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JOURNAL

OF THE

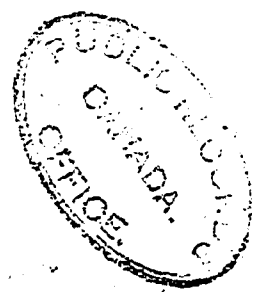
LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND.

ANNO QUINTO

GULIELMI IV. REGIS.



FIRST & SECOND SESSIONS OF THE FOURTEENTH GENERAL ASSEMBLY.



CHARLOTTE TOWN:

Printed by JAMES DOUGLASS GAZARD, Printer to the King's Most Excellent Majesty.

1895.

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1835.

1950

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PHYSICS DEPARTMENT

PHYSICS 309

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LECTURE 10: [Illegible]



BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

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

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

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

WHEREAS the General Assembly of this Island stands prorogued until Wednesday the 8th instant:

I have thought fit to dissolve the said General Assembly, and the same is hereby dissolved.

And I do hereby give notice, as well to the Members of the Legislative Council of this Island, as to the Members of the Counties and Towns and Royalties within the same, 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 Saturday the Eleventh instant, and be returnable on Monday the Twenty-ninth day of December next.

Given under my Hand, and the Seal of the said Island, at Charlotte Town, this 7th day of October, in the year of our Lord One thousand eight hundred and thirty-four, and in the Fifth year of His Majesty's Reign.

By His Excellency's Command,
J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

BY HIS EXCELLENCY

Sir ARETAS WILLIAM YOUNG,

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

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

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

WHEREAS Writs for electing Members to serve in General Assembly, for the several Counties and Towns and Royalties in this Island, are returnable on Monday the 29th day of December instant:

I have thought fit to prorogue the said General Assembly, and the same is hereby prorogued, until Monday the Twenty-sixth day of January, One thousand eight hundred and thirty-five—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 Seal of the said Island, at Charlotte Town, this 29th day of December, in the year of our Lord One thousand eight hundred and thirty-four, and in the Fifth Year of His Majesty's Reign.

By His Excellency's Command,
J. P. COLLINS, Colonial Secretary.

GOD SAVE THE KING.

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JOURNAL

OF THE

LEGISLATIVE COUNCIL.

COUNCIL CHAMBER,
MONDAY, January 26th, 1835.

In pursuance of the foregoing Proclamations, His Majesty's Council met.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

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

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 to 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 House of Assembly then withdrew, and, in a short time, the Gentleman Usher of the Black Rod received His Excellency's commands to deliver this Message to the House of Assembly:

'His Excellency the Lieutenant Governor commands the immediate attendance of the House of Assembly in the Council Chamber.'

The House accordingly attended His Excellency in the Council Chamber, when *George Dalrymple*, Esquire, 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 his Majesty's Council then addressed the House of Assembly, as follows:

'Gentlemen,

'I am commanded by His Excellency the Lieutenant Governor to acquaint you, that His Excellency is satisfied with the choice you have made of *George Dalrymple*, Esquire, to be your Speaker, and therefore His Excellency doth allow of, and confirm *George Dalrymple*, Esquire, to be Speaker of the House of Assembly.'

The Speaker then addressed His Excellency as follows:—

"Your gracious approbation of the Speaker chosen by the House of Assembly demands from me my most grateful acknowledgments, which I most respectfully solicit your Excellency now to accept; at the same time I most solemnly assure your Excellency, that I very sensibly feel the weight and importance of those obligations which devolve on me in consequence of this appointment. Nevertheless, your Excellency may fully rely; that in the situation in which I am now placed, every exertion in my power shall be used in order to promote the best interests and prosperity of this Province, the honour of His Majesty's Government, and the harmony of your Excellency's administration.

"I beg further to observe to your Excellency, that this being the first meeting of the present House of Assembly, a duty devolves on me, in their name, and on behalf of His Majesty's faithful Commons of this Province, most respectfully to request your Excellency to grant, that the Members of the present Colonial Parliament, when in Session, may be free from molestation—that they may enjoy the freedom of speech in all their debates—that they may possess the exclusive right of judging of the conduct and qualifications of their own members, and, if necessary, of prescribing such penalties as may be in accordance with the established rules and practice of Parliament—and likewise that they may have free access to your Excellency whenever their duty and the public welfare requires it. These and all other rights and privileges, whether ancient or modern, which the British Constitution happily secures to the popular branch of the Legislature, I have humbly to beg of your Excellency that the same may be continued and confirmed to the present House of Assembly."

Then the President of His Majesty's 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, does most willingly grant to them all their privileges, in as full a manner as they have been at any time granted by His Excellency, or any former Governor of this Island."

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

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

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

His Majesty having been graciously pleased to signify His Royal assent to the Bill, limiting the duration of the Legislative Assembly of this Island to Four years, I caused the late Colonial Parliament to be dissolved, directing Writs to be issued for the election of a new General Assembly, and I have now much satisfaction in meeting you in your Legislative capacity.

In a retrospect of the past year, I have reason to congratulate you upon the cheering prospect afforded by the increased developement of our internal resources.

Deeply interested in the agricultural prosperity of the Colony, I refer with pleasure to the progressive improvement which this essential branch of our national advancement continues to exhibit.

Under the blessing of Providence, the late Harvest has proved most productive; and whilst the labour of the husbandman has been thus rewarded with an abundant increase, it will afford a powerful stimulus to a perseverance in those habits of active industry, which cannot fail in producing the happiest results.

It is with no less satisfaction that I am enabled to state, that the Revenue of the last year shews an increase over that of the preceding one; and although the expenditure for the same period has been considerable, arising principally from the large sums required for the completion of the Public Buildings and Wharves, and in the establishment of an imperfect system of Quarantine, incident to our local situation, at a time when our sister Provinces were visited with that awful disease, the Asiatic Cholera, I have nevertheless every confidence that, by a due regard to economy in the estimates of the current year, the temporary inconvenience which has been consequently occasioned will be speedily remedied.

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

I shall take an early opportunity of directing the Public Accounts to be laid before you; and I rely upon your liberality and discretion to make such provision for the services of the year as the exigencies of the Government may require.

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

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

I shall submit to your consideration, by Message, such matters of public interest as I may conceive necessary to the general welfare of the Colony.

In leaving you to the discharge of your important duties, I have full confidence that your deliberations will be peculiarly directed to such measures as have for their object the public good; and you may depend on my ready co-operation in those views which may tend to promote the prosperity of the Colony and the comfort and happiness of the people.

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

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

Ordered, That the Honourables *Thomas Heath Haviland, John Brecken* and *J. Spencer Smith*, be a Committee to prepare a Draft pursuant to the above Resolution.

On motion, *Ordered*, that the Honourables the *Attorney General, Ambrose Lane* and *Charles Worrell* be a Committee to revise the Journals of this House each day.

On motion, *Ordered*, that the Honourables *George Wright* and *John Brecken* be a Committee to examine into and report upon such Laws as are near expiring.

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

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

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

Adjourned until 12 o'clock to-morrow.

TUESDAY, January 27th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

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

READ the proceedings of yesterday.
 The Hon. *Thomas H. Haviland*, from the Committee appointed to prepare an Address in reply to His Excellency's Speech, reported, that they had prepared a Draft of the same, which is as follows, viz:—

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

May it please Your Excellency,

We His Majesty's dutiful and loyal Subjects, convened in our Legislative capacity, as Members of His Majesty's Council, respectfully thank your Excellency for your Speech upon the opening of the present Session.

Impressed with the conviction that the prosperity of the Colony is inseparable from its agricultural advancement, it is with much satisfaction that we are enabled to bear testimony to the progressive improvement which is evident in this paramount branch of the public welfare.

We gratefully acknowledge the blessing of a bountiful providence in the late abundant harvest; and we trust that the increased comforts which have been thus diffused, will stimulate the industrious agriculturist to persevere in those efforts of improvement so conducive to his own permanent benefit, and of corresponding advantage to the best interests of the Colony.

We are highly gratified to learn from your Excellency that the Revenue of the past year exhibits an increase over that of the year preceding. It induces us to hope that the inconvenience arising from the heavy demands to which the Colonial funds have been subject, in consequence of the large sums required for the completion of public works, and other essential purposes, will prove but of a temporary nature.

All matters of public interest which your Excellency may conceive necessary to submit for our consideration, shall receive due and respectful attention.

In the discharge of those important duties which now devolve upon us, the well-being of the Colony will form the great object of our exertions; and in the assurance that we shall receive the ready and able co-operation of your Excellency in all matters which may tend to promote the public weal, we confidently anticipate that our united deliberations will prove productive of beneficial results.

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

On motion, it was Ordered, that a Committee consisting of the Honourables *Thomas Heath Haviland*, *John Brecken* and *J. Spencer Smith*, do wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House.

The Honourable *Thomas Heath Haviland*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, to know at what time His Excellency will be pleased to receive the Address of this House, reported, that they had waited upon His Excellency accordingly, and that His Excellency had appointed Twelve o'clock to-morrow to receive the same.

Adjourned until 11 o'clock to-morrow.

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### WEDNESDAY, January 28th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

**R**EAD the proceedings of yesterday.

The Council adjourned, to wait upon His Excellency with their Address.

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

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

Sensible that upon all former occasions you have been actuated by an earnest desire to promote the prosperity of the Colony and the public good, your address at the present moment, expressive of a continuance of that disposition, cannot but be received by me with pleasure, and therefore I pray you to accept my best thanks for it.

On motion, Ordered, that the Honourables *Ambrose Lane* and *Thomas Heath Haviland*, be a Committee during the Recess, to make such improvements and alterations in the internal arrangement of the Council Chamber, as they may deem proper.

Adjourned until 1 o'clock to-morrow.

## THURSDAY, January 29th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis* President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.  
The President laid before the House the following Communication from Mr. Secretary Collins, together with the Books and Maps therein referred to, viz:—

SECRETARY'S OFFICE,  
January 29th, 1835.

SIR,

In accordance with a Resolution of the late House of Assembly, I am directed by His Excellency the Lieutenant Governor to present to the Legislative Council, a copy of Bouchette's British Dominions in North America, with the Maps accompanying the same.

I have the honour to be, Sir,  
Your most obedient  
Humble Servant,  
J. P. COLLINS.

The Hon. E. J. Jarvis, President of the Legislative Council.

On motion, Ordered, that the said Books be bound in Calf, and the Maps fitted with Rollers.

Adjourned until 1 o'clock to-morrow.

## FRIDAY, January 30th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.  
The President gave notice that he would, at an early day, move for leave to bring in a Bill to regulate the times and places of holding General Quarter Sessions of the Peace, in the several Counties in this Island.

Adjourned until 1 o'clock to-morrow.

**SATURDAY, January 31st, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

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

A Bill intituled ‘An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence.’—and

A Bill intituled ‘An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.’

Read the said Bills a first time.

Adjourned until 1 o'clock on Monday next.

**MONDAY, February 2d, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

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

PRAYERS.

**R**EAD the proceedings of Saturday.

The following Messages were received from His Excellency the Lieutenant Governor, by Mr. Secretary Collins, viz:—

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Right Honourable T. Spring Rice, enclosing an Order of His Majesty in Council, dated the 2d July, 1834, allowing an Act passed by the Legislature of this Island, in the month of April, 1833, “for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four.”

Government House, January 31st, 1835.

No. 6.

[ COPY. ]

DOWNING STREET, 24th July, 1834.

SIR,

An Act intituled "An Act for shortening the duration of Colonial Parliaments, from the space of Seven Years to that of Four," passed by the Legislature of Prince Edward Island, in the month of April, 1833, and reserved for the signification of His Majesty's pleasure, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty in Council, their opinion that the said Act should be specially confirmed and finally enacted; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 2d inst. approving that report.

I have, &amp;c.

(Signed)

T. SPRING RICE.

To the acting Governor of Prince Edward Island.

[ COPY. ]

AT THE COURT AT SAINT JAMES'S, THE 2d OF JULY, 1834.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY;

*Lord President,*  
*Lord Privy Seal,*  
*Lord Steward,*  
*Lord Chamberlain,*  
*Marquis of Winchester,*  
*Earl Grey,*

*Lord John Russel,*  
*Viscount Palmerston,*  
*Viscount Melbourne,*  
*Viscount Althorpe,*  
*Lord Auckland.*

Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass an Act in the month of April, 1833, which has been reserved for the signification of His Majesty's pleasure, entitled as follows, viz.

*No. 361—'An Act for shortening the duration of Colonial Parliaments, from the space of seven years to that of four.'*

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

(Signed)

C. GREVILLE.

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from the Honourable T. Spring Rice, enclosing an Order of His Majesty, in Council, allowing various Acts, passed by the Legislature of this Island in the months of March and April, 1833.

Government House, January 31, 1835.

[COPY.]

DOWNING STREET, 21st July, 1834.

SIR,

Various Acts passed by the Legislature of Prince Edward Island, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty in Council, their opinion that those Acts should be left to their operation; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 2d instant, approving that Report.

I have, &amp;c.

(Signed)

T. SPRING RICE.

To the acting Governor of Prince Edward Island.

AT THE COURT AT SAINT JAMES'S, THE 2d OF JULY, 1834.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY;

*Lord President,*  
*Lord Privy Seal,*  
*Lord Steward,*  
*Lord Chamberlain,*  
*Marquis of Winchester,*  
*Earl Grey,*

*Lord John Russel,*  
*Viscount Palmerston,*  
*Viscount Melbourne,*  
*Viscount Althorpe,*  
*Lord Auckland.*

“Whereas the Governor of His Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did pass 34 Acts in the months of March and April, 1833, which have been transmitted, entitled as follows, viz.

No. 347—‘An Act to repeal two certain Acts therein mentioned, for the regulation of Statute Labour.’

No. 348—‘An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.’

No. 349—‘An Act to revive and continue an Act to prevent the running at large of Sheep in the Town of Charlotte Town.’

No. 350—‘An Act to continue an Act authorizing the formation of a Fire Engine Company for the Town of Charlotte Town.’

No. 351—‘An Act to continue an Act for regulating the driving of Carts, Carriages, Sleighs and Carioles on the Highways.’

No. 352—‘An Act to continue an Act made and passed in the Sixth year of the Reign of His late Majesty King George the Fourth, for regulating the measurement of Ton Timber, Boards, and all other kinds of Lumber.’

No. 353—‘An Act for ascertaining the population of this Island, and for obtaining certain Statistical information therein mentioned.’

No. 354—‘An Act to repeal two certain Acts therein mentioned, for licensing and regulating ferries, and to make other provisions in lieu thereof.’

No. 355—‘An Act to explain and amend an Act passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation.’

No. 356—‘An Act to regulate the Registry of Deeds and Instruments relating to the Title to Land, and to repeal the Laws heretofore passed for that purpose.’

No. 357—‘An Act to amend an Act made and passed in the 2d year of His present Majesty's reign, intituled An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small Debts—and to repeal two other Acts hereinafter mentioned.’

No. 358—‘An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the trial of issues, for a limited period.’

No. 359—‘An Act to authorize a further issue of Treasury Notes, to the amount of Five Thousand Pounds, and to repeal an Act therein mentioned.’

No. 360—‘An Act appointing the Registration of His Majesty's Orders in Council and Proclamations signifying the Royal Allowance or Disallowance of Acts of this Island.’



No. 362—'An Act to authorize the appointment of Commissioners to superintend the extending and completing of the Public Wharf of Charlotte Town.'

No. 364—'An Act for the preservation and improvement of the Herring and Alewives Fisheries of this Island.'

No. 365—'An Act to repeal an Act made and passed in the Thirty-fifth year of the Reign of His late Majesty King George the Third, intituled 'An Act for ascertaining the Standard of Weights and Measures in this Island,' and to make other provisions in lieu thereof.'

No. 367—'An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlotte Town.'

No. 369—'An Act to empower the Administrator of the Government to shut up such Roads, or parts of Roads, as are no longer required.'

No. 370—'An Act appointing Commissioners to superintend the Re-printing of the Laws of this Island.'

No. 371—'An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, by establishing Boards of Health.'

No. 372—'An Act for repealing an Act of the Thirty-fifth Year of the Reign of King George the Third, intituled 'An Act for regulating Servants,' and for substituting other provisions in lieu thereof.'

No. 373—'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. 374—'An Act to continue for one year an Act regulating the practice of the Supreme Court in cases of Replevin.'

No. 375—'An Act to explain and amend an Act made and passed in the Eleventh year of the late King, for raising a Fund by an Assessment on Land.'

No. 376—'An Act for repealing certain parts of the Act intituled 'An Act for the establishing and regulating a Militia,' and for substituting other provisions in lieu thereof.'

No. 377—'An Act to regulate the Salary of the Treasurer of this Island.'

No. 378—'An Act for the regulation of the Public Wharf of Charlotte Town.'

No. 379—'An Act to repeal the several Acts relating to Licences for retailing Strong and Spirituous Liquors, and to make other provisions in lieu thereof.'

No. 380—'An Act to continue for one year an additional Duty imposed on Wines and Spirituous Liquors imported into this Island.'

No. 381—'An Act for continuing for one year an *ad valorem* Duty on all Goods, Wares and Merchandise imported into this Island, with certain exceptions.'

No. 382—'An Act for levying a Duty on Tobacco and Tea.'

No. 383—'An Act to make and keep in repair the Pumps and Wells of Charlotte Town, and for other purposes, and to repeal a certain Act therein mentioned.'

No. 384—'An Act for appropriating certain Monies for the service of the year One thousand eight hundred and Thirty-three.'

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

(Signed)

C. GREVILLE.

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the Copy of a Despatch from the Right Honourable E. G. Stanley, dated the 28th May last, stating his reasons why he did not feel himself justified in advising His Majesty to give his assent to an Act passed by the Legislature in 1833, having for its object the support of the Civil Establishment of this Island.

Government House, February 2d, 1835.

[COPY.]

No. 13.

DOWNING STREET, May 28th, 1834.

SIR,

I have the honour to acknowledge the receipt of your Despatch, No. 44, of the 27th April last, accompanied by an Act, having for its object the support of the Civil Establishment of Prince Edward Island.

The Earl of Ripon having expressed his readiness, whenever the financial circumstances of the Colony should be such as to allow of a moderate and permanent provision being made for the necessary expences of its Government, to advise His Majesty to make over to the Legislature the whole of the Revenues of the Island, the Legislature admit the justice of the Civil List being in future borne by the Colony, whenever they shall have the disposal of their own Revenue, and proceed to enact that after September, 1837, the two permanent Acts shall be repealed, and that in lieu of them and of Quit Rents, which shall no longer be collected, a tax shall be imposed of 4s. 6d. per 100 Acres on Township Land of every description, and 2s. and 1s. 4d. respectively on Town Lots, &c. within the Royalities of Charlotte Town and Georgetown. It is calculated, but as it appears to me, not upon sufficient data, that such an assessment would produce £2400.

The Legislature state that they conceive the sum of £2400 to be sufficient to pay the Governor and the Chief Justice (with the addition of a salaried Puisne Judge, whose services they think may be required), the Colonial Secretary and the Attorney General. The present Salaries of these officers are

|                              |        |
|------------------------------|--------|
| Governor - - - - -           | £ 1000 |
| Chief Justice - - - - -      | 700    |
| Attorney General - - - - -   | 200    |
| Colonial Secretary - - - - - | 150    |

£2050

—leaving a balance of £350, which appears manifestly insufficient for a Puisne Judge. I merely indicate this defect, without wishing to insist on it, for I doubt not that if hereafter the Colony should require the services of an additional Judge, the Assembly will make the necessary permanent provision.

But it is to be observed, that the permanence and security of these payments depend entirely upon the full realization of the expectations of the Legislature as to the produce of the Tax; that they are to be made “out of the monies raised under and by virtue of this Act” only, and that no provision is made for a deficiency. Therefore, if there were no peculiarities attending the Tax to be collected; and though I might agree with the Legislature, that the officers enumerated were all for which it was necessary permanently to provide; and though there were no objection to the adequacy of the provision, I should not be justified in attributing to it such a character of permanence as would warrant me in advising to accept it as securing the independence of those officers. In this particular case, there is more than ordinary ground to doubt the productiveness of the Tax. Independently of the difficulties and expence of collection, the avowed intention and expected effect is, to bring large masses of land under escheat for non-payment. But, although provision is made for selling so much of the Land as may be necessary to cover the assessment, the effect of pouring so large a portion of land into a market already overstocked, may be so far to reduce the price as to render it impossible to find purchasers willing to take it at any price, subject to the amount of the duty; and in that case the Civil Government is left unprovided for.

I admit the policy and the justice of making the owners of the Land contribute largely to the internal expences and improvements of the Colony; and while I concur in the reasons which led my predecessor to object to escheating for non-performance of impracticable conditions of settlement, I am decidedly of opinion that a Tax, in the nature of a penal assessment upon non-cultivation is, under the circumstances of Prince Edward Island, a measure at once just and politic. But the amount of the penalty ought to be fairly considered, and if possible adjusted according to the practicability of fulfilling the intentions of the Grant. On Land of a good quality, which probably would sell at 20s. per acre, a tax of 4s. 6d. per 100 acres, or 4½ per cent. on the interest of the purchase money, can hardly be said to be exorbitant; but if upon a Grant of 10,000 acres, one half be altogether irreclaimable and valueless, the tax is then doubled in effect, and becomes absolutely ruinous. I am aware of the difficulty, if not impossibility, of putting different assessments according to the supposed quality of wilderness land; but if this be impossible, it is the more necessary to see that the assessments are on the whole moderate and not unreasonable.

On a review of the whole case, I cannot advise that the salaries of the officers of the Civil Government should be made dependent upon this source of Revenue. I see no sufficient ground for the repeal of the two permanent Revenue Acts; but I should be willing on the part of the Crown to accept for the support of the Civil Government, a fixed sum, to the amount offered by the Legislature, secured upon the produce of those Acts, and to place the whole of the remainder of the Revenue, including the Quit Rents, at the disposal of the Legislature; and I should not object to a Bill commuting those Quit Rents for a fair and moderate Tax on all Land, including wilderness, the produce to be applied to local objects, such as those to which the permanent Revenue Acts are now applied—guarding, however, the interests of those persons who may at the time of the Act, have availed themselves of Lord Ripon's terms for commutation, by a proportionate reduction of assessment.

I have, &c.

E. G. STANLEY.

(Signed)

Lieutenant Governor Young, &c. &c.

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

On motion, the Bill intituled "An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default"—was read a second time.

Ordered, that the said Bill be referred to the Honourable *The Attorney General*, to report thereupon.

On motion, the Bill to prevent Hawkers and Pedlars travelling and selling within this Colony, without Licence—was read a second time.

Ordered, that the said Bill be referred to the Honourable *Thomas Heath Haviland*, to report thereupon.

The Honourable *The Chief Justice*, pursuant to notice, moved for leave to bring in a Bill to regulate the times and places of holding General Quarter Sessions of the Peace, in the several Counties in this Island—

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

On motion, Ordered, that the said Bill do stand as the Order of the Day for Wednesday next.

Adjourned until 1 o'clock to-morrow.

## TUESDAY, February 3d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable *The Attorney General*, to whom was committed the Bill authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default—Reported the same.

Ordered, that the said Report be received.

On motion, the House went into consideration of the said Bill, and amended it as follows:—

*Folio 1, line 7.*—After the word "whereas," strike out from the word "there" to the word "default," both inclusive, and insert the words "An Act made and passed in the Tenth year of the reign of His late Majesty King George the Fourth, intituled An Act to amend an Act intituled An Act to render perpetual an Act intituled An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island, will expire at the end of the present Session of the General Assembly."

*Folio 1, line 12.*—After the word "necessary," strike out the words "to provide a remedy for the same," and insert the words "to authorize the issue of Commissions to take the depositions of Witnesses residing out of this Island, in cases wherein Judgment hath been marked by default."

*Folio 2, line 1.*—Strike out from the word "under" to the word "Island," both inclusive, and insert the words "and upon sufficient cause being shewn, by affidavit made by or on behalf of the party desiring the same."

Ordered, that the said Amendments be engrossed.

Adjourned until 12 o'clock to-morrow.

WEDNESDAY, February 4th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

**R**EAD the proceedings of yesterday.

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

A Bill intituled 'An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes'—and

A Bill intituled 'An Act for declaring the Seats of Members of the Assembly vacated in certain cases.'

Read the said Bills a first time.

Read a third time and passed, the Bill authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by Default—as amended.

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

The Order of the Day, for the consideration of the Bill to regulate the times and places for holding the General Quarter Sessions of the Peace in the several Counties in this Island, being read—the said Bill was read a second time, and ordered to be engrossed.

The Honourable *Thomas Heath Haviland*, to whom was committed the Bill to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence—reported the same.

Ordered, that the said report be received.

Adjourned until 1 o'clock to-morrow.

## THURSDAY, February 5th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, ordered, that *Moses Hayes* be appointed Doorkeeper to this House.

Read a third time, and passed, the Bill intituled 'An Act to regulate the times and places of holding General Quarter Sessions of the Peace, in the several Counties in this Island.'

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

On motion, the Bill intituled 'An Act to amend and render perpetual certain Laws now in force, relating to Treasury Notes,' was read a second time.

On motion, ordered, that the said Bill be committed to the Honourable *John Brecken* to report thereupon.

Adjourned until 1 o'clock to-morrow.

## FRIDAY, February 6th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

**R**EAD the proceedings of yesterday.

On motion, it was ordered, that the Colonial Secretary be required to furnish this House with a List of the names of persons to whom Licences have been granted under the Act of the Eleventh year of the Reign of His late Majesty, intituled 'An Act to regulate Hawkers and Pedlars travelling within this Island,'—specifying the number granted in each year.

The Honourable *John Brecken*, to whom was committed the Bill intituled 'An Act to amend and render perpetual certain Laws now in force, relating to Treasury Notes'—reported the same.

Ordered, that the said Report be received.

Adjourned until 1 o'clock to-morrow.

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SATURDAY, February 7th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

READ the proceedings of yesterday.

On motion of the Honourable the *Attorney General*, it was ordered, that the Order of yesterday, requiring the Colonial Secretary to furnish to this House, a List of Licences granted under the Act of the Eleventh year of the Reign of His late Majesty, intituled 'An Act to regulate Hawkers and Pedlars travelling within this Island,' be rescinded, and that an humble Address be presented to the Lieutenant Governor, requesting him to direct the Colonial Secretary to lay before this House the said List—and having presented the draft of an Address for that purpose, the same was agreed to, and is as follows, viz:

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

May it please Your Excellency;

We, His Majesty's Legislative Council for this Island, humbly request, that your Excellency will be pleased to direct the Colonial Secretary to lay before this House, a return of the several Licences issued under the Act of the Eleventh year of the Reign of His late Majesty, intituled "An Act to regulate Hawkers and Pedlars travelling within this Island," specifying the number granted in each year respectively.

Ordered, that the said Address be engrossed.

Ordered, that the Honourable *Ambrose Lane* and the *Attorney General* be a Committee to wait upon His Excellency with the said Address.

Read a second time, the Bill intituled 'An Act for declaring the seats of Members of the Assembly vacated in certain cases.'

On motion, it was ordered, that the said Bill be committed to the Honourable *John Brecken*, to report thereupon.

The Honourable the *Attorney General* moved for leave to bring in a Bill to be intituled 'An Act for establishing a Court of Divorce within this Island, and for repealing a certain Act therein mentioned'—Leave being granted, the said Bill was brought in and read a first time.

Ordered, that the second reading of the said Bill do stand as the Order of the Day for Monday next.

Adjourned until 1 o'clock on Monday next.

MONDAY, February 9th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis* President;

The Honourables { *Ambrose Lane,*
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken.

PRAYERS.

READ the proceedings of Saturday.
 The Honourable *Ambrose Lane* from the Committee appointed to wait on His Excellency the Lieutenant Governor, with the Address relative to the List of Licences granted to Hawkers and Pedlars within this Island, reported the delivery thereof.

A Message from the House of Assembly, by Mr. *Brenan*, with the following Bill, agreed to, as amended by the Legislative Council, viz:

A Bill intituled 'An Act authorizing Commissions to be issued for taking the Depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.

Read a second time, the Bill to be intituled 'An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.'

On motion, the House went into the consideration of the said Bill, and agreed to the same.

Ordered, that the said Bill be engrossed.

The Honourable *John Brecken*, to whom was committed the Bill intituled 'An Act for declaring the Seats of Members of the Assembly vacated in certain cases,' reported the same.

On motion, the House went into the consideration of the said Bill, and agreed to the same with an amendment, which is as follows, viz:—

Folio 3, line 15.—After the word "Speaker," insert "And be it further enacted, that any
 " Member of the House of Assembly, who shall hereafter, either directly, or
 " indirectly, enter into any contract for the performance of any public work
 " within this Island, or who shall become security for the same, shall vacate
 " his seat in the said House of Assembly, in the same manner and under the
 " same regulations as are provided for by this Act, in cases where he shall have
 " accepted any office of emolument under the Crown."

Ordered, that the said Amendment be engrossed.

Adjourned until 12 o'clock to-morrow.

TUESDAY, February 10th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READE the proceedings of yesterday.

Adjourned until 1 o'clock to-morrow.

WEDNESDAY, February 11th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis* President;

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

PRAYERS

THE following Message was received from His Excellency the Lieutenant Governor, by Mr. Secretary Collins:

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council the copy of a Despatch from the Right Honourable T. Spring Rice, transmitting an Order of His Majesty in Council, dated the 15th August last, disallowing an Act passed by the Legislature in the month of March last, intituled 'An Act to suspend for one year a certain part of an Act passed in the Third year of His present Majesty's Reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds.'

Government House, 11th Feb. 1835.

[COPY.]

No. 10.

DOWNING STREET, 16th October, 1834.

SIR,

An Act intituled "An Act to suspend for one year a certain part of an Act passed in the Third Year of His present Majesty's Reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds," passed by the Legislature of Prince Edward Island, in the month of March last, and reserved for the signification of His Majesty's pleasure, having been referred by His Majesty in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to His Majesty their opinion, that the said Act should, for the reasons stated in the accompanying extract of their Report, be disallowed; and I have the honour herewith to transmit to you an Order of His Majesty in Council, dated the 15th August, approving that Report.

The issue of Government Notes in the year 1833, amounting to Five Thousand Pounds, was made upon the security of an Assessment on land, imposed only for Five years, and not expected to produce much more than One Thousand Pounds in each year of its duration. And it is therefore evident that any diversion of that Revenue from its proper object would eventually leave unprovided for, one fifth part of the Notes for which it was pledged. It would add One Thousand Pounds permanently to the amount of the paper to remain in circulation in the Colony; and every repetition of such a measure would produce a further addition of One Thousand Pounds to that species of currency.

I am sure that when the Legislature passed the Act, they cannot have perceived that its effect and tendency were such as I have now described; and I doubt not that they will be fully sensible of the necessity of the decision, which, seeing that the measure has not yet taken any practical effect, His Majesty in Council has been advised to pronounce upon this Act.

Having already, in my communication of the 22d July last, desired you not to assent to any Act authorizing an issue of Government paper or securities, except with the previous sanction of His Majesty's Government, I shall merely, on the present occasion, desire, that neither will you hereafter assent to any Act (unless it contain a suspending clause) for dispensing with any provision which may previously have been made for the redemption of Notes already in circulation.

I have &c.

(Signed)

T. SPRING RICE.

Lt. Governor Sir A. W. Young.

[COPY.]

AT THE COURT AT SAINT JAMES'S THE 15th AUGUST, 1834.

PRESENT.

THE KING'S MOST EXCELLENT MAJESTY.

Lord Chancellor,	Viscount Althorpe,
Lord President,	Lord Auckland,
Lord Privy Seal,	Mr. Abercromby,
Lord Steward,	Sir J. Hobhouse, Bart.
Earl of Albermarle,	Mr. Ellice,
Viscount Melbourne,	Mr. Sec'y. Spring Rice.
Viscount Duncannon,	

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

No. 402. "An Act to suspend for one year, a certain part of an Act passed in the third year of His present Majesty's reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds."

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

(Signed)

W. L. BATHURST.

[COPY.]

Extract from a Report of the Lords of the Committee of Council for Trade, dated the 11th August, 1834, upon an Act passed in Prince Edward Island, in the Month of March, 1834, entitled

No. 402—“*An Act to suspend for one year, a certain part of an Act passed in the third year of His present Majesty's Reign, authorizing a further issue of Treasury Notes, to the amount of Five Thousand Pounds.*”

‘It appears to their Lordships to be inexpedient to divert from its proper object the Fund appropriated for redeeming the Government Notes issued in Prince Edward Island last year. Their Lordships are therefore humbly of opinion, that this Act should be disallowed.’

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

On motion, the Bill intituled “An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned,” was read a third time and passed.

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

The Honourable *John Brecken*, from the Committee appointed to examine into, and report upon such Laws as are near expiring—Reported a follows, viz:—

The Act of 10th Geo. 4th, cap. 14, intituled ‘An Act to amend an Act intituled An Act to render perpetual an Act intituled An Act to enable the Justices of the Supreme Court of Judicature to issue Commissions for examining Witnesses out of this Island,’ will expire on the last day of the present Session.

The Act of 11th Geo. 4th, cap. 14, intituled ‘An Act to regulate Hawkers and Pedlars travelling within this Island,’ will expire on the 28th day of April next.

The Act of 11th Geo. 4th, cap. 16, intituled ‘An Act to authorize a further issue of Treasury Notes, and to continue an Act intituled An Act to revive and continue two certain Acts therein mentioned,’ will expire on the 28th day of April next.

The Act of 1st Will. 4th, cap. 15, intituled ‘An Act to authorize a further issue of Treasury Notes,’ will expire on the 12th day of May next.

The Act of 2d Will. 4th cap. 25, intituled ‘An Act to provide for the better preservation of public and private Property at Georgetown, against accidents by Fire,’ will expire on the 4th day of April next.

The Act of 3d Will. 4th, cap. 25, intituled ‘An Act to make more effectual provision for preventing the Spreading of infectious Distempers within this Island, by establishing Boards of Health,’ will expire on the last day of the present Session.

The Act of 3d Will. 4th, cap. 28, intituled ‘An Act to continue for one year an Act regulating the practice of the Supreme Court, in cases of Replevin,’ will expire on the last day of the present Session.

The Act of 4th Will. 4th, cap. 8, intituled 'An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment,' will expire on the 27th day of March next.

The Act of 4th Will. 4th, cap. 19, intituled 'An Act to continue an ad-valorem Duty on all Goods, Wares and Merchandize imported into this Island, with certain exceptions,' will expire on the 7th day of May next.

The Act of 4th Will. 4th, cap. 20, intituled 'An Act to continue for one year, an Act levying a Duty on Tobacco and Tea,' will expire on the 7th day of May next.

The Act of 4th Will. 4th, cap. 21, intituled 'An Act for continuing for one year, an Act for imposing an additional Duty on Wines and Spirituous Liquors, will expire on the 7th day of May next.

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

Mr. Secretary Collins, by order of His Excellency the Lieutenant Governor, laid before the House a List of the names of persons to whom Licences have been granted under an Act of the Eleventh year of the Reign of His late Majesty, intituled 'An Act to regulate Hawkers and Pedlars travelling within this Island,' as requested by this House.

On motion, that a Conference be desired with the House of Assembly, on the Bill intituled 'An Act to prevent Hawkers and Pedlars travelling and selling within this Colony, without Licence'—the question being put, the House divided:

CONTENTS.

The Chief Justice,
T. H. Haviland,
Charles Worrell,
John Brecken,
J. Spencer Smith.

NON-CONTENTS.

Ambrose Lane,
The Attorney General.

So it passed in the affirmative.

On motion, ordered, that the Honourable *T. H. Haviland* and *J. Spencer Smith* be a Committee to manage the said Conference, to meet in the Committee Room to-morrow at Twelve o'clock.

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

Read a third time, and passed, the Bill intituled 'An Act to amend and render perpetual certain Laws now in force, relating to Treasury Notes.'

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

The Honourable the *Chief Justice* moved for leave to bring in a Bill to improve the administration of Justice in Criminal Cases in this Island—Leave being granted, the said Bill was brought in, and read a first time.

On motion, ordered, that the second reading of the said Bill do stand as the Order of the Day for Wednesday next.

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

"*Mr. President,*

"The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill for preventing Hawkers and Pedlars travelling and selling within this Colony without Licence, and have appointed Mr. *Brenan*, Mr. *Binns*, Mr. *Nelson*, and Mr. *Le Lacheur* a Committee to manage the same, at the time and place appointed by the Legislative Council.

"WILLIAM CULLEN, Clerk.

"House of Assembly, Feb. 11th, 1835."

Adjourned until 1 o'clock to-morrow.

THURSDAY, February 12th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

The Committee appointed to confer with a Committee of the House of Assembly, on the Bill intituled 'An Act for preventing Hawkers and Pedlars travelling and selling within this Colony without Licence,' having gone to the Conference, and returned—the Honourable *T. H. Haviland* reported the substance thereof.

On motion, the House resumed the consideration of the Bill intituled 'An Act for declaring the Seats of Members of the Assembly vacated, in certain cases,' and further amended the same, as follows, viz:—

Strike out the Title of the Bill, and insert the following Title, viz:

"An Act for vacating the seats of Members of the Assembly, in certain cases therein mentioned."

Ordered, that the said Amendment be engrossed.

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

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

Adjourned until 12 o'clock to-morrow.

FRIDAY, February 13th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Pope*, with the following Bill, agreed to without any amendment, viz:—A Bill intituled 'An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.'

Also, with the following written Message:

“*Mr. President,*

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

“WILLIAM CULLEN, Clerk.

“House of Assembly, February 13th, 1835.”

On motion, ordered, that the further Conference, as desired by the House of Assembly, be agreed to, and that the same Committee who managed the former Conference do manage this, to meet the Committee of the Assembly in the Committee-Room instanter.

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

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

Adjourned until 12 o'clock to-morrow.

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**SATURDAY, February 14th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

The Honourable the *Attorney General* obtained leave to absent himself on Monday next.

Adjourned until Monday next at 12 o'clock.

MONDAY, February 16th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis* President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of Saturday.

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

A. W. YOUNG, Lieutenant Governor.

The Lieutenant Governor lays before the Legislative Council, the copy of a Despatch from Mr. Secretary Spring Rice, transmitting an Act of the Imperial Parliament, repealing so much of the Statute, 5th Geo. 3d, cap. 25, as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in North America, from the time when His Majesty's consent shall be signified to Acts of the Provincial Legislatures imposing the same, or other Rates of Postage, and making such regulations for the management of the Post Office, by the Postmaster General or his Deputies, as to the Legislatures may seem expedient.

In order to establish a practicable system, it is essential that a uniformity of view should pervade the Bills to be passed by the Provincial Legislatures, and His Majesty's Government has, therefore, thought it best to direct the preparation of one common Bill, to be submitted to them, the draught of which the Lieutenant Governor now lays before the Council for their information and guidance.

Government House, Feb. 14, 1835.

[COPY.]

CIRCULAR.

DOWNING STREET, 5th October, 1834.

SIR,

The representations which have from time to time been received from the Legislatures and Inhabitants of several of the Colonies in North America, respecting the Internal Postage in that part of the British Dominions, have not failed to attract the serious attention of His Majesty's Government; and I have now the gratification to send you an Act passed in the late Session of Parliament, which I hope will prove the means of settling this important question to the satisfaction of all parties.

The Act provides, that so much of the Statute 5th Geo. 3, cap. 25, as authorizes the taking of certain rates of Inland Postage within His Majesty's Dominions in North America shall be repealed, from the time when His Majesty's consent shall be signified to Acts of the Provincial Legislatures, imposing the same or other rates of Postage, and making such regulations for the management of the Post Office, by the Postmaster General, or his Deputies, as to the Legislatures may seem expedient.

You will observe, that in order to give effect to this Act, certain Bills must be passed by the Provincial Legislatures, and receive the Royal Assent; and I need scarcely add, that to

establish a practicable system, it is essential that a uniformity of view should pervade their Bills. His Majesty's Government, therefore, in order to secure these important conditions, has thought it best to direct the preparation of one common Bill, to be submitted to the Legislative Council and Assembly of each Colony affected by the present measure.

I have the honour to enclose the draft thus prepared, which you will cause to be brought before the Assembly.

You will at the same time assure the Assembly, that the Bill has been framed with the most anxious deliberation on the part of the Postmaster General and my predecessor, and with the most minute attention to every detail which it embraces.

It was found impossible to devise any practicable plan for keeping separate the accounts of the Post Office Revenue and Expenditure in each possession in North America; and when the accounts were blended, no mode of distributing the surplus Revenue appeared to be free from serious objection, except to apportion it according to the gross amount of Postage collected within each Colony; a provision, therefore, to this effect, has been made in the Imperial Act of Parliament. In order, however, to admit of any other plan which might be preferred by the Provincial Legislatures, a power has been left to them to alter this clause by local enactments. I should scarcely anticipate that at the present time any more eligible expedient is likely to be suggested than the one adopted by the Imperial Act, and as any alteration of it could not be carried into effect until agreed to by each separate Legislature, it is perhaps to be wished, that at any rate for a period sufficient to try the remainder of the proposed measures, the provision made by Parliament on this point should remain untouched.

I shall now proceed to offer a few explanatory remarks on the Bill proposed to the acceptance of the Legislative Council and Assembly of Prince Edward Island.

The projected Tariff of Postage effects a considerable reduction upon the existing rates, more especially in the longer distances.

The tendency of this arrangement to encourage intercourse between the more widely separated portions of His Majesty's extensive territory in North America, will not fail, I feel assured, to meet the approbation of the Legislative Council and Assembly. In settling the scale of Postage, His Majesty's Government has been guided in a great measure by the Report of a Committee of the House of Assembly in Upper Canada, which sat about three years ago, and which is understood to have founded its recommendation chiefly on the rates of charge in the United States.

In the important matter of the charges on the conveyance of Newspapers and printed periodical works, His Majesty's Government has not been unmindful of the representations which it has from time to time received of the wishes of the people in British North America. A rate of Postage is proposed in the present Bill, which is little more than one half of the rate charged in the United States, and which is as low as it could be, unless the papers were conveyed for nothing, a course which might render the amount of business in the Post Office perfectly unmanageable.

It will be observed that the Bill confers on the Deputy Postmaster General the power of determining, with the concurrence of the Government and the Executive Council, what shall be deemed a Newspaper, Printed Vote, &c. within the meaning of the Act. This power is designed to spare the necessity of tedious actions at law to ascertain doubtful points, and is conformable with a power which has been given to the Postmaster General in this country, in concurrence with the Lords Commissioners of the Treasury, by the late Act 4th and 5th Will. 4th, cap. 41.

I have now to draw your attention to a very important part of the Bill. Should the Post Office Revenue prove unequal to the expenditure, it is obvious that there must be some immediate means of supplying the want. A temporary deficiency in the Post Office Revenue, however short, must be attended with the most serious inconvenience, as affecting a service which could not stop for a day without injuring the commerce and confounding the general transactions of the whole country. Impressed by this view, His Majesty's Government has determined, with a full sense of the discretionary authority which the measure will place in the Governor, to propose a clause, authorizing him to grant a warrant for any sum within certain specified limits, which may be shown to his satisfaction to be necessary for the conduct of the Post Office department.

In considering the limits to be assigned to this authority in each Colony, the Government has been guided by the following portions of a Report from the Deputy Postmaster General at Quebec:

“ The Deputy Postmaster General of British North America supposes, on a rough estimate, that the deficiency in receipts to meet the current expenditure in the management of the Post Office Department, may amount to even as much as £6000 per annum. And he states that without some certain means of obtaining that or any less deficiency, the business of the department would come to a stand still, and the framers of the law would be upbraided for not having provided against such a contingency. Calculating the supposed deficiency at the maximum of £6000, he proceeds to state that the following sums correspond pretty nearly with the proportionate amount of Postage business transacted within the Provinces:”

|                           |       |
|---------------------------|-------|
| Lower Canada.....         | £2000 |
| Upper Canada.....         | 2000  |
| Nova Scotia.....          | 1200  |
| New Brunswick .....       | 600   |
| Prince Edward Island..... | 200   |

Total - £6000.

Conformably with the foregoing Report, £200 is proposed as the extent to which the Officer administering the Government may issue warrants on account of the Post Office in Prince Edward Island.

It is contemplated to attach the privilege of franking to seats in the Council and Assembly, in imitation of the right enjoyed by the Members of the two Houses of Parliament in this country. I hope that this provision will be deemed just in principle, and conducive to that distinction which it must be desirable to confer on individuals who form part of the Legislature of the country.

Before I conclude this Despatch, I wish to offer a few remarks with reference to the mode in which it is desirable that the proposed Bill should be introduced for the consideration of the Colonial Legislature. On this point I must confess that I feel considerable difficulty in furnishing you with any definite instructions. In carrying into effect the amendments in the old law of 5th Geo. 3, cap. 25, His Majesty's Government would have preferred, after having passed the necessary Imperial Statute, to have left the subsidiary Provincial re-enactments to the discretion of the different Legislatures. But it was felt that the efficiency of the measure depended almost entirely on an uniformity of Legislation in the several Provinces, and this could only be accomplished by preparing in this country a draft of the Bill which the Imperial Act would render necessary. The only objection to this course has been, that it might be construed into an interference with the deliberations of the Provincial Legislatures, which it is desirable to leave, on all occasions, free and unshackled. I should hope, however, that in a question of this nature, there is no reason to fear such an objection. Under any circumstances, however, I think it will be desirable that you should endeavour to impress upon the Assembly the necessity of their abstaining, as much as possible, from amendments destructive of the uniformity of the Bill. There are some clauses, nevertheless, which are left wholly for the decision of the Colonial Legislatures. I allude to the punishments to be inflicted under the Act. His Majesty's Government have felt great delicacy in offering any suggestion on these points; and it is, perhaps, the most satisfactory course to leave them to the consideration of the Assemblies themselves, who will, I doubt not, devote to the subject that mature deliberation which its importance demands. It is, of course, necessary that all the Acts passed by the several Legislatures on the present subject should take effect from the same day. The 1st of January, 1836, is named in the accompanying draft, in order to secure ample time for the due consideration of the Acts.

I have, &c.

(Signed)

T. SPRING RICE.



[ Copy of the Imperial Act referred to in the foregoing Despatch.]

CAP. VII.

An Act to repeal, at the period within mentioned, so much of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled "An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen *Anne*, and in other Acts relating to the Revenue of the Post Office, as authorizes the taking of certain Rates of Inland Postage within His Majesty's Dominions in *North America*. [26th March, 1834.]

**WHEREAS** by an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled "An Act to alter certain Rates of Postage, and to amend, explain and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen *Anne*, and in other Acts relating to the Revenue of the Post Office, His Majesty's Post Master General was authorized to take and receive certain Rates of Postage in the said Act specified for the Postage and Conveyance of Letters and Packets within the *British* Dominions in *America*: And whereas the said Rates have been collected in the *British* Colonies and Provinces in *North America*, by His Majesty's Post Master General or his Deputies, and the Surplus thereof, after payment of the Charges of Collection and Management, have been remitted to the General Post Office in *London*, as part of the General Revenue of the Post Office: And whereas it is expedient that henceforward the *British* Colonies and Provinces in His Majesty's Dominions in *North America*, having local and independent Legislatures, should be enabled by the authority of such Legislatures to levy, for the Inland Postage of Letters and Packets within such Colonies and Provinces, such Rates as to the said Legislatures shall seem meet and also to make such Regulations for the management of the Post Office within such respective Provinces and Colonies, by His Majesty's Post Master General or his Deputies, as to such Legislatures may seem expedient; and that the surplus Revenue arising from the collection of such Rates should be applied and appropriated for the use and benefit of such respective Colonies and Provinces: Be it therefore enacted, by the Kings 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 from and after His Majesty's consent shall in the usual form be signified by the Governors or Deputy Governors of His Majesty's Colonies or Provinces in *North America* to Bills or Acts of the Legislatures of such respective Colonies or Provinces, authorizing the demanding and taking within such respective Colonies or Provinces, by His Majesty's Postmaster General or his Deputy or Deputies, the like Rates of Postage as are authorized to be received and taken by the said recited Act of the Fifth Year of the Reign of His late Majesty King *George* the Third, or such other Rates of Postage as in and by such Bills or Acts respectively may be mentioned and authorized to be received and taken, and for making such Regulations for the management of the Post Office within such Colonies and Provinces, by His Majesty's Postmaster General or his Deputies, as shall be therein directed, then the said Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Third, so far as the said Act authorizes the demand and receipt of any Rates for the Inland Carriage and Conveyance of Letters and Packets within such Colonies or Provinces respectively, shall thenceforth be absolutely repealed, and be no longer of any effect.

II. And be it further enacted, That from and after His Majesty's Consent shall be so signified to such Bills or Acts of Colonial or Provincial Legislatures as herein before mentioned, all the Revenue which may arise from the collection of the Rates of Inland Postage within the said respective Colonies or Provinces (after deducting the expences of collection, and of the establishment and management of the Post Office within and throughout the said respective Colonies or Provinces under the direction of His Majesty's Postmaster General or his Deputies,) shall and may, instead of being remitted as heretofore to the General Post Office in *London*, as part of the general Revenue of the Post Office, be appropriated, applied and distributed to and among the said respective Colonies and Provinces in proportion to the gross Amount of the Rates and Duties of Postage which shall be raised, collected and received within each and every such respective Colonies or Provinces, unless and until the said

Colonies or Provinces shall, by Bills or Acts of their respective Legislatures, to which His Majesty's Consent shall in the usual form be signified, unite and agree in directing any other mode in which such Surplus shall be applied and disposed of.

III. And be it further enacted, That this Act may be altered, varied, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Ordered, that the said Documents do lie on the Table.  
Adjourned until 12 o'clock to-morrow.

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TUESDAY, February 17th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*
Ambrose Lane,
T. H. Haviland,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.
The Honourable the *Attorney General* moved for leave to present a Petition from John M'Williams, a Prisoner for Debt within the Limits of the Jail of Charlotte Town, praying for relief—Leave being granted, the said Petition was read.

Ordered, that the said Petition do lie on the Table.

Adjourned until 12 o'clock to-morrow.

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**WEDNESDAY, February 18th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.  
The Honourable the *Chief Justice* moved for leave to bring in a Bill to amend the Statute Law of this Island, relating to Offences against the person and property, and to repeal the Act relating to Treasons and Felonies—Leave being granted, the said Bill was brought in, and read a first time.

Pursuant to the Order of the Day, the Bill for improving the administration of Justice in Criminal Cases within this Island, was read a second time.

On motion, the House resolved itself into a Committee of the whole House on the said Bill—and after some time spent therein, the President reported, that the Committee had agreed to the same.

Ordered, that the Report of the Committee be received.

Ordered, that the said Bill be engrossed.

On motion, ordered, that the Bill to amend the Statute Law of this Island, relating to Offences against the person and property, and to repeal the Act relating to Treasons and Felonies, be the Order of the Day for to-morrow.

Adjourned until 12 o'clock to-morrow.

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## THURSDAY, February 19th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*Charles Worrell,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

Pursuant to the Order of the Day, the Bill to amend the Statute Law of this Island, relative to Offences against the person and property, and to repeal the Act relating to Treasons and Felonies, was read a second time.

On motion, the House resolved itself into a Committee of the whole House on the said Bill—and after some time spent therein, the President reported, that the Committee had agreed to the said Bill, under the Title of a Bill intituled 'An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies.'

Ordered, that the Report of the Committee be received.

Ordered, that the said Bill as amended be engrossed.

Adjourned until 12 o'clock to-morrow.

FRIDAY, February 20th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*T. H. Haviland,*  
*Charles Worrell,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Macdonald*, with the Bill intituled 'An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned,' agreed to, as amended by the Legislative Council.

Adjourned until 12 o'clock to-morrow.

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SATURDAY, February 21st, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of yesterday.

Read a third time, and passed, the Bill intituled 'An Act to improve the administration of Justice in Criminal Cases in this Island.'

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

Adjourned until 12 o'clock on Monday next.

MONDAY, February 23d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of Saturday.
 Read a third time and passed, the Bill intituled 'An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies'

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

Adjourned until 12 o'clock to-morrow.

TUESDAY, February 24th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of yesterday.
 There being no business before the House—

Adjourned until 12 o'clock to-morrow.

WEDNESDAY, February 25th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*
Ambrose Lane,
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken.

PRAYERS.

READ the proceedings of yesterday.
There being no business before the House—

Adjourned until 12 o'clock to-morrow.

THURSDAY, February 26th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

THERE being no business before the House—
Adjourned until 12 o'clock to-morrow.

FRIDAY, February 27th, 1835.

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS:

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

A Bill intituled 'An Act to alter and amend an Act of the Second Year of the present King, for providing Salaries for Sub-Collectors of Customs.'

Also, a Bill intituled 'An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.'

Read the said Bills a first time.

On motion, ordered, that the said Bills do stand as the Order of the Day for Monday next.

Adjourned until 12 o'clock to-morrow.

SATURDAY, 28th February, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Charles Worrell,*
The Attorney General,
John Brecken.

PRAYERS.

THERE not being a Quorum—

Adjourned until 12 o'clock on Monday next.

MONDAY, March 2d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

THE Order of the Day having been read—

On motion, ordered, that the same, so far as relates to the Bill intituled “An Act to alter and amend an Act of the Second year of the present King, for providing Salaries for Sub-Collectors of Customs,” be postponed until this day three months.

The Bill intituled “An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court, in cases of Replevin,” was read a second time.

On motion, ordered, that the said Bill be committed to the Honourable the *Attorney General*, to report thereupon.

Adjourned until 12 o'clock to-morrow.

TUESDAY, March 3d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables	{	<i>T. H. Haviland,</i>
		<i>The Attorney General,</i>
		<i>John Brecken,</i>
		<i>J. Spencer Smith.</i>

PRAYERS.

READ the proceedings of yesterday.

There being no business before the House—

Adjourned until 12 o'clock to-morrow.

WEDNESDAY, March 4th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Charles Worrell,*
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

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

A Bill intituled “An Act to consolidate and amend the Election Laws”—also with the

Bill intituled “An Act to improve the administration of Justice in Criminal Cases in this Island, passed with certain Amendments, to which they desire the concurrence of the Legislative Council.

On motion, the Bill intituled “An Act to consolidate and amend the Election Laws,” was read a first time.

Ordered, that the said Bill do stand as the Order of the Day for Friday next.

On motion, the Bill intituled “An Act to improve the administration of Justice in Criminal Cases in this Island,” was read with the Amendments.

Ordered, that the same do stand as the Order for to-morrow.

Adjourned until 12 o'clock to-morrow.

THURSDAY, March 5th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*
T. H. Haviland,
Charles Worrell,
The Attorney General,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

Pursuant to the Order of the Day, the House went into the consideration of the Amendments made by the House of Assembly to the Bill intituled “An Act to improve the administration of Justice in Criminal Cases in this Island.”

And the Amendments were read, and are as follows, viz:—

- Folio 1, line 19*—After the word ‘Statute’ insert ‘And be it enacted, that it shall and may be lawful for any Justice of the Peace, when any person shall be arrested and brought before him on suspicion of Felony only, or for any offence which may at the time be tried at any Sessions of the Peace, to bail such person to appear at the next sitting of the Court, proper for the trial of the charge made against him or her.’
- Folio 2, line 3*—After the word ‘felony,’ insert ‘misdemeanor, or suspicion thereof.’
- Same Folio—line 12*—After the word ‘felony,’ insert ‘misdemeanor, or suspicion thereof.’
- Folio 3, line 6*—After the word ‘felony,’ insert ‘misdemeanor, or suspicion thereof.’
- Folio 4, line 10*—Strike out from the word ‘and’ to the word ‘felony,’ in folio 5, line 11, both inclusive.
- Folio 12, line 19*—After the word ‘actually,’ strike out the word ‘been.’
- Folio 19, last line*—After the word ‘accordingly,’ insert the following clause—‘And be it further enacted, that all persons who shall be tried for any offence whatsoever, before any Court of Record in this Island, shall be allowed to make full defence by Counsel, the same as in all Civil Causes or Trials.’
- Folio 25, line 13*—Strike out from the word ‘for’ to the word ‘taken,’ in line 15, both inclusive, and insert ‘for which Certificate, a fee of two shillings and sixpence shall be taken, and no more.’

By the House,
WILLIAM CULLEN, Clerk.

On motion, ordered, that a Conference be desired with the House of Assembly on the foregoing Amendments.

Ordered, that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room to-morrow at One o’clock.

The following Message was received from His Excellency the Lieutenant Governor, by Mr. Secretary Collins, viz:—

‘A. W. YOUNG, Lieutenant Governor.

‘The Lieutenant Governor is desirous, that His Majesty’s Legislative Council, at its rising on Saturday next, should adjourn to Saturday the Fourteenth instant.

‘Government House, March 4th, 1835.’

Adjourned until 12 o’clock to-morrow.

FRIDAY, March 6th, 1835.

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS:

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Binns*, with a Bill intituled ‘An Act to repeal part of a certain Act therein mentioned, for

regulating the conveyance of the Mails by a Steam Vessel, to which they desire the concurrence of the Legislative Council.—Also, with the

Bill intituled ‘An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies,’ passed with certain Amendments, to which they desire the concurrence of the Legislative Council.

Also, with the following written Message:

“*Mr. President,*

“The House of Assembly do agree to a Conference, at the time and place, as desired by the Legislative Council, on the Amendments made by the Assembly to the Bill intituled ‘An Act to improve the administration of Justice in Criminal Cases in this Island’—and have appointed *Mr. Palmer, Mr. Binns, Mr. Pope and Mr. Brennan* a Committee to manage the same.”

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

Pursuant to the Order of the Day, the Bill intituled ‘An Act to consolidate and amend the Election Laws,’ was read a second time.

Ordered, that the said Bill be committed to the Honourables *John Brecken and J. Spencer Smith* to report thereupon.

On motion, the Bill intituled ‘An Act to repeal part of a certain Act therein mentioned, for regulating the conveyance of the Mails by a Steam Vessel,’ was read a first time.

Ordered, that the said Bill do stand as the Order of the Day for to-morrow.

Read a first time the Amendments made by the House of Assembly to the Bill intituled ‘An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies.’

Adjourned until 11 o’clock to-morrow.

SATURDAY, March 7th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of yesterday.

The Order of the Day having been read—

On motion, ordered, that the same be postponed until Monday the Sixteenth Day of March instant.

Adjourned until Saturday next, the 14th instant, at 12 o’clock.

SATURDAY, March 14th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of Saturday last.

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

“ *Mr. President,*

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

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

A Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony;”

A Bill intituled “An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island;”

A Bill intituled “An Act for the encouragement of Temperance, by allowing the Retail of Ale, Beer, Porter and other Liquors at a reduced rate of Licence, and to amend the Act relating to Licences for Strong and Spirituous Liquors.”

A Bill intituled “An Act to authorize the closing of a certain Road within the Royalty of Princetown.”

Read the said Bills a first time.

On motion, ordered, that a further Conference be agreed to, as desired by the House of Assembly, on the subject matter of the last Conference, and that the same Committee who managed the last Conference be a Committee to manage this further Conference, to meet in the Committee-Room instanter.

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

Thereupon, the Committee went to the Conference—and having returned, reported, that the House of Assembly agree to the Amendment made by the Council to the first of their Amendments, and that they do not insist on the seventh of their Amendments to the said Bill.

Ordered, that the said Bill as amended be re-engrossed.

Adjourned until 12 o'clock on Monday next.

MONDAY, March 16th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of Saturday.

The Order of the Day having been read—

On motion, ordered, that the same be discharged, and made the Order of the Day for to-morrow.

The Honourable *John Brecken*, from the Committee to whom was committed the Bill intituled “An Act to consolidate and amend the Election Laws”—reported the same.

Ordered, that the said Report be received.

The Honourable the *Attorney General*, to whom was committed the Bill intituled “An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court, in cases of Replevin”—reported the same.

Ordered, that the said Report be received.

On motion, the House went into the consideration of the said Bill.

Ordered, that the said Bill do stand for further consideration until to-morrow.

On motion, the House went into the consideration of the Amendments made by the House of Assembly to the Bill intituled “An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies”—and the said Amendments were read, and are as follows, viz:—

Folio 2, line 14—Strike out the words “and none other.”

Folio 7, line 12—After the word “intent,” insert “and miscarriage shall take place in consequence thereof.”

Same folio, line 18—Strike out the words “not being,” and insert “being or not being then quick with child.”

Folio 8, line 3—After the word “intent,” insert “and no miscarriage shall take place in consequence thereof; or if miscarriage shall take place in consequence thereof, when the woman was not quick with child.”

Same folio, line 8—Strike out the word “two,” and insert the word “four.”

Folio 9, last line—After the word “only,” insert “Provided always, that if complaint shall not be made of the ravishment of any Woman or Infant above ten years of age, within ten days after the commission of the crime (unless in cases where the Female shall be unable to make such complaint), before one of His Majesty’s Justices of the Peace, or other Magistrate, then such fact shall be adjudged to have been committed by and with the consent of such woman or infant.”

Folio 11, line 4—After the word “award,” insert “Provided always, that no imprisonment in any such case shall exceed the term of one year; and that no prosecution shall take place unless complaint of such abduction shall be made before some Magistrate within one Calendar month after the same shall have occurred.”

- Folio 14, line 17*—Strike out from the word “and” to the word “Felon,” in *Folio 15, line 1*, both inclusive, and insert—“And be it enacted, That if any person shall feloniously take money or goods, or any valuable security, from the person of any other, every such offender, being convicted thereof, shall be punished by whipping, (if a male,) hard labour and imprisonment, with or without solitary confinement, not exceeding Seven Years, at the discretion of the Court.”
- Folio 17, line 15*—Strike out from the word “and” to the word “Felon,” in line 17, both words inclusive, and insert—“And be it enacted, That every person convicted of Burglary shall be punished by whipping (if a male,) hard labour and imprisonment, with or without solitary confinement, not exceeding Seven Years, at the discretion of the Court.”
- Folio 23, line 20*—Strike out from the word “in” to the word “offence,” in *Folio 24, line 1*, both words inclusive, and insert “of any act done by him in which he may.”

When the First, Sixth, Seventh and Tenth of the said Amendments were agreed to—

On motion, ordered, that a Conference be desired with the House of Assembly on the Second, Third, Fourth, Fifth, Eighth and Ninth of the said Amendments.

Ordered, that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room to-morrow at One o'clock.

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

A Bill intituled “An Act relating to Marriages.

Also, with the following written Message:

“*Mr. President*,

“The House of Assembly do agree to a Conference, as desired by the Council to the Amendments made to the Bill intituled ‘An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies,’ and have appointed *Mr. Binns*, *Mr. Pope* and *Mr. Brennan* a Committee to manage the same.”

Read a first time, the Bill intituled “An Act relating to Marriages.”

Adjourned until 11 o'clock to-morrow.

TUESDAY, March 17th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

PRAYERS.

The Honourables { *George Wright*,
T. H. Haviland,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

On motion, ordered, that the Order of the Day for the consideration of the Bill intituled “An Act to repeal part of a certain Act therein mentioned, for regulating the conveyance of the Mails by a Steam Vessel,” be read a second time this day three months.

On motion, the House went into the consideration of the Bill intituled "An Act to consolidate and amend the Election Laws," and amended the same as follows, viz:—

Folio 9, line 12—Strike out the word 'Eight,' and insert the word 'Ten.'

Folio 10, line 13—Strike out the word 'Eight,' and insert the word 'Ten.'

Folio 12, line 4—Strike out the word 'in,' and insert the words 'marked in the original plan of this Island, as part of'

Folio 13, line 9—Strike out the words 'Forty Shillings,' and insert the words 'Five Pounds.'

Folio 18, line 7—Strike out the word 'person,' and insert the word 'Elector.'

Same folio, line 17—Strike out the word 'person,' and insert the word 'Elector.'

Folio 19, line 11—Strike out the word 'person,' and insert the word 'Elector.'

Folio 30, line 12—Strike out the words 'in large and plain type.'

Folio 34, line 13—After the word 'through,' insert the words 'or in case there shall not have been any scrutiny, then after the Candidate or Candidates shall have been declared duly elected.'

Same folio, line 15—Strike out the word 'thereon.'

Folio 36, line 10—After the word 'same,' insert as follows:

'And be it further enacted, That in the event of two or more Candidates at any one Election having the same number of votes, no Sheriff or Returning Officer shall make return as duly elected, of any one such Candidate having an equal number of votes, to the exclusion of the other Candidate or Candidates, but shall in every such case return the whole of the Candidates having an equal number of votes, with the proceedings thereon, as herein-before directed: Provided always, that nothing herein contained shall prevent, or be construed to prevent, the Sheriff or Returning Officer from proceeding on a scrutiny, as herein-before provided.'

Folio 40, line 17—Strike out from the word 'any' to the word 'Candidate,' both inclusive, and insert 'the Members of His Majesty's Legislative Council shall not be entitled to vote at the Election of any Member or Members to serve in the General Assembly of this Island.'

Ordered, that the said Amendments be engrossed.

Pursuant to the Order of the Day, the House resumed the consideration of the Bill intituled "An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin"—and amended the same as follows, viz:—

Folio 2, line 6—Strike out the word 'Bond,' and insert 'Warrant of Attorney.'

Same folio, line 14—Strike out the word 'Bond,' and insert 'Warrant of Attorney.'

Same folio, line 15—Strike out the word 'Condition,' and insert the word 'Defeazance.'

Same folio, At the end of the page, insert, 'and the Goods and Chattels so distrained shall be forthwith returned to the Owner or Owners thereof.'

'And be it further enacted, that if the Goods and Chattels so distrained, and delivered back to the Owner or Owners as aforesaid, shall not be forthcoming on the day appointed for the sale thereof, agreeably to the Defeazance of the said Warrant of Attorney, in case the same shall not have been replevied, it shall and may be lawful for the Lessor or Landlord to enter up Judgment on the said Warrant of Attorney, and sue out execution thereon, to the amount of the value of the said distress; or if the said distress should exceed the value of the rent due, then to the amount of such rent due, together with the Costs of such distress and Warrant of Attorney, and of entering up of such Judgment thereon.'

'And be it further enacted, that if the owner or owners shall neglect or refuse to enter into such Warrant of Attorney as aforesaid, within the said two days, and if the Tenant or Owner of the Goods and Chattels so distrained, shall not, within five days after such distress taken, replevy the same, it shall and may be lawful for the Lessor or Landlord to sell the Goods and Chattels so distrained, in the way and manner in which Goods and Chattels distrained for Rent have hitherto been sold within this Island.'

Ordered, that the said Amendments be engrossed.

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

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

The Committee appointed to confer with the Committee of the House of Assembly, on the Amendments made to the Bill intituled "An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies," having gone to the Conference, and returned, the Honourable *T. H. Haviland* reported the substance thereof.

Adjourned until 11 o'clock to-morrow.

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**WEDNESDAY, March 18th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *T. H. Haviland,*  
*The Attorney General,*  
*J. Spencer Smith.*

PRAYERS.

**T**HERE not being a Quorum—  
 Adjourned until 11 o'clock to-morrow.

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THURSDAY, March 19th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*
T. H. Haviland,
Charles Worrell,
The Attorney General,
J. Spencer Smith.

PRAYERS.

READ a third time, and passed, the Bill intituled "An Act to consolidate and amend the Election Laws," with the Amendments.

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

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

A Bill intituled "An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing a mode of obtaining Compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute towards their formation."

Also, with the following written Message:

“ *Mr. President,*

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

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

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

Thereupon the Committee went to the Conference—and having returned, reported, that the House of Assembly do not insist upon the Second, Third, Fourth and Fifth of the Amendments made to the Bill intituled “ An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies,” but that they adhere to the Eighth and Ninth of the Amendments.

On motion, the House went into the further consideration of the said Amendments.

On motion, ordered, that the said Amendments be not agreed to.

On motion of the *Attorney General*—Resolved, that the non-attendance of Members tends materially to the delay of public business.

The *Attorney General* also submitted the following Resolution, viz:—

Resolved, That if any Member absent himself without leave, the President do issue his Warrant to the Gentleman Usher of the Black Rod, to take such absent Member into custody, and that no such Member be discharged until a sufficient excuse be made, and the expence incurred in consequence thereof, be first paid.

On motion that the said Resolution be adopted—the House divided:

CONTENTS.

The Chief Justice,
T. H. Haviland,
The Attorney General.

NON-CONTENTS.

George Wright,
Charles Worrell,
J. Spencer Smith.

And it passed in the negative.

Read a first time, the Bill intituled “ An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing 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, ordered, that the consideration of the Bill intituled “ An Act to authorize the closing of a certain Road within the Royalty of Princetown, be deferred until next Session, as no information, by petition, or otherwise, hath been afforded to this House, to satisfy it of the propriety of shutting up the Road in question.

Ordered, that thirty copies of the said Bill be printed, and that it be inserted six times in the Royal Gazette, Newspaper, published in Charlotte Town.

On motion, the Bill intituled “ An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island, was read a second time.

On motion, the House went into the consideration of the said Bill, and amended it as follows, viz:—

Folio 10—Strike out line 7.

Same folio, line 19—Strike out from the word ‘and,’ to the word ‘Health,’ both inclusive.

Folio 11, line 20—Strike out from the word ‘Lieutenant,’ to the word ‘said,’ both inclusive.

Same folio, last line, after the word ‘Board,’ insert the words ‘of Health.’

Adjourned until 11 o'clock to-morrow.

FRIDAY, March 20th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

PRAYERS.

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

PRAYERS.

READ the proceedings of yesterday.

Read a third time and passed, the Bill intituled “An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,” with the Amendments.

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

On motion, the Bill intituled “An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing 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 second time.

On motion, ordered, that the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony,” be the Order of the Day for Monday next.

Three Messages were received from the House of Assembly, by Mr. *Pope*.

“In the HOUSE of ASSEMBLY,

“Friday, March 25th, 1835.

“Resolved, That a Message be sent to the Legislative Council, praying their Honours will permit the Honourable *George Wright*, one of their Members, to attend the Special Committee of the House of Assembly, appointed on the Petition of divers Proprietors and Occupiers of Pasture Lots, within the Royalty of Charlotte Town, relative to the lines of certain Roads running through the said Royalty; to be examined touching the matter to them referred, this day at Three o'clock.

“WILLIAM CULLEN, Clerk.”

Also,

“ *Mr. President,*

“ The House of Assembly desire a Conference with the Legislative Council, on the Amendments made by the Council to the Bill intituled ‘ An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin’—and have appointed *Mr. Binns, Mr. Pope, Mr. Green* and *Mr. Palmer* a Committee to manage the same.

“ *Mr. President,*

“ The House of Assembly desire a Conference with the Legislative Council on the general State of the Colony, and have appointed *Mr. Pope, Mr. Brennan, Mr. Palmer, Mr. Nelson, Mr. Douse* and *Mr. James* a Committee to manage the same.

“ WILLIAM CULLEN, Clerk.

“ House of Assembly, March 20th, 1835.”

Ordered, that the Honourable *George Wright* do have leave to attend, as requested by the House of Assembly.

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

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

Ordered, that the Honourables *T. H. Haviland, George Wright* and *John Brecken*, be a Committee to manage the same, to meet in the Committee Room to-morrow, at Twelve o’clock.

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

On motion, ordered, that this House do agree to a Conference as desired by the House of Assembly, on the Amendments made to the Bill intituled “ An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin.

Ordered, that the Honourables *T. H. Haviland* and the *Attorney General*, be a Committee to manage the same, to meet in the Committee Room instanter.

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

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

On motion, the Bill intituled “ An Act relating to Marriages,” was read a second time.

On motion, the House went into the consideration of the said Bill.

The Honourable *T. H. Haviland* moved the following amendment:

Folio 5, line 4—After the word “ calling” insert the words “ and having the spiritual charge
“ of a Congregation.”

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

CONTENTS.

*The Chief Justice,
T. H. Haviland,
George Wright,
J. Spencer Smith.*

NON-CONTENTS.

*Charles Worrell,
The Attorney General,
John Brecken.*

And it passed in the affirmative.

The following Amendment was also moved:

Folio 5, line 16—After the word “any” insert the word “such.”

The question being put on this Amendment, the House divided:

CONTENTS.

*The Chief Justice,
T. H. Haviland,
George Wright,
J. Spencer Smith.*

NON-CONTENTS.

*Charles Worrell,
The Attorney General,
John Brecken.*

And it passed in the affirmative.

The House then agreed to the following Amendments:

Folio 8, line 6—Strike out the words ‘at least two,’ and insert the word ‘three.’

Folio 9—After line 3, insert ‘And be it further enacted, that an Act made and passed in the Second year of the Reign of His present Majesty King William the Fourth, intituled ‘An Act to confirm and render valid certain Marriages heretofore solemnized within this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same,’ be and the same is hereby repealed.’

Folio 1—After the word ‘Marriages,’ in the Title, insert ‘and to repeal a certain Act therein mentioned.’

On motion, that the said Bill, with the Amendments, be read a third time, and pass:

It was moved, as an amendment, that the two former Amendments be struck out:

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

CONTENTS.

*Charles Worrell,
The Attorney General,
John Brecken.*

NON-CONTENTS.

*The Chief Justice,
T. H. Haviland,
George Wright,
J. Spencer Smith.*

And it passed in the negative.

The question on the original motion being put, it passed in the affirmative. Ordered, that the said Amendments be engrossed.

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

On motion of the Honourable *J. Spencer Smith*—Ordered, that John Lawson, Esq. Solicitor General, have leave to attend at the Bar of this House on Monday next, and that he be heard on behalf of Mr. David Stewart, against the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony.”

On motion, that the Bill intituled “An Act for the encouragement of Temperance, by allowing the retail of Ale, Beer, Porter, and other Liquors, at a reduced rate of licence, and to amend the Act relating to Strong and Spirituous Liquors,” be read a second time this day three months, the House divided.

CONTENTS.

*The Chief Justice,
T. H. Haviland,
Charles Worrell,
John Brecken.*

NON-CONTENTS.

*George Wright,
The Attorney General.*

And it passed in the affirmative.

Adjourned until 11 o'clock to-morrow.

SATURDAY, March 21st, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

READ the proceedings of yesterday.

The Committee appointed to confer with the Committee of the House of Assembly on the general State of the Colony, having gone to the Conference, and returned, reported, that the Committee of the House of Assembly had been instructed to request, that the Legislative Council would join the House of Assembly in an Address to His Majesty, on the subject of the several Acts passed by the Legislature of this Island, and to which the Royal Assent has not yet been signified.

Ordered, that this House do agree to join in the said Address, as requested by the House of Assembly.

Ordered, that a Message be sent down to the House of Assembly, desiring a further Conference on the general State of the Colony, and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee-Room on Monday next, at Two o'clock.

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

Mr. President,

“The House of Assembly desire a Conference with the Legislative Council, on the Amendments made to the Bill intituled “An Act to consolidate and amend the Election Laws”—and have appointed Mr. *Brenan*, Mr. *Thornton*, Mr. *Pope* and Mr. *M’Nutt* a Committee to manage the same.

On motion, ordered, that this House do agree to a Conference, as desired by the House of Assembly, and that the Honourables *T. H. Haviland* and *John Brecken* be a Committee to manage the same, to meet in the Committee Room instanter.

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

Thereupon the Committee went to the Conference—and having returned, reported, that the House of Assembly do agree to the several Amendments made by the Council to the said Bill, except the last, to which they disagree.

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 do manage this further Conference, to meet in the Committee-Room instanter; and that the Committee be instructed to inform the Committee of the House of Assembly, that the Section to which the Council had proposed an amendment, and to which the House had disagreed, would, in the opinion of the Council, if allowed to remain, not only tend materially to the encouragement of contested Elections, but also produce great uncertainty and difficulty in determining them—the terms “influencing, or causing to be influenced,” being much too

vague and uncertain to form a positive enactment. The various modes and degrees of influence, tacit or expressed, direct or indirect, take so extensive a range, and are so difficult of definition, that it would be next to impossible to form any standard by which to fix that precise point, where "influence" should, or should not, be considered to have been exercised as affecting Elections.

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

"*Mr. President*,

"The House of Assembly do agree to a further Conference, as desired by the Legislative Council, on the subject matter of the last Conference, and have appointed the same Committee who managed the last Conference to manage this further Conference."

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

On motion of the Honourable *John Brecken*, it was ordered, that *Charles Binns*, Esq. be heard at the Bar of this House on Monday next, in support of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony."

On motion, the House went into the consideration of the Bill intituled "An Act for further explaining and amending the Act for regulating 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," and agreed to the same.

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

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

Adjourned until 11 o'clock on Monday next.

MONDAY, March 23d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of Saturday.

The Order of the Day having been read—

On motion, ordered, that Counsel be now heard in support of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony."

The Honourable *John Brecken* informed the House, that Counsel on behalf of the Loyalists declines coming forward.

On motion, ordered, that the Solicitor General, as Counsel for Mr. David Stewart, be now heard against the Bill.

The Solicitor General was accordingly heard at the Bar.

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

“*Mr. President*,

“The House of Assembly do agree to a further Conference with the Legislative Council, on the general State of the Colony—and have appointed the same Committee who managed the former Conference to manage this further Conference, at the time and place appointed by the Legislative Council.”

On motion, ordered, that the Order of the Day for the further consideration of the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony,” be postponed until Saturday next.

The Committee appointed on the further Conference with the House of Assembly on the general State of the Colony, having gone to the Conference, and returned, reported the substance thereof.

On motion, ordered, that the Honourable *George Wright*, *T. H. Haviland*, and *John Brecken*, be a Committee to join a Committee of the House of Assembly, in preparing an Address to His Majesty, on the subject of the several Acts passed by the Legislature of this Island, and reserved for the signification of His Majesty’s pleasure—to meet and adjourn as they shall see fit.

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

Adjourned until 12 o’clock to-morrow.

TUESDAY, March 24th, 1835.

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of yesterday.

Two Messages from the House of Assembly, by Mr. *Brenan*:

“*Mr. President*,

“The House of Assembly desire a Conference with the Legislative Council on the Amendments made by the Council to the Bill intituled ‘An Act relating to Marriages,’ and have appointed Mr. *Brenan*, Mr. *M’Callum*, Mr. *Macdonald* and Mr. *Green* a Committee to manage the same.”

“*Mr. President,*

“The House of Assembly have appointed *Mr. Binns, Mr. Brennan, Mr. Palmer, Mr. Macdonald, Mr. Green* and *Mr. Ramsay* a Committee to join the Committee of the Legislative Council, in preparing a joint Address to His Majesty, on the subject of the several Acts passed by the Legislature of this Colony, and reserved for the signification of His Majesty’s Pleasure—to meet and adjourn as they shall see fit.”

On motion, ordered, that this House do agree to a Conference, as desired by the House of Assembly, on the Amendments made to the Bill intituled “An Act relating to Marriages.”

Ordered, that the Honourables *T. H. Haviland* and *J. Spencer Smith* be a Committee to manage the same, to meet in the Committee-Room instanter.

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

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

On motion, ordered, that a further Conference be desired with the House of Assembly, on the subject matter of the last Conference, and that the same Committee who managed the last Conference do manage this further Conference, to meet in the Committee-Room to-morrow, at Two o’clock.

Adjourned until 12 o’clock to-morrow.

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**WEDNESDAY, March 25th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *George Wright,*  
*Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

**R**EAD the proceedings of yesterday.

Two Messages from the House of Assembly, by *Mr. Douse*:

“*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 relating to Marriages,’ and have appointed the same Committee who managed the former Conference to manage this further Conference.



*“ Mr. President,*

*“ The House of Assembly desire a Conference with the Legislative Council, on the Amendments made by the Council to the Bill intituled ‘ An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,’ and have appointed Mr. Douse, Mr. Binns, Mr. Brennan and Mr. M’Callum a Committee to manage the same.”*

On motion, ordered, that this House do agree to a Conference, as desired by the House of Assembly, and that the Honourables *Ambrose Lane* and *John Brecken* be a Committee to manage the same, to meet in the Committee Room instanter.

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

Thereupon the Committee went to the Conference—and having returned, reported, that the House of Assembly had disagreed to the First and Second of the Amendments, but that they agree to the Third and Fourth of the Amendments.

The Committee appointed to confer with the Committee of the House of Assembly, on the Amendments made to the Bill intituled “ An Act relating to Marriages,” having gone to the Conference, and returned, reported the substance thereof.

On motion, ordered, that a further Conference be desired with the House of Assembly, on the Amendments made to the Bill intituled “ An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,” and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee-Room to-morrow, at half-past One o’clock.

On motion, ordered, that this House do adhere to the said First and Second Amendments, and that the Committee be instructed to inform the Committee of the House of Assembly, that the Council adhere to the First and Second Amendments, as they conceive it would be a novel practice, and wholly inconsistent with the usage of the Executive Government, that the Board of Health should be required to join with the Governor and Council in issuing a Proclamation. But the Council would have no objection to agree to an amendment to their amendment, to the effect, that the power given by the Bill to the Governor, with the consent of the Council, and the Board of Health, should be vested in the Board of Health alone, either with or without the approval of the Governor and Council.

Adjourned until 12 o’clock to-morrow.

**THURSDAY, March 26th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Pope*, with a Bill intituled "An Act to explain and amend the Act relating to Trespasses," 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. *Douse*.

"*Mr. President,*

"The House of Assembly do agree to a further Conference, as is desired by the Legislative Council, on the subject of the Amendments made to the Bill intituled 'An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,' and have appointed the same Committee who managed the former Conference, a Committee to manage this further Conference."

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

Adjourned until 12 o'clock to-morrow.

**FRIDAY, March 27th, 1835.**

The Council met, pursuant to adjournment.

PRESENT.

The Honourable *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken,*  
*J. Spencer Smith.*

PRAYERS.

**R**EAD the proceedings of yesterday.

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

"In the HOUSE of ASSEMBLY,

"Friday, March 27th, 1835.

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

“ Ordered, that Mr. *Brenan*, Mr. *Binns* and Mr. *Pope* do compose the said Committee.

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

“ By the House,  
“ WILLIAM CULLEN, Clerk.”

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 Houses of the Legislature, and to report their proceedings from time to time, with power to send for persons, papers and records.

Ordered, that the Honourables *T. H. Haviland* and *John Brecken* do compose the said Committee.

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

On motion, ordered, that a further Conference be desired with the House of Assembly, on the Amendments made to the Bill intituled “An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin”—and that the same Committee who managed the former Conference do manage this further Conference, to meet in the Committee-Room instanter.

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

“ *Mr. President*,

“ The House of Assembly do agree to a further Conference, as desired by the Council, on the subject of the Amendments made to the Bill intituled ‘An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in Cases of Replevin,’ and have appointed the same Committee who managed the former Conference, to manage this further Conference.”

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

On motion, the Bill intituled “An Act to explain and amend the Act relating to Trespasses,” was read a second time.

Adjourned until 12 o'clock to-morrow.

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SATURDAY, March 28th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane*,
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

The Honourable the *Attorney General* moved for leave to present a Petition from the Pew-owners in the Building heretofore used as an Episcopal

Church in Charlotte Town, praying that a Law may be passed authorizing a sale of the said Building, and that the site thereof may be vested in His Majesty.

Leave being granted, the said Petition was received and read.

Ordered, that the said Petition do lie on the Table.

On motion, ordered, that the Order of the Day for the further consideration of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony," be further postponed until Tuesday next.

Ordered, that there be a Call of the House on Tuesday next.

On motion, the House went into the consideration of the Bill intituled "An Act to explain and amend the Act relating to Trespasses," and amended the same as follows, viz:—

Strike out from the word 'Whereas,' in the first Folio, to the word 'future,' in the last line of the 4th Folio, both inclusive, and insert, 'Whereas it is deemed necessary to define the powers and authority of Justices of the Peace, under the Third section of the Act of the Third year of the Reign of His present Majesty, 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.'

Folio 5, line 8—After the word 'Peace,' insert the words 'under the said Third section of the said Act.'

Same Folio, line 13—After the word 'all,' insert the word 'such.'

Folio 6, line 4—After the word 'appeal,' insert the words 'doubts having arisen whether.'

Same Folio, line 5—Strike out the words 'has refused.'

Same Folio, line 6—Strike out the word 'two,' and insert the word 'can.'

After the word 'Act' in the first line, on the last Folio, insert 'or judgment or decision of the Supreme Court, on any appeal from any judgment of any Justice or Justices of the Peace under this Act, or the said recited Act.'

Ordered, that the said Amendments be engrossed.

A Message from the House of Assembly, by Mr. *Macdonald*, with a Bill intituled "An Act to amend the Act relative to Insolvent Debtors," 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. *Macdonald*, with a Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island."

Read the said Bill a first time.

Adjourned until 12 o'clock on Monday next.

MONDAY, March 30th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

READ the proceedings of Saturday.

Read a third time, and passed, the Bill intituled "An Act to explain and amend the Act relating to Trespasses," with the Amendments.

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

On motion, the Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island," was read a second time.

On motion, ordered, that a Conference be desired with the House of Assembly on the said Bill, and that the Honourables *Charles Worrell* and *J. Spencer Smith* be a Committee to manage the same, to meet in the Committee Room instanter.

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

"*Mr. President,*

"The House of Assembly desire a Free Conference with the Legislative Council on the subject of the Amendments made to the Bill intituled "An Act relating to Marriages," and have appointed Mr. *Palmer*, Mr. *Binns*, Mr. *Pope*, Mr. *Ramsay* and Mr. *James* a Committee to manage the same.

"*Mr. President,*

"The House of Assembly do agree to a present Conference, as is desired by the Council, on the subject of the Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island," and have appointed Mr. *Pope*, Mr. *Thornton*, Mr. *Binns* and Mr. *Palmer* a Committee to manage the same."

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

On motion, ordered, that a Free Conference be agreed to, as desired by the House of Assembly, on the subject of the Amendments made to the Bill intituled "An Act relating to Marriages," and that the Honourables *T. H. Haviland*, the *Attorney General* and *J. Spencer Smith*, be a Committee to manage the same, to meet in the Committee Room to-morrow at Two o'clock.

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

The Honourable *John Brecken* moved for leave to present a Petition from the Trustees of the Wesleyan Chapels in Charlotte Town; setting forth—That the Petitioners are made responsible for certain Debts contracted for

improvements on the premises, without having sufficient security thereon; that the Chapel lately built in Prince Street will place them in circumstances still more unfavourable, unless impowered to dispose of the old Chapel and premises—and praying that a Law may be passed as will secure the aforesaid Chapels and premises, and grant them such powers as will enable them to exercise their trust in any way that may be required to promote the interest and secure the just rights of all concerned.

Leave being granted, the said Petition was received and read.

Ordered, that the said Petition do lie on the Table.

Adjourned until 12 o'clock to-morrow.

TUESDAY, March 31st, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President:

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

PRAYERS.

READ the proceedings of yesterday.

According to Order, the Names were called over—the Honourable *Fade Goff* absent from indisposition.

The Order of the Day having been read—

On motion, the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony,” was read a second time.

On motion, the House went into the consideration of the said Bill.

On motion, ordered, that this House do go into the further consideration of the said Bill to-morrow.

The Committee appointed to meet the Committee of the House of Assembly on the subject of the Amendments made to the Bill intituled “An Act relating to Marriages,” having gone to the Conference, and returned, reported the substance thereof.

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

A Bill intituled “An Act concerning the Property of the Methodist Society at Charlotte Town.

A Bill intituled “An Act to amend the Act for the Summary Trial of Common Assaults and Batteries.”

Also, a Bill intituled “An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

Read the said Bills a first time.

Adjourned until 12 o'clock to-morrow.

WEDNESDAY, April 1st, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;
 The Honourables { *George Wright,*
 Ambrose Lane,
 T. H. Haviland,
 The Attorney General,
 John Brecken,
 J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

On motion, the House went into the further consideration of the Bill intituled "An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony.

Ordered that this House do go into the further consideration of the said Bill to-morrow.

On motion, ordered, that a further free Conference be desired with the House of Assembly, on the subject matter of the last Free Conference, and that the same Committee who managed the former Free Conference do manage this, to meet in the Committee-Room instanter.

On motion, the Bill intituled "An Act to amend the Act for the Trial of Common Assaults and Batteries," was read a second time.

On motion, the Bill intituled "An Act concerning the property of the Methodist Society at Charlotte Town," was read a second time.

A Message from the House of Assembly, by Mr. *M'Callum*, with a Bill intituled "An Act to authorize the Sale of Land in this Island, reserved as sites for Churches, and for Glebe and School Lands," 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 free Conference as is desired by the Legislative Council, on the subject matter of the last free Conference, and have appointed the same Committee who managed the last free Conference to manage this."

Thereupon the Committee went to the free Conference—and having returned, reported as follows, viz:—

That a misunderstanding having arisen between the Managers of a former Conference on the subject of an amendment made by the House of Assembly to amendments made by this House to the above Bill, and the same having been mutually explained, it was agreed on the part of the Managers of the present Conference, that the following Clause be substituted for the said amendment of the Assembly, reported as agreed to at the said former Conference, viz:—

And whereas, according to the Spiritual Rites of the Roman Catholic Church, Marriage is held to be a Sacrament—Be it therefore enacted, that nothing in this Act, or any other Act contained, shall be construed to prevent any Clergyman of the Roman Catholic Church from solemnizing marriages between persons professing the Roman Catholic Religion, according to the Rites and Usages of that Church, which are at present recognized and enjoyed within this Colony, or in Great Britain.

On motion that the said Amendment be agreed to, the House divided:

CONTENTS.

The Chief Justice,
George Wright,
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken.

NON-CONTENTS.

Ambrose Lane,
J. Spencer Smith.

And it passed in the affirmative.

On motion, that this House do adjourn—the question being put, the House divided, and it passed in the affirmative.

The House then adjourned until 12 o'clock to-morrow.

THURSDAY, April 2d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

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

PRAYERS.

READ the proceedings of yesterday.

Read a first time, the Bill intituled “An Act to authorize the sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands.”

On motion, the Bill intituled “An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment,” was read a second time.

Read a third time, and passed, the Bill intituled “An Act concerning the Property of the Methodist Society at Charlotte Town.”

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

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

“*Mr. President,*

“The House of Assembly have passed the Bill intituled ‘An Act relating to Marriages,’ with the Amendment, as agreed to in Conference.”

And also, with the following written Message:

“*Mr. President,*

“The House of Assembly desire a further Conference with the Legislative Council on the Bill intituled ‘An Act for the management and regulation of

the Post Office in Prince Edward Island,' and have appointed the same Committee who managed the former Conference to manage this further Conference."

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

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

Thereupon the Committee went to the Conference—and having returned, reported, that the Committee of the House of Assembly had informed them, that the House of Assembly feel compelled to adhere to the provisions of the Bill for the management and regulation of the Post Office within this Island, as sent to the Council, the House of Assembly having already, in the Bill to provide for the punishment of Offences against the person and property, adopted the principle objected to by the Council in the present Bill, and therefore cannot agree to the suggestions of the Council, as communicated in Conference.

Whereupon Resolved, That as the Bill intituled "An Act to provide for the punishment of Offences against the person and property, and to repeal the Act relating to Treasons and Felonies," which was sent down to the House of Assembly from this House, was amended by their substituting a term of imprisonment not exceeding Seven Years for the penalty of Death, in cases of Highway Robbery, which amendment was disagreed to by this House—this House cannot therefore agree to the Bill intituled "An Act for the management and regulation of the Post Office in Prince Edward Island," in which a punishment is introduced by the House of Assembly for the like offence, similar to that previously objected to by this House.

On motion, ordered, that the said Bill be read a third time this day three months.

On motion, the House went into the consideration of the Bill intituled "An Act to amend the Act for the Trial of Common Assaults and Batteries, and amended the same as follow, viz:

Folio 2, line 7—After the word 'Prosecutor,' insert the words 'and shall be deemed by the Justices necessary and material.'

Same folio, line 11—Strike out the words 'and which expences,' and insert the words, 'which certified statement shall be delivered to the Clerk of His Majesty's Council; and the amount so certified, after being approved of by the Lieutenant Governor, or other Administrator of the Government for the time being, in Council.'

Same folio, line 15—Strike out the word 'or,' to the word 'aforesaid,' inclusive.

Ordered, that the said Amendments be engrossed.

Read a third time, and passed, the Bill intituled "An Act for the more effectual punishment of Offences, by enabling the Supreme Court to add Hard Labour to the Sentence of Imprisonment.

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

Read a third time, and passed, the Bill intituled "An Act to amend the Act for the Trial of Common Assaults and Batteries," with the Amendments.

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

On motion, ordered, that the further consideration of the Bill intituled "An Act for the relief of the American Loyal Emigrants and Disbanded Troops in this Colony," be postponed until to-morrow.

Adjourned until 12 o'clock to-morrow.

FRIDAY, April 3d, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President:

The Honourables { *George Wright,*
Ambrose Lane,
T. H. Haviland,
Charles Worrell,
The Attorney General,
John Brecken.

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Palmer*, with the following Bill, agreed to, as amended by the Council, viz.—

A Bill intituled “An Act to explain and amend the Act relating to Trespasses.”

Also, with the following Bill, to which they desire the concurrence of the Legislative Council, viz:—

A Bill intituled “An Act to repeal part of an Act therein mentioned, and to authorize and regulate the appointment of a Sheriff for each of the Counties of this Island.”

Read the said Bill a first time.

Pursuant to the Order of the Day, the House resumed the consideration of the Bill intituled “An Act for the Relief of the American Loyal Emigrants and Disbanded Troops in this Colony.”

Whereupon, the Honourable *T. H. Haviland* submitted the following Resolution, viz:—

Resolved, That it appears to this House that the provisions of an Act of the Thirtieth year of the Reign of His late Majesty King George the Third, intituled “An Act to empower the Lieutenant Governor to give Grants of Lands, under the Great Seal of this Island, to such Loyalists and Disbanded Troops as are in the occupation thereof, by virtue of locations formerly made by the Governor and Council,” are amply sufficient to entitle that deserving class of persons termed “American Loyalists,” who were previously ordered to be located by the Governor and Council, (and are now in the actual possession of Lands within this Island, resigned for this purpose, by certain Proprietors of Townships within the same, in the year 1783,) to Grants or Conveyances of the same, and as it is to be presumed, that the rights or claims of those American Loyalists, who had applied for and obtained orders for locations of Land, but who had not settled upon the same, had then undergone full consideration; and as it further appears by reference to the Records of the Executive Council, that nearly fifty years have elapsed since any application has been made by any of the said class of persons for locations on such Lands so resigned as aforesaid, and as several of the Townships on which Lands were so resigned, have, during that period, become the property of persons (not parties to the said resignation,) for valuable consideration, and portions of other Townships have been subdivided, leased and sold in small tracts, to persons also not cognizant thereof, it is the opinion of this House, that in justice to existing interests, it would not be warranted in passing the Bill intituled “An Act for the Relief of the American Loyal Emigrants and

Disbanded Troops in this Colony, and more particularly as a Bill, similar in many respects to the Bill now before this House, passed the Legislature of this Colony in the year 1810, upwards of twenty years ago, with a suspending clause, reserving the same for His Majesty's assent, which appears never to have been signified, and consequently must now be considered to have been intentionally withheld.

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

CONTENTS.
The Chief Justice,
George Wright,
Ambrose Lane,
T. H. Haviland,
Charles Worrell,
The Attorney General,
J. Spencer Smith.

NON-CONTENT.
John Brecken.

And it passed in the affirmative.

On motion, that the further consideration of the said Bill be postponed until this day Three months—the House divided:

CONTENTS.
The Chief Justice,
George Wright,
Ambrose Lane,
T. H. Haviland,
Charles Worrell,
The Attorney General,
J. Spencer Smith.

NON-CONTENT.
John Brecken.

And it passed in the affirmative.

On motion, that the Bill intituled "An Act to amend the Act relative to Insolvent Debtors," be read a second time:

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

Resolved, That the advanced period of the Session precludes this House from giving that full consideration to the Bill intituled "An Act to amend the Act relative to Insolvent Debtors," as the importance of the measures contemplated thereby, entitles it; to but this House will, at an early period of the next Session, give their attention to the subject matter of the said Bill.

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

On motion, the Bill intituled "An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands," was read a second time.

On motion, the House went into the consideration of the said Bill.

On motion, ordered, that a Conference be desired with the House of Assembly on the said Bill, and that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room to-morrow at One o'clock.

Adjourned until 12 o'clock to-morrow.

SATURDAY, April 4th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

The Honourables { *Ambrose Lane,*
T. H. Haviland,
The Attorney General,
John Brecken,
J. Spencer Smith.

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Binns*, with a Bill intituled "An Act to amend the Act for establishing the times and places for holding the Supreme Court in King's and Prince Counties," to which they desire the concurrence of the Legislative Council."

Also, with the following written Message, viz:—

"*Mr. President,*

"The House of Assembly do agree to a Conference, as is desired by the Legislative Council, on the Bill intituled 'An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands,' and have appointed Mr. *Pope*, Mr. *Ramsay*, Mr. *Binns* and Mr. *Thornton* a Committee to manage the same."

On motion, Ordered, that it be an instruction to the Committee of Conference of this House on the Bill intituled "An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands," to suggest to the Committee of the House of Assembly, the propriety of striking out the Third Section of the said Bill, granting Compensation to persons for their improvements, who may have located themselves on the said Lands without licence, or other authority.

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

Read a first time, the Bill intituled "An Act to amend the Act for establishing the times and places for holding the Supreme Court in King's and Prince Counties."

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

"*Mr. President,*

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

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

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

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

Ordered, that there be a Call of the House on Monday next.

Adjourned until 12 o'clock on Monday next.

MONDAY, April 6th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

READ the proceedings of Saturday.

According to Order, the Names were called over.

The Honourable *Charles Worrell*, absent without leave.

The Honourable *Fade Goff*, absent from indisposition.

On motion, the Bill intituled "An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches, and for Glebe and School Lands," was read a third time.

On motion, that the said Bill do pass, the House divided:

CONTENTS.

The Chief Justice,
George Wright,
Ambrose Lane,
T. H. Haviland,
The Attorney General,
John Brecken.

NON-CONTENTS.

J. Spencer Smith.

And it passed in the affirmative.

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

On motion, that the Bill intituled "An Act to repeal part of an Act therein mentioned, and to authorize and regulate the appointment of a Sheriff for each of the Counties in 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 question being put, the House divided:

CONTENTS.

The Chief Justice,
George Wright,
T. H. Haviland,
The Attorney General,
J. Spencer Smith.

NON-CONTENTS.

Ambrose Lane,
John Brecken.

And it passed in the affirmative.

Adjourned until 12 o'clock to-morrow.

TUESDAY, April 7th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

READ the proceedings of yesterday.

The Honourable *Charles Worrell* stated to the House, that he had been compelled to leave Town on Saturday, before he was aware of the order for a Call of the House for yesterday; that he returned yesterday, and on his way to the House, about 2 o'clock, p. m., was informed that it had adjourned—and that he had not received any notice of the Call.

On motion, that this House do now adjourn—

The question being put, the House divided:

CONTENTS.

The Chief Justice,
George Wright,
Ambrose Lane,
T. H. Haviland,
John Brecken.

NON-CONTENTS.

Charles Worrell,
The Attorney General,
J. Spencer Smith.

And it passed in the affirmative.

Then the House adjourned until 12 o'clock to-morrow.

WEDNESDAY, April 8th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Chief Justice Jarvis*, President;

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

READ the proceedings of yesterday.

On motion, Ordered, that a further Conference be desired with the House of Assembly, on the general state of the Colony, and that the Honourables *T. H. Haviland* and the *Attorney General* be a Committee to manage the same, to meet in the Committee Room instant.

On motion, Ordered, that the Committee be instructed to state to the Committee of the House of Assembly, that this Conference is desired by the Legislative Council, for the purpose of suggesting the propriety of bringing in a Bill to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.

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

“ 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 Mr. Pope, Mr. Binns, Mr. Cooper and Mr. Palmer a Committee to manage same.”

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

On motion, Ordered, that the Bill intituled “ An Act to amend the Act for establishing the times and places for holding the Supreme Court in King’s and Prince Counties,” be read a second time this day Three months.

A Message from the House of Assembly, by Mr. Pope, with the Bill intituled “ An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin,” agreed to, as amended in Conference.

Also, a Bill intituled “ An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island,” agreed to, as amended in Conference.

Also, with a Bill intituled “ An Act for levying Colonial Duties of Impost for the support of His Majesty’s Government in this Island, and for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five,” to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that there be a Call of the House to-morrow.

Adjourned until 12 o’clock to-morrow.

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**THURSDAY, April 9th, 1835.**

The Council met, pursuant to adjournment.

PRESENT:

|                 |                                                                                                                                         |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| The Honourable  | } Chief Justice Jarvis, President;                                                                                                      |
|                 |                                                                                                                                         |
|                 | } George Wright,<br>Ambrose Lane,<br>T. H. Haviland,<br>Charles Worrell,<br>The Attorney General,<br>John Brecken,<br>J. Spencer Smith. |
| The Honourables |                                                                                                                                         |
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PRAYERS.

**R** EAD the proceedings of yesterday.

According to Order, the Names were called over.

The Honourable *Fade Goff* absent from indisposition.

A Message from the House of Assembly, by Mr. *Pope*, with the Bill intitled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

The Committee appointed to join the Committee of the House of Assembly in preparing an Address to His Majesty, on the subject of the various Acts passed by the Legislature of this Island, in the years 1832, 1833 and 1834, reported the draft of an Address, as agreed to by the Committee of both Houses, which was read by the Clerk, and is as follows, viz:—

TO THE KING'S MOST EXCELLENT MAJESTY.

*Most Gracious Sovereign;*

We your Majesty's faithful Subjects, the Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, with sentiments of loyalty and affection to your Majesty's Royal Person and Government, beg to address your Majesty on a subject which deeply affects the prosperity and welfare of this Colony.

Various Laws enacted by the Legislature of this Colony, in the years 1832, 1833 and 1834, and reserved for your Majesty's Royal allowance, were duly transmitted through your Majesty's Principal Secretary of State for the Colonies, for your Majesty's Royal pleasure thereon; and notwithstanding the repeated applications of our Colony Agent at the Colonial Office, we lament to state that no official information has yet been received regarding them. We humbly beg leave particularly to refer to the Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned; an Act, as we humbly conceive, of the utmost importance to the growing interests of this Colony, the uncertainty which at present exists; with respect to boundary lines, arising chiefly from the inaccuracies of the original Survey of the several Townships, causing much dispute and litigation, and preventing many industrious and deserving Settlers from making improvements, fearing that they may afterwards be deprived of them, by an alteration in the Boundaries of the Lands upon which they may have been located, as has heretofore not unfrequently occurred:—as also an Act passed in 1832, to confirm and render valid certain Marriages heretofore celebrated in this Island, and also to declare by whom and in what manner Marriages shall be celebrated in future, and to provide for the Public Registry of the same. The delay of the signification of your Majesty's pleasure upon a measure involving in so eminent a degree the present and future interests of the Colony, and the happiness of a large body of its Inhabitants, has induced the Legislature, in its present Session, to pass another Act of similar import, which repeals the former Act—and we humbly trust that this Act may be found free from any objection which might possibly have prevented a favourable decision being signified to the Act of 1832.

From the assurances made, and communicated in a Despatch received from the Right Honourable the Earl of Ripon, your Majesty's then Principal Secretary of State for the Colonies, bearing date the 4th day of July, 1832, in reply to a former Address of the Council and Assembly to your Majesty, complaining of the embarrassment caused by the delay of the signification of your Majesty's pleasure on certain Acts previously transmitted for your Majesty's consideration, we were led to hope, that the "most prompt attention would be given to the Legislative Acts of Prince Edward Island in future."

We therefore humbly pray, that your Majesty will be graciously pleased to give such directions, as may cause the said Acts, and in particular the Act relating to Boundaries, as also the Act passed in the present Session relating to Marriages, to be brought under your Royal consideration, in order that, if they should receive your Majesty's approval, your faithful Subjects, the Inhabitants of this Colony, may enjoy the advantages which the operation of these Acts is intended to afford them.

On motion, the House went into the consideration of the said Address.

On motion, that from the word 'as,' in line 15, from the top of the second page, to the figure '2' in the 6th line from the top of the third page, inclusive, relating to the Marriage Act, be struck out—the House divided:

CONTENTS.

*Ambrose Lane,*  
*Charles Worrell,*  
*J. Spencer Smith.*

NON-CONTENTS.

*The Chief Justice,*  
*George Wright,*  
*T. H. Haviland,*  
*The Attorney General,*  
*John Brecken.*

And it passed in the negative.



On motion, that that part of the prayer relating to the Marriage Act be struck out, the House divided:

## CONTENTS.

*Ambrose Lane,  
Charles Worrell,  
J. Spencer Smith.*

## NON-CONTENTS.

*The Chief Justice,  
George Wright,  
T. H. Haviland,  
The Attorney General,  
John Brecken.*

And it passed in the negative.

On motion, that the said Address be agreed to, the House divided:

## CONTENTS.

*The Chief Justice,  
George Wright,  
T. H. Haviland,  
The Attorney General,  
John Brecken.*

## NON-CONTENTS.

*Ambrose Lane,  
Charles Worrell,  
J. Spencer Smith.*

And it passed in the affirmative.

On motion, Ordered, that a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that he would transmit the foregoing Address to His Majesty's Ministers, in order that the same may be laid at the foot of the Throne.

Ordered, that the Honourables *T. H. Haviland* and *John Brecken* be a Committee for that purpose.

The Honourable *T. H. Haviland* presented the following Address, as agreed to by the Joint Committee of both Houses:

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

*May it please Your Excellency;*

We His Majesty's loyal and faithful Subjects the Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, having had under consideration the inconvenience arising from the want of a speedy decision on the several Acts passed by the Legislature of this Island, in the years 1832, 1833 and 1834, which were reserved and transmitted for His Majesty's Royal approbation, and having agreed to an humble Address to His Majesty, setting forth such inconvenience, respectfully request that your Excellency will forward the same for the purpose of being laid at the foot of the Throne, at your earliest convenience; and earnestly hope, from the disposition heretofore manifested by your Excellency to promote the interest and welfare of this Colony, that you will, on the present occasion, add the weight of your influence, to obtain the object prayed for by the Council and House of Assembly.

Ordered, that the said Address be engrossed.

On motion, the Bill intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand," was read a second time.

Ordered, that there be a Call of the House to-morrow.

Adjourned until 11 o'clock to-morrow.

FRIDAY April 10th, 1835.

The Council met, pursuant to adjournment.

PRESENT:

The Honourable *Chief Justice Jarvis*, President;

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

PRAYERS.

**R**EAD the proceedings of yesterday.

According to order, the Names were called over.

The Honourable *Fade Goff* absent from indisposition.

Read a third time, and passed, the Bill intituled "An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand."

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

On motion, Ordered, that the Honourables *T. H. Haviland* and *John Brecken* be a Committee to wait upon His Excellency the Lieutenant Governor with the Address of the Council and Assembly, praying that he will be pleased to forward their Joint Address to His Majesty, on the subject of certain Acts transmitted for the Royal Allowance.

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

On motion, Ordered, that a Conference be desired with the House of Assembly on the Bill intituled "An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned," and that the Honourables *T. H. Haviland* and *John Brecken* be a Committee to manage the same, to meet in the Committee-Room instanter.

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

"In the HOUSE of ASSEMBLY,

"Friday, April 10th 1835.

"Ordered, That *Mr. Palmer*, *Mr. Macdonald*, *Mr. Nelson* and *Mr. M'Callum* be a Committee 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 transmit to His Majesty's Ministers the Joint Address of the Council and Assembly to His Majesty, on the subject of certain Acts transmitted for the Royal Allowance.

"WILLIAM CULLEN, Clerk."

And also,

"*Mr. President*,

"The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the subject of the Bill intituled 'An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned,'

for the service of the year of our Lord One thousand eight hundred and thirty-five; and have appointed Mr. *Pope*, Mr. *Macdonald*, Mr. *Binns* and Mr. *Thornton* a Committee to manage the same.

“House of Assembly, April 10th, 1835.”

On motion, Ordered, that the Committee of this House be instructed to state to the Committee of the House of Assembly, the insuperable objection of this House to the novel mode adopted by the House of Assembly, in sending up to this House a Bill embodying three several Revenue Laws now in force, and appropriating the Supplies therein contemplated to be produced; but in order that the Supplies required for the public service may not be lost, by the rejection of this Bill by the Council, they would suggest that the Revenue Laws be passed as heretofore, in separate Bills, and that the Appropriation Bill form a distinct enactment, conformable to the established usage of this Colony.

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

On motion, Ordered, that the *President*, the Honourables *T. H. Haviland* and the *Attorney General* be a Committee, during the recess, to prepare a code of Rules and Standing Orders for the due government of this House, the same to be submitted for the consideration of the House, on the first day of the next Session.

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

“*Mr. President*,

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

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

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

Thereupon the Committee went to the Conference—and having returned, reported, that they had met the Committee of the House of Assembly, and that that Committee had handed them the following Reasons for pursuing the course the House of Assembly had adopted relative to the Revenue Bills, which are as follows, viz:—

That the House of Assembly, in enacting only one Revenue Bill in the present Session, intended thereby to obviate the confusion and embarrassment which sometimes arose, occasioned by the difference of credit given for the payment of duties under the separate Revenue Acts passed in former Sessions.

The House are at a loss to account for what is termed “the insuperable objections” of the Council, to the novelty of the mode adopted by the House of Assembly in the present instance. They do not find that any objection was made by the Council to an Act passed by the Legislature of this Colony in 1785, in which the whole of the Revenue Acts were embodied into one Act, and the proceeds thereof appropriated to specific purposes.

Were other precedents necessary, your Committee are prepared to adduce several, from the practice of the Imperial Parliament, as well as from this and other of the British Colonies.

The Revenue Acts of last Session were all in their nature temporary, and limited in their operation to the services of the year in which they were passed.

These Acts being on the point of expiring, it became the duty of the House to consider, whether it would be more conducive to the public service to continue the former Revenue Acts, or to adopt some other course; and the result of their deliberations is embodied in the Revenue Bill now under discussion.

The House would consider it a departure from the established parliamentary practice, were they to consult any other branch of the Legislature as to the mode in which the Taxes imposed on the people were to be raised, or the proceeds thereof appropriated; and therefore they cannot, without a sacrifice of principle, concur in the suggestions of the Council.

The Honourable *Thomas H. Haviland* submitted the following Resolution, viz:—

*Resolved*, That the novel mode adopted by the House of Assembly, in this present Session, of embodying in one and the same Bill three distinct and separate Revenue Laws now in force, together with the whole of the appropriations for the service of the current year, without previously affording the Council an opportunity of deliberating upon and signifying their assent or otherwise to each separate measure, as heretofore, is contrary to the usage of the British Parliament, unprecedented in any of His Majesty's North American Colonies, and an encroachment upon the constitutional rights and privileges of this House.

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

CONTENTS.

*The Chief Justice,  
George Wright,  
Ambrose Lane,  
T. H. Haviland,  
Charles Worrell,  
John Brecken,  
J. Spencer Smith.*

And it passed in the affirmative.

NON-CONTENT.

*The Attorney General.*

On motion, that the Bill intituled 'An Act for levying Colonial Duties of Impost for the support of His Majesty's Government in this Island, and for appropriating certain Monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-five,' be read a second time this day three months, the House divided:

CONTENTS.

*The Chief Justice,  
George Wright,  
Ambrose Lane,  
T. H. Haviland,  
Charles Worrell,  
John Brecken,  
J. Spencer Smith.*

And it passed in the affirmative.

NON-CONTENT.

*The Attorney General.*

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

The House of Assembly, with their Speaker, attended accordingly, when His Excellency was pleased to give his assent to the following Bills, viz:—

*An Act relating to Distress for Rent, and to regulate the practice of the Supreme Court in cases of Replevin.*

*An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island.*

*An Act relating to Marriages.*

*An Act for establishing a Court of Divorce in this Island, and for repealing a certain Act therein mentioned.*

*An Act for vacating the seats of Members of the Assembly in certain cases therein mentioned.*

*An Act for the more effectual punishment of Offenders, by enabling the Supreme Court to add Hard Labour to the sentence of Imprisonment.*

*An Act to explain and amend the Act relating to Trespasses.*

*An Act authorizing Commissions to be issued for taking the depositions of Witnesses out of this Island, in cases where Judgment hath been marked by default.*

*An Act concerning the Property of the Methodist Society at Charlotte Town.*

*An Act to amend and render perpetual certain Laws now in force relating to Treasury Notes.*

*An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand.*

*An Act to prevent Hawkers and Pedlars travelling and selling within this Colony without Licence.*

*An Act for further explaining and amending the Act for regulating the laying out and altering of Highways, and for providing 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 sale of Lands in this Island, reserved as Sites for Churches, and for Glebe and School Lands.*

His Excellency was then pleased to close the Session with the following Speech, viz:—

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

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

As you have now brought to a close this unusually protracted Session, it only remains for me to dismiss you to your respective avocations.

I have to express my regret in proroguing you without those Supplies that are so essentially requisite to enable me to carry on the Government.

After which, the President of the Legislative Council, by His Excellency's command, said—

Gentlemen,

It is His Excellency's will and pleasure, that this General Assembly be prorogued until Monday the 25th day of May next; and this General Assembly is accordingly prorogued until Monday the 25th day of May next.

**End of the First Session.**