the Bill would still give the power to any person (who might be actuated by vindictive motives) to cause the opening of any such road, without its being of the least advantage to the public, although of serious loss and inconvenience to private individuals.”

On motion, Ordered, That a further Conference be desired with the House of Assembly, on the Bill intituled “ An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways.”

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.

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

Mr. President ;

The House of Assembly do agree to a further Conference as is desired by the Legislative Council, on the subject matter of the Bill intituled ‘ An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of public Moneys on the Highways,’ and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference; and the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

On motion, Ordered, that this House do insist on their amendments to the Bill intituled “ An Act to confirm the closing of old Roads in certain cases,”

Ordered, That a Committee be appointed to draw up Reasons, to be offered to a Committee of the House of Assembly at a Conference, for insisting on the said Amendments.

Ordered, That Mr. *Solicitor General* and Mr. *Hensley* be a Committee for that purpose.

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 Amendments made to the Bill intituled “ An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof,” and have appointed the Hon. Mr. Palmer, Mr. Thornton, Mr. Longworth and Mr. Yeo a Committee to manage the said Conference.

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

Ordered, That Mr. *Holl* and Mr. *Young* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow, at half-past One 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 confirm the Titles to Land purchased under the several Acts for raising an Assessment on Land in this Island.”

On motion, Ordered, that the said Bill be read a second time on Wednesday next, and that in the mean time the said Bill be printed, and that the Printer do furnish forty copies thereof.

Adjourned until One o'clock to-morrow.

## FRIDAY, March 31st, 1843.

The Council met pursuant to adjournment.

### PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,  
 Mr. *Macintosh*,  
 Mr. *Dalrymple*,  
 Mr. *Macnutt*,  
 Mr. *Solicitor General*,

The Hon. Mr. *Holl*,  
 Mr. *Young*,  
 Mr. *Hensley*,  
 Mr. *Irving*,  
 Mr. *Worthy*

### PRAYERS.

**R**EAD the proceedings of yesterday.

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

“ In the House of Assembly,  
 Wednesday, 29th March, 1843.

“ Resolved, That a Committee of this House be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor, with the Address of the Council and Assembly to Her Majesty, relative to the encroachments on the shores of this Island, by American Fishing Vessels.

“ Ordered, That the same Committee who prepared the Address, be a Committee on the part of this House, to wait upon His Excellency with the same.

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

“ And also,

“ In the House of Assembly,  
 “ March 31, 1843.

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

“ Ordered, That Mr. *Yeo*, Mr. *Coles*, Mr. *Wightman* and the Hon. Mr. *Palmer* do compose the said Committee.

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

On motion, Resolved, That a Committee of this House be appointed to join the Committee of the House of Assembly, for the purpose of taking charge of the Government House and Public Furniture.

Ordered, That Mr. *Young* and Mr. *Hensley* do compose the said Committee.

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

The time appointed for holding the Conference with the House of Assembly, on the Amendments made to the Bill intituled "An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof," having arrived, the names of the Managers being called over, they went to the Conference, and being returned they reported the substance thereof to the House.

Read a third time, the Bill intituled "An Act relating to the Pumps and Wells of Charlottetown."

Resolved, That the said Bill do pass.

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

Pursuant to Order, the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown," was read a third time, with the amendments.

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

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

Mr. *Hensley*, from the Committee appointed to draw up Reasons to be offered to the House of Assembly at a Conference, for insisting on the Amendments made by this House, to the Bill intituled "An Act to confirm the closing of old Roads, in certain cases," presented to the House the Report of the said Committee, which Report he read in his place, and was afterwards read by the Clerk, and is as follows:—

Because the Bill is so extensive in its scope, and so general in its enactments, that it is impossible to foresee what its operation might be in the event of its becoming part of the law of the Island.

That roads and means of communication between the different parts of a country should be preserved with a most jealous regard to the general convenience; and that all proceedings having for their object the shutting up of a road, should distinctly and clearly state the usual name by which the road is commonly distinguished—the places between which it affords a convenient means of intercourse—the ground upon which it is sought to close up and destroy this public convenience; and the compensation proposed to the public for the resignation of rights, which it is probable were originally obtained in part by the grants from the public purse.

That the Legislative proceedings with respect to roads have hitherto been distinguished by this scrupulous attention to the preservation of the public rights and conveniences, is sufficiently evidenced by the enactments in the first clause of the 3d of Will. 4th, cap. 23; and the Legislative Council is unwilling to depart from the wholesome and deliberate character of that legislation.

That whenever sufficient occasion may arise, by reason of the malicious or unreasonable opposition of any party who may be found unjustifiably to contest the closing of a road which can be manifestly shown to be of no possible use to any one, the object sought may be obtained by proceeding by private Bill—due notice being given—as in the Act 6th Will. 4, cap. 6, of a certain road in the Royalty of Princetown.

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

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

Ordered, That Mr. *Solicitor General* and Mr. *Hensley* be a Committee to manage this further Conference, to meet in the Committee Room, instant.

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

Mr. President ;

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the amendments made to the Bill intituled “An Act to confirm the closing of old Roads, in certain cases,” and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

And the names of the Managers being called over, they went to the Conference, and being returned they reported, that they had complied with the instructions given them by this House.

Read a third time, as engrossed, the Bill intituled “An Act relating to the Fisheries, and for the prevention of Illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof.”

Resolved, That the said Bill do pass.

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

On motion, Ordered, that this House do insist on their amendments made to the Bill intituled “An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof.”

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

Ordered, That the same Committee who managed the former Conference be a Committee to manage this further Conference, to meet in the Committee Room instant.

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

Mr. President ;

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the amendments made to the Bill intituled “An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof,” and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Adjourned until Monday next, at One o'clock.

**MONDAY, April 3d, 1843.**

The Council met pursuant to adjournment.

PRESENT :

The Honorable Mr. *Attorney General*, President :

The Hon. Mr. *Macdonald*,  
 Mr. *Macintosh*,  
 Mr. *Dalbrymple*,  
 Mr. *Macnutt*,

The Hon. Mr. *Holl*,  
 Mr. *Young*,  
 Mr. *Hensley*.

PRAYERS.

**R**EAD the proceedings of Friday last.

Mr. *Dalbrymple*, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor with the Address, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty on the subject of the encroachments on the Shores of this Island by American Fishing Vessels, reported, that the Committee had waited upon His Excellency, who was pleased to say that he would have much pleasure in forwarding the same, as desired by the said Address.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Circular Despatch from the Right Honorable Lord Stanley, relative to certain Estates and Property belonging to the Ordnance Department.

After some time the House was resumed, and Mr. *Solicitor General* reported, that the Committee, having had the said Despatch under consideration, had come to a Resolution, which they recommend to the adoption of the House, and the same was read, and is as follows:

Resolved, That it is the opinion of this Committee, that the Act passed by the General Assembly of this Island, of the Seventh year of the Reign of King William the Fourth, intituled "An Act for vesting all Estates and Property in this Island, belonging to or occupied for the Ordnance service, in the Principal Offices of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers," embodies all the provisions and enactments contained in the draft of the Bill transmitted by the Right Honorable Lord Stanley, Principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor, now under consideration of the Committee, and therefore this Committee is of opinion that it will be unnecessary to make any further enactments on the subject.

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

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

Mr. President ;

The House of Assembly desire a free Conference with the Legislative Council, on the subject matter of the Amendments made to the Bill intituled "An Act to confirm the

closing of old Roads, in certain cases," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this free Conference.

And also,

Mr. President ;

The House of Assembly desire a further Conference with the Legislative Council, on the Bill intituled ' An Act to consolidate and amend the several Laws relating to Statute Labour, and the expenditure of public Moneys on the Highways," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

On motion, Ordered, that a free Conference be agreed to, as is desired by the House of Assembly, on the subject matter of the amendments made to the Bill intituled " An Act to confirm the closing of old Roads, in certain cases."

Ordered, That the same Committee who managed the former Conference thereon, be a Committee to manage this free Conference, to meet in the Committee Room instanter.

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

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

On motion, Ordered, That a further Conference be agreed to, as is desired by the House of Assembly, on the Bill intituled " An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways."

Ordered, That the same Committee who managed the former Conference thereon, 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.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

Adjourned until One o'clock to-morrow.

## TUESDAY, April 4th, 1843.

The Council met pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,

The Hon. Mr. *Holl*,

Mr. *Macintosh*,

Mr. *Young*,

Mr. *Dalbrymple*,

Mr. *Hensley*,

Mr. *Macnutt*,

Mr. *Irving*,

Mr. *Solicitor General*,

Mr. *Worthy*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

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

Mr. President;

The House of Assembly have passed the Bill intituled "An Act relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof," without any amendment.

Also, with a Bill intituled "An Act for securing to certain occupiers of Land compensation for improvements made thereon, at their own cost," to which they desire the concurrence of the Legislative Council.

On motion, Ordered, that this House do insist on their amendments made to the Bill intituled "An Act to repeal the Acts now in force relating to the Trial of Common Assaults and Batteries, and to make other provisions in lieu thereof."

Read a first time the Bill intituled "An Act for securing to certain occupiers of Land compensation for improvements made thereon at their own cost."

On motion, Ordered, that the said Bill be printed, and that Fifty copies thereof be furnished.

Read a third time, the Bill intituled "An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways."

Resolved, that the said Bill do pass.

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, 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 to compel persons appointed to the Office of Constable to serve as such."

"An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways."

"An Act to amend the Act relating to the Pumps and Wells of Charlottetown."

"An Act to continue and amend the Act for facilitating the Intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of Sailing Packets."

"An Act to alter and amend the several Acts therein mentioned, relating to the Prince Edward Island Steam Navigation Company."

"An Act in addition to the several Acts relating to Licences for retailing Spirituous and Fermented Liquors."

The House of Assembly having withdrawn, His Excellency was pleased to retire soon after.

Adjourned until One o'clock to-morrow.

## WEDNESDAY, April 5th, 1843.

The Council met, pursuant to adjournment.

PRESENT :

<p style="text-align: center;">The Honorable Mr. <i>Attorney General</i>, President;</p> <p>The Hon. Mr. <i>Macdonald</i>,</p> <p style="padding-left: 40px;">Mr. <i>Macintosh</i>,</p> <p style="padding-left: 40px;">Mr. <i>Dalrymple</i>,</p> <p style="padding-left: 40px;">Mr. <i>Macnutt</i>,</p> <p style="padding-left: 40px;">Mr. <i>Solicitor General</i>,</p>	<p style="text-align: center;">The Hon. Mr. <i>Holl</i>,</p> <p style="padding-left: 40px;">Mr. <i>Young</i>,</p> <p style="padding-left: 40px;">Mr. <i>Hensley</i>,</p> <p style="padding-left: 40px;">Mr. <i>Irving</i>,</p> <p style="padding-left: 40px;">Mr. <i>Worthy</i>.</p>
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PRAYERS.

**R**EAD the proceedings of yesterday

Mr. *Young*, from the Committee appointed to join the Committee of the House of Assembly, for the purpose of taking charge of the Government House and Public Furniture, presented to the House the Report of said Committee, which he read in his place and is as follows :

“ Your Committee appointed to take charge of the Government House and Public Furniture, report, that they, this day, attended at the Government House, in conjunction with a Committee appointed by the House of Assembly for the above purpose, and found the Government House to be generally in good repair, and the Furniture in good order.

CHARLES YOUNG,  
CHARLES HENSLEY.

On motion, Ordered, That the Report of the Committee be received.

A Message from the House of Assembly, by Mr. *Wightman*, with a Bill intituled “ An Act to alter, amend and repeal certain parts of the Acts now in force regulating the inspection of Pickled Fish,” to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:—

“ Mr. President ;

“ The House of Assembly desire a Conference with the Legislative Council on the subject matter of the amendments made to the Bill intituled “ An Act to alter and amend the Act for the establishment of an Academy in Charlottetown,” and have appointed the Honorable Mr. *Palmer*, Mr. *Macaulay*, Mr. *Longworth*, and the Hon. J. S. *Macdonald*, a Committee to manage the said Conference.

Read a first time, the Bill intituled “ An Act to alter, amend and repeal certain parts of the Acts now in force regulating the inspection of Pickled Fish.”

A Message from the House of Assembly, by Mr. *Coles*, with a Bill intituled “ An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island,” 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.

On motion, Ordered, that the said Bill be referred to a Special Committee to report thereon.

Ordered, That Mr. *Macdonald*, Mr. *Solicitor General*, Mr. *Young*, Mr. *Hensley*, and Mr. *Worthy* do compose the said Committee.

On motion, Ordered, that a Conference be agreed to, as is desired by the House of Assembly on the subject matter of the amendments made to the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown."

Ordered, That Mr. *Young* and Mr. *Hensley* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

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

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had met the Managers on the behalf of the House of Assembly, who had delivered to them the said Bill, with the amendments, and also a paper containing as follows:—

"The House of Assembly agree to the first amendment made by the Legislative Council to the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown," but disagree to the second amendment, because they think the amount of the Tuition-money would not, in all probability, for some years to come, exceed £200, if at all amounting thereto; and that of that sum, arising chiefly from the labours of the two under Masters, to allow the Head Master as much as £150, in addition to his salary of £150, as fixed by the Bill, is an arrangement ill calculated to encourage the under Masters to a faithful performance of their duties, and would make such a disproportion of the salaries, that no competent persons would be likely to undertake the duties assigned to the under Masters—Which the House of Assembly consider the most arduous to be performed. The House of Assembly more particularly consider that the Tuition-money could not be better divided than by the Trustees, in whose direction the Bill, as agreed to by the House of Assembly, has placed its apportionment."

A Message from the House of Assembly, by the Hon. J. S. Macdonald:—

Mr. President;

The House of Assembly desire a Conference with the Legislative Council, on the general State of the Colony, and have appointed the Hon. John S. Macdonald, the Hon. Mr. Palmer, Mr. Thornton, and Mr. Longworth, a Committee to manage the said Conference.

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

Ordered, That Mr. *Solicitor General* and Mr. *Irving* be a Committee to manage the said Conference, to meet in the Committee Room, on Friday next, at half-past Three o'clock.

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

Ordered, That Mr. *Macnutt* have leave to absent himself until Wednesday next.

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

Adjourned until Three o'clock to-morrow.

## THURSDAY, April 6th, 1843.

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. <i>Attorney General</i> , President:	
The Hon. Mr. <i>Dalrymple</i> ,	The Hon. Mr. <i>Young</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

PRAYERS.

**T**HERE not being a Quorum—  
Adjourned until One o'clock to-morrow.

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## FRIDAY, April 7th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President :	
The Hon. Mr. <i>Macintosh</i> ,	The Hon. Mr. <i>Hensley</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i>
Mr. <i>Young</i> ,	

PRAYERS.

**R**EAD the proceedings of Wednesday last.

Mr. *Irving* informed the House that indisposition prevents Mr. *Macdonald* from attending in his place.

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

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

A Bill intituled "An Act to authorize the issue *de novo* of certain Writs under the Road Compensation Act, in certain cases."

A Bill intituled "An Act in further amendment of an Act passed in the Tenth year of the Reign of 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.'"

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. Cambridge, with the Bill intituled "An Act to amend the Marriage Laws," agreed to, as amended by the Legislative Council.

Also, with the Bill intituled "An Act to continue and amend the Act relating to the Limits and Rules of Jails in the several Counties in this Island, agreed to, as amended in conference.

The Order of the Day, for the second reading of the Bill intituled "An Act to further amend an Act passed in the Fourth year of the Reign of the late King William the Fourth, for ascertaining the Boundaries of the several Townships in this Island," being read—

Ordered, That the same be discharged, and that the same do stand as the Order of the Day for this day six months.

Dissentient. *Mr. Young.*

The *Solicitor General* having withdrawn before the question was put.

Pursuant to Order, the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Land in this Island," was read a second time.

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill.

After some time the House was resumed, and *Mr. Irving* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

The time appointed for holding the Conference with the House of Assembly, on the General State of the Colony, having arrived, the names of the Managers being called over, they went to the Conference, and being returned they reported that they had met the Committee on the behalf of the House of Assembly, who had delivered to them a certain Resolution passed by the House of Assembly, and the same was read, and is as follows:—

"Whereas the greater portion of the settled lands of this Colony are held under lease, at rents payable in cash only to absentee Proprietors, and the annual amount thereof drawn from the Island must of necessity operate as a serious drawback on its prosperity. That the general embarrassments and commercial distress which have existed in Great Britain for the last two years, have occasioned the almost total destruction of our trade with the Mother Country, which consisted chiefly in the export of shipping and lumber, and from which source a portion of our supplies of specie has been derived; these circumstances, together with the failure of our accustomed markets for agricultural produce in the neighbouring Provinces, arising from similar causes existing there, have so far affected the agriculturists of the Colony as to render the payment of their rents in cash a measure of extreme difficulty and almost impossibility. That owing to the foregoing circumstances, and from other causes which have unhappily existed in this Colony, but to which it is unnecessary further to advert, the Tenantry have become embarrassed by a large accumulation of arrears of rent—the existence of which must necessarily operate as a serious check to future improvement, and is alike injurious to the interest of Landlord and Tenant. That, from the positive declarations of the Imperial Government hitherto expressed in despatches

laid before the Legislature of this Colony, and particularly in the late despatch received from the Right Honorable Lord Stanley, dated 14th July, 1842, relating to the tenure of land in this Colony, and in answer to the Address of the late House of Assembly to Her Majesty and the Imperial Parliament, it appears that Her Majesty's Government has declined any further interference, by the sanction of any enactment, between Landlord and Tenant; therefore, that the House of Assembly can no longer extend to the Tenantry of the Colony any hope of relieving them, by enactment, from the obligations of their leases; but, nevertheless, this Committee is deeply impressed with a sense of the necessity that now devolves on the Proprietors in the present embarrassed state of the Tenantry, of remitting such portion of the arrears of rent as the situation and conduct of individuals may warrant, and accepting for the future their rents in the marketable productions of the soil at the market price: Resolved, therefore, That your Committee are of opinion, that the existence of evils so generally felt fully warrants this House in earnestly appealing to, and soliciting the powerful interference of Her Majesty's Government, as mediators between the Proprietors and their Tenantry in this Island, with a view of inducing the former to remit such portion of the arrears of rent now due as will encourage the Tenants in their efforts to discharge the legal demands of the Landlords, and to urge on them the necessity of adopting such arrangements as will enable the Tenantry to pay their rents for the future in the marketable productions of the soil, at the market price—an arrangement that we fully believe would be equally advantageous and beneficial to both parties, and would lay the foundation of a better state of feeling than now exists—and without which, this Colony cannot be expected to prosper. Your Committee would further recommend, that the Legislative Council be requested to join in such Address; and that His Excellency the Lieutenant Governor be also solicited to unite his influence, in furtherance of a recommendation of such vital importance to the future peace and welfare of this Colony."

A Message from the House of Assembly, by Mr. Longworth, with a Bill intituled "An Act for the Increase of the Revenue of this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

Mr. President;

The House of Assembly have passed the Bill intituled "An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates,'" and to make other provisions in lieu thereof," with certain amendments, to which they desire the concurrence of the Legislative Council.

The said Amendments were then read, and are as follow:—

*Folio 23, line 11*—Strike out the words "Court of Chancery," and insert "Governor and Council."

*Same folio, line 17*—Strike out the words "Court of Chancery," and insert "Governor and Council."

*Folio 24, line 4*—Strike out the words "Court of Chancery," and insert "Governor and Council."

*Same folio, line 9*—Strike out the words "Court of Chancery," and insert "Governor and Council."

*Same folio, line 16*—Strike out the words "Court of Chancery," and insert "Governor and Council."

*Folio 31, line 20*—After the word "effect," insert as follows:

“ And whereas it frequently becomes necessary to give in evidence Wills and  
 “ Codicils in proof of Real Estate situate within this Island, but which have been  
 “ proved and remain deposited in the Courts of other countries, whereby great expense  
 “ and inconvenience have ensued to individuals: For remedy whereof, be it enacted,  
 “ That the Probate of every Will concerning Real Estate, duly proved in any Court of  
 “ competent jurisdiction out of this Island, shall and may be given and received, as  
 “ evidence, *prima facie*, of any devise or matter affecting Real Estate therein men-  
 “ tioned, in all cases where such Probate might heretofore have been used as evidence  
 “ of or relating to any matter concerning Personal Estate therein mentioned.”

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled “ An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Land in this Island.”

After some time the House was resumed, and Mr. *Irving* reported that the Committee had gone through the Bill, and that they had agreed to the same with several amendments, and an alteration in the Title.

On motion, Ordered, that the Report of the Committee be received.

The said amendments were then read, and are as follow :—

*Folio 5, line 13*—After the word “ Acts,” insert the following proviso :—

“ Provided always, nevertheless, that nothing herein contained shall extend, or be  
 “ construed to extend, to confirm any such Deed or Conveyance of any Land so made  
 “ as aforesaid, unless the land therein described shall have been unsettled and in a  
 “ wilderness state at the time of such sale; and shall also be in an unsettled and wil-  
 “ derness state at the period of the passing of this Act, unless the same or any part  
 “ thereof shall have been cultivated and redeemed from a wilderness state by the  
 “ purchaser or his assigns, since the making of any such deed or conveyance.”

Strike out the last clause of the Bill, and insert the following :—

“ And be it enacted, That no deed which might be confirmed by this Act shall be  
 “ held or construed to be affected thereby, unless the person or persons claiming  
 “ under such deed shall, within three months after the passing of this Act, publish in  
 “ the papers in Charlottetown, once in every three months during two years next  
 “ succeeding the first publication thereof, a notice in the form of the Schedule to this  
 “ Act annexed.

“ Provided always, and be it further enacted, in case of any deeds confirmed by the  
 “ authority of this Act, that an equity of redemption shall nevertheless be open to the  
 “ former owner or owners, proprietor or proprietors, his, her, or their heirs or assigns,  
 “ for the space of two years next after the first publication of such notice; the former  
 “ owner or owners, proprietor or proprietors, his, her, or their agents, heirs, or assigns,  
 “ repaying the purchase money, with lawful interest thereon, and also all expenses  
 “ attending the same, and a fair allowance for such improvements as shall or may be  
 “ made thereon—the same in case of a dispute to be ascertained by the Supreme  
 “ Court.

“ Provided always, that nothing herein contained shall extend, or be construed to  
 “ extend, to any lands, with respect to which any action or actions are now pending :  
 “ anything herein contained to the contrary thereof notwithstanding.

### SCHEDULE.

#### FORM OF NOTICE.

“ Whereas *C. D.* did, on the \_\_\_\_\_ day of \_\_\_\_\_ purchase \_\_\_\_\_ acres of  
 “ land on Township No. \_\_\_\_\_ and whereas by deed from \_\_\_\_\_ Sheriff of  
 “ County, certain lands (here set forth the description as in the deed) being lands of  
 “ which *A. B.* was the owner, or reputed owner, were conveyed by the said Sheriff to

“ me the said *C. D.* I do hereby give notice, that I claim the said lands, by virtue  
 “ of the said deed; and that unless the owner or owners thereof do, on or before the  
 “ day of next, pay to me the sum of £ being the purchase  
 “ money paid by me therefor, together with interest and expenses, and the value of  
 “ my improvements made thereon, my title to the said land will become absolute.”  
 (Signed) *C. D.*

Strike out the Title, and insert the following instead thereof:—“ An Act to confirm in certain cases  
 “ the titles to land purchased under the several Acts for raising an Assessment on Land  
 “ in this Island.”

The said amendments being read a second time, were agreed to by the House.

Ordered, that the said amendments be engrossed, and that the said Bill with the  
 amendments, be read a third time to-morrow.

Adjourned until One o'clock to-morrow.

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## SATURDAY, April 8th, 1843.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macintosh*,  
 Mr. *Young*,

The Hon. Mr. *Hensley*.  
 Mr. *Irving*.

PRAYERS.

**T**HERE not being a Quorum—

Adjourned until One o'clock on Monday next.

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## MONDAY, April 10th, 1843.

The Council met pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,  
 Mr. *Macintosh*,  
 Mr. *Dalrymple*,  
 Mr. *Solicitor General*,

The Hon. Mr. *Holl*,  
 Mr. *Young*,  
 Mr. *Hensley*,  
 Mr. *Irving*.

PRAYERS.

**R**EAD the proceedings of Friday last.

On motion, Ordered, that this House do not insist on the second Amendment made  
 to the Bill intituled “ An Act to alter and amend the Act for the establishment of an  
 Academy in Charlottetown.”

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

Ordered, That the same Committee who managed the former Conference thereon be  
 a Committee to manage this further Conference, to meet in the Committee Room instanter.

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

Mr. President ;

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject matter of the amendments made to the Bill intituled "An Act to alter and amend the Act for the establishment of an Academy in Charlottetown," and have appointed the same Committee who managed the former Conference thereon, a Committee to manage this further Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Read a second time, the Bill intituled "An Act to alter, amend and repeal certain parts of the Acts now in force, regulating the inspection of Pickled Fish."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Hensley* reported, that the Committee had gone through the Bill and that they had agreed to the same without any amendment.

On motion, Ordered, that the Report of the Committee be agreed to.

Read a second time, the Bill intituled "An Act to authorize the issue *de novo* of certain Writs under the Road Compensation Acts in certain cases."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and Mr. *Irving* 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 motion, Ordered, that the Report of the Committee be received, and leave granted.

A Message from the House of Assembly, by Mr. Rae, with a Bill intituled "An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late 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.'"

Read the said Bill a first time.

A Message from the House of Assembly, by Mr. Hudson, with a Bill intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of our Lord One thousand eight hundred and forty-three," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to authorize the issue *de novo* of certain Writs under the Road Compensation Acts in certain cases." After some time the House was resumed, and Mr. *Irving* reported that the Committee had gone through the Bill, and that they had agreed to the same without any amendment.

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

On motion, The said Bill was read a third time.

On motion that the said Bill do pass, the House divided.

CONTENTS :

|                       |                     |
|-----------------------|---------------------|
| <i>The President,</i> | <i>Mr. Young,</i>   |
| <i>Mr. Macintosh,</i> | <i>Mr. Hensley,</i> |
| <i>Mr. Dalrymple,</i> | <i>Mr. Irving.</i>  |
| <i>Mr. Holl,</i>      |                     |

NON-CONTENTS :

|                       |                               |
|-----------------------|-------------------------------|
| <i>Mr. Macdonald,</i> | <i>Mr. Solicitor General.</i> |
|-----------------------|-------------------------------|

And it passed in the affirmative.

Ordered, That a Message be sent down to the House of Assembly, acquainting them that this House have agreed to the said Bill, without any amendment.

Read a second time, the Amendments made by the House of Assembly to the Bill intituled "An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled 'An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates,'" and to make other provisions in lieu thereof."

On motion, 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.

*Mr. Solicitor General*, from the Special Committee to whom was referred the Bill intituled "An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island," reported, that the Committee had come to a certain Resolution, which they recommend to the adoption of the House, and which he read in his place, and is as follows:—

"Resolved, That from the importance of a Bill intituled "An Act to render less expensive and more secure the course of procedure under the Act for levying an Assessment on all Lands in this Island," and the late period of the Session at which it came up from the House of Assembly, there is not time to give to the subject that consideration which it demands: Therefore, Resolved, that the further consideration of the said Bill be postponed until next Session, and that the same be printed in the interim.

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

Adjourned until Monday next, at One o'clock.

**TUESDAY, April 11th, 1843.**

The Council met pursuant to adjournment.

PRESENT :

The Honorable *Mr. Attorney General*, President :

The Hon. *Mr. Macdonald,*  
*Mr. Dalrymple,*  
*Mr. Holl,*  
*Mr. Young,*

The Hon. *Mr. Hensley,*  
*Mr. Irving*  
*Mr. Worthy*

## PRAYERS.

**READ** the proceedings of yesterday.

The President informed the House that indisposition prevents Mr. *Solicitor General* from attending in his place.

Ordered, That Mr. *Solicitor General's* excuse be received.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Young* reported that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Young* and Mr. *Hensley* be a Committee to manage the said Conference, to meet in the Committee Room instantler.

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

Mr. President ;

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for the increase of the Revenue of this Island," and have appointed Mr. Longworth, Mr. Thornton, Mr. Wightman and Mr. Coles, a Committee to manage the said Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported, that they had complied with the instructions given them by this House.

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 Forty-three."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Hensley* reported that the Committee had gone through the Bill, and they recommend, that a Conference be desired with the House of Assembly on the subject matter thereof.

On motion, Ordered, that the Report of the Committee be agreed to.

Ordered, That Mr. *Hensley* and Mr. *Irving* be a Committee to manage the said Conference, to meet in the Committee Room instantler.

A Message from the House of Assembly by Mr. Hudson :

Mr. President ;

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled "An Act for appropriating certain Moneys therein mentioned for the service of the year of Our Lord One thousand eight hundred and forty-three," and have appointed Mr. Hudson, Mr. Longworth, the Hon. J. S. Macdonald and Mr. Thornton, a Committee to manage the said Conference.

And the names of the Managers being called over, they went to the Conference, and being returned they reported, that they had complied with the instructions given them by this House.

On motion, Ordered, that the Resolution passed by the House of Assembly and handed to the Committee of this House at a Conference with the House of Assembly, on the general State of the Colony, be committed to a Committee of the whole House to-morrow, and that the Members of the House be summoned.

On motion, Ordered, that the second reading of the Bill intituled "An Act for securing to certain occupiers of Land compensation for improvements made thereon, at their own cost," do stand as the Order of the Day for to-morrow.

Adjourned until Eleven o'clock to-morrow.

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## WEDNESDAY, April 12th, 1843.

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Macdonald</i> ,	The Hon. Mr. <i>Young</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .
Mr. <i>Holl</i> ,	

PRAYERS.

**R**EAD the proceedings of yesterday.

According to Order, the House was called.

PRESENT :

The Hon. Mr. <i>Attorney General</i> , President ;	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Young</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

ABSENT :

The Hon. Mr. *Brecken*, absent by leave of Lieutenant Governor.  
Mr. *Macnutt*.

The Order of the Day, for the House in Committee, on the Resolutions passed by the House of Assembly, on the general State of the Colony, being read :

On motion, the House was accordingly adjourned during pleasure, and put into a Committee on the said Resolution. After some time, the House was resumed, and Mr. *Hensley* reported that the Committee had made some progress therein, and they recommend that a further Conference be desired with the House of Assembly on the subject matter thereof, and further, that he was directed to move that the Committee have leave to sit again.

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

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

Pursuant to Order, the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," was read a third time, with the amendment.

On motion, That the said Bill, with the amendments, do pass, the House divided.

## CONTENTS :

<i>The President,</i>	<i>Mr. Young,</i>
<i>Mr. Macintosh,</i>	<i>Mr. Worthy.</i>
<i>Mr. Dalrymple,</i>	

## NON-CONTENTS :

<i>Mr. Solicitor General,</i>	<i>Mr. Holl,</i>
<i>Mr. Macdonald,</i>	<i>Mr. Hensley.</i>

And it passed in the affirmative.

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

**DISSENTIENT.**—Because Sheriffs, on the sale of lands alleged to be in arrear for taxes, have been in the habit of selling one or two hundred Acres for all the tax, (frequently a considerable sum) in arrear on the Township—the portion sold, not being designated at the time of sale; but left to the election of the purchaser, and the Sheriffs have been in the habit of executing a Deed of any parcel of land, of which the purchaser chooses to give a description, of such Deed remaining secret and unknown to the individual, whose land may be affected thereby.

Because it is impossible to ascertain the number of those secret Deeds now lying dormant in the County or the amount of property which will be affected by them when confirmed by the proposed Bill.

Because the proposed Bill goes to Confirm sales made many years since, under which the lands of one individual have been in many cases sold not only for the tax in arrear upon the parcel so sold, but also for that due upon many other thousands of acres for which the parcel so sold was not liable, and because the individual, who may have been so unfortunate as to have his lands selected, might, if aware of the fact at the time of sale, have obtained contribution from other proprietors on the Township, whose arrears had been paid out of his land, but, in consequence of the time which has elapsed, and his having no notice that his lands were affected by such Deed, it may now be impossible for such person, through the death, absence, or other circumstances of such other defaulters to obtain compensation.

Because Lands affected by such secret deeds may have been subsequently sold to *bona fide* purchasers, without any notice thereof, and the proposed Bill will, by confirming such Deeds, deprive such *bona fide* purchasers of their property, which is most unreasonable and unjust, it being but right that where there are two innocent parties, he who has got the legal title, should be safe.

Because, If the Bill were confined to cases, where the Purchasers at Sheriff's sales, had after receiving their Deeds, taken possession and made improvements, it would answer all the substantial ends of Justice, by protecting persons, who have made an outlay of Capital in the faith of the Sheriff's Deeds being good, and because where such purchasers have

not taken such possession, and made outlay of capital, they cannot suffer much loss, inasmuch as the Lands sold, have in consequence of the uncertainty of their situation, been knocked down generally for a very inconsiderable sum.

Because it is unwise and impolitic to enact *ex post facto* laws, the effect of which cannot be foreseen; and by which evils tenfold greater, and losses much more severe than those intended to be remedied, may be inflicted upon the community.

(Signed)

JAMES. H. PETERS,  
CHARLES HENSLEY,  
JOHN M. HOLL.

A Message from the House of Assembly, by the Hon. Mr. Palmer, with a Bill intituled "An Act to amend and explain an Act passed in this present Session of the General Assembly, intituled 'An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of public Moneys on the Highways,'" 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 further Conference as is desired by the Legislative Council, on the general State of the Colony, and have appointed the Hon. Mr. Palmer, the Hon. J. S. Macdonald, Mr. Longworth and Mr. Douse, a Committee to manage this further Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

Read a first time, the Bill intituled "An Act to amend and explain an Act passed in this present Session of the General Assembly, intituled 'An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways.'"

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

Mr. President ;

The House of Assembly desire a further Conference with the Legislative Council, on the subject matter of the Bill intituled "An Act for the Increase of the Revenue of this Island," and have appointed the same Committee who managed the former Conference thereon a Committee to manage this further Conference.

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

Ordered, That the same Committee who managed the former Conference thereon, 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.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

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

“ Mr. President ;

“ The House of Assembly desire a further Conference with the Legislative Council on the Bill intituled “ An Act for appropriating certain Moneys therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty-three,” and have appointed the same Committee who managed the former Conference a Committee to manage this further Conference.”

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

Ordered, That the same Committee who managed the former Conference thereon, 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.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

The Order of the Day for the second reading of the Bill intituled “ An Act for securing to certain occupiers of Land compensation for improvements made thereon at their own cost,” being read ;

On motion, that the House do go into the Order of the Day, it was moved, as an amendment, that the same be discharged, and that the said Bill be read a second time this day six months,

The House divided on the motion of amendment :

CONTENTS :

The <i>President</i> ,	Mr. <i>Holl</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Irving</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Worthy</i> .
Mr. <i>Solicitor General</i> ,	

NON-CONTENTS :

Mr. <i>Macintosh</i> .	Mr. <i>Hensley</i> .
Mr. <i>Young</i> ,	

And it passed in the affirmative.

Read a second time, the Bill intituled “ An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late 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.’”

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Young* reported, that the Committee had gone through the Bill and that they had agreed to the same with several amendments.

On motion, Ordered, that the Report of the Committee be received.

The said Amendments were then read, and are as follow:—

*Folio 1, line 15*—Strike out from the word “state” to the word “Island,” in same folio, line 17, both inclusive.

*Folio 2, line 18*—“After the word “regards” insert Lots Numbers Ten, Nine, Eight, Seven, Six, “Five, Four, Three, Two and One, in.”

*Folio 3, line 3*—After the word “Counties,” insert the following: “or in regard to any part of Prince County not mentioned in the first Section of this Act.”

The said amendments being read a second time, were agreed to by the House.

Ordered, That the said Amendments be engrossed, and that the said Bill, with the amendments, be read a third time to-morrow.

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

Mr. President ;

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

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

Ordered, That the same Committee who managed the former Conference thereon 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.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported the substance thereof to the House.

On motion, Ordered, That a Committee be appointed to join a Committee of the House of Assembly to prepare an Address to Her Majesty in accordance with the Resolution on the General State of the Colony, and also to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty, for the purpose of being laid at the foot of the Throne.

Ordered, That *Mr. Solicitor General*, *Mr. Young* and *Mr. Hensley* be a Committee on the part of this House, to prepare the said Address.

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

Read a second time, the Bill intituled “An Act in further amendment of an Act made and passed in the Tenth year of the Reign of 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.’”

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time the House was resumed, and *Mr. Irving* reported that the Committee had gone through the Bill, and that they had agreed to the same with several amendments.

On motion, Ordered, That the Report of the Committee be received.

The said amendments were then read, and are as follow :—

*Folio 2, line 5*—Strike out from the word “And” to the word “notwithstanding,” in folio 3, line 9, both inclusive.

*Folio 3, line 22*—Strike out the words “further provided,” and insert “be it enacted.”

*Folio 4, line 2*—Strike out from the word “and” to the word “road” in same folio, line 14, both inclusive.

The said amendments being read a second time, were agreed to by the House.

Ordered, that the amendments be engrossed, and that the said Bill with the amendments, be read a third time to-morrow.

Adjourned until Eleven o'clock to-morrow.

## THURSDAY, April 13th, 1843.

The Council met pursuant to adjournment.

### PRESENT:

The Honorable Mr. *Attorney General*, President:

The Hon. Mr. *Macdonald*,  
Mr. *Macintosh*,  
Mr. *Dalrymple*,  
Mr. *Holl*,

The Hon. Mr. *Young*,  
Mr. *Hensley*.  
Mr. *Irving*.

### PRAYERS.

**R**EAD the proceedings of yesterday.

The *President* informed the House that indisposition prevents Mr. *Solicitor General*, from attending in his place.

Ordered, That Mr. *Solicitor General's* excuse be received.

Pursuant to Order, the Bill intituled “An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late 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,” was read a third time with the amendment.

Resolved, That the said Bill, with the amendment, do pass.

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

Pursuant to Order, the Bill intituled “An Act in further amendment of an Act made and passed in the Tenth year of the Reign of 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,” was read a third time, with the amendment.

Resolved, That the said Bill, with the amendment, do pass.

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

Read a second time, the Bill intituled “An Act to amend and explain an Act passed in this present Session of the General Assembly, intituled ‘An Act to consolidate and

amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Hensley* reported, that the Committee had gone through the Bill and that they had agreed to the same.

On motion, The said Bill was read a third time.

Resolved, That the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act for the increase of the Revenue of this Island," After some time the House was resumed, and Mr. *Young* reported that the Committee had gone through the Bill and that they had agreed to the same.

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

Resolved, That the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of 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 Forty-three." After some time, the House was resumed, and Mr. *Hensley* reported that the Committee had gone through the Bill, and that they had agreed to the same.

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

Resolved, that the said Bill do pass.

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

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the general State of the Colony.

Ordered, That the same Committee who managed the former Conference thereon, be a Committee to manage this further Conference, to meet in the Committee Room instant.

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

Mr. President ;

The House of Assembly do agree to a further Conference as is desired by the Legislative Council, on the general State of the Colony, and have appointed the same Committee who managed the former Conference thereon a Committee to manage this further Conference.

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had complied with the instructions given them by this House.

A Message from the House of Assembly, by the Hon. J. S. Macdonald :—

"In the House of Assembly,

"April 13th, 1843.

"Resolved, That a Committee of this House be appointed, to join a Committee of the Legislative Council for the purpose of preparing a joint Address of the Council and Assembly to Her Majesty upon the State of the Colony, and also to prepare an Address to

His Excellency the Lieutenant Governor, praying that he will be pleased to forward the same, with his favourable recommendation.

“Ordered, That the Hon. J. S. Macdonald, the Hon. Mr. Palmer, Mr. Coles and Mr. Longworth do compose the said Committee.

“Ordered, That the foregoing Resolution be communicated by Message to the Legislative Council.”

Resolved, That a Committee of this House be appointed to join the Committee of the House of Assembly for the purpose of preparing a joint Address of the Council and Assembly to Her Majesty on the State of the Colony, and also an Address to His Excellency, requesting him to forward the same, with his favorable recommendation.

Ordered, That the Honorables Mr. Young and Mr. Hensley be a Committee on the part of this House, to prepare the said Address.

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

Adjourned until Saturday next, at Ten o'clock.

## SATURDAY, April 15th, 1843.

The Council met, pursuant to adjournment.

PRESENT :

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Macdonald</i> ,	The Hon. Mr. <i>Holl</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Young</i> ,
Mr. <i>Dalrymple</i> ,	Mr. <i>Hensley</i> ,
Mr. <i>Solicitor General</i> ,	Mr. <i>Worthy</i> .

PRAYERS.

**R**EAD the proceedings of Thursday last.

Mr. Young, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty, on the general State of the Colony, presented to the House an Address as prepared by the Joint Committee, and the same was read, and is as followeth :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Most Gracious Sovereign ;

We your Majesty's faithful subjects the Legislative Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, beg leave to approach the Throne with sentiments of devoted loyalty and attachment to your Majesty's sacred Person and Government. We respectfully submit to your Majesty, as subjects deeply affecting the interests of this Colony, that the greater portion of the settled lands therein are held under lease at rents payable in cash to absentee Proprietors ; and that the annual amount thereof drawn from the Island must of necessity operate as a serious drawback on its prosperity.

That the general embarrassment and commercial distress which have existed in Great Britain for the last two years have occasioned the almost total destruction of our trade with the Mother Country, which consisted chiefly in the export of shipping and lumber, and from which source a portion of our supplies has been derived.

That these circumstances, together with the failure of our accustomed markets for agricultural produce in the neighbouring Colonies, arising from similar causes existing there, have so far affected the agriculturists of this Island, as to render the payment of their rents in cash a measure of extreme difficulty, and almost impossibility.

That owing to the foregoing circumstances, and from other causes which have unhappily existed in this Colony, but to which it is unnecessary further to advert, the tenantry have become embarrassed by a large accumulation of arrears of rent, the existence of which must necessarily operate as a serious check to future improvement, and is alike injurious to the interests of landlord and tenant.

That from the positive declarations hitherto expressed by your Majesty, as communicated in certain despatches by your Majesty's Secretaries of State for the Colonial Department, and laid before the Legislature of this Colony—the last being the despatch received from Lord Stanley, bearing date the 14th day of July, 1842, relating to the tenure of Land in this Colony, and in answer to the Address of the late House of Assembly to your Majesty and to the Imperial Parliament—it would appear that your Majesty has declined further interference, by the sanction of any Legislative enactment between landlord and tenant; from which the Legislative Council and Assembly can no longer extend to the tenantry of the Colony any hope of relieving them by enactment from the obligations of their leases; but, nevertheless, being deeply impressed with a sense of the necessity that now devolves on the proprietors of land, in the present embarrassed state of the tenantry, of remitting such portion of the arrears of rent as the situation and conduct of individuals may demand, and accepting for the future their rents in the marketable productions of the soil at the market price, the Legislative Council and Assembly earnestly appeal to your Majesty, and humbly pray that your Majesty will be graciously pleased to use such mediation as may induce the proprietors to remit to their tenantry such portion of the arrears of rent now due as may encourage the tenants in their efforts to discharge the legal demands of the landlords; and to urge upon them the necessity of adopting such arrangements as will enable the tenantry to pay their rents for the future in the marketable productions of the soil, at the market prices—an arrangement which the Legislative Council and Assembly fully believe would be equally advantageous and beneficial to both parties, and would lay the foundation of a better state of feeling than now exists between the proprietors and their tenants, and without which this Colony cannot be expected to prosper.

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

Mr. Young, 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 forward the foregoing Address to Her Majesty, with his favorable recommendation, presented the draft of an Address, as prepared by the joint Committee, and the same was read, and is as followeth:

*To His Excellency Sir HENRY VERE HUNTLEY, Knight, Lieutenant Governor, and Commander in Chief in and over Her Majesty's Island Prince Edward, and the Territories thereunto belonging, Chancellor, Vice Admiral, and Ordinary of the same, &c. &c. &c.*

May it please your Excellency;

We the Legislative Council and Assembly of Prince Edward Island having resolved to address Her Majesty the Queen, on a subject connected with the state of this Colony, that is to say, the amount of rent now in arrear and hereafter to become payable from the tenantry of this Island to the Proprietors of Township Lands therein, humbly request that your Excellency will be pleased to transmit the said Address, so that the same may be laid at the foot of the Throne; and that your Excellency will further be pleased to give its prayer your powerful recommendation.

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

On motion, Ordered, That a Committee be appointed to join a Committee of the House of Assembly to wait upon His Excellency with the said Address.

Ordered, That the same Committee who prepared the Address be a Committee on the part of this House to wait upon His Excellency with the same.

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

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

Mr. President ;

The House of Assembly desire a Conference with the Legislative Council, on the subject matter of the amendments made to the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island," and have appointed Mr. Coles, the Hon. Mr. Paimer, Mr. Longworth, and Mr. Cambridge, a Committee to manage the said Conference.

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

Ordered, that Mr. *Solicitor General* and Mr. *Hensley*, be a Committee to manage the said Conference, to meet in the Committee Room instanter.

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

And the names of the Managers being called over, they went to the Conference, and being returned, they reported that they had met the Committee on the part of the House of Assembly, who had delivered to them the said Bill, and a Paper containing as follows:

"Because there may be cases where cultivated or settled tracts of land have been sold by the Sheriff, and described by certain bounds at the time of sale; and there are no doubt cases where a purchaser at a Sheriff's sale, not being able to find wilderness land, has afterwards selected default land, which may have been wholly or in part improved.— There are also frequently cases where a person, having omitted to pay his land tax on improved land, has purchased it, or procured it to be purchased in, for his own benefit, and the better security of his title; in all of which cases it would be a hardship for a purchaser, having relied on the sufficiency of the law, to lose his purchase money; while it may be supposed that any of the improved land so sold, if of extraordinary value, would have been redeemed by the owner in due time.

"Because there does not appear to the House of Assembly any necessity to give an additional two years, or to add to the time for the equity of redemption already provided for by law, which the amendment of the Legislative Council proposes to do, not only as to wilderness land, but even to land improved by the purchaser; in all of which cases the equity of redemption might be liable to be prolonged for the term of four years.

"Because the publication of an advertisement in three different Newspapers, in each probably eight times, being twenty-four publications in the whole, would create an expense which should not be imposed on a purchaser; nor is it a notice which a person in default of payment of his assessment could reasonably expect to be entitled to, over and above those formal notices already prescribed by law, and given by the Treasurer in the public Newspapers, and by Proclamation in the Supreme Court; as well also as the usual Sheriff's notices before he sells the land.

"Because the House of Assembly is of opinion, that where a purchaser of land under the Assessment Act has been obliged to commence an action to obtain possession of it, he should not on that account be excluded from the benefit of the Bill, any more than another who has not used the same diligence."

On motion, Ordered, That this House do insist on their amendments made to the Bill intituled "An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island.

Ordered, That a Committee be appointed to draw up Reasons for insisting on the said amendments, to be offered to the House of Assembly, at a Conference on the said amendments.

Ordered, That Mr. *Young* and Mr. *Hensley* be a Committee for that purpose.

Mr. *Young* from the Committee, appointed to draw up reasons for insisting on the said amendments, presented to the House the Report of said Committee, which he read in his place, and is as followeth :

"The Legislative Council insist on their amendments to the Bill, intituled 'An Act to confirm the Titles to Lands purchased under the several Acts for raising an Assessment on Lands in this Island'—

"Because they conceive, that in making the enactments of the Bill more general than is done by their amendments, it would be productive of more injury than advantage."

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

On motion, Ordered, That a further Conference be desired with the House of Assembly on the subject matter of the last Conference.

Ordered, That the same Committee who managed the last Conference thereon, be a Committee to manage this further Conference to meet in the Committee Room instanter.

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

Mr. President ;

The House of Assembly do agree to a further Conference, as is desired by 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 the names of the Managers being called over, they went to the Conference, and being returned they reported, that they had complied with the instructions given them by this House.

A Message from the House of Assembly, by the Hon. J. S. Macdonald :—

"In the House of Assembly,

"Saturday, 15th April, 1843.

"Resolved, That a Committee be appointed to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor with the Address, praying that he will be pleased to forward the Joint Address of the Council and Assembly, to Her Majesty, on the General State of the Colony.

"Ordered, That the same Committee who prepared the Address, be a Committee on the part of this House, to wait upon His Excellency with the same.

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

Mr. *Young* from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the foregoing Address, reported that their Address had been presented to His Excellency, and that His Excellency had been pleased to say, he would forward the same, as desired by the Council and Assembly.

Read a third time, the Bill intituled "An Act to alter and amend, and repeal certain parts of the Acts now in force regulating the inspection of Pickled Fish."

Resolved, That the said Bill do pass.

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

The House took into consideration the incidental expences of the present Session, and allowed the sums as follow:—

The Reverend Doctor Jenkins, Chaplain to this House for his services,	£ 40	0	0
Henry Palmer, Esq. Usher of the Black Rod, and Serjeant at Arms,			
71 days, at 10s.,	35	10	0
Clerk of Legislative Council, including his account for Stationery,	184	8	10
John Rider, Messenger, including his account for sundry disbursements,	71	3	6
Patrick Furlong, Doorkeeper, 75 days at 7s. 6d. per diem,	28	2	6

Resolved, That the Deputy Clerk of this House prepare an Index to the Journals of this present Session, and that a remuneration of £15 be made to him for his extra trouble in preparing said Index, and for superintending the printing of the said Journals, the same to be paid to him when he shall have obtained from the Committee of this House, appointed to revise the Journals, a Certificate of his having prepared said Index, and superintended said printing to their satisfaction.

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

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

An Act to amend the Act regulating the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and Lesser Streams in this Island, and for other purposes therein mentioned.

An Act to alter, amend and repeal certain parts of the Act now in force, regulating the Inspection of Pickled Fish.

An Act to continue and amend the Acts relating to the Limits and Rules of Jails in the several Counties in this Island.

An Act to prevent the running at large of Hogs within the Common and Royalty of Charlottetown.

An Act to further amend an Act intituled *An Act to prohibit the exportation of Oysters from this Island for a limited period.*

An Act relating to the Fisheries, and for the prevention of illicit Trade in Prince Edward Island, and the Coasts and Harbours thereof.

An Act to continue and amend an Act therein mentioned, for the relief of Insolvent Debtors.

An Act for suspending for a limited period certain parts of an Act passed in the Fourth year of His late Majesty's reign, intituled *An Act for ascertaining and estab-*

*lishing 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.*

An Act to prevent the going at large of Swine and Geese at all seasons, and of Horses at certain seasons, in the Square and Streets of Georgetown.

An Act to amend the Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.

An Act relating to Landlord and Tenant.

An Act in further amendment of an Act passed in the Tenth year of the Reign of 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 authorize the issue *de novo* of certain Writs, under the Road Compensation Acts, in certain cases.

An Act to provide for the Summary Trial of Small Debts, and to regulate proceedings in cases of Summary Capias.

An Act to amend the Marriage Law.

An Act to enable Married Women to convey Freehold Property to which they may be entitled in their own right.

An Act to repeal an Act made and passed in the Twenty-first year of the Reign of King George the Third, intituled *An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates*, and to make other provisions in lieu thereof.

An Act to prevent trespassing on the Common of Georgetown.

After which, the Speaker of the House of Assembly addressed His Excellency as followeth:—

May it please your Excellency ;

In presenting the several Bills of aid and supply for the service of the current year, I have, as the organ of the House of Assembly, to express to your Excellency their full confidence that the sums granted for the many important objects to which they are appropriated, will be faithfully and economically expended.

The House of Assembly have to express their deep regret that two Bills passed by the House during the present Session, of great importance to the Colony, relating to the titles to lands sold by the Government for non-payment of Land Assessment, have not been concurred in by the Legislative Council, whereby the Revenue of this Colony will be seriously affected, and the good faith of the Government called in question. This circumstance will, at a future session, call for the special consideration of the House.

I have now, in the name and on behalf of her Majesty's loyal and dutiful subjects, the Commons of Prince Edward Island, the honor to present for your Excellency's acceptance the following Bills:—

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

An Act to amend and explain an Act passed in this present Session of the General Assembly, intituled *An Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of public moneys on the Highways.*

An Act to alter and amend the Act for the establishment of an Academy in Charlotte-town.

An Act for appropriating certain Moneys therein mentioned, for the service of the year of Our Lord One thousand eight hundred and Forty-three.

To each of which his Excellency was pleased, in the Queen's name, to give his assent.

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

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

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

By your zealous exertions, I am now enabled to relieve you from the prosecution of farther business ; but I cannot do so without first offering my warmest thanks for the deep interest you have displayed in the welfare of the Colony, by your careful revision of many laws of great importance, as well as by the enactment of others which circumstances have recommended.

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

I thank you for the supplies granted to Her Majesty for the use of this Colony, the application of which will be in strict conformity to your wishes. I cannot but cherish the expectation of an increasing revenue under the alterations which you have made in the Tariff, with apparently so much judgment.

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

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

I regret to observe that a riotous disposition has discovered itself in the Eastern part of King's County ; active measures have been adopted, quiet has been restored, and many of the rioters are under recognizance to appear for trial : I avail myself of this occasion to remark, that although your Legislative labours are, for a time, to be suspended, yet I would earnestly impress the remembrance of other duties which belong to your influential stations, and there is not one of greater magnitude, or of more vital importance, than that of leading the minds of the people to the consideration of obedience to the laws, both in a Religious and moral sense, and to the wretched state of that society where this is despised or even forgotten.

Those who endeavour to promote such a state of society, and who by artfully inflaming the minds of the people, betray them into turbulence and crime, incur a dreadful responsibility, and are the wilful enemies of God and man ; but to you, Honorable Gentlemen, and Gentlemen, I confidently look for the exercise of a sound knowledge, and that guided by your Christian feelings, you will in your intercourse with the inhabitants, strive to convince them that by violence and insubordination they retard their own prosperity, and aid the designs of men, who for selfish purposes are misleading them ; and also that it is an imperative duty to obey the laws under which they have placed themselves, laws that will be defended with vigour and administered with impartiality.

After which, the President of the Council said—

Gentlemen ;

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



**APPENDIX**

TO THE

**JOURNAL**

OF THE

**LEGISLATIVE COUNCIL**

OF

**PRINCE EDWARD ISLAND,**

FOR THE SESSION COMMENCING THE TWENTY-FOURTH DAY OF JANUARY, AND ENDING

THE FIFTEENTH DAY OF APRIL,

1843.



# APPENDIX.

(SEE PAGE 14.)

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No. 1.

[Copy—No. 19.]

Downing Street, 4th April, 1842.

Sir ;

I HAVE received your Despatch, No. 19, of the 22d February, enclosing a Joint Address to the Queen, from the Legislative Council and House of Assembly of Prince Edward Island, on the occasion of the Birth of His Royal Highness the Prince of Wales.

Having laid that Address before the Queen, I have received Her Majesty's commands to instruct you to convey to the Council and Assembly the sense which Her Majesty entertains of their loyalty and affection.

I have the honor to be,

&c. &c. &c.

(Signed)

STANLEY.

Sir H. V. Huntley,

Lieut. Governor, &c. &c. &c.

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No. 2.

[Copy—No. 21.]

Downing Street, 27th May, 1842.

Sir ;

I have received your Despatch, No. 21, of the 18th of March, enclosing an Address to the Queen, from the Legislature of Prince Edward Island, praying that Corn—the produce of that Island—may be admitted into the United Kingdom duty free.

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

I have, &c.,

(Signed)

STANLEY.

Sir H. V. Huntley,

Lieut. Governor, &c. &c. &c.

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No. 3.

[Copy—No. 25.]

DOWNING STREET, 1st July, 1842.

Sir ;

I have the honor to acknowledge the receipt of your Despatch, of the 27th of April, No. 29, with a Joint Address from the two Houses of Legislature in Prince Edward Island, to the Queen, praying that Her Majesty would cause the sum of £725, Halifax currency, arising from the sale of the School Lands, to be invested in the "Public Funds" of the Island, and the interest thereof applied to the support of the District Schools.

Previously to offering Her Majesty any advice, as to the propriety of complying with the Address, I have to desire that you will furnish me with a more detailed and explanatory report upon the subject of the "Public Funds" of Prince Edward Island.

I have, &c.

(Signed)

STANLEY.

Lieutenant Governor

Sir H. V. Huntley, &c. &c. &c.

APPENDIX.

No. 4.

[Copy—No. 42.]

Downing Street, 3d September, 1842.

Sir;

I have received your Despatch, No. 48, of the 13th of August, explaining the nature of the Public Funds of Prince Edward Island, in which the Colonial Legislature wished the proceeds of the Sale of School Lands to be invested.

The proposal of the Council and Assembly appears to be, to buy up with this money certain outstanding Treasury Warrants—to grant others to the same amount—and to apply the annual Interest upon them to purposes of Education.

If my interpretation of their meaning be correct—although I do not myself clearly see the advantages to be derived from the measure—it does not appear to be open to any valid objection.

Assuming, therefore, that the security is sufficient, I have advised Her Majesty to comply with the Address of the Council and Assembly on the subject; and Her Majesty has been pleased to command me to instruct you to signify to those bodies Her assent to the proposed investment of this money.

I have, &c.

Lieut. Governor

Sir H. V. Huntley, &c. &c. &c.

(Signed)

STANLEY.

No. 5.

Copy—No. 30.]

DOWNING STREET, 2d August, 1842.

SIR;

I have received your Despatch Number 27, of the 22d April, submitting for my consideration the propriety of granting to Charlottetown the privileges of a Free Warehousing Port.

Having referred the subject for the consideration of the Lords Commissioners of the Treasury, their Lordships have informed me that Instructions have been given for the preparation of the requisite order to be submitted to Her Majesty in Council for constituting Charlottetown a Warehousing Port under the provisions of the Act 3 and 4 William the Fourth, cap. 59.

I have, &c.

Lieutenant Governor

Sir H. V. Huntley, &c. &c. &c.

(Signed)

STANLEY.

No. 6.

[Copy—No 38.]

Downing Street, 25th August, 1842.

Sir;

With reference to my Despatch, Number 30, of the 2d ultimo, I have to acquaint you, that an order has been issued by Her Majesty in Council, constituting Charlottetown a Free Warehousing Port.

I have, &c. &c.

(Signed)

STANLEY.

Sir Henry Vere Huntley, R. N. &c. &c. &c.

No. 7.

Copy—No. 32.]

Downing Street, 4th August, 1842.

Sir;

I have had under my consideration an Act, No. 568, passed by the Legislature of Prince Edward Island, in April last, and transmitted in your Despatch, No. 35, of the 30th of last May, entitled "An Act to create a fund for defraying the expense of providing Medical Assistance for sick Emigrants, and of enabling indigent persons of that description to proceed to the place of their destination."

The provisions of this Act, for the most part, coincide with those of the Emigrant Tax Act, which has lately come into operation in Canada: but there are certain distinctions between the two measures, to which I have to direct your attention.

## APPENDIX.

In the first place, the penalty upon infringing the Law is not in every case the same; and what is of more importance, the Act excludes from the benefit of the relief fund single men, and married couples without families, who are not sick; whereas the Canada Act—more correctly, as I conceive—makes no such distinction.

The tax is there paid by all Emigrants, indiscriminately; and all who can prove themselves to be in a state of destitution seem to have a fair claim for assistance, out of the fund proceeding from the tax.

I have, therefore, to direct you to communicate to the Legislature my opinion, that should circumstances require a revision of the Act before its appointed termination, viz: 1st May, 1845, which the passing of the new Imperial Passengers' Act may render necessary, it might, perhaps, be desirable that this portion of the enactment should be re-considered—advantage being taken of such experience as may then have been had of its operation.

The remaining point, on which there is some difference between the Act now under consideration and that which has been passed in Canada, is in the persons by whom and under whose authority the fund is to be administered. By the Canada Act, the money levied under its provisions is to be applied by Officers appointed by the Governor (who, I apprehend, will be paid), and under Regulations established by the Governor. By the present Act, the money is to be paid by the Governor to the local Boards of Health, and to be expended under their direction. Upon referring to the several Acts under which these Boards have been established, I find that they are nominated by the Governor, but that there is no limit to the number of members of which each may consist, and that, apparently, they are not paid. I think, therefore, that some caution will be necessary in securing the proper and discreet application of the funds, and that it would be proper to draw the attention of the Legislature to this subject.

I would, moreover, suggest, that in as much as the money, by the present Act, to be first paid into the Public Treasury, and afterwards paid out by the Governor to the local Boards, it would be desirable that it should not be so paid out, unless upon such conditions, in regard to its application, as you, or the Lieutenant Governor for the time being, may think proper to impose.

In conclusion, I have to acquaint you, that, concurring generally in the purpose and provisions of this Act, the Order of Her Majesty in Council, leaving it to its operation, will be forwarded to you by the next opportunity.

I have the honor to be, Sir,

Your most obedient Servant,

(Signed)

STANLEY.

Sir Henry Vere Huntley,  
&c. &c. &c.

No. 8.

[Copy—No. 33.]

Downing Street, 11th August, 1842.

Sir;

I have to acknowledge the receipt of your Despatch, No. 35, of the 30th May, transmitting Twenty-four Acts, passed by the Legislature of Prince Edward Island, during the recent Session.

I have the honor to transmit to you, an Order passed by Her Majesty in Council, on the 11th inst., leaving Sixteen of this series to their operation—an Order passed on the same day especially confirming the Act, No. 542, authorising the erection of an Asylum for Insane persons, which had been amended by one of the above mentioned series. The remainder, with the exception of Nos. 583 and 4, are still under the consideration of Her Majesty's Government.

The Act No. 583, abridges the time of study required for admission to the practice of the Law, in favor of all persons being Natives of the Colony, or resident therein for two years, who have "duly obtained a Degree from any College entitled to grant the same."

I suppose the real meaning to be, to limit this advantage to British subjects, and to graduates of Colleges within the Queen's Dominions. But the words of the Act would justify, and probably require, a larger construction—opening the door to Aliens as well as Denizens, and to graduates in Foreign as well as in British Colleges.

You will take such measures as may appear to you best calculated for bringing under the consideration of the Legislature of Prince Edward Island the propriety of amending the Act in this respect. Until I shall be apprised of the result, Her Majesty's decision on the Act will be suspended.

APPENDIX.

The Act No. 584, amending the former Act relating to the laying out and altering the Highways, &c., is a Law of great importance, especially to the Absentee Proprietors of Land in Prince Edward Island. Having referred to the correspondence which passed on the subject, when the former Act, which this one amends, was under consideration, I see no reason to object to the present Law. But I think it right that those proprietors who are interested in this measure, and may have been absent from the Island during the time it was under discussion by the Legislature, should have an opportunity of making any observations upon it which they may desire to offer. Her Majesty in Council will, therefore, not be advised to take any decision on this Act until the expiration of three months from the 1st instant, in order to give time for the receipt of any such remonstrances.

Although the enclosed Order in Council leaves to its operation the Act No. 586, explaining the former Election Law of the Island, I must observe, that in effect it *alters* the Elective Franchise, and therefore should not have been passed without a suspending Clause. I do not object to the alterations, but I think it right to maintain the principle, and therefore I must request that you will, in future, adhere to the Royal Instructions on this subject.

I have &c.

(Signed)

STANLEY.

P. S.—The enclosed Order in Council also leaves to its operation Act No. 564, relative to the Lunatic Asylum, near Charlottetown, which Act was transmitted in your Despatch, No. 31, of 27th of April last.

No. 9.

[Copy—No 34.]

Downing Street, 19th August, 1842.

Sir;

I transmit to you herewith an Act of Parliament, 5th and 6th Vic. cap. 49, which received the Royal Assent on the 16th ult., entitled "An Act to amend the Laws for the Regulation of the Trade of the British Possessions abroad," and I have to request, that you would take the first opportunity of communicating copies of this Act to the Legislature of the Province under your Government.

I also enclose, for your information, the copy of a Despatch, (No. 227, August 17,) which I have addressed to the Governor of Canada, explaining the policy by which Her Majesty's Government has been governed in recommending to Parliament the adoption of the important changes in the Laws affecting the Trade of the Colonies, which are sanctioned by this Act.

I have, &c.

(Signed)

STANLEY.

Sir H. V. Huntley, R. N., &c. &c. &c.

ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

C A P. XLIX.

An Act to amend the Laws for the Regulation of the Trade of the *British Possessions* abroad.

[16th July 1842.]

**WHEREAS** an Act was passed in the Third and Fourth years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Trade of the British Possessions abroad*, herein-after designated as "The Possessions Act:" And whereas it is expedient to make certain alterations and Amendments therein: Be it therefore enacted, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That, except as herein-after is provided, from and after the Fifth Day of July, One thousand eight hundred and forty-three so far as relates to the *British Possessions* in *North America*, and from and after the Fifth Day of April One thousand eight hundred and forty-three so far as relates to the *British Possessions* in *South America* and the *West Indies*, and from the Fifth Day of July, One thousand eight hundred and forty three, so far as relates to the *Mauritius*, this Act shall come into and be and continue in full Force and Operation for all the Purposes mentioned herein.

3 & 4 W. 4.  
cap. 59

Commence-  
ment of Act.

APPENDIX.

II. And whereas, under or by virtue of an Act passed in the Fourth Year of His late Majesty King George the Third, intituled *An Act for granting certain Duties in the British Colonies and Plantations in America; for continuing, amending, and making perpetual an Act passed in the Sixth year of the Reign of His late Majesty King George the Second, intituled 'An Act for the better securing and encouraging the Trade of His Majesty's Sugar Colonies in America;'* for applying the Produce of such Duties, and of the Duties to arise by virtue of the said Act, towards defraying the Expenses of defending, protecting, and securing the said Colonies and Plantations; for explaining an Act made in the Twenty-fifth Year of the Reign of King Charles the Second, intituled *'An Act for the Encouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade;'* and for altering and disallowing several Drawbacks on Exports from this Kingdom, and more effectually preventing the clandestine Conveyance of Goods to and from the said Colonies and Plantations, and Improving and securing the Trade between the same and the United Kingdom, the following Duties are chargeable upon Wines imported into the British Possessions in America; (that is to say,)

Recital of  
4 G. 3. c. 15.

For every Ton of Wine the growth of the *Madeiras*, or of any other Island or Place from whence such Wine may be lawfully imported, and which shall be so imported from such Islands or Places, the Sum of Seven Pounds:

For every Ton of *Portugal, Spanish*, or any other Wine (except *French Wine*), imported from the United Kingdom, the Sum of Ten Shillings:

And whereas, under or by virtue of an Act passed in the Sixth Year of the Reign of His late Majesty King George the Third, intituled *An Act for repealing certain Duties in the British Colonies and Plantations granted by several Acts of Parliament, and also the Duties imposed by an Act made in the last Session of Parliament upon certain East India Goods exported from the United Kingdom and for granting other Duties instead thereof, and for further encouraging, regulating, and securing several Branches of the Trade of this Kingdom and the British Dominions in America*, the following Duties are chargeable upon Molasses and Syrups and *British Pimento* imported into the *British Possessions in America*; (that is to say,)

Recital of  
6 G. 3. c. 52.

For every Gallon of Molasses and Syrups (except as in the same Act is mentioned), One Penny:

For every Pound Weight Avoirdupois of *British Pimento* (except as in the same Act is mentioned), One Halfpenny:

And whereas, under or by virtue of an Act passed in the Fourteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act to establish a Fund towards further defraying the Charges of the Administration of Justice and Support of the Civil Government within the Province of Quebec in America*, the following Duties are chargeable on Brandy, Rum, and Spirits imported into any port of *Canada*; (that is to say,)

Recital of  
14 G. 3. c. 58.

For every Gallon of Brandy or other Spirits of the Manufacture of the United Kingdom, Three-pence:

For every Gallon of Rum or other Spirits which should be imported or brought from any of His Majesty's Sugar Colonies in the *West Indies*, Sixpence:

For every Gallon of Rum or other Spirits which should be imported or brought from any other of His Majesty's Colonies or Dominions in *America*, Nine-pence:

For every Gallon of Foreign Brandy or other Spirits of Foreign Manufacture imported or brought from the United Kingdom, One Shilling:

For every Gallon of Rum or Spirits of the Produce or Manufacture of any of the Colonies or Plantations in *America* not in the Possession or under the Dominion of His Majesty, imported from any other Place except the United Kingdom, one Shilling:

And whereas it is expedient that the several herein-before mentioned Duties imposed by the said Acts respectively should be repealed; be it therefore enacted, That so much of each of the said Three several Acts of His late Majesty King George the Third as imposes or authorizes the Charge of the herein-before mentioned Duties upon Wine, Molasses, Pimento, and Spirits respectively, shall be and the same is hereby repealed.

Repeal of  
Duties under  
4 G. 3. c. 15.,  
6 G. 3. c. 52.,  
14 G. 3. c. 58.

III. And whereas by the said Possessions Act it was enacted, that the several Sorts of Goods enumerated and described in the Table therein mentioned, denominated "A Table of Prohibitions and Restrictions," should be prohibited to be imported or brought either by Sea or inland Navigation into the *British Possessions in America*, or should be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of Goods are set forth therein, and that if any Goods should be imported or brought into any of the *British Possessions in America* contrary to any of the Restrictions mentioned in such Table in respect of such Goods, the same should be forfeited; and that if the Ship or Vessel in which such Goods should be imported should be of less Burden than Seventy Tons, such Ship, or Vessel should also be forfeited: And whereas it is expedient that the Prohibitions established

Repeal of  
Prohibitions  
established  
by Posses-  
sions Act.

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by the lastly herein-before recited Enactment should be materially modified, and that for this Purpose the said Enactment should be repealed, and such Prohibitions should be enacted as herein-after are mentioned; be it therefore enacted, That so much of the said Possessions Act as prohibits the Importation of the Goods enumerated and described in the Table in the said Act contained and herein-before mentioned, and as declares the Forfeiture of such Goods and of certain Vessels importing the same, as herein-before is mentioned, shall be repealed.

Establishing  
Prohibitions  
as per Table

IV. And be it enacted, That the several Sorts of Goods enumerated or described in the Table following, denominated "A Table of Prohibitions and Restrictions," are hereby prohibited to be imported or brought, either by Sea or by inland Carriage or Navigation, into the *British Possessions in America* or the *Mauritius*, or shall be so imported or brought only under the Restrictions mentioned in such Table, according as the several Sorts of such Goods are set forth therein; (that is to say,)

### A TABLE OF PROHIBITIONS AND RESTRICTIONS.

GUNPOWDER,

AMMUNITIONS, ARMS, or UTENSILS of WAR,

prohibited to be imported, except from the United Kingdom or from some other *British Possession*.

COFFEE,

SUGAR, not being refined, in Bond in the United Kingdom,

MOLASSES,

RUM,

being the Produce or Manufacture of any *British Possession* within the Limits of the *East India Company's Charter*, except and subject as herein-after is provided, or being of Foreign Produce or Manufacture, prohibited to be imported into any of the *British Possessions* on the Continent of *South America* or in the *West Indies* (the *Bahama* and *Bermuda* Islands not included), or into the *Mauritius*, except to be warehoused for Exportation only, and may also be prohibited to be imported into the *Bahama* or *Bermuda* Islands by Her Majesty's Order in Council.

BASE or COUNTERFEIT COIN,

BOOKS, such as are prohibited to be imported into the United Kingdom, prohibited to be imported.

And if any Goods shall be imported or brought into any of the *British Possessions in America* or the *Mauritius* contrary to any of the Prohibitions or Restrictions mentioned in such Table in respect of such Goods, the same shall be forfeited; and if the Ship or Vessel in which such Goods shall be imported be of less Burden than Seventy Tons, such Ship or Vessel shall also be forfeited.

Coffee,  
Sugar, and  
Rum may  
be imported  
into the  
*British Possessions* in  
the *West Indies* and  
*South America*,  
and the  
*Mauritius*, in  
certain Cases.

V. Provided always, and be it enacted, That it shall be lawful to import into any *British Possession* in the *West Indies* and *South America*, and into the *Mauritius*, any Coffee the Produce of any *British Possession* within the Limits of the *East India Company's Charter*, and also any Sugar the Produce of any *British Possession* within the Limits of the *East India Company's Charter* into which the Importation of Sugar, the Produce of any Foreign Country, or of any *British Possession* into which Foreign Sugar may be legally imported, has been prohibited, and also any Rum the Produce of any *British Possession* within the Limits of the *East India Company's Charter* into which the Importation of Rum, the Produce of any Foreign Country or of any *British Possession* into which Foreign Sugar or Rum may be legally imported has been prohibited: Provided nevertheless, that no such Coffee, Sugar or Rum shall be entered in any *British Possession* in the *West Indies* or *South America*, or in the Island of *Mauritius* as being the Produce of any *British Possession* within the Limits of the *East India Company's Charter* from which the same may be legally imported under the Proviso last aforesaid, unless the Master of the Ship importing the same shall have delivered to the Collector or principal Officer of the Customs at the Port of Importation such Certificate of Origin as herein-after is mentioned, under the Hand and Seal of the proper Officer at the Place where the same shall have been taken on board; and such Master shall also make and subscribe a Declaration before the proper Officer of the Customs that such Certificate was received by him at the Place where such Coffee, Sugar or Rum was taken on board, and that the Coffee, Sugar or Rum so imported is the same as is mentioned therein; and such Certificate of Origin shall, as regards Coffee, certify that a Declaration in Writing had been made and signed before the Officer giving such Certificate, the Contents of which he believed to be true, by the Shipper of such Coffee, that

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the same was really and *bonâ fide* the Produce of some *British* Possession; and such Certificate of Origin shall, as respects Sugar, state the name of the District in which such Sugar was produced, the Quantity and Quality thereof, the Number and Denomination of the Packages containing the same, and the Name of the Ship in which they were laden and the Master thereof, to the Officer giving the same, by the Shipper of such Sugar, and shall likewise certify that there had been produced a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Sugar was produced, that such Sugar was of the Produce of the District, and that the Importation into such District of Foreign Sugar, or Sugar the Growth of any *British* Possession into which Foreign Sugar can be legally imported, is prohibited; and such Certificate of Origin shall, as respects Rum, state the Name of the District in which such Rum was produced, the Quantity and Strength thereof, the Number and Denomination of the Packages containing the same, the Name of the Ship in which they were laden and of the Master thereof, and shall also testify that there had been produced to the Party giving such Certificates, by the Shipper of such Rum, a Certificate under the Hand and Seal of the Collector or Assistant Collector of the Land or Customs Revenue of the District within which such Rum was produced, that the same was the Production of such District.

VI. And whereas by the said Possessions Act it is enacted, that there shall be raised, levied, collected, and paid unto Her Majesty's the several Duties of Customs as the same are respectively set forth in Figures in the Table of Duties therein-after contained, upon Goods, Wares, and Merchandize imported or brought into any of Her Majesty's Possessions in *America*, and in and by the said Table certain Articles are therein declared to be exempted from or free of such Duties; and it is by the said Possessions Act provided, that no greater Proportion of the Duties imposed thereby, except as therein excepted, shall be charged upon any Article which is subject also to Duty under any of the Acts therein referred to, or subject also to Duty under any Colonial Law, than the Amount, if any, by which the Duty charged by the said Possessions Act should exceed such other Duty or Duties; and it is thereby further provided, that the full Amount of the Duties mentioned therein, whether on account of such former Acts, or on account of such Colonial Law, or on account of the said Possessions Act, shall be levied and recovered and received under the Regulations and by the Means and Powers of the said Possessions Act: And whereas it is expediant that the said Duties should be repealed, and other duties substituted in lieu thereof; be it therefore enacted, That the herein-before recited Enactment imposing Duties upon Goods, Wares and Merchandize imported or brought into any of Her Majesty's Possessions in *America*, and so much of the said Possessions Act as extends any of such Duties to the *Mauritius*, and the said Duties and Exemptions so imposed and established by the said Possessions Act, and the said several Enactments in relation thereto, which are herein-before recited, shall be repealed.

VII. And be it enacted, That there shall be raised, levied, collected and paid unto Her Majesty the several Duties of Customs as the same are respectively set forth in Figures in the Table of Duties herein-after contained, upon Goods, Wares, and Merchandize not being the Growth, Production, or Manufacture of the United Kingdom, or of any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of any of the *British* Fisheries, imported or brought into any of the *British* Possessions in *America* or the *Mauritius* by Sea or inland Carriage or Navigation:

TABLE OF DUTIES.

			s.	d.
Wheat Flour	-	the Barrel of 196 lbs.	2	0
Fish of Foreign Taking	} dried or salted, the Cwt.	-	2	0
or Curing		-	4	0
	} pickled - the Barrel	-	3	0
Meat, salted or cured		-	8	0
Butter	-	"	5	0
Cheese	-	"	5	0
Coffee	-	"	1	0
Cocoa	-	"	3	0
Molasses	-	"	5	0
Sugar, unrefined	-	"		
Refined Sugar, the Produce of and refined in Foreign Countries	} 20 per Centum ad valorem.			

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Tea, unless imported direct from <i>China</i> , or unless imported from the United Kingdom or from any of the <i>British Possessions</i>	} per Pound	-	-	0
Spirits :				
Rum		-	-	0 6
Other Spirits and Cordials		-	-	1 0
Glass Manufactures		-	-	
Silk Manufactures		-	-	
Spermaceti		-	-	
Wine, whether bottled or not		-	-	
Cotton Manufactures		-	-	
Linen Ditto		-	-	
Wollen Ditto		-	-	
Leather Ditto		-	-	
Paper Ditto		-	-	
Hardware		-	-	
Clocks and Watches		-	-	
Manufactured Tobacco		-	-	
Soap		-	-	
Candles, other than Spermaceti		-	-	
Corks, Cordage, and Oakum		-	-	
Oil, Blubber, Fins, and Skins, the Produce of Fish and Creatures living in the Sea, of Foreign Fishing,		-	-	
Articles not enumerated, except such as are comprised or referred to in the subjoined Table of Exemptions		-	-	
And if any of the Goods herein-before proposed to be charged with Duty, except Sugar and Tea, shall be imported through the United Kingdom (having been warehoused therein, and being exported from the Warehouse), or the Duties thereon, if there paid, having been drawn back,		-	-	
	} 15 per Centum ad valorem.			
	} 7 per Centum ad valorem.			
	} 4 per Centum ad valorem.			
		Such Goods shall only be charged with Three Fourths of the Duties herein-before proposed.		

TABLE OF EXEMPTIONS.

- Coin, Bullion, and Diamonds.
- Horses, Mules, Asses, Neat Cattle, and all other Live Stock.
- Hay and Straw.
- Tallow and Raw Hides.
- Salt.
- Rice.
- Corn and Grain unground.
- Biscuit or Bread.
- Meal or Flour, except Wheat Flour.
- Fresh Meat.
- Fresh Fish.
- Fruit and Vegetables, fresh.
- Carriages of Travellers.
- Wood and Lumber.
- Cotton Wool.
- Hemp, Flax, and Tow.
- Drugs.
- Gums and Resins.
- Tortoise-shell.
- Manures of all kinds.
- Herrings, taken and cured by the Inhabitants of the *Isle of Man*, and imported from thence.

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Provisions and Stores of every Description, imported or supplied for the Use of Her Majesty's Land and Sea Forces.

All Goods imported from the United Kingdom, after having there paid the Duties of Consumption, and imported from thence without Drawback.

VIII. And be it enacted, That the Articles enumerated or mentioned in the Table of Exemptions herein-before contained shall be imported without Payment of any Duty under this Act, and also such of the following Articles; (namely,)

Salted or cured Meat,  
 Flour,  
 Butter,  
 Cheese,  
 Molasses,  
 Cork-wood,  
 Cordage,  
 Oakum,  
 Pitch,  
 Tar.  
 Turpentine,  
 Leather and Leather-ware,  
 Fishermen's Clothing and Hosiery,  
 Fishing Craft, Utensils, Instruments, and Bait,

as shall be imported for the Use of the *British* Fisheries in *America*, into any place at or from whence any such Fishery is carried on, subject to such Regulations as the Commissioners of Customs, or the principal Officer of Customs at such Place, shall make, and which they and he are hereby empowered to establish, for the Purpose of ascertaining that such Articles are *bona fide* intended to be applied to the Use of such Fisheries, or that such Provisions and Stores as aforesaid are *bona fide* imported or supplied for the Use of Her Majesty's Land and Sea Forces.

IX. And be it enacted, That there shall be raised, levied, collected, and paid unto Her Majesty a Duty of Ten Pounds for every One hundred Pounds of the Value upon Sugar refined in Bond in the United Kingdom, not being of the Growth of any of the *British* Possessions in *America*, or of the *Mauritius*, or of any of the *British* Possessions within the Limits of the *East India* Company's Charter, imported or brought into any of the *British* Possessions in *America*, or into the *Mauritius*, by Sea or by inland Carriage or Navigation.

X. And be it enacted, That if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon any Articles being the Growth, Produce or Manufacture of the United Kingdom, or of the *British* Possessions in *America*, or of the *British* Possessions within the Limits of the *East India* Company's Charter, or the Produce of the *British* Fisheries, beyond the Duty (if any) chargeable by such Colonial Law upon similar Foreign Articles, the Imperial Duty hereby imposed upon such Foreign Articles shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon similar *British* Articles; and that if in any of the *British* Possessions in *America* or the *Mauritius* any Duty be chargeable by any Colonial Law upon Tea direct from *China*, or imported from the United Kingdom or any of the *British* Possessions, beyond the Duty (if any) chargeable by such Colonial Law upon Tea not so imported, the Imperial Duty hereby imposed upon Tea, not so imported, shall be increased by such Excess or Amount (as the Case may be) of the Duties so chargeable by such Colonial Law upon Tea imported direct from *China*, or imported from the United Kingdom or from any of the *British* Possessions.

XI. And be it enacted, That it shall and may be lawful for Her Majesty, by and with the Advice of Her Privy Council, by any Order or Orders in Council to be issued from Time to Time, to direct that any Article described in such Order, being an Article chargeable under this Act as an unenumerated Article with a Duty of Four *per Centum ad valorem*, shall be added to the List of Exemptions hereinbefore set forth, and shall be free from such Duty, and from and after the Time mentioned in such Order for the Commencement of such Exemption, not being less than Six Months from the Date thereof, such Exemption shall take effect, and such Article shall thenceforth, whilst such Order shall continue in force, be free from such Duty accordingly; and any such Order may at any Time be suspended or revoked by Her Majesty, with the Advice of Her Privy Council, by any other Order in Council.

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- Duties how to be levied. XII. And be it enacted, That the Duties imposed by this Act shall be levied and recovered and received under the Regulations and by the Means and Powers of the Possessions Act, except such of the said Regulations as are repealed or altered by this Act.
- Currency, Weights and Measures. XIII. And be it enacted, That all Sums of Money granted or payable under this Act or under the Possessions Act, as Duties, Penalties, or forfeitures, in the *British Possessions in America* or the *Mauritius*, shall be deemed and are hereby declared to be Sterling Money of *Great Britain*, and shall be collected, recovered, and paid to the Amount of the Value which such nominal Sums bear in *Great Britain*; and that such Monies may be received and taken in Sterling Money of *Great Britain*, or in Foreign Coins at such Rates as shall be equivalent to Sterling Money of *Great Britain* and which shall have been fixed by any Proclamation issued by Her Majesty; and that all Duties under this Act shall be paid and received in every Part of the *British Possessions in America* and in the *Mauritius* according to the Imperial Weights and Measures now by Law established; and that, in all Cases where such Duties are imposed according to any specific Quantity or any specific Value, the same shall be deemed to apply in the same Proportion to any greater or less Quantity or Value; and that all such Duties shall be under the Management of the Commissioners of the Customs.
- Fractional Quantities.
- Net Produce of Duties how to be applied. XIV. And be it enacted, That the net Produce of the Duties so received by the Means and Powers of this Act shall be paid by the Collector of the Customs into the Hands of the Treasurer or Receiver General of the Colony, or other proper Officer authorized to receive the same in the Colony in which the same shall be levied, to be applied to such Uses as shall be directed by the local Legislatures of such Colonies respectively; and that the Produce of such Duties so received as aforesaid in the Colonies which have no local Legislature, shall and may be applied in such Manner as shall be directed by the Commissioners of Her Majesty's Treasury.
- Goods from the Channel Islands. XV. And be it enacted, That Goods the produce or Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, when imported from such Islands into the *British Possessions in America* or the *Mauritius*, shall be admitted to Entry upon Payment of the same Duties as are payable upon the like Goods the Produce or Manufacture of the United Kingdom or of any of the said Possessions, upon Production to the principal Officer of Customs at the Port of Importation of the Proofs now required by Law that such Goods are the Production or Manufacture of the Islands aforesaid.
- Collection of Duties in the British Possessions legalised in certain Cases. XVI. And whereas the herein-before recited Provisoes contained in the said Possessions Act, which provide that no greater Proportion of the Duties imposed by that Act shall be charged upon any Article which is subject also to Duty under any of the Acts therein referred to, and subject also to Duty under any Colonial Law, than the Amount, if any, by which the Duty charged by the said Possessions Act shall exceed such other Duties, and that the full Amount of the Duties mentioned in the said Possessions Act, whether on account of such former Acts, or on account of such Colonial Law, or on account of the said Possessions Act, should be levied and recovered and received under the Regulations and by the Means and Powers of the said Possessions Act, have been understood and acted on in divers different Senses in the several *British Possessions in America* and the *Mauritius*, and in some of the aforesaid Possessions certain Duties have been imposed by the Colonial Legislatures or other Authorities having the Power to impose Duties, which Duties have been expressly directed by the Colonial Acts or Ordinances imposing the same to be in addition to or over and above the Duties imposed by the said Possessions Act, and in these and others of the aforesaid Possessions the Duties respectively imposed upon Articles by the said Possessions Act, and by the Colonial Acts and Ordinances in such Possessions, have, notwithstanding the aforesaid Provisoes been collected in full without any such Abatement as in the said Provisoes is contemplated: And whereas it is expedient that such Collection in full of the said Imperial and Colonial Duties should be held to be good in Law, notwithstanding the aforesaid Provisoes: And whereas Doubts have been entertained whether the Duties imposed upon the Importation of Goods, Wares, or Merchandize into the *West Indies* by the said Possessions Act are, under the Provisions of that Act, leviable upon the like Goods, Wares, and Merchandize imported into the *Mauritius* from the United Kingdom: And whereas, notwithstanding such Doubts, the aforesaid Duties have been levied upon Goods, Wares, and Merchandize so imported into the *Mauritius* from the United Kingdom, and it is expedient that the levying of the same should be held good in Law; be it therefore enacted, That, from and after the passing of this Act no personal Action, Suit, or other Proceeding shall be prosecuted or commenced against any Officer of Her Majesty's Customs, or any Officer or other Person authorized by the Legislature or other proper Authorities of any of the aforesaid *British Possessions*, for or in respect of such Officer or Person having levied Duties imposed by the said Possessions Act upon the Importation of any Article in full, without

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making any Deduction therefrom in respect of Duties imposed by any Colonial Law or Ordinance upon the same Article, or for or in respect of such Officer or other Person having levied Duties imposed upon the Importation of any Article by any Colonial Law or Ordinance in full, without making any Abatement or Deduction therefrom in respect of the Duty imposed by the Possessions Act upon the same Article; and that no personal Action, Suit, or other Proceeding shall be prosecuted or commenced against any Officer of Her Majesty's Customs, or any other Officer or other Person empowered by the proper Authorities to collect Duties in the *Mauritius*, for or in respect of such Officer or other Person having levied the like Duties upon the Importation of any Goods, Wares, or Merchandize into the *Mauritius* from the United Kingdom as are imposed by the said Possessions Act upon the Importation of Goods, Wares, or Merchandize into the *West Indies*; and if any Action or Suit or other Proceeding whatsoever, shall be prosecuted or commenced against any Officer of Customs, or other Officer or Person as aforesaid, by reason of any thing done as aforesaid, it shall be lawful for the Defendant in any such Action or Suit or other Proceeding as aforesaid to apply to the Court in which such Action shall be brought during the sitting of such Court, or to any Judge of such Court during Vacation, for Stay of Proceedings, and such Court and such Judge respectively shall stay such Proceedings accordingly; and all Payments which may have been made in respect of the Duties so levied in full, or without Abatement or Deduction as aforesaid, or in respect of such Duties so levied upon the Importation of Goods, Wares, and Merchandize into the *Mauritius* as aforesaid, shall be held to have been good and shall not be recoverable at Law from any Person or Persons who may have received the same.

XVII. And be it enacted, that in any British Possession in America in which the Imperial duties imposed by the said Possessions Act and the Colonial duties imposed by the laws of such Possession have both been customarily levied in full without making any deduction from the Imperial duties in respect of the Colonial duties, or from the Colonial duties in respect of the Imperial duties, it shall be lawful from and after the passing of this Act, for the officers of the Customs and other officers duly authorised to continue so to levy in full such Imperial and Colonial duties respectively during the continuance of the said Possessions Act, any thing in the said Possessions' Act contained in any wise notwithstanding.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Imperial and Colonial Duties to be levied in full in Certain British Possessions in America.

Act may be amended, &c. this Session.

[Copy—No. 227.]

Downing Street, 17th August, 1842.

Sir;

I transmit to you herewith an Act of Parliament, 5 and 6 Victoria, cap. 49, which received the assent of the Crown on the 16th ultimo, entitled "An Act to amend the Laws for the regulation of the Trade of the "British Possessions abroad," and I have to request, that you will take the first opportunity of communicating copies of this Act to the Provincial Legislature of Canada.

Her Majesty's Government having undertaken, soon after their accession to office, the revision of the Laws by which the commerce of the United Kingdom is governed, felt it to be their duty to consider with equal care the Regulations bearing upon the trade of the Colonies, and having in view the experience which has now been obtained of the Legislation promoted by the late Mr. Huskisson, and some of his successors in office, and being satisfied with its results, their object has been to give fuller effect to the spirit in which that Legislation was conceived. They have applied themselves, therefore, to remove restrictions upon Colonial industry, to bring the provisions of the Imperial Law more and more into accordance with the spirit of the Declaratory Act of 1778, and to afford new practical recognitions of the principle of equality and impartiality in the dealings of the Imperial Legislature with the Colonial Possessions of the Crown.

The Act now sent to you is the fruit of these endeavours, and I trust that the Legislature, and the Inhabitants of Canada, will find in it enactments calculated to be of essential advantage to their commerce, and to afford them relief as consumers of imported Goods.

I do not propose to recapitulate the substance of the Act in all its provisions, but I wish to call your attention, in the first place, to the repeal of the Duties under the Acts 4th Geo. 3d, cap. 15, 5th Geo. 3d cap. 52, 14th Geo. 3d, cap. 88, on Pimento, Molasses, Wines and Spirits respectively.

I trust that in the repeal of these duties the Legislature will perceive and appreciate the desire of Her Majesty's Government to maintain the principle of the Declaratory Act already alluded to, and to confine the enactments of the Imperial Legislature, even as respects the imposition of Import duties, within the narrowest

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limits which are compatible with the due regulation of the commercial interest of the Empire at large. I am desirous also to bring under your notice a comparison of the table of prohibitions, duties and exemptions, in the 4th and 7th Sections, with those of the Possessions' Act, applying to the like Articles.

You will observe, that the *ad-valorem* duties on Foreign glass and silk manufactures are reduced from 20 and 30 per cent. respectively, to 15 per cent; those on Foreign linen, leather, and paper manufactures, and on clocks and watches, from 30 to 7 per cent; those on Foreign cotton manufactures, tobacco and soap, from 20 to 7 per cent.; and those on unenumerated articles, from 15 to 4 per cent., whilst salt fish, of foreign taking or curing, instead of being prohibited, is admitted at a duty of 2s. per cwt., Foreign Oil, Blubber, Fins and Skins, also prohibited under the previous Act, are admitted on a duty of 15 per cent. *ad-valorem*; Cocoa that was charged 5s. per cent. is admitted at 1s., and the prohibitions and restrictions which were applied to the importation of Tea, otherwise than from the United Kingdom, or from British Possessions, or under certain specified conditions; are exchanged for a duty 1d. per lb.

Her Majesty's Government are sensible that objections may be raised in Canada and New Brunswick to the provisions of this Act, in reference to the important article of Foreign lumber, as tending to injure them, in supplying the West Indies with one of their staple exports. Her Majesty's Government earnestly trust that such may not be the unfavorable result of the recent legislation. Having regard to the fact, that the United States are themselves compelled to resort largely to the British Provinces for a supply of Wood, it is not hazarding too much to state, that the exemption of Foreign lumber from duty does not appear likely to injure the British North American Trade in this article with the West Indies.

The duties of 5s. per barrel upon Foreign wheat flour, and 12s. per cwt. on Foreign salted or cured meat, which were imposed by the Possessions' Act, were attended with this peculiarity, that they did not extend to Canada where wheat flour and salted provisions were altogether exempt from duty. The object of granting this exemption to Canada, was to draw this species of produce from the North Western States of the Union down the River St. Lawrence to the Atlantic; but these articles being imported into Canada, not for her own consumption, but for re-exportation to the West Indian and other Colonial Markets; the effect was, to give Canada the benefit of a transit trade, at the expense of those Colonies. These duties are now reduced to 2s. per barrel, in the case of wheat Flour, and to 3s. per cwt., in the case of meat; and to correct the unfair operation of the Law which I have described, the reduced duties are extended to Canada equally with other Colonies, whilst, at the same time, in the new measures for the regulation of the trade of the United Kingdom, important advantages have been given to the salted provisions of Canada, in the markets at home—which, it is hoped, will fully counterbalance any supposed disadvantages arising from the other change.

Her Majesty's Government desire to observe, that under the 37th and 38th clauses of the British Possessions' Act, 3 and 4 Will. 4, cap. 59, which are unrepealed by the Act of this Session, any articles may be entered at any frontier Port of Canada, without payment of duty, and may be delivered, to be passed on to one of the Warehousing Ports under Bond, for the due arrival and Warehousing of such Goods at such port. The existing exemptions would relieve parties from the observance of these regulations, and from any charges attending their fulfilment, in respect to the articles to which they apply.

Her Majesty's Government, however, question whether those exemptions ought not to be extended to other articles besides flour and salt meat, and they think that if the St. Lawrence is really to compete with the Erie Canal, the freedom which it offers should extend to all articles embraced by the Export Trade of the Agricultural States of the West, and not merely to a selection from any of them.

If, therefore, it should appear of more importance to the inhabitants of Canada to retain, or to receive and extend, the power of transmitting the produce of the United States, without the restrictions of the Bond now required, down the St. Lawrence, than to enjoy the privilege of exporting their own produce to other British Colonies, with such advantage as the differential duties imposed under the new Act may afford them, Her Majesty's Government have no desire to place the commerce of Canada, by Imperial legislation, under restrictions, further than as they are required by due regard to the equal rights of the inhabitants of the other possessions of the Crown, and therefore they would readily consider the expediency of proposing to Parliament to remove the duties now laid on the introduction of flour, salted meat, and any other article of Agricultural produce into Canada; at the same time, however, placing the same articles when exported from Canada to other Colonies upon the footing with respect to duty, of foreign produce at the Custom Houses of those Colonies, and requiring proof of their Canadian origin, as a condition of their privileged admission into this Country.

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Her Majesty's Government are most willing, independently of the suggestion which has been just made, to entertain any plan for giving further facilities to the transit of the produce of the United States by way of the St. Lawrence, in case it should be considered that a system of branding packages, or any other mode would be more simple and satisfactory, for the purposes of Commerce, than a compliance with the provisions of the present law. It is necessary that I should here advert on the part of Her Majesty's Government, to the state of the duties on the importation of refined Sugar into Canada as they will stand under the new Law, and the Act passed by the Provincial Legislature in its last Session for consolidating the duties on Customs.

This latter Act imposes a duty of 2d. per lb. on all refined sugar imported into the Province; the effect of which will be, to absorb altogether the Impost laid by the Possessions Act of the 3d and 4th William 4th, upon Foreign refined sugar, and to place it upon an equal footing with sugar refined in England.

The present Law imposes a duty of 10 per cent, ad valorem, which would probably be rated at  $\frac{1}{2}$ d per lb. on sugar refined in bond in England, when exported to the Colonies, and a duty of 20 per cent. *ad-valorem*, on all Foreign refined sugar; and these duties are to be charged, over and above any duty which may be leviable on the Article by Colonial Act, irrespective of its origin. The effect, therefore, of the Enactment, will be to give to the English refiner, in bond, a *bona fide* advantage in the Canadian Market of  $\frac{1}{2}$ d. per lb. over his Foreign competitor, by the mode of addition to the Colonial duty, which would probably raise it to the amount of  $2\frac{1}{2}$ d. and 3d. per lb. in the two cases respectively.

Under these circumstances, it appears to Her Majesty's Government to be a question for the Provincial Legislature to consider, whether these duties may not be greater than it may be desirable to place on the Article; and if that should be their view, they may probably be disposed to reduce the Colonial duty on all refined sugar from 2d. to a smaller sum.

Her Majesty's Government further wish, that the attention of the Legislature should be directed, at its approaching meeting, to the Law respecting the importation of Tea, as they are under the impression that it will be found advisable, with a view to the prevention of contraband trade, to make a reduction of the duty of 3d. per lb. now payable under the Provincial Act.

An additional duty of 1d. on Teas not imported from China into the United Kingdom is chargeable under the new Law; but Her Majesty's Government are apprehensive that a change so high as 4d. per lb. upon an Article so portable, will prevent the advantage which, among others, it is hoped to realize by the change now proposed, in putting a stop to the illicit introduction of Tea along the Canadian frontier from the United States.

From a general review of the provisions of the Act which I am considering, it will be seen that the attention of Her Majesty's Government, and Parliament, has been directed, not only to the relaxation of restrictions, but also to the removal of such indulgences and exemptions, in favour of some Colonies, as rendered the law unjust in its bearings upon others.

But whilst Her Majesty's Government have been anxious to correct every thing that was unequal in the operation of the law, and to do what in them lay, to relieve the Colonists from burthensome imposts, they are aware that considerations apart from any obligations imposed by Act of Parliament may make it in some instances impossible for the Colonies to profit by the relief proposed for them. In particular Colonies, the revenue derived from some of the duties imposed by the Possessions' Act, or from duties of similar amount, otherwise imposed, may be indispensable, as ways and means for carrying on the public service. The degree to which the Colonial revenues may, or may not, be affected by the changes of the Imperial law, in particular cases, must be matter of much uncertainty, until determined by experience; and it may be requisite, in some instances, to provide beforehand for a contingent deficiency, and perhaps to re-impose, by local Acts, a part, or even the whole, of the duties now repealed; but if this should be necessary, the abolition of the duties repealed by the present Act, and the substitution of the simple Tariff which it establishes will enable the Colonial Legislature to frame a scale of Colonial Import duties of a convenient character, and will relieve the commerce of the Colony from the inconvenience which necessarily resulted to importers from the complex provisions and doubtful construction of the previous Imperial Acts.

I have, therefore, to request, that you will invite the attention of the Legislature of Canada to the fiscal bearings of the present Act, and acquaint them, that in thus confining the operation of the Imperial Law to a narrower range, and enlarging the sphere of Colonial Legislation in matters of Commerce, Her Majesty's Government are assured that the local authorities will bring to that legislation a judgment at once enlightened by local

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knowledge, and guided by a just sense of what is due to public credit and to the maintenance of a proper provision for the wants of the public service. In inviting the attention of the Colonial Legislature to this important subject, you will bring under their especial notice the principle involved in the 10th Section of the present Act; by which you will observe, that the duties thereby imposed are differential duties, in favour of the produce and Manufactures of the United Kingdom, and its Possessions; and that while the Colonial Legislatures are left at liberty to fix, subject to Her Majesty's approval, such rates of duty on all Imports as they may think necessary for purposes of Revenue, the effect of the Section above referred to is to maintain discriminating duties in all cases, at least equal to the duties imposed by this Act.

With a view to give time to the local Legislatures to make any arrangements which shall appear to them to be expedient, previously to the commencement of the new Act, its operation is postponed by the 1st Section, so far as the British Possessions in North America are concerned, to the 5th July, 1843.

I have, &c.

(Signed)

STANLEY.

Sir C. Bagot,  
&c. &c. &c.

[Copy—Circular.]

Downing Street, 20th August, 1842.

Sir;

With reference to my Despatch of the 19th inst., enclosing the Act, 5 and 6 Vic. cap. 49, amending the Possessions' Act, I have to instruct you to procure, whenever it may be in your power, the exclusion from general Revenue Acts, and the enactment, by distinct and separate Statutes, of all such Laws as the Colonial Legislature may desire to pass affecting external Trade.

I have, &c.

(Signed)

STANLEY.

The Lieut. Governor of  
Prince Edward Island.

No. 10.

[Copy—No. 56.]

Downing Street, 22d December, 1842.

Sir;

I have had under consideration an Act passed by the Legislature of Prince Edward Island, in the month of April last, No. 567, for the increase of the Revenue of the Island, upon which I have to offer the following observations, for your information and guidance.

The 3d Section of this Act is at variance with the Colonial Customs Statute passed in the last Session of Parliament, inasmuch as it exempts from Colonial Duty Foreign Sugar and Rum, charged with Imperial Duty, and would thus neutralize the differential duty upon the Foreign Article imposed by that Statute.

This objection is not of much importance, in reference to the particular Act now under consideration, which terminates in less than a month after the Imperial Statute is to take effect in the Colony; but in the event of its being re-enacted, in any future Revenue Act I should be compelled, in consequence of its inconsistency with the Imperial Statute, to advise Her Majesty to disallow it.

With respect to the Duties imposed by this Act, they call for no remark; but the Act contains exemptions from Duty which are open to objection.

The first exemption in the 22d Section applies to Spirits manufactured in the United Kingdom, which thus are to have an advantage, not only against Foreign Spirits beyond that which is secured by the Colonial Customs' Statute, but also as against British Colonial Spirits.

The second exemption, in the 26th Section, applies to Salt, Lime, Wines, Spirits, Tea, Tobacco, and several other Articles, if imported from the United Kingdom, and thus, in effect, creates a differential Duty, not only as against Foreign Articles imported from Foreign Countries, but in favour of some Foreign Articles imported from the United Kingdom, as against the like British Colonial Articles imported from the Colonies.

I notice these exemptions as objectionable, not in reference to the existing duties under the Possessions Act, but in reference to the new Duties which will come into force on the 6th of April next, and in the hope that the

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next Revenue Act which will be framed with a full knowledge of the provisions of the Colonial Customs' Statute, and the views of Her Majesty's Government, as to differential Duties, may impose Duties upon commodities for the purposes of Revenue only, and without reference to the origin or place of export of such commodities.

I have, &c.

(Signed)

STANLEY.

Lieutenant Governor  
Sir H. V. Huntley,  
&c. &c. &c.

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No. 11.

[Copy—No. 36.]

Downing Street, 20th August, 1842.

Sir;

I have had under my consideration an Act passed by the Legislature of Prince Edward Island in the month of April last, entitled "An Act to authorise the issue of a Copper Coinage in this Colony, and to prohibit the circulation of base Coppers."

I have to acquaint you that this Act appears to be open to the objection that it devolves on the Colonial Authorities the prerogative of the Crown, in respect to giving currency to a Coinage, and determining the device of that Coinage without any necessity for such delegation of power; and it contains no provision for indemnifying holders of the inferior coin, (which has been current by law or custom) for the loss which would fall principally on the more indigent portion of the community, by the withdrawal of the base Copper Coin from circulation.

I have to desire you to bring these objections under the notice of your Executive Council, and when they shall have furnished you with a report, to communicate that report to me, accompanied by your own opinion on the subject.

In the meanwhile Her Majesty's decision on the Act will be suspended.

I have, &c.,

(Signed)

STANLEY.

Sir H. V. Huntley,  
&c. &c. &c.

[Copy—No. 58.]

Downing Street, 31st December, 1842.

Sir;

I have the honor to acknowledge the receipt of your Despatch, No. 57, of the 11th ult., transmitting a report from the Executive Council of your Government, together with your own report in answer to the objections contained in my Despatch, No. 26, of the 20th August last, against the confirmation of an Act passed by the Legislature of Prince Edward Island, No. 582, entitled "An Act to authorise the issue of a Copper Coinage in this Colony, and to prohibit the circulation of base Coppers."

Having considered these Reports, I have to acquaint you, that Her Majesty's Government have resolved not to submit this Act to Her Majesty in Council for the Royal Assent.

I have, &c.,

(Signed)

STANLEY.

Lieut. Governor  
Sir H. V. Huntley,  
&c. &c. &c.

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No. 12.

At the Court at Buckingham Palace, the 27th of April, 1842.

PRESENT:

The Queen's Most Excellent Majesty;  
His Royal Highness Prince Albert,

Lord President,	Earl of Ripon,
Lord Privy Seal,	Lord Stanley,
Duke of Wellington,	Lord Fitzgerald & Vescei,
Lord Steward,	Sir Robert Peel, Bt.,
Earl of Aberdeen,	Sir James Graham, Bt.
Earl of Haddington,	Sir Edward Knatchbull, Bt.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did in the month of April, 1841, pass two Acts which have been transmitted entitled as follows, viz:—

No. 558.—An Act to amend an Act of the 7th year of the Reign of His late Majesty King William the 4th, intituled 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. 563. An Act to confirm and render valid certain proceedings of the Executive Government of this Island.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honourable 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 of 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.

No. 13.

At the Court at Buckingham Palace, the 11th of August, 1842.

PRESENT:

The Queen's Most Excellent Majesty,  
His Royal Highness Prince Albert,

Lord Chancellor,	Earl of Ripon,
Lord President,	Lord Fitzgerald & Vescei,
Lord Privy Seal,	Sir Robert Peel, Bt.,
Duke of Wellington,	Mr. Chancellor of the Exchequer,
Lord Steward,	Sir Henry Hardinge.
Earl of Jersey,	Sir James Graham, Bt.,
Earl of Aberdeen,	Sir Edward Knatchbull,
Earl of Haddington,	

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, 1840, pass an Act which has been transmitted, entitled as follows, viz:—

No. 542. An Act authorising the Erection of a Building near Charlottetown, as an Asylum for insane persons and other objects of Charity, and to provide for the future maintenance of the same.

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honourable 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

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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.

### No. 14.

At the Court at Buckingham Palace, the 11th of August, 1842.

PRESENT:

The Queen's Most Excellent Majesty,

His Royal Highness Prince Albert,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Duke of Wellington,  
Lord Steward,  
Earl of Jersey,  
Earl of Aberdeen,  
Earl of Haddington,

Earl of Ripon,  
Lord Fitzgerald & Vesci,  
Sir Robert Peel, Bt.,  
Mr. Chancellor of the Exchequer,  
Sir Henry Hardinge,  
Sir James Graham, Bt.,  
Sir Edward Knatchbull.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did in the month of April, 1842, pass seventeen Acts, which have been transmitted entitled as follows, viz:—

No. 564.—An Act to repeal part of an Act made and passed in the Third year of Her present Majesty's Reign, to authorize the erection of a building near Charlottetown, as an Asylum for Insane persons, and other Objects of Charity, and to provide for the future maintenance of the same, and to substitute other provisions in lieu thereof.

No. 568.—An Act to create a fund for defraying the expence of providing medical assistance for sick Emigrants, and of enabling Indigent persons of that description to proceed to the place of their destination.

No. 569.—An Act to consolidate, amend, and reduce into one Act the several Acts and parts of Acts relating to the qualifications and mode of summoning Grand and Petit Jurors.

No. 570.—An Act to amend and continue for a limited period the Act intituled an Act for the regulation of the Public Wharf of Charlottetown.

No. 571.—An Act to consolidate and amend the two several Acts now in force, relative to accidents by Fire, and the Improvement of Property in Georgetown.

No. 572.—An Act further to explain and amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled an Act, to consolidate, amend, and reduce into one Act the several Acts of the General Assembly, relating to Trespasses and for other purposes therein mentioned.

No. 575.—An Act to prevent the taking and carrying away of Boats, Canoes or Flats, without the consent of the owners thereof, and to repeal an Act formerly passed for that purpose.

No. 576.—An Act to authorize the Treasurer of this Island to pay off Treasury Warrants to the amount of Four Thousand Pounds out of the Land Assessment Moneys now in the Treasury.

No. 577.—An Act to regulate the setting of Stalls in Charlottetown Market-House, and for other purposes therein-mentioned.

No. 578.—An Act to authorise the appointment of Coal-Meters, where deemed necessary.

No. 579.—An Act to continue an Act intituled An Act to regulate the Floating of Logs, Scantling, Deals, and all other kinds of Wood, down the Rivers and lesser Streams in this Island.

No. 580.—An Act to amend the Acts now in force relating to a Fire Engine Company and Accidents by Fire within Charlottetown.

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No. 581.—An Act to amend an Act now in force relating to Apprentices, and to repeal a certain Act therein mentioned.

No. 585.—An Act to repeal and amend a certain portion of the Nineteenth Section of an Act relating to Schools, and for the encouragement of Education.

No. 586.—An Act to explain certain parts of the Act to consolidate and amend the Election Laws.

No. 587.—An Act to authorize the appointment of Commissioners to superintend the Erection of a Colonial Building in Charlottetown, and to repeal certain parts of an Act therein mentioned.

No. 588.—An Act for appropriating certain Moneys therein mentioned for the service of the year of our Lord One thousand eight hundred and forty-two.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honourable 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 of 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.

C. GREVILLE.

No. 15.

At the Court at Windsor, the 2d of November, 1842.

PRESENT:

The Queen's Most Excellent Majesty;  
His Royal Highness Prince Albert,

Lord Chancellor,  
Lord President,  
Lord Privy Seal,  
Duke of Wellington,  
Lord Steward,  
Lord Chamberlain,  
Earl of Jersey,

Earl of Aberdeen,  
Earl of Haddington,  
Earl of Ripon,  
Lord Stanley,  
Sir Robert Peel, Bt.,  
Sir James Graham, Bt.,  
Sir Edward Knatchbull, Bt.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did in the month of April, 1842, pass two Acts, which have been transmitted, entitled as follows, viz:—

No. 565.—An Act for the Incorporation of the Prince Edward Island Steam Navigation Company.

No. 566.—An Act to authorize the appointment of Commissioners, to manage certain Shares and Property in the Prince Edward Island Steam Boat Company, on behalf of the Government of this Colony.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honourable 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.

C. GREVILLE.

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No. 16.

At the Court at Windsor, the 10th of December, 1842.

PRESENT :

The Queen's Most Excellent Majesty;  
His Royal Highness Prince Albert,

Duke of Wellington,  
Marquis of Exeter,  
Lord Steward,  
Lord Chamberlain,  
Earl of Jersey,  
Earl of Aberdeen,

Earl of Haddington,  
Lord Stanley,  
Lord Fitzgerald & Vesci,  
Sir Robert Peel, Bart.  
Mr. Goulbourne.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1842, pass two Acts, which have been transmitted, entitled as follows, viz :—

No. 573.—An Act to amend an Act made and passed in the Third Year of the Reign Her present Majesty, intituled An Act to prohibit the Exportation of Oysters from this Island, for a limited period.

No. 574.—An Act to amend an Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force regulating the size and quality of Fish Barrels and Tierces, and the Weight of Fish made up therein.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's Most Honourable 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.

C. GREVILLE.

## SCHOOL VISITER'S REPORT FOR 1842.

*To the Members of the Board of Education :*

Gentlemen ;

Since the date of my last Annual Report, the state and prospects of elementary education on the Island, if not so far advanced and promising as those of older and more favoured countries, have yet become so important and interesting, as to demand and attract a considerable share of public attention ; and the advances and improvements hitherto effected, inspire the hope, that year by year, the Schools of our country will become more and more efficient instruments in rearing a virtuous and intelligent generation. Happily it is not necessary at the present day, to dwell upon the advantages of providing for the people, abundant means of instruction. It is to be presumed that none will deny, that were all the Youth of the country brought under the influence of a sufficient and wholesome education, the whole character of the population would be speedily elevated, and their outward comfort would keep pace with their intellectual progress.

In proceeding to state all the Educational Statistics that have come under my notice during the past year, it will appear that all the Schools now maintained upon allowances from the Public Revenue are in number 112, affording instruction to 4630 pupils ; giving an increase over the past year of 8 Schools and 274 Scholars.

Of these Schools, it will be seen from the appended summary, that 44 are situated in Queen's, 41 in Prince, and 27 in King's Counties.

It will be remembered from ample data furnished by the Census taken in 1841, it was computed by me in my Report of last year that about one fifth of the population are between the ages of six and fourteen, the juvenile educational age. Now, only one in nine of the Community attends School—falling yet far short of the proportion that ought, on the most moderate calculation to attend School to insure the education of all.

It is believed, and the fact has been generally assumed in the Statistics of education, that children even of the poorest classes, to receive the requisite instruction, ought to be in constant attendance at School, between the ages of six and fourteen. This state of matters, however, has not been realised among us ; and it is not uncommon that the little education ever given, is hurried over in infancy, in order that the school may interfere as little as possible with domestic avocations—the culture of the mind with the labours of the hand—the preparation for the future, with the necessities and exigencies for the present. All the instruction, therefore, that very many receive, terminates before they have reached their ninth, tenth, or eleventh year. The fact then is established, that a very large amount of population has not the benefit of School instruction for such a length of time, as is requisite to ensure to them the education and the discipline which it is necessary they should possess.

It is not only, however, the want of a sufficient provision of the means of education on the Island, or the insufficient resort to those that have been provided, that calls for the immediate attention of the Government and the Legislature ; not less worthy of their attention is the still defective quality of the instruction which, in not a few instances is given by the means that have been provided. To deny however, that great and important improvements in this latter particular have taken place of late years, would be to oppose the experience and testimony of all who have directed any attention to the subject, as well as an act of injustice to many able teachers, who for years have striven incessantly in a spirit of duty and emulation to raise the standard of education in their several localities. The strict examination too, which candidates for schools now undergo, as to their character and attainments before your Board, powerfully and materially contributes to this educational reform.

But the existing defects of elementary education which claim attention, consist in the very imperfect manner in which even the art of reading is often acquired—in the neglect, by many, of all instruction in writing, and the common rules of arithmetic—in the little exercise of the minds of the pupils upon the sense of what they read—in the insufficient teaching of the truths of Religion—and in the use of such methods in the Schools as can have no favourable influence on the improvement or general habits of the

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pupils. If there is a necessity, therefore, for carrying elementary education into districts where the semblance of it does not exist, it is almost equally necessary to carry it to other places where it does exist, but under such defects as those here described.

The very small proportion of pupils who prosecute the study of the higher branches of education in our schools will also be seen in the sequel. Every day's experience, however, strengthens the conviction, that if once elementary education is raised to what it ought to be, this shall have taken place by means which will extend a favourable influence towards the higher education, and lead to its more general pursuit. These means will be found in the more general and more liberal endowments of the district schools. This will present inducements to many who are capable of more than elementary teaching, and in this manner, not only will a set of teachers be found qualified to instruct in the higher branches, but the disposition to take these higher branches will spread largely among the people; for a good elementary education, imparted with the vigour which the best methods require, and received with the avidity which always reciprocates an energetic mode of teaching, will inspire both the pupils and the parents with the desire of advancing to something of a higher description.

It must be confessed, that many settlements suffer this educational destitution, without sufficiently exerting themselves to call into action all the latent means on the spot, which might supply the want or contribute to do so. This is the natural source of remedy, and until it has been exhausted, there is no call either on charity or policy to offer any other. The want must sometimes be ascribed simply to indifference on the part of the people. In so far as that disposition may be the effect of a depressed, and in some instances a rude state of life, it cannot of course be removed or remedied by any power which the existing law confers. But where it is traceable to other causes, some influence may be brought to bear upon it, by which it may be at least diminished. Much may be done by pastoral admonition, and much by the presence of Teachers in the vicinity fitted to command attention to what they profess; when both of these means have been occasionally employed, they have not failed in having much of the desired effect. Something, too, might be expected of individuals interested in the locality, and able to provide for its proper education, when the people themselves are not in a capacity to do so; but it is remarkable how few are the instances of this mode of benevolence in Prince Edward Island.

From the foregoing, then, the fact will be apparent to your Board and the public, that the educational wants of the country are very far from having been adequately met. But from what source the funds for the purpose of meeting these wants shall be derived, is a question for the consideration of our Colonial Parliament. I may, however, be allowed to add, that there are two in particular that offer themselves to view—an additional grant from the public funds, or a general assessment of the respective townships or parishes.

I shall merely add, with reference to the second source of provision here alluded to, viz. Assessment, that public opinion is divided on the question, whether the maintenance of schools should fall on the landed interest throughout the country, in proportion to their estates or rentals; or, whether it would be more equitable that any assessment for educational purposes should extend to the other kinds of real property. Suffice it to say, that these two sources are the obvious resources against the existing evils of an insufficient provision for elementary education throughout the country. Which of them may be employed most readily, most acceptably, and with the best effect, is a question which must be left to the determination of the Colonial Legislature. But whatever scheme may be adopted, it is obvious that the Legislature alone can effectively impart that support to the schools which they plainly appear to need.

It is desirable, however, that these additional grants, if made, should take effect principally in the poorest districts of the country, where the people are unable to raise among themselves that proportion of the maintenance of a teacher which the regulations of the existing law require, as conditional to any grant being made; and the people thus circumstanced are unwilling to build where there is no prospect of an adequate support for the teacher, and consequently no assurance of a school being kept up even after the building has been provided.

There are sufficient grounds for farther Legislative interference in a prevailing desire throughout the Colony to possess a certain measure of instruction, and an inability to obtain it without aid. Such aid will cause the establishment of schools in poor localities, where they are urgently needed, and will sustain schools already in existence, but maintained with difficulty on account of the paucity or poverty of the scholars: by making an advance on the slender salaries of teachers, it will secure for the localities in which they are placed, the benefit of their services, and will encourage and stimulate them in the performance of their arduous though interesting duties, and at the same time, will raise and perpetuate a class of teachers whose

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qualifications may be adapted to the more advanced state, which education in many parts of the adjacent British Provinces is now rapidly approaching.

Under the following general heads, a view is given of the state and system of education in the Island. From the uniformity of plan in tuition, which has for some time past been obtaining among the schools, the same general remarks under the following heads will, with little variation, apply to each and all, and in those instances where such general remarks are not applicable, the exceptions will be found duly noticed in the sequel.

**SCHOOL-ACCOMMODATION.**—Nothing strikes the eye of the observer in traversing the Island more than the improvements which have lately taken place in school-accommodations; although too many schools are yet sadly deficient and inconveniently small, more commodious school-houses have been built, and others put into good repair, during the last, than in any former year. Although improvements have taken place in the exterior of several of these edifices, and a larger space afforded within for the exercise of the classes, I regret to have it to state, that, among all the schools of the Colony, there are not more than a dozen instances in which the school houses are well furnished with benches and desks, or sufficiently lighted heated, and ventilated. Apart from any consideration for the comfort of the teacher, it is a matter of surprise, that parents should not display more solicitude than they do, in many instances, for the health of their children by their attention to those matters; none can be ignorant of the serious injuries children sustain, from being shut up seven or eight hours daily in close, damp, ill-ventilated buildings, in consequence of which, their lungs are surcharged with a poison which, in the end, must produce consumption and death.

**ATTENDANCE AT SCHOOLS.**—The children generally enter school between seven and eight years of age, and seldom remain after thirteen or fourteen. About thirteen out of twenty, on an average, attend the whole year, with the exception of the usual vacations. The attendance is most irregular from May to October, when the children assist at home in agricultural and other occupations. Each teacher is required to keep a list of the names of the children, the number of days each has been absent and in attendance, their state of improvement on entering school, the branches learning, and their progress in each stage; these rolls are exhibited at each visitation, the state of the school easily and satisfactorily ascertained, and it is thus found, whether the proficiency of the pupils in the interim has been commensurate with their attendance and other advantages: some teachers also make it an invariable rule, which all might imitate with benefit, to call frequently at the residence of the children, to enquire into their behaviour at home, the causes of absence, &c.

**FEES AND OTHER EMOLUMENTS.**—It has never been the practice in Prince Edward Island to pay schoolmasters in advance. Teachers are of opinion, that were school-fees paid in advance, it would very probably be much in favor of the regular attendance of the children. A change ought at least to take place in the prevalent mode of annual payments, and all teachers paid in quarterly instalments. The fees per quarter, or the common branches of an English education, average from seven shillings and sixpence to ten shillings per quarter. It is provided by law that four children shall be admitted to gratuitous instruction in each licensed school; but a comparatively small number avail themselves of this privilege. The total number of children, in indigent circumstances, receiving free instruction on the Island, does not exceed twenty-nine. The yearly salary of a District schoolmaster, including the Legislative allowance, averages forty-five pounds. The amount of the fees seems materially to deter many from sending all their children to school, and from seeking for them the higher branches of education. The reduction of the present scale of school-fees would doubtless afford considerable relief to many, and in all probability more members of a family would be sent, and some would be continued longer at schools. But without a corresponding increase of salary to the teacher, to be derived from some other source, the lowering of the fees would be an evil, by diminishing the inducement for young men of talent and education devoting themselves to the profession.

**BRANCHES TAUGHT.**—The attention of teachers is principally directed to reading and orthography; but it is a matter of regret that by far too many children quit school without being correct even in these branches. This is to be attributed in a great measure to the vicious habits of pronunciation first formed in tender years, under unqualified teachers. With several teachers also, possessed of the requisite qualification, to be able to read perfectly is too often a matter of secondary consideration; and neglecting this great groundwork of instruction, they frequently display a reprehensible ambition to push the pupil forward through branches unsuited alike to his years, capacity and attainments. The range of female education, I am happy to add, appears to have considerably extended of late years, and of the girls who now leave school, a considerable proportion are able to write, and possess some knowledge of arithmetic—while, in

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several places, their attainments in grammar and geography equal those of the best educated young men. But to return,—Arithmetic is taught first, principally from the board, and then from books. The children, after having been first instructed in the common rules, are also trained in mental arithmetic. Perhaps ten out of the hundred leave school without having advanced beyond the Rule of Proportion. From data furnished me by every school, I find that one out of thirty receives instruction in Mensuration, Practical Mathematics, and Geometry. Grammar invariably forms a branch of education in the best conducted schools, when the children have made sufficient progress. It is much to be regretted, that so important and useful a branch of human knowledge as Geography should be so much neglected in our country schools. There is not one school in twenty, in which it is taught, and even in those schools where it forms a part of the routine, the want of an adequate supply of books and maps prevents it from being taught systematically or effectively. Out of St. Andrew's College and the Central Academy, not more than a dozen pupils will be found learning the Latin or Greek languages, in all the schools of the Island. The Scriptures are daily read in many of the schools; and in several, different Catechisms taught, and the mode of reading mechanically, only, is gradually disappearing before the explanatory system, which, in almost all of the best schools, is effectively practised.

**SCHOOL BOOKS AND OTHER SCHOOL REQUISITES.**—The Books most generally employed in teaching are, for reading, Murray's spelling book, Introduction and Reader, New Testament; for Grammar, Lennie's & M'Culloch's Grammars; for Arithmetic, Gray's & Walkingame's treatise; for Mathematics, Playfair's Euclid and Davidson's practical mathematics. The expense of school books is found to be a very serious impediment in the way of a good education; even in the most ordinary branches, all the children have not books. These are consequently shut out from the benefit of study at home, and in a great degree from the benefit of emulation at school. To remedy this in part, several teachers have meritoriously made efforts to supply these wants, and some copies of the reading books used, are kept at school and lent to those who may not have copies for themselves.

**METHODS OF TEACHING.**—The explanatory or intellectual system is daily coming more into vogue and practice. The monitorial system is partly employed and felt in many respects to be advantageous. The plan of simultaneous instruction, and the elliptical method of teaching, are occasionally employed.

**DISCIPLINE.**—Did parents more frequently co-operate with the teachers, for noticing and punishing all transgressions, either in school or out of it, a salutary influence would be exercised over the behaviour and morals of the children, and less necessity would exist for the use of punishment at school; under this head, tasks are prescribed to the Children when out of school, and to the preparation of these they keenly devote themselves. Emulation is employed as a stimulus, and in addition to their place in the class, the practice of distributing occasional prizes with a reference to the merits of the children, appears to have a powerful influence. In one or two cases only, last year, did the practice of inflicting degrading and unmerciful corporal punishment come to my knowledge—a mode of discipline which appears to have been, in former years, rather too extensively practised.

**ACADIAN AND OTHER SCHOOLS.**—There are six Acadian Teachers among the French population, all partially supported by Government; 130 children altogether are taught. Sabbath schools are on the increase. There are no infant schools, or schools of industry, with the exception of the one now in course of erection in Charlottetown. Week-day evening schools are sometimes kept during the winter months, attended for the most part by adult scholars.

The following is a detailed account of all the licensed Schools, showing the state of each at the period of the last examination.

### QUEEN'S COUNTY.

Charlottetown, P. B. DOYLE.—The attendance on this School has fallen off during the past year; 24 only being on the roll; the only branches taught are reading, writing, and the primary rules of arithmetic. A congregational fund of considerable amount is set apart for the free tuition of poor children at this School, and as yet but two or three have availed themselves of such an advantage.

Charlottetown Royalty, T. A. MACCABE.—This school numbers 28; the state of improvement to which this school has attained is highly creditable to both the teacher and taught. The classes learning English Grammar are rapidly acquiring a correct knowledge of that branch; several read and write well, and the method of teaching pursued in the school is very praiseworthy. The schoolhouse is neat and comfortable.

Charlottetown, J. PILCHER.—Another licensed School has been in operation in Charlottetown during the last two years, attended on an average by 40 scholars. In addition to the ordinary elementary branches, English Grammar, Geography and Bookkeeping are taught with considerable success; the children generally are

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intelligent, and return prompt and correct answers to questions on the sense of what they read, they display moreover, a spirit of emulation which has a beneficial effect on their improvement.

Hillsborough River, **D. MACKINNON**.—This school has been taught above a year by the present teacher, and is attended by above 30 scholars; on account of the small number who happened to be in attendance, when examined, no satisfactory evidence of the state of the school could be gathered, from what was then exhibited. The progress of the children has been much retarded on account of the want of a school at this station for several years.

St. Peter's Road, **R. ROBERTSON**.—This sustains the character of a well conducted and efficient school. But in no district in the country is the attendance more irregular, and the school on that account is kept more stationary in point of improvement than it would otherwise be. This school, although on the list of the first or lowest class, is capable of affording instruction in the Mathematics, and all the branches requisite for a commercial education. 40 appears to be the average attendance.

Lot 60, **DONALD LIVINGSTON**.—This school numbers 34 scholars, a class of whom learn English Grammar, another read the Scriptures in Gaelic, and the greater part are learning writing and arithmetic. The greatest improvement is apparent among the junior classes, who have made very satisfactory progress in reading. The school-house is a new building, and comfortable.

Murray Harbor Road, **DONALD MACLEOD**.—30 on the list—the majority of whom are in their first stages of reading, writing and arithmetic; 2 only learn English Grammar. So far, the improvement manifested is creditable. The school-house is commodious, but far from being comfortable.

Seal River, **ARCHIBALD MACNEILL**.—This school is numerously attended. 40 were present at the time of the last examination; the improvement was highly satisfactory. The branches taught include Grammar, in which a class of eight have made considerable progress. A new and commodious School-house has been built.

Belle Creek.—A large School has been in operation in this District, for some years past. It is at present closed—the teacher having removed to Brackley Point Road.

Orwell, **ANGUS MARTIN**.—This school averages from 25 to 30 scholars—the best progress appeared to be made by those learning Arithmetic; all could read, but not with the same correctness; and some tolerably fair specimens of writing were shewn. This teacher resigned his charge sometime during the last summer. The School-house is newly built, but rather small in dimensions.

Lot 48, **JOHN BUTLER**.—This is one of the largest Schools in the County, numbering 76 scholars—many of whom are advanced to the higher branches commonly taught in District schools, viz. Practical Mathematics, English Grammar and Arithmetic. The thorough and extensive acquaintance with these branches displayed by the senior scholars, and the rapid improvement of the junior classes in general, in reading and writing, reflects much credit on both teacher and taught. The School-house is insufficient in dimensions and accommodations.

Murray Harbour Road, **ALEXANDER MACDONALD**.—25 attend this school, their progress has been as great as could be expected under the disadvantages of irregular attendance and want of Books; the greater part are learning to read, some advance has been made also in writing and arithmetic.

Campbellton, **ARCHIBALD MACKINNON**.—This is one of the largest schools in the County, attended by upwards of 55 scholars, the majority of whom are well advanced in the various branches taught; including Geography, English Grammar, and the common and higher rules of Arithmetic, and the improvement manifested during the past year has been highly creditable.

Flat River, **THOMAS MUNRO**.—The attendance on this school has fallen off considerably since last year; some differences having arisen between the Teacher and the Subscribers, which have had unfavourable influence on the prosperity of the school. So far as I could ascertain, the teacher appeared diligent and attentive to his duties, but causes of complaint may have arisen over which I have no control. The ordinary elementary branches, only, are taught here. The school-house is too small to accommodate all the children of the district.

South Shore and Nine Mile Creek.—Both these stations are at present vacant; they are eligible situations, and teachers are much required.

Brackley Point and Brackley Point Road.—In these Districts, Schools have been recently opened under new Teachers, and have not been yet examined. In the latter settlement, the children had been well advanced for the most part under the preceding teacher.

Mill Cove, Tracadie, **ANGUS MACLEAN**.—At this station a school has been in operation a year, numbering 30, the improvement during the above time has been considerable, but much inconvenience is felt for the want of proper Books. A new school-house is erected.

Pisquid and Mount Pleasant.—In these districts, the schools are also vacant, and teachers wanted. In the former a good salary is offered.

York River, **JOHN MACDONALD**.—This is a School newly established and attended by 30 scholars, who, with few exceptions, could scarcely read on entering school; several are now (after a twelvemonth's tuition) learning writing and the primary rules of arithmetic. The teacher is diligent, and has the advantage of teaching in a commodious house.

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Cavendish, D. LAMONT.—The present teacher has succeeded to the charge of this school but a few months since; consequently no improvements worthy of notice can yet be apparent. The children here are generally intelligent, and many of them are well acquainted with Grammar, Geography, and the higher rules of Arithmetic; one has made a little progress in Geometry; the school-house is commodious, and well furnished; number on the roll, 32.

Lot 49.—In this Township there are four school-houses erected, and, until July last, three Teachers were stationed here; but in consequence of a union of the several Districts having been effected, there are at present but two schools in operation, supplying the place of the former four. The Northern District School is taught by JAMES E. MACKENNA; it is in a very flourishing condition, and numerously attended, by upwards of 55 scholars, many of whom are considerably advanced in English Grammar, Writing and Arithmetic; the school-house is commodious, and well finished and furnished, and built chiefly at the expense of the Teacher.

The Southern Section is taught by ALEXANDER MACNEILL, who had charge of the school at Birch Hill the previous year; the state of improvement to which that school was brought was very satisfactory; all the children, with few exceptions, commenced in the first stages with this teacher, and before the end of the year all were able to read tolerably, and several had made some progress in writing and arithmetic.

I regret to have it to state, that the individual who taught at this station during the past year, and at Irishtown (New London) the year preceding, has been notorious for gross neglect of duty, and for conduct disgraceful in a teacher; and notwithstanding such delinquencies as ought utterly to disqualify him from being a licensed schoolmaster on the Island, he has obtained his full share of the legislative allowance, for the two years he held the charge of the above schools. It is to be hoped that, in future, such instances will become more rare, and that the intention of the law will not be defeated, by bestowing the public bounty on undeserving objects.

Lot 67, Anderson's Road; JAMES DOUGLAS, Teacher.—At this station a School was opened for the first time about six years ago, and has since lingered on with comparatively little benefit to the District. This is owing, in some measure, to the inefficiency of previous teachers, as well as to negligence on the part of the Inhabitants, in sending their children with regularity to School, or supplying them with the requisite Books.—45 Scholars are on the roll; the greater part are but in their first stages; a few learn English Grammar and Arithmetic. The School House is commodious, but ill furnished.

Milton and York River Head.—This School has undergone frequent changes of teachers of late years, and is not in that state of improvement which might be expected from the length of time it has been established. The Teacher stationed here last year was inexperienced, and did not give general satisfaction; no charge, however, of wilful neglect of duty has been established against him; there is no licensed teacher stationed here at present. Number attending last year, 33.

Tracadie Cross Roads School is vacant by the decease of the teacher—the district can raise about 35 scholars.

Lot 67, Princetown Road, JOHN SINCLAIR.—A school was opened here for the first time in December last, and is attended by about 20 scholars—the majority of whom are in the first stage of instruction, and many of them were never at school before. Three are learning English Grammar, and are acquainted with some rules of Arithmetic. A neat and comfortable school house was erected here last year.

Lot 48, Fullarton's Marsh.—JAMES MACLEAN, Teacher.—The attendance on this school numbers 30; the improvement in the state of the school during the past year has generally been satisfactory. In reading and Orthography, in particular, the progress has been most conspicuous. The school house is small and insufficient.

The licenced school at York River—CHARLES MACDONELL, Teacher, has been lately abandoned, and is now vacant.

Covehead Road, E. J. MACCORMACK—36 on the list—the improvement of the school at this station is retarded from certain disadvantages attending it. The School House is small and uncomfortable; the children are not sufficiently supplied with Books, and are very irregular in their attendance. The progress most apparent is in writing; some read correctly, but are generally deficient in Orthography—none are advanced beyond the primary rules of Arithmetic.

Covehead Road,—J. BARRY.—The state of this school may be described as something similar to the preceding one, with the exception that the School House is somewhat more sufficient, and the number attending greater—45 being on the roll. The common elementary branches are taught. In Arithmetic and Orthography the improvement was principally apparent. The reading department was defective, in consequence of a want of Books.

Elliot River,—ALLAN MACPHEE.—The school at this station was taught one year only by the present teacher. The Scholars, with few exceptions, were considerably advanced beyond the first stages before he succeeded to the charge. A considerable degree of improvement was made during the past year. The highest branch taught is English Grammar. The School House is sufficient.

Long Creek.—DONALD SHAW.—The teacher here has laboured during the last three years, with considerable success, in bringing the school committed to his charge to a satisfactory state of improvement,

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and notwithstanding many obstacles, has advanced the scholars, in general, to the satisfaction of his subscribers; perhaps there is not another school in the County more deficient in books and other school requisites. The branches taught are, reading, writing and Arithmetic.

**Point Prim.**—On account of the continued indisposition of the Teacher in this District, the school has not been for some time in a state of efficiency.—it is at present altogether closed.

**Orwell—D. GRAHAM.**—The School at this station is still kept up; on account of the careless attendance of the children, it does not seem to be in a state of much efficiency; the usual elementary branches are taught; a class also read the Scriptures in Gaelic; the school house is very insufficiently furnished with seats, &c.

**Lot 32, Boundary of Charlottetown Royalty,—A. MACKENZIE.**—The School at this station has been in operation four years under the present teacher. It is attended by 35 pupils, who have experienced more or less, in proportion to their attendance, the beneficial influence of the approved method of instruction pursued in this school. The attainments of the senior part, in English Grammar and Arithmetic especially, could not be exceeded by any children of their age; the specimens of writing were equally excellent; the same satisfactory improvement was not manifest in the junior reading and spelling classes; this is attributed by the teacher to their irregular attendance. Notwithstanding the close vicinity of the Town, a very culpable negligence is shown by the parents, in not providing the requisite school-books.

**Dog River.**—The School of this District has only been open at intervals during the past year, on account of the indisposition of the Teacher; otherwise there has been no falling off in the attendance or the usefulness of the school.

**New London Ponds,—D. LIVINGSTON.**—The school at this station has been conducted during the past two years by this Teacher; the school is now brought to a state of considerable improvement; English Grammar, Arithmetic, and the higher reading books, are taught with success. The attendance is but limited, 25 only being on the list.

**Park Corner,—JOHN MACLAUGHLAN.**—This school numbers 30, and has been two years under the charge of the present teacher. The improvement in the state of the school has not been so great during the past year as the year previous. The common elementary branches only are taught. There are some correct readers, and several are considerably advanced in Arithmetic; there are no good writers. The attendance appears to have been broken and irregular for some time past. The School House has been lately removed to a part of the District inconvenient to some of the Subscribers, who have in consequence withdrawn their support; but it is probably now placed in the most central situation to command the largest number of Scholars.

**New London Point,—JOHN MACQUARRIE.**—This teacher has occupied the School of this District since July last, and continues to give much satisfaction by his unremitting attention to his duties. The school has continued to improve steadily under the judicious method and discipline enforced. The branches taught include Grammar and the higher rules of Arithmetic. The school house is comfortable, and situate in a central part of the District.

**Long River, New-London; INNES REID.**—The school in this District has been recently closed. The teacher has been stationed at this place and in the vicinity for several years past; in the school above mentioned he taught two years, and has now vacated the school on account of some differences with the subscribers, arising from alleged neglect of duty. When last examined, 34 scholars were found on the list; 20 were present, but none much advanced; there were a few good writers, but no progress had been made in Arithmetic. The school-house is sufficient and comfortable.

**Rustico; ALEXANDER McLEAN.**—This is a school newly established in this Settlement and taught during the last year by the present teacher. The scholars for the most part commenced in their first stage, and have made respectable progress; with few exceptions, they can read with fluency, and have made considerable advance in writing and Arithmetic. A comfortable school house is erected, and the few Inhabitants connected with the School deserve credit for their exertions in its support.

**Savage Harbour—D SCOTT.**—The school of this District has been several years under the charge of the present teacher, and has been brought to a state of considerable improvement. English Grammar, Arithmetic and Reading are taught with much success. In writing, the improvement has not been so great; number attending, 36.

### PRINCE COUNTY.

**Lot 7,—J. H. FITZGERALD.**—After a vacation of more than a year, the school of this District was opened last summer, and is now again conducted by the former teacher; when visited in October last, such of the children as were in attendance underwent a satisfactory examination, and evinced a considerable degree of improvement since the opening of the school, in Reading and Orthography; the best writers and arithmeticians were absent. A School sufficiently supported, and properly and faithfully conducted, cannot fail in proving of incalculable benefit to the Inhabitants of this remote District.

**Cascumpeque,—HERBERT BELL.**—This teacher succeeded to the charge of this School in November last. The previous year he taught at Lot 12, which school was brought to a considerable degree of improvement under his tuition. The former school has not been visited since it was opened at this time, and no returns have been made of the number attending, or other particulars.

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Lot 11.—This district is capable of supporting a good School, and can raise between 30 and 40 scholars within its bounds. The school has been open at intervals during the last six years, and many of the children derived considerable benefit therein, but the school at present is vacant.

Lot 13.—THOMAS KEY.—This District also can raise a large school, and could afford a respectable salary to a teacher, were the Inhabitants united in supporting a school; that this is not the case, is to be regretted, inasmuch as the discountenance given by several to the present school is injurious to the Settlement at large. The School is not in that prosperous and thriving condition that could be wished, and the children themselves now appear to be as careless in attending school as their parents are in sending them. When last visited, 23 were present, and in different stages of Reading and Arithmetic. The Scriptures are daily read here, and Catechisms occasionally taught.

Lot 16—JOHN MACKINNON.—The principal School of this District has been removed to about the distance of a mile from the old locality, but is still conducted by the former teacher. When last visited, 25 scholars were in attendance;—the course of instruction comprised Grammar and History, in addition to the ordinary elementary branches. Some of the junior scholars who entered school without knowing the alphabet, were particularly noted for the rapid progress they made in reading and orthography. The School-house is in good repair.

Lot 16—DUBOIS SMITH.—This teacher occupies the old school station above alluded to, and the District is thus divided, and maintains two Schools. I cannot state in what condition this school is, or if any improvement has been made, as the teacher was absent, and the school closed, every time I visited the District during the past year. The school house is still in a ruinous condition.

St. Eleanor's.—A new and commodious School-house has been recently erected in this District—it was vacant when I last visited the District.

Bedeque—SAMUEL WARWICK.—This teacher has taught in the lower Bedeque District upwards of a year; the school was visited shortly after he succeeded to the charge, and 27 scholars were found in attendance; since then the teacher happened to be absent, at the period of my subsequent visits, so that the condition and improvement of the school is not known.

Bedeque Central School—RICHARDSON.—The School at this station has been removed to some distance from its former site, and is now in a more central situation, uniting the two extremities of the District. It was visited a few days only after being opened under the present teacher. The complement of scholars attending will be 30, learning Geography, English Grammar, Arithmetic, &c.

Princetown Royalty—E. S. BLANCHARD.—This is the only School at present open in the Royalty, and does not appear to be in a flourishing condition. The attendance throughout the past year, has been broken and limited; this is partly owing to sickness, which was very prevalent in the District last season, and partly to the carelessness of some of the inhabitants in sending their children to school; 25 was the greatest number present at any examination, learning in addition to English Grammar, the usual and common elementary branches.

Proposals have been lately made by the parties connected with both the upper and lower schools to unite in maintaining one Central School. Such a junction would enable them always to support one good school, and afford adequate maintenance to a qualified teacher.

Darnley—JOHN LE PAGE.—The School of this District has been conducted upwards of two years by the present teacher, and is now brought to a state of improvement and efficiency surpassed by none in this County. The average number of scholars attending is 35. The course of instruction embraces Geography, History, English Grammar, and the higher departments of Arithmetic. Reading, Orthography and Writing are taught by the most approved and judicious methods; and the children generally are intelligent, and display a spirit of emulation which appears to have a beneficial effect upon their progress. The Schoolhouse is one of the best furnished in the Island.

Oyster Cove—WILLIAM SPEEDIE.—The average attendance on this School is 25. One is advanced to Trigonometry and Navigation; a small class learn English Grammar, and the remainder are in different stages of Reading and Arithmetic. There does not appear to be so much emulation or ambition to excel among the children at this school, as could be wished. The Scriptures are daily read, and the teacher pays laudable attention to the morals and behaviour of his pupils.

Indian River—JOHN TAYLOR.—This School has been taught upwards of a year, by the present teacher, and the children have made considerable progress in that time: the common branches are taught; but much inconvenience is felt from the want of books; 35 is the number on the list, and the teacher has the name of being attentive to his duties.

New Annar—DONALD BETHUNE.—This teacher has been stationed here but a few weeks; the school is attended by 35 children, not yet much advanced: a new and commodious schoolhouse has been erected, which reflects much credit on the settlement. The teacher is attentive to the morals of his scholars, and seems anxious for their improvement.

Lot 14: JOHN RONAYNE.—The present teacher has been stationed here several years, and continues to give general satisfaction to the Inhabitants. On account of the frequent changing of the children, the improvement in the state of the school is not so great as might otherwise be looked for; the teacher, however,

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appears to be zealous and diligent in imparting instruction to the best of his ability. Some are advanced to the highest rules of arithmetic and mensuration; in writing, the improvement was not so evident. Orthography is taught with more success, and more attended to, than in former years, by the children at this School.

Cape Traverse; A. STEWART.—Throughout the first year the present Teacher taught at this station; the improvement of the children was rapid and highly satisfactory; since then their progress has not kept equal pace, and the scholars have not attended so regularly. There are none advanced here beyond the primary Rules of Arithmetic; but several children, of a tender age, read with much correctness and fluency. The school house, although small, is comfortable. Thirty on the list.

Searle Town, Bedeque; S. DAVIDSON.—Forty-one on the roll. This school is chiefly remarkable for the proficiency a considerable number of the children, and some very young, too, have attained in English Grammar; there are several correct readers, who can return ready answers upon the sense of what they read. A combination of causes affecting the regular attendance of the children appears to have retarded their progress of late. The improvement during the past year has not been nearly so great as was manifested the preceding two years; this appears principally in the Arithmetical and writing departments. Few can employ a better method of teaching than this Teacher. A neat and comfortable School House is here erected.

Lot 18,—ALEXANDER RAE, A. M., Teacher.—The school at this station was put in operation in the month of July last; it is situate near the upper boundary of Prince Town Royalty, and is supported by several of the Inhabitants of the Royalty, in conjunction with the settlers on the Township. The School House is a neat and commodious building, newly erected, and placed in an eligible and central situation. When visited in November last, 27 scholars were found to be in attendance, the number on the roll being 47, learning the usual elementary branches; several of the children were in their first stage, never having been at any school before, and many could read but imperfectly on entering the school; at the time of examination, above referred to, the school was found to be well organized, and Reading, Orthography and Arithmetic taught systematically and effectively. The scholars generally displayed an intelligence and a spirit of emulation highly pleasing.

Upper Bedeque; J. H. KNILANDS.—The Teacher here has recently succeeded to the charge of this school. When visited in December last, 30 scholars were found in attendance. From the judicious method of instruction pursued, and the ability of the teacher, much improvement is anticipated. The frequent changing of teachers here, of late years, has been prejudicial to the advancement of the children, and the vacations which on this account so often occur, very much interrupt and retard their progress. The school-house here is commodious, but uncomfortable, and insufficiently furnished with desks and other accommodations.

### KING'S COUNTY.

White Sands, Murray Harbor—JOHN BROOKS.—This is a School of the second or highest class. It has been in operation since the 1st of August, 1841. 80 scholars have been taught therein since it was opened: it numbers, at present, 46; all of whom, with the exception of 5 or 6, are able to read the Bible and Testament, and can answer questions on the meaning of what they read with much readiness and accuracy. Several write a fair hand, and the most advanced are acquainted with the higher rules of arithmetic. In consequence of a want of books, two only are learning English Grammar, one Geography, and one seafaring young man, Trigonometry and Navigation. Altogether, the improvement in this School is creditable—the greater number having commenced in the alphabet. The School-house, a new and commodious building, is fitted up in a comfortable manner, and reflects much credit on the inhabitants.

Here is also a Sunday-school, attended by a large number of scholars, averaging from 60 to 100. It is patronized by the Colonial Church Society of London, and supplied with the Scriptures and other religious publications. It has also a Lending Library, furnished by the kindness of Mr. Richardson, Agent of the above Society. The school is conducted by 5 male and 2 female teachers, and if duly appreciated and regularly attended, cannot fail of extending a highly beneficial influence over the surrounding neighborhood.

East Point, JAMES SLATTERY.—There was a school of the second or highest class opened here in the month of August last, attended by 25, several of whom were well advanced under the previous teacher in English Grammar, Reading and Writing—these, in addition to Arithmetic, were the only branches taught at the time it was last visited.

Rollo Bay, PATRICK SWEENEY.—This school is attended by 28 scholars, the greater part of whom are only learning to read; there are a few writers and arithmeticians, but none advanced. This is the only English School which I found attended by any of the Acadian French children; a few of them receive instruction here, and are as remarkable for the progress they have made as any children at the school.

St. Peter's, P. FITZGERALD.—26 attend this school; from the few who were present at the different examinations, scarcely any opinion could be formed of the state of the school; the attendance appears to be exceedingly bad, and on that account, in addition to the want of books, no improvement of any consequence could be looked for.

## APPENDIX.

St. Peter's.—P. BAMBRICK was the teacher at this station during the preceding two years. The school-house here is in a ruinous state, and at some seasons unfit to teach in. The want of books among the children has been so great, that in addition to their irregular attendance, their progress has been almost stationary during the past year.—This station is at present vacant.

Bear River, JOHN MACNEILL.—This school has been recently established here, and the majority of the children consequently commenced at almost the first stage when examined last; 46 were on the roll, a few of whom were learning the first rules of arithmetic. Although the school has been in operation but little more than a year, the teacher has, thus far, given proofs of his diligence in promoting the improvement of his pupils.

Little Sands, NEIL BEATON.—This school has been vacant since the month of June last: up to that time, it was under the tuition of the above teacher for a year, during which time the number attending averaged from 25 to 30, all of whom could read and write tolerably well, and the school was likely to prove of much benefit to the district, had it been longer continued.

Souris—EDMUND SHEA.—34 attend this School, which has been taught two years by the present teacher. In consequence of many of the children being withdrawn at different seasons, to assist in fishing as well as agricultural operations, their progress in school has been much retarded; none are advanced in Arithmetic or Writing, but those most constant at school have made fair improvement in Reading and Orthography.

Murray Harbor—JOHN STEWART.—The teacher here has conducted the School of this District, upwards of a year, and has now brought it to a state of very satisfactory improvement. At the last examination, none present were far advanced, but all shewed by their correctness and accuracy in Reading and Orthography, the care and attention bestowed by the teacher upon their improvement. The School-house is new and commodious.

Three Rivers—JAMES STEWART.—The teacher here, has entered the second year upon the charge of this school; it is attended chiefly by very young children, 25 were present at the last examination; and with the exception of four, were not advanced either in English Grammar or Arithmetic: the junior scholars can all read.

Georgetown—JOHN ARBUCKLE, A.M.—In this rising town, a School of the highest class is established and has been conducted by the present teacher, during the last year. It is now in a very flourishing condition, and is attended by upwards of 50 scholars. The range of instruction embraces, in addition to the common elementary branches, the Latin Language, Practical Mathematics, and Geography. English Grammar also, is taught, with great success. This Seminary is a model in its organization, and effective systematic arrangements; some young men are in training in it to qualify themselves as teachers; and this institution, if adequately supported by Legislative and local aid, cannot fail of exercising a beneficial influence over the prosperity of this town.

Lot 51, Georgetown Road—NATHANIEL MACLAREN.—The School at this station, continues in a prosperous condition, the average attendance is 30. Few children in country schools are more thoroughly acquainted with English Grammar and Arithmetic—they also read with propriety. The School-house is in a state of good repair.

Murray Harbor, (South side)—JOHN MACDONALD.—A School has recently been established here, and taught for a year by this teacher. The children generally are in the first stages of reading, &c. Religious instruction is imparted through the medium of the Scriptures and Catechism: average attendance, 27.

East Point.—THOMAS BAMBRICK. The average attendance on this school is 26; on the roll 41. The course of instruction comprises Geography, Practical Mathematics and English Grammar, and the improvement effected in the School for the time taught has been highly creditable.

East Point, Cross Roads.—JOHN STEWART. This school was conducted during the two past years, by this teacher, and was brought to a very creditable state of improvement by his exertions. All the branches commonly learned in District Schools, were here taught with much success. It is to be regretted that this school is at present closed; the average attendance was 35.

Lot 47, West River,—DUNCAN ROBERTSON. The School of this District is attended by about 30 scholars, average daily attendance. In some of the branches taught considerable improvement was visible when the School was last examined. The common branches required of licensed teachers are all taught here, and the Inhabitants are making very praiseworthy exertions to support the School.

Lot 66, Georgetown Road.—This School unfortunately changes its teachers so frequently, and vacations so long, in consequence take place, that no improvement of any account could have been effected, and although several years have elapsed since the building was raised, and a teacher employed, scarcely any perceptible benefit has yet been reaped by the Children. The School is now again vacant, the last teacher having been summarily dismissed.

In enumerating the above Schools and also the children receiving free instruction on the Island, the National School has not been included. This useful and efficient Institution is partially supported by Government, and affords gratuitous instruction to the pupils.

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There are three Female Schools also, receiving Legislative aid in Charlottetown, teaching together 67 scholars: In these the common elementary branches are taught, and in two of them, in addition thereto, the course of instruction embraces Geography, History, English Grammar and Arithmetic. These schools are well conducted, and several of the children have made rapid progress in the various branches, and some of them display an intelligence superior to their years.

In conclusion, I have only to add, that the foregoing Schools exhibit different degrees of efficiency and improvement according to the skill and attainments of the respective teachers. Several of them as might be expected from the low scale of remuneration, and the want of early professional training on the part of the teacher, are but imperfectly taught; the returns however, of benefit to the young, in the aggregate, are more than equal to the outlay, either by Parents or by the Public in their support.

All which is respectfully submitted.

Tryon, (Eastern section,)—GEORGE BYNON, Teacher.—The School of this District was closed a considerable time previous to the present Teacher's succeeding to the charge thereof. When examined, 25 scholars were found to be in attendance, learning the usual rudimental branches from the Alphabet to English Grammar. The method of teaching pursued is judicious. The children of this District, generally sustain a character for propriety of conduct—a proof of the attention which is paid to their morals.

Tryon,—JAMES GILLENDEK, Teacher.—A new and commodious School-house was erected at this station, and opened in the month of August last, under the present teacher. When visited in December last, 43 scholars were on the roll. The state of improvement to which this School is brought, is deserving of particular notice; and considering the tender age of the majority of the children, their proficiency is not exceeded by those in any school in the County. The more advanced classes displayed an extensive and correct acquaintance with the elements of English Grammar, and read the higher class-books with fluency. Arithmetic and Writing are also taught by the most efficient methods. In this school, religious instruction is also blended with secular teaching.

Within a mile of the foregoing station, is another School—DAVID J. THOMSON, Teacher.—This School was left by the former teacher, in a state of considerable improvement. The present one succeeded to the charge in August last. The children, with few exceptions, are well advanced in Reading and Writing. A class also learn English Grammar.

Crapaud,—JAMES BULPIT, Teacher.—This School is well attended, 42 being on the roll; Reading, Writing and Arithmetic are taught with success. Those who commenced with the present teacher in June last, have made very satisfactory progress. There are several excellent writers in particular in this school, and the system of discipline enforced is judicious and highly efficient.

Desable—DONALD CAMPBELL, Teacher.—There are 40 Scholars in attendance on this School, who have in general made satisfactory progress during the past year; several in the higher classes were well advanced under the last Teacher, at this station. English Grammar is taught in addition to the common inferior branches. The School-house is comfortable and commodious.

It is to be regretted that this District has been divided, and a second School (for which there seems to be little occasion) opened within a short distance of the above, and both drawing the public money. 30 scholars attend this school. Reading, writing and arithmetic are taught. A class have made some advances in English Grammar also. Being a new school, the improvement has been as great as could be expected.

JOHN MACNEILL, Visiter of District Schools.

Charlottetown, 31st January, 1843.

No. 18.

[ See Page 39.]

At the Court at Windsor, the 4th of January, 1843.

PRESENT:

The Queen's Most Excellent Majesty;

His Royal Highness Prince Albert,

Lord Chamberlain,

Earl of Aberdeen,

Earl of Haddington,

Lord Stanley,

Sir Robert Peel, Bart.,

Mr. Chancellor of the Exchequer.

WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did in the month of April, 1842, pass an Act, which has been transmitted, entitled as follows, viz:—

## APPENDIX.

No. 584, "An Act to alter, and in addition to an Act made and passed, in the 10th Year of the Reign of His late Majesty King George the 4th, relating to the laying out and altering of Highways, and for other purposes therein mentioned."

And whereas the said Act has been referred to the Committee of the Lords of Her Majesty's most Honourable 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.

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### No. 19.

[ See Page ]

(Copy.)

GOVERNMENT HOUSE, NEWFOUNDLAND, 27th February, 1843.

SIR,

I have the honour to transmit to your Excellency the copy of a Despatch (and of its enclosures) which I have addressed to the Governor General of North America, and to request that your Excellency will bring the subject thereof under the favourable consideration of the Legislature of Prince Edward Island.

I have the honor to be, &c. &c. &c.

(Signed) J. HARVEY.

His Excellency, Sir H. V. Huntley,  
Prince Edward Island.

(Copy.)

GOVERNMENT HOUSE, NEWFOUNDLAND, 27th February, 1843.

SIR,

In transmitting to your Excellency, an extract of an Address, which has been presented to me by the General Assembly of this Island, relative to a provision for the maintenance of a Light House, proposed to be established on the S. W. Coast of Newfoundland, and in soliciting your Excellency's support of the measure with the Legislature of Canada, I would beg to invite your attention to the fact, (fully established by a comparison, of the losses by shipwreck during any given period,) that though it is intended that the locality of the light, should be fixed upon the territory of this Colony; yet the advantages expected to be derived from it, must necessarily be enjoyed principally by the trade of the Colonies situated to the westward of Newfoundland, and more especially by that homeward bound from the Bay of Chaleur and Gulf of St. Lawrence.

Canada may therefore be justly said, to have a far more direct personal interest in the establishment, of this proposed *National Beacon*, not only than this Island, but than any of the other Colonies of British North America. On these grounds I venture to invite, and to anticipate your Excellency's support of the proposition, which it is the object of this communication to bring under your notice.

The calculations which have been made, of the probable expense of maintaining the proposed Light, (one of such great importance and situated in so remote and isolated a location,) based upon those of similar existing establishments in this Island, would lead to the conclusion that it cannot be safely assumed at less than £600 per annum. Of the relative proportions which ought fairly to be contributed by the several Colonies concerned, their respective Legislatures will be the best judges; but I trust I may be pardoned for suggesting that if *three fourths* of the whole expense be contributed by Canada and the Lower Provinces including Prince Edward Island, Newfoundland will willingly charge herself with the remainder.

## APPENDIX.

The Communication addressed to me by the Chamber of Commerce of this City, (of which I enclose a copy,) will enable your Excellency to judge of the advantages which Cape Pine possesses over Cape Race, as the site of the proposed Light House.

I have the honor, &c.

(Signed)

J. HARVEY.

His Excellency, the Governor General of Canada:

(Copy.)

*To His Excellency Major General Sir John Harvey, K. C. B. & K. C. H. Governor and Commander in Chief, &c. &c. &c.*

May it please your Excellency—The House of Assembly beg leave to acquaint your Excellency that from a copy of a Despatch sent down to the House by your Excellency, dated “Treasury Chambers 11th May, 1841,” they learn that “the Elder Brethren of the Trinity House having signified their opinion; that the measure of Lighting the South Eastern part of Newfoundland, would be effectually accomplished by the erection of a Light House on Cape Pine, on the South Easternmost extremity of that land, and of one also upon Saint Pierre; and likewise that all Vessels bound to or from ports or places situated between St. John’s Newfoundland and Cape Cod in the United States, including the River St. Lawrence, would be benefitted by the establishment of Light Houses in the above mentioned situations,” and further, That “My Lords adverting to the measures adopted in regard to the construction of Light Houses under very analagous circumstances on the Coast of Nova Scotia, are prepared to recommend to Parliament, such Grant as may be requisite for defraying the expense of constructing a Light House on Cape Pine, subject to the condition, that provision shall be made by the Legislature of Newfoundland; either separately or with aid from the other North American Provinces interested in the establishment of the Light House, for the future maintenance of the Light,” and said Despatch after alluding to a Report to be made by the Commanding Royal Engineer on this Station, as to the most eligible arrangements for constructing the Light House continues, “My Lords would further suggest to Lord John Russell, that it will be advisable to call for a similar Report from the Governor of Newfoundland, or from any local authorities under whose directions the construction or management of other Light Houses on the Coast of the Island has been placed.” The House of Assembly feeling the great importance, not alone to the Trade of this Island, but to that of Great Britain and Ireland, the neighbouring Colonies and the United States, of the erection of a Light House on Cape Pine, and in order to enable the Secretary of State for the Colonies to carry out the very liberal suggestion of the Lords of the Treasury, now pledge themselves that in the event of such Light House being erected, they will pass an Act providing a sufficient sum of money to meet the maintenance of said Light.

The House of Assembly request that your Excellency will be pleased to put yourself into communication with the Government authorities of such of the neighbouring Provinces and the United States, whose vessels may be benefitted by such Light, in order to induce their supplying their just proportion towards the annual maintenance of said Light.

Passed the General Assembly, Saturday, February 25, 1843.

(Signed)

JAMES CROWDY, Speaker.

(Copy.)

*To His Excellency Major General Sir John Harvey, K. C. B. & K. C. H. Governor, &c. &c. &c.*

May it please your Excellency—The Chamber of Commerce having been encouraged by your Excellency, to express an opinion on the most advantageous point to place a Light House on the Southern Shores of this Island, have, after mature deliberation, come to the conclusion, that Cape Pine is by far the more eligible situation, possessing these advantages over Cape Race:

In the first place, Cape Pine is the more Southern point of the two, it is very much the higher land; and can therefore be seen over Cape Race, while a Light House on Cape Race would be completely masked by Cape Pine to Vessels coming from the Westward.

## APPENDIX.

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Secondly—Cape Pine is surrounded with Rocks and Shoals, and therefore more perilous of approach than Cape Race, which is a bold shore and free from such dangers; and Thirdly—the rapid Current constantly setting past Cape Pine into St. Mary's Bay, deceives Vessels by carrying them to the Northward of their reckoning, and causing many to be lost in the vicinity of St. Shots, which is but a few miles to the N. W. of Cape Pine.

If the Chamber were to give an opinion founded on the interests of Newfoundland alone, they might perhaps be induced to consider the claims of Cape Race equal if not superior to those of Cape Pine; but considering them with a view to the commerce of Great Britain and her North American Colonies generally, they can have no hesitation in deciding in favor of Cape Pine—and the experience of past years has shewn that ten vessels have been lost in the neighbourhood of Cape Pine to one nearer Cape Race—thus proving the necessity of guarding British shipping against those dangers which more particularly threaten them when approaching Cape Pine. A Bell at the Light House to be used in foggy weather, or if not attended with too great an expense the occasional firing of a Gun would be of great service.

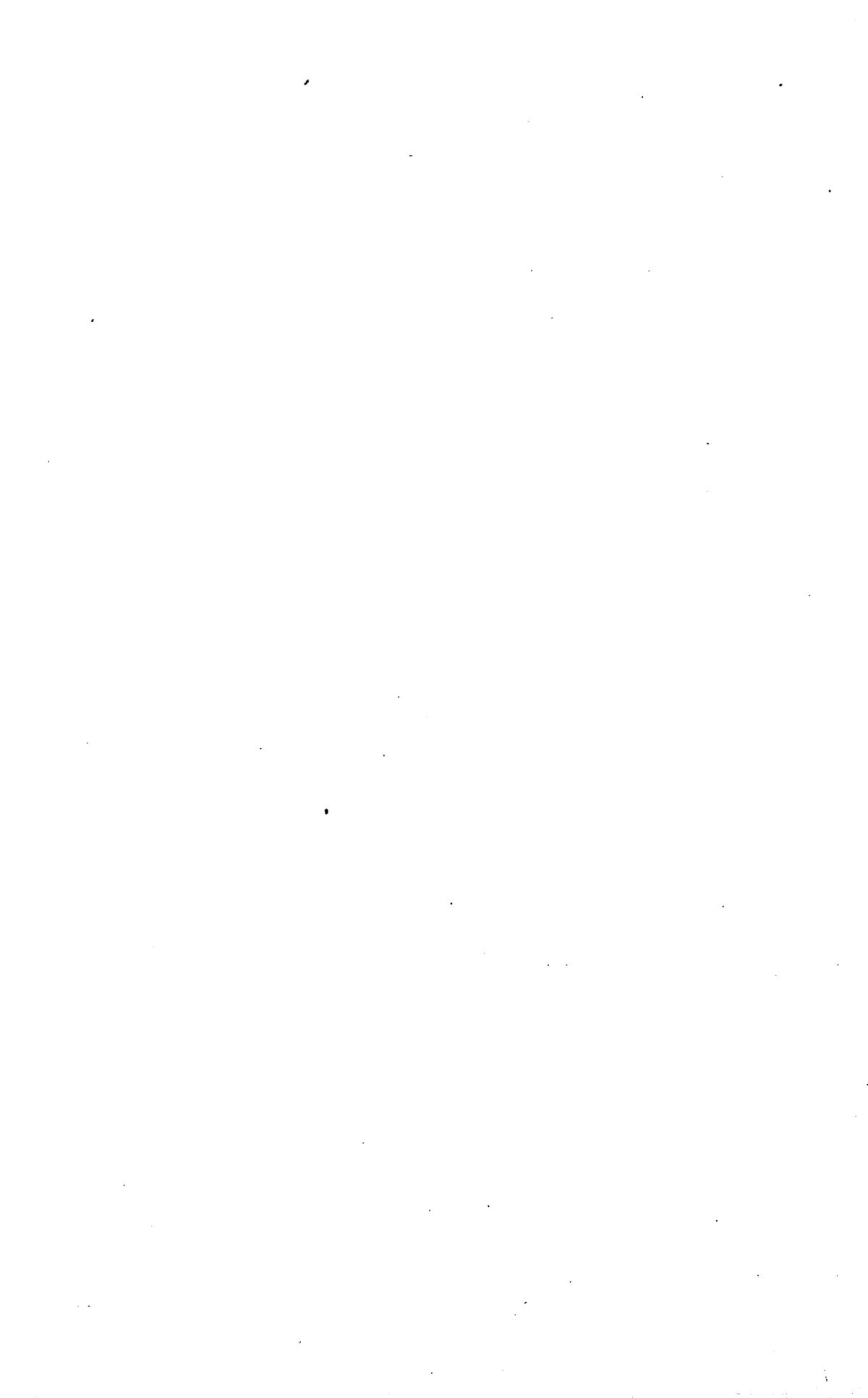
I have &c.

(Signed)

WILLIAM THOMAS,

President, Chamber of Commerce.

Chamber of Commerce, 23th October, 1841.



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*Pumps and Wells* of Charlottetown, to amend the Act relating to; brought up and read a first time, 57. Read a second time, committed and agreed to, 60. Read a third time and passed, *ib.* Lieutenant Governor's assent, 73.

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*Compensation*, for securing to certain occupiers of Land for improvements made thereon at their own cost; brought up and read a first time, and ordered to be printed, 73. Ordered to be read a second time in six months, on a division, 87.

*Pickled Fish*, to alter, amend, and repeal certain parts of the Act for regulating the inspection of; brought up and read a first time, 74. Read a second time, committed and agreed to, 81. Read a third time and passed, and Lieutenant Governor's assent, 95.

*Land Assessment Act*, to render less expensive and more secure the course of procedure under; brought up and read a first time, 74. Read a second time, 75. Referred to a Special Committee, *ib.* Committee report a Resolution which the House agree to, 82.

*Compensation Act*, to authorize the issue *de novo* of certain Writs under; brought up and read a first time, 76. Read a second time, committed and agreed to, 81. Read a third time and passed, on a division, 82. Lieutenant Governor's assent, 96.

*Highways*, in further amendment of Act for regulating the laying out and altering of, &c. (Compensation Act); brought up and read a first time, 76. Read a second time, committed and agreed to with amendments, 88.

*Revenue* of this Island, for the increase of; brought up and read a first time, 78. Read a second time, committed and

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- No. 2. Despatch from Lord Stanley, No. 21, dated the 27th May, 1842, in answer to the joint Address of the Council and Assembly to the Queen, praying that Corn, and other articles the growth

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- of this Colony, may be admitted into the United Kingdom duty free.
- Nos. 3 & 4. Despatches from Lord Stanley, Nos. 25 and 42, dated 1st July and 3d September, 1842, in answer to the joint Address to the Council and Assembly to the Queen, praying that the Moneys arising from the sale of School Lands under the Provincial Act of the 5th William 4th, Cap. 13, may be invested with the Treasurer of this Island in the Public Funds.
- Nos. 5 & 6. Despatches from Lord Stanley Nos. 30 & 38, dated the 2d and 25th of August 1842, in answer to the Address of the Legislative Council to the Queen, praying that the Port of Charlottetown may be declared a Free Warehousing Port.
- No. 7. Despatch from Lord Stanley No. 32, dated 4th of August, 1842, with reference to the Act passed in the Session of 1842, to create a fund for defraying the expences of Medical Assistance for sick Emigrants and enabling indigent persons of that description to proceed to the place of their destination.
- No. 8. Despatch from Lord Stanley No. 33, dated 4th of August, 1842, stating an objection to the wording of the Act relating to the admission of Barristers, Attorneys and Solicitors, passed in the Session of 1842, and suggesting the propriety of amending the Act.
- No. 9. Despatch from Lord Stanley, No. 34, dated 19th August, 1842, transmitting a copy of an Act of Parliament of the 5th and 6th of Victoria, cap. 49, to amend the Laws for the regulation of the Trade of the British Possessions abroad, together with a copy of a Despatch addressed to the Governor General explaining the policy by which Her Majesty's Government have been governed in recommending to Parliament the adoption of the important changes in

*Appendix, continued.*

- the Laws affecting the Trade of the Colonies, which are sanctioned by this Act. Also, a Circular Despatch from Lord Stanley, dated 20th August, 1842, on the same subject.
- No. 10. Despatch from Lord Stanley, No. 56, dated 22d December, 1842, with reference to the Act for the increase of the Revenue of this Island, passed in the Session of 1842.
- No. 11. Despatch from Lord Stanley, No. 58, dated 31st December, 1842, communicating the disallowance by Her Majesty's Government of the Act to authorise the issue of a Copper Coinage in this Colony, and to prohibit the circulation of base Coppers, passed in the Session of 1842. Also, Despatch from Lord Stanley, No. 36, dated 20th August, 1842, on the same subject.
- No. 12. Order of Her Majesty in Council, dated 27th April, 1842, leaving to their operation an Act passed by the Legislature of this Island in the Session of 1841, intituled "An Act to amend an Act of the 7th year of the Reign of His late Majesty King William the Fourth, intituled 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." And an Act passed in the session of 1842, to confirm and render valid certain proceedings of the Executive Government of this Island.
- No. 13. Order of Her Majesty in Council, dated the 11th of August, 1842, especially confirming an Act to authorise the erection of a Building near Charlottetown as an Asylum for Insane Persons and other objects of charity, and to provide for the future maintenance of the same.
- No. 14. Order of Her Majesty in Council, dated 11th August, 1842, leaving to their

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operation **Seventeen Acts** passed by the Legislature of this Island in the Session of 1842.

No. 15. Order of **Her Majesty** in Council, dated the 2d of November, 1842, leaving to their operation an Act for the Incorporation of the **Prince Edward Island Steam Navigation Company**; and an Act to authorise the appointment of Commissioners to manage certain Shares and Property in the **Prince Edward Island Steam Navigation Company**, on behalf of the Government of this Colony, passed in the Session of 1842.

No. 16. Order of **Her Majesty** in Council, dated 10th of December, 1842, leaving to their operation an Act to amend an Act made and passed in the Third year of the **Reign of Her present Majesty** intituled **An Act to prohibit the exportation of Oysters** from this Island for a limited period, and an Act to amend an Act for the appointment of **Fish Inspectors**, and to continue and extend the provisions of the Act now in force regula-

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ting the size and quality of **Fish Barrels** and **Tierces**, and the weight of **Fish** made up therein.

No. 17. Report of **Visiter of Schools**.

No. 18. Copy of Order of **Her Majesty** in Council, specially confirming a certain Act passed by the Legislature in the year 1842, relative to the laying out and altering of **Highways**.

No. 19. Copy of a Despatch from **Major General Sir John Harvey** to **His Excellency Sir H. V. Huntley**, relative to the maintenance of a **Light House**, proposed to be erected on the **S. W. coast of Newfoundland**. Also, copy of a Despatch from **Sir John Harvey** to **His Excellency the Governor General**, dated 27th February, 1843. Also, Address of the Chamber of Commerce of **St. John's, Newfoundland**, to **His Excellency the Lieutenant Governor** of this Island, dated 28th October, 1841. Also, Address of the **House of Assembly of Newfoundland**, dated 25th February, 1843.

