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JOURNAL

OF



THE HOUSE OF ASSEMBLY

OF

PRINCE EDWARD ISLAND.

ANNO TERTIO VICTORIÆ REGINÆ.

THIRD SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

JAMES B. COOPER & CO.

CORNER OF POWNAL AND WATER STREETS.

1840.

PRINTED BY J. B. COOPER & CO.
PRINTERS TO THE HONOURABLE THE HOUSE OF ASSEMBLY.



BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

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

A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Tuesday, the Second day of July next:
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until
Thursday the Fifteenth day of August next—of which all persons concerned are required to take notice, and govern
themselves accordingly.

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

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

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

A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued to Thursday, the Fifteenth day of August next:
I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until
Thursday the Twenty-sixth day of September next—of which all persons concerned are required to take notice, and
govern themselves accordingly.

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

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

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

A PROCLAMATION.

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

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

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

By His Excellency's Command,

J. P. COLLINS, Colonial Secretary.

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

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

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

WHEREAS the General Assembly of this Island stands prorogued to Thursday, the Seventh day of November, instant :

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

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

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

God save the Queen.

BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

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

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

WHEREAS the General Assembly of this Island stands prorogued to Thursday, the Nineteenth day of December, instant .

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued, until Tuesday the Twenty-eight day of January next, then *to meet for the dispatch of business*—of which all persons concerned are required to take notice, and govern themselves accordingly.

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

By His Excellency's Command,
T. H. HAVILAND,
Acting Colonial Secretary.

God save the Queen.

JOURNAL
OF
THE HOUSE OF ASSEMBLY
OF
PRINCE EDWARD ISLAND.

Third Session of the Fifteenth General Assembly.

TUESDAY, January 28, 1840.

THE House having, by several Proclamations, been prorogued until this day, then to meet for the dispatch of business :

And being met—

A Message from His Excellency the Lieutenant Governor, by John Cambridge Wright, Esquire, Usher of the Black Rod :

Mr. Speaker,

His Excellency the Lieutenant Governor commands the immediate attendance of this Honorable House in the Council Chamber.

Accordingly, Mr. Speaker and the House went up to attend His Excellency in the Council Chamber—and being returned,

Mr. Speaker reported, that when the House did attend His Excellency this day in the Council Chamber, His Excellency was pleased to make a Speech to both Houses of the Legislature, of which Mr. Speaker said he had, to prevent mistakes, obtained a copy, which was read by the Clerk, and is as follows :

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

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

I have called you together at the usual season of the year, as being the best suited to the ordinary course of the public business.

It is with peculiar satisfaction that I am enabled to congratulate you upon the increased prosperity which has marked the progress of the past year in every department of our productive industry.

The influx of emigration—the wealth and sinews of a new country—has not been equalled in any former season; and, notwithstanding a partial failure of the wheat crop in some parts of the colony, we have reason to be thankful for a plentiful harvest.

The Revenue exhibits an increase considerably exceeding that of the preceding year; and it is not unworthy of remark, that the Customs' Department, the receipts of which have heretofore proved inadequate to support the expense of the establishment, has, in the last year, paid a large sum into the Provincial Treasury.

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

I have much pleasure in communicating to you the sanction of Her Majesty's Government, to the appropriation of the liberal sum of £1500, out of the accruing produce of the Sales of Crown Lands, to the erection of a Building in Charlottetown, as an Asylum for insane persons, and other objects of charity, upon the terms stated by you, in your address upon that important subject, presented to me during the last session.

I shall, at the earliest period, cause the Public Accounts to be laid before you. The expenditure upon Roads and Bridges will be found to exceed the sum appropriated to that particular service; but as this expenditure became necessary, in consequence of the heavy gale with which the Island was visited on the 13th of September, I cannot doubt that it will receive your sanction.

The Estimates for the current year shall be prepared with a due regard to the wants of the Colony; and I rely upon your accustomed liberality to vote such supplies as the exigencies of the Public service may require.

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

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

It will be my duty to lay before you communications which I have received from Her Majesty's Principal Secretary of State for the Colonies; and I shall avail myself of the usual medium of conferring with you by message, upon all other subjects of like import. With a full reliance upon your zeal and diligence in the discharge of your legislative duties, I have every hope, that your united deliberations will be productive of those objects for which alone we are assembled—the happiness and prosperity of the inhabitants of this fine Island.

Resolved, That a Committee of five Members be appointed, to prepare and report, with all convenient speed, the draught of an Address in answer to the Speech of His Excellency the Lieutenant Governor, delivered this day to both Houses of the Legislature.

Ordered, That Mr. *Rae*, Mr. *D. Macdonald*, Mr. *Fraser*, the Hon. *J. S. Macdonald* and Mr. *Clark* do compose the said Committee.

Mr. *Thomson* moved that a Committee be appointed, for the purpose of treating with the different Printers in Charlottetown, relative to the printing that may be required by this House, in order that the same may be obtained on the terms most advantageous for the public.

The Hon. Mr. *Pope* moved, in amendment, that after the word "appointed," all be struck out, and the following substituted—"to receive proposals from the different Printers in Charlottetown, for the printing that may be required by this House."

The House divided on the motion of amendment:

YEAS:

Hon. Mr. <i>Pope</i> ,	Mr. <i>Arbuckle</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Montgomery</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>W. Dingwell</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Longworth</i> .

NAYS:

Mr. <i>Thomson</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Rae</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Macneill</i> .
Mr. <i>Le Lacheur</i> ,	

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

Ordered, That the Hon. Mr. *Pope*, Mr. *Clark*, Mr. *Montgomery* and Mr. *Le Lacheur* do compose the said Committee.

Resolved, That a Committee be appointed, to examine Bills to be engrossed, or that have been engrossed.

Ordered, That Mr. *D. Macdonald*, Mr. *Gorman*, Mr. *Forbes* and Mr. *Rae* do compose the said Committee.

Resolved, That a Committee of seven Members be appointed, to examine and report on the Public Accounts—with power to send for persons, papers and records.

Ordered, That Mr. *Longworth*, Mr. *Thomson*, Mr. *Rae*, Mr. *Fraser*, Mr. *Palmer*, the Hon. *J. S. Macdonald* and Mr. *Clark* do compose the said Committee.

Resolved, That a Committee be appointed, to revise the Journal of each day, after the adjournment.

Ordered, That the Hon. *J. S. Macdonald*, the Hon. Mr. *Pope* and Mr. *Palmer* do compose the said Committee.

Resolved, That a Committee be appointed, to examine what Laws have lately expired, or are near expiring, and to report thereon to the House.

Ordered, That Mr. *Le Lacheur* and Mr. *D. Macdonald* do compose the said Committee.

Ordered, That a copy of the Journal of this House be sent to His Excellency the Lieutenant Governor, each day, as soon as may be after the adjournment.

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, January 29, 1840.

RESOLVED, That a Committee of five 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 the Hon. J. S. Macdonald, Mr. Rae, Mr. Clark, Mr. Longworth and Mr. Thomson do compose the said Committee.

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

Ordered, That the Hon. J. S. Macdonald do carry the said Message to the Council.

Mr. Le Lacheur, from the Committee appointed to examine what Laws have lately expired, or are near expiring, presented to the House the Report of the Committee, which was again read at the Clerk's Table, and is as followeth:

The Act, 4 Will. 4, cap. 2, intituled 'An Act for the Summary Trial of Common Assaults and Batteries,' and the Act, 6 Will. 4, cap. 5, in amendment thereof, will expire on the last day of the present Session.

The Act, 5 Will. 4, cap. 12, intituled 'An Act to prevent Hawkers and Pedlars travelling or selling within this Colony without License,' will expire on the Tenth day of April next.

The Act, 6 Will. 4, cap. 8, intituled 'An Act to prevent the running at large of Sheep in the Town of Charlottetown,' will expire on the last day of the present Session.

The Act, 6 Will. 4, cap. 10, intituled 'An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them,' will expire on the last day of the present Session.

The Act, 6 Will. 4, cap. 20, intituled 'An Act to regulate the manner of proceeding on contested Elections of Members to serve in the General Assembly,' will expire on the last day of the present Session.

The Act, 2 Vict. cap. 6, intituled 'An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island,' will expire on the First day of March next.

The Act, 2 Vict. cap. 1, (Second Session) intituled 'An Act to further continue for one year, and to amend an Act passed in the Seventh

year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island,' will expire on the Sixth day of May next.

Ordered, That the above Report be now referred to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Le Lacheur took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Le Lacheur reported, that the Committee had come to several Resolutions; which Resolutions were again read at the Clerk's Table, and are as follow:

1. *Resolved,* That it is the opinion of this Committee, that it is expedient that the Act, 4 Will. 4, cap. 2, for the summary trial of Common Assaults and Batteries, and the Act, 6 Will. 4, cap. 5, in amendment thereof, be continued.

2. *Resolved,* That it is the opinion of this Committee, that it is expedient that the Act, 5 Will. 4, cap. 12, to prevent Hawkers and Pedlars travelling or selling in this Colony without License, be continued.

3. *Resolved,* That it is the opinion of this Committee, that it is expedient that the Act, 6 Will. 4, cap. 8, to prevent the running at large of Sheep in the Town of Charlottetown, be continued.

4. *Resolved,* That it is the opinion of this Committee, that it is expedient that the Act, 6 Will. 4, cap. 10, to impose a Tax on Dogs, with certain exceptions, be continued.

5. *Resolved,* That it is the opinion of this Committee, that it is expedient, that the Act, 6 Will. 4, cap. 20, to regulate the manner of proceeding on contested Elections of Members to serve in General Assembly, be continued.

And the First of the said Resolutions being again read, was, upon the question put thereon, agreed to by the House.

The Second of the said Resolutions being again read, and the question of concurrence put thereon—

The House divided:

YEAS, 12,

NAYS, 6.

So it was carried in the affirmative.

The residue of the said Resolutions being again severally read, were, upon the question being separately put thereon, agreed to by the House.

The Chairman then acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

Ordered, That Mr. D. Macdonald and Mr. Le Lacheur be a Committee to prepare and bring in a Bill to continue the Acts referred to in the above reported Resolutions.

The Hon. Mr. Pope, from the Committee appointed to receive proposals relative to the printing required by the House, reported, that only one Tender had been sent in, wherein Messrs. J. B. Cooper & Co. offer to print the Journals for this Session, at the rate of Two pounds fifteen shillings per sheet, of four pages—binding as usual—or were the printing made permanent during the continuance of the present House, offering to perform the work at the rate of Two pounds ten shillings per sheet.

A motion being made, that Messrs. J. B. Cooper & Co. be appointed Printers to this House, during the continuance of the present House, on the terms specified in the latter part of the proposal contained in the foregoing Tender;

It was resolved in the affirmative.

Then the House adjourned for one hour.

And being met—

A Message from the Legislative Council, by Mr. Desbrisay, their Acting Clerk:

‘ COUNCIL CHAMBER,

‘ Wednesday, 29th January, 1840.

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

‘ Ordered, That the Honorables Mr. Brecken, Mr. Goodman and Mr. MacNutt do compose the said Committee.

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

And then he withdrew.

Mr. Rae, from the Special Committee, appointed to prepare and report the draught of an

Address in answer to the Speech of His Excellency the Lieutenant Governor to both Houses at the opening of the present Session, reported the draught of an Address, as prepared by the Committee—and he read the same in his place, and afterwards delivered it in at the Clerk’s Table, where it was again read, and is as follows:

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

May it please your Excellency;

We the Representatives of the people of Prince Edward Island, in General Assembly convened, respectfully offer your Excellency our thanks for your Speech, delivered at the commencement of the present Session, and for calling us together, in our public capacity, at that season when the relinquishment of our private avocations will be productive of less inconvenience than at any other period.

We share with your Excellency in the feeling of gratitude to the Giver of all good, for having rewarded the labours of the husbandmen with such a harvest as is amply sufficient for the maintenance of the inhabitants; and being well aware that the industry of those who clear away the forest and cultivate the ground has produced almost the whole of whatever property is to be found in the country, and that the due encouragement of these is necessary for developing its natural resources, we trust that the emigrants who have in the past year reached our shores will ultimately find their industry recompensed by the attainment of a comfortable and secure settlement as farmers.

We feel satisfaction at the increase of the Revenue, arising from the Customs, as it may enable the Legislature to dispense with any new tax, and even to lighten some of those at present in operation.

In regard to the grant of £1500, for the establishment of a Lunatic Asylum, we feel pleasure that some provision can now be made for alleviating the distress in which families have been plunged by any of their members being visited by such a calamity; and trust that the measures to be taken by your Excellency in this matter will result in the erection of a building properly located, suitable to the purpose, and not soon requiring alteration or repair.

As your Excellency has given us to understand that the Public Accounts will be laid before us at the earliest period, we trust that the investigation of them will soon be completed. In regard to any necessary expenditure on Roads and Bridges, over and above the sum appropriated for that purpose, we will cheerfully take such steps as are in our power for its being made good, as well as in providing for the expenditure of the current year.

Whatever communications from the Imperial Government your Excellency may cause to be laid before us,

shall receive our serious consideration; and we earnestly wish, by diligence in the discharge of our legislative duties, and frankly communicating with your Excellency, to use, in a short Session, all the means in our power for the welfare of the Island.

Ordered, That the said draught Address be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Rae took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Rae reported, that the Committee had gone through the Address reported from the

Special Committee, paragraph by paragraph, without making any amendment thereto.

Ordered, That the said Address be engrossed.

Resolved, That the said Address be presented to His Excellency the Lieutenant Governor by the whole House.

Ordered, That Mr. Rae, Mr. Thomson and Mr. Longworth be a Committee to wait on His Excellency, to know his pleasure when he will be attended by the House with the Address.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, January 30, 1840.

MR. D. MACDONALD, from the Committee appointed to prepare and bring in a Bill to continue various Acts about to expire, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

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

Resolved, That a Committee of five Members, of whom three shall be a Quorum, be appointed, to whom shall be referred every Private Bill, to report thereon.

Ordered, That Mr. Palmer, Mr. Le Lacheur, Mr. Dalziel, Mr. Clark and Mr. Hudson do compose the said Committee.

Resolved, That no Petition praying aid for Roads and Bridges, or for any object of a local or private nature, be received after Thursday the 20th day of February next.

Ordered, That the above Resolution be inserted in the different Newspapers published in Charlottetown.]

Mr. Rae, from the Committee appointed to wait on His Excellency the Lieutenant Governor, to know his pleasure when he will be attended by the House with the Address, reported, that His Excellency had been pleased to appoint to-morrow, at Two o'clock, to receive the House.

Then the House adjourned for one hour :

And being met—

Resolved, That a Message be sent to his Excellency the Lieutenant Governor, requesting that he will be pleased to furnish, for the information of this House, a statement of all Moneys raised under and by virtue of the Act, 2 Vict. cap. 7, intituled "An Act for the improvement of property at Georgetown, and to provide against accidents by fire."

Ordered, That Mr. Thomson and Mr. Clark do compose the said Committee.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, January 31, 1840.

THE Bill to continue certain Acts therein mentioned, which are now about to expire, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *D. Macdonald* reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed, and that the Title be, *An Act to continue for a limited period certain Acts therein mentioned, which are about to expire.*

Mr. *Thomson* rose in his place, and called the attention of the House to certain charges which he intended to prefer against John Arbuckle, Esq. a Member of this House.

And the said charges were produced and read, and are as follow :

John Arbuckle is charged with having feloniously taken and carried from the premises of Mungo Macfarlane, Esq. a Letter, and with having made sale of the same.

That the said John Arbuckle, in the house of one Butler, in Charlottetown, uttered many contemptuous expressions respecting the Speaker of this House and its Members—among other expressions, that he would expose the Speaker, and that the Members were without brains, and that he had hard work to drive brains into them.

Mr. *Le Lacheur* moved that the consideration of the above charges be referred to a Committee of Privileges on Tuesday next.

Mr. *Thomson* moved, in amendment, that the words "on Tuesday next" be struck out, and the words "to-morrow" substituted.

The House divided on the motion of amendment :

YEAS :

Mr. <i>Thomson</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Rae</i> ,	Mr. <i>Dulziel</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Macintosh</i> .
Mr. <i>Fraser</i> ,	

NAYS :

Mr. <i>Le Lacheur</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Yeo</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Palmer</i> ,	Hon. <i>Mr. Pope</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Forbes</i> .
Mr. <i>Clark</i> ,	

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Ordered, That the said Committee have power to send for persons, papers and records.

Ordered, That a copy of the above charges be furnished to Mr. Arbuckle.

Mr. *Rae* moved, that the House do now resolve itself into a Committee of the whole House, to take into consideration the state of the Colony.

A motion being made, that Mr. *Rae* do have leave to withdraw the said motion ;

It was resolved in the affirmative.

The hour appointed by His Excellency the Lieutenant Governor to receive the Address, having arrived, Mr. Speaker and the House went up—and being returned, Mr. Speaker reported, that the House had attended upon His Excellency, and presented their Address, to which His Excellency was pleased to make the following reply :

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

I thank you for this Address. I shall at all times be desirous of communicating freely with you upon any matters connected with the welfare of the Colony.

Mr. *Thomson*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Message praying for a statement of all Moneys collected under the Georgetown Assessment Act, reported, that the Committee had performed the duty assigned them, and that His Excellency was pleased to say he would attend to it.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, February 1, 1840.

MR. THOMSON, in his place, presented to the House the Impost and Light Duty Accounts for the District of Colville Bay, for the year ended 31st December, 1839.

Ordered, That the said Accounts be referred

to the Committee appointed to examine and report on the Public Accounts.

Ordered, That the Order of yesterday, for engrossing the Bill for continuing certain Laws

therein mentioned, which are about to expire, be discharged.

Resolved, That the said Bill be referred to a Committee of five Members, to report thereon, by amendments or otherwise.

Ordered, That Mr. Longworth, Mr. Palmer, Hon. J. S. Macdonald, Hon. Mr. Pope and Mr. Yeo do compose the said Committee.

Mr. Clark, from the Committee appointed last Session to correspond during the recess with the Delegate appointed by this House to proceed to Great Britain, presented to the House their Report, accompanied by two Letters from the said Delegate, addressed to the said Committee.

Ordered, That the said Report, and accompanying papers, do lie on the Table, for the perusal of Members.

[See Appendix (A.)]

Six Messages from His Excellency the Lieutenant Governor.

The Honorable Thomas H. Haviland, by His Excellency's command, delivered the following

Messages:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor transmits, for the information of the House of Assembly, copies of the correspondence between the Colonial Department and William Cooper, Esquire, delegated by the House of Assembly, in its last Session, to proceed to England, to support the views entertained by them upon particular questions; as also the decision of Her Majesty's Government, as communicated to the Lieutenant Governor by the Right Honourable Lord John Russell, Her Majesty's principal Secretary of State for the Colonies, upon the principal subject connected with Mr. Cooper's delegation.

Government House, February 1, 1840.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, the copy of a Despatch from the Right Honourable Lord John Russell, Her Majesty's principal Secretary of State for the Colonies, in which the Lieutenant Governor is instructed not to act upon the Address of the House of Assembly, presented to him during the last Session, praying that the Fishery Reserves might be thrown open, notwithstanding the rejection of the Bill passed by them for their regulation, by the Legislative Council, but to bring the subject of these Reserves again before the Legislature.

The Lieutenant Governor therefore avails himself of the present opportunity to express his hope, that a mea-

sure may be agreed upon which will prove satisfactory to all parties.

Government House, February 1, 1840.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, copies of two Despatches which he has received from Her Majesty's principal Secretary of State for the Colonies, containing Orders of Her Majesty in Council, leaving to their operation the several Acts therein enumerated, passed during the two last Sessions of the Legislature.

In the Despatch of the 31st of October are communicated the reasons why Her Majesty has not been advised to confirm "the Bill for the relief of the American Loyalists."

Government House, February 1, 1840.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor has much satisfaction in communicating to the House of Assembly the copy of a Despatch from the Right Honourable the Marquis of Normanby, Her Majesty's late principal Secretary of State for the Colonies, stating, that the Lords Commissioners of the Treasury have no objection to the appropriation of the sum of Fifteen hundred Pounds, out of the accruing produce of the Sales of Crown Lands in the Colony, to the erection of a Building in Charlottetown as an Asylum for insane persons, and other objects of charity—the House of Assembly making suitable provision for the future maintenance of the Building.

Government House, February 1, 1840.

C. A. FITZ ROY, Lieutenant Governor.

The Lieut. Governor transmits to the House of Assembly copy of a Despatch from the Right Honourable the Marquis of Normanby, Her Majesty's late principal Secretary of State for the Colonies, accompanied by Maps of the original Survey of this Island, (with a tabular explanation,) as prayed for by the House of Assembly, in their Address, presented to the Lieutenant Governor during the last Session.

Government House, February 1, 1840.

C. A. FITZ ROY, Lieut. Governor.

In answer to the request of the House of Assembly, to be furnished with a statement of all Moneys raised under and by virtue of the Act, 2 Vict. cap. 7, intituled "An Act for the improvement of property at Georgetown, and to provide against accidents by fire," the Lieutenant Governor informs them, that no account of any Moneys raised under and by virtue of the above recited Act has yet been received at the Colonial Secretary's Office.

Government House, February 1, 1840.

The papers referred to in the foregoing Messages were read by the Clerk, a list whereof is as followeth :

- No. 1. Despatch from Lord John Russell, dated 17th September, 1839, containing the decision formed by his Lordship, on the subject of Mr. Cooper's mission to England.
2. Letter from William Cooper, Esq. the Delegate sent to England, to the Marquis of Normanby, on the subject of his mission, dated 15th July, 1839.
3. Letter from Mr. Cooper to Lord John Russell, on the same subject, dated 9th September, 1839.
4. Letter from Mr. Secretary Stephen to Mr. Cooper, dated Downing Street, 20th September, 1839.
5. List of Enclosures alluded to in Mr. Cooper's statement.
6. Despatch from Lord John Russell on the subject of the Fishery Reserves, dated 19th September, 1839.
7. Despatch from the Marquis of Normanby, dated 5th August, 1839, transmitting Order in Council, leaving to their operation various Acts passed in the First Session of 1839.

8. Despatch from Lord John Russell, transmitting an Order in Council, leaving to their operation various Acts passed in the Second Session of 1839; and communicating the reasons why Her Majesty has not been advised to confirm the Bill for the Relief of the American Loyalists.
9. Despatch from the Marquis of Normanby, dated 7th August, 1839, in reference to the proposed Building for a Lunatic Asylum.
10. Despatch from the Marquis of Normanby, transmitting copies of the Surveys of Prince Edward Island, prepared under the directions of the late Mr. Holland, between the years 1764 and 1769.
11. Tabular Explanation of the Maps referred to in the last mentioned Despatch.

Ordered, That the said Messages, and the several papers accompanying the same, do lie on the Table, for the perusal of Members.

[*See Appendix (B.)*]

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, February 3, 1840.

THE Delegate from this House, William Cooper, Esquire, appointed at the last Session to proceed to England with the Address to Her Majesty of the 24th of April last, and to represent to Her Majesty's Government the sentiments of the Inhabitants of this Island, on matters of great importance affecting their interests, submitted a statement containing a report of his proceedings, in addition to the information contained in the Report of the Committee of Correspondence, and in the communications on the subject from the Secretary of State, laid before the House by His Excellency the Lieutenant Governor.

Ordered, That the same be received, and do lie on the Table.

[*See Appendix (C.)*]

Resolved, That a Message be sent to His Excellency the Lieutenant Governor, respect-

fully requesting that he will be pleased to furnish, for the information of the House, copies of any communications which may have passed between the Executive Government and the Justices of the Peace, or others, resident in Georgetown, explanatory of the cause why no Moneys were collected under the Act for the improvement of property at Georgetown, and to provide against accidents by fire—together with a statement of any proceedings which may have been taken thereon.

Ordered, That Mr. Thomson and Mr. Montgomery be a Committee to wait upon His Excellency with the said Message—who returning, reported the delivery thereof, and that His Excellency was pleased to say, he would cause the documents moved for to be laid before the House.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, February 4, 1840.

THE Order of the Day, for the House in Committee of Privileges, on the consideration of certain charges pending against John Arbuckle, Esquire, a Member of this House, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour:

And being met—

Mr. Clark, in his place, presented to the House the Impost Accounts for the District of Richmond Bay, for the year ended 5th January, 1840.

Ordered, That the said Accounts be referred to the Committee appointed to examine and report on the Public Accounts.

Resolved, That this House do now resolve itself into a Committee of Privileges, to resume the consideration of certain charges pending against John Arbuckle, Esquire.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, February 5, 1840.

THE Order of the Day, for the House in Committee of Privileges, to resume the consideration of certain charges pending against John Arbuckle, Esquire, a Member of this House, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour:

And being met—

Resolved, That this House do now resolve itself into a Committee of Privileges, to resume the consideration of certain charges pending against John Arbuckle, Esquire.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Resolved, That a Committee of five Members be appointed, to make a selection of Books to be added to the Library of this House.

Ordered, That the Hon. Mr. Pope, Mr. Le Lacheur, Mr. Palmer, Mr. Gorman and Mr. Clark do compose the said Committee.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to inquire into and take into consideration the state of the Colony.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, February 6, 1840.

THE Order of the Day, for the House in Committee to resume the consideration of certain charges pending against John Arbuckle, Esq. a Member of this House, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour.

And being met—

Ordered, That the Hon. Mr. Pope have leave to introduce a Bill to prohibit the exportation of Oysters, for a limited period.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time to-morrow.

Resolved, That this House do now resolve itself into a Committee of Privileges, to resume the consideration of certain charges pending against John Arbuckle, Esquire.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, February 7, 1840.

MR. HUDSON, in his place, presented to the House the Impost Accounts for the District of Crapaud, for the year ended 31st December, 1839.

Ordered, That the said Accounts be referred to the Committee appointed to examine and report on the Public Accounts.

Mr. Speaker presented to the House the Report of the Visiter of District Schools, for the past year.

Ordered, That the said Report do lie on the Table, for the perusal of Members.

The Order of the Day, for the House in Committee of Privileges, to resume the consideration of certain charges pending against John Arbuckle, Esquire, a Member of this House, being read.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Then the House adjourned for one hour:

And being met—

The Bill to prohibit the exportation of Oysters for a limited period, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. Mr. Pope took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. Mr. Pope reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to prohibit the exportation of Oysters from this Island, for a limited period.*

Ordered, That Mr. Thomson have leave to introduce a Bill to regulate the floating of Timber, Deals and Scantling down the Rivers and lesser Streams of this Island.

He accordingly presented the said Bill to the House, and the same was read the first time; and ordered to be read a second time on Wednesday next.

Ordered, That Mr. Yeo have leave to absent himself from this House until Thursday next.

The Order of the Day, for the House in Committee, to inquire into and take into consideration the state of the Colony, being read;

Ordered, That the five first Messages received from His Excellency the Lieutenant Governor on the 1st inst. and the several papers accompanying the same—the Report of the Committee appointed last Session to correspond with the Delegate appointed to proceed to England, and the papers accompanying the same—and the Report of the said Delegate, be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and, on the question put thereon, agreed to by the House, and is as followeth:

Resolved, That it is the opinion of this Committee, that an Address be presented to His Excellency the Lieutenant Governor, to ascertain whether he has any further information to lay before the House, as to the intentions of the British Government as to the settlement of the Agriculturists of this Island, and as to the Fishery Reserves.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Ordered, That Mr. Clark, Mr. Le Lacheur, Mr. D. Macdonald and Mr. J. Dingwell be a Committee, to prepare the draught of an Address to His Excellency the Lieutenant Governor, pursuant to the foregoing reported Resolution.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, February 8, 1840.

MR. CLARK, from the Committee appointed to prepare the draught of an Address to His Excellency the Lieutenant Governor, requesting further information, if any there be, on the subject of the measures proposed for the settlement of the people, or on the Fishery Reserves, presented a draught of an Address, as prepared by the Committee; and the said draught Address was again read at the Clerk's Table, and is as followeth:

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

May it please your Excellency;

The House of Assembly being desirous that an equitable arrangement be made for the settlement of the Ten-

antry, and other persons in the occupation of Land, to secure to them by Law the improvements made by their labour, in order that the settlement of the people and the prosperity of the Colony may be no longer delayed, pray your Excellency to furnish, for the information of the House of Assembly, any further documents, proposals or information your Excellency may have received, or which may be deemed necessary, to enable the House of Assembly to legislate for the settlement of the inhabitants and for the regulation of the Fishery Reserves.

Mr. Palmer moved to amend the said Report, by leaving out of the said Address the words—"being desirous that an equitable arrangement be made for the settlement of the Tenantry, and other persons in the occupation of land, to secure to them, by law, the improvements made by their labour, in order that the settlement of the people, and the

"prosperity of the Colony, may be no longer de-
"laided."

The House divided on the motion of amend-
ment:

YEAS:

Mr. Palmer,	Mr. Hudson,
Hon. J. S. Macdonald,	Mr. Longworth.

NAYS:

Mr. Clark,	Mr. Arbuckle,
Mr. Beck,	Mr. Macintosh,
Mr. Gorman,	Mr. Rae,
Mr. W. Dingwell,	Mr. Dalziel,
Mr. Forbes,	Mr. J. Dingwell,
Mr. Macneill,	Mr. Le Lacheur,
Mr. D. Macdonald,	Mr. Macfarlane,
Mr. Montgomery,	Mr. Fraser.

So it passed in the negative.

A motion being made, that the Address reported from the Special Committee, be received and adopted by the House;

The House divided on the question:

YEAS, 16.

NAYS, 4.

So it was carried in the affirmative.

Ordered, That the said Address be engrossed.

Ordered, That the same Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

A Petition of John Rowan, late of the 12th Dragoons, a commuted pensioner, residing on the Georgetown Road, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. Thomson, and the same was received and read—praying pecuniary aid to relieve him in his present pecuniary circumstances.

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

Mr. Thomson, in his place, presented to the House the Impost and Light Duty Accounts for Georgetown, for the year ended 31st December, 1839:

Also, the Impost Accounts for the District of St. Peter's, for the Quarters ended 30th June and 31st December, 1839.

Ordered, That the said Accounts be referred to the Committee appointed to examine and report on the Public Accounts.

A Petition of divers Merchants and others, interested in the prosperity of Georgetown, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. Thomson, and the same was received and read—praying a grant of Fifty Pounds, to aid in establishing a Packet, to ply weekly between that port and Pictou.

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

A motion being made, that the Bill intituled *An Act to prohibit the exportation of Oysters from this Island, for a limited period*, be now read for the third time;

The House divided on the question:

YEAS:

Mr. D. Macdonald,	Mr. Dalziel,
Mr. J. Dingwell,	Mr. Hudson,
Mr. Longworth,	Mr. W. Dingwell,
Mr. Palmer,	Mr. Gorman,
Mr. Thomson,	Mr. Arbuckle,
Mr. Forbes,	Hon. J. S. Macdonald,
Mr. Beck,	Mr. Macneill.

NAYS:

Mr. Rae,	Mr. Macintosh,
Mr. Fraser,	Mr. Macfarlane.

So it was carried in the affirmative.

And then the Bill was read for the third time. A motion being made, that the Bill do pass;

Mr. Rae moved, in amendment, that after the word "that," all be struck out, and the following substituted—"the further consideration of the said Bill be postponed until this day three months."

The House divided on the motion of amendment:

YEAS:

Mr. Rae,	Mr. Macintosh,
Mr. Macfarlane,	Mr. Fraser.

NAYS:

Mr. Forbes,	Mr. Longworth,
Mr. Beck,	Mr. Palmer,
Hon. J. S. Macdonald,	Mr. W. Dingwell,
Mr. D. Macdonald,	Mr. Dalziel,
Mr. J. Dingwell,	Mr. Thomson,
Mr. Gorman,	Mr. Hudson.

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass;"

It was resolved in the affirmative.

Ordered, That Mr. Palmer do carry the said Bill to the Legislative Council, and desire their concurrence.

The Order of the Day, for the House in Committee, to inquire into and take into consideration the state of the Colony, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

A Message from His Excellency the Lieutenant Governor:

The Hon. Mr. Haviland, by His Excellency's command, delivered the following

Message:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, copies of the correspondence which took place between the Executive Government, John Thomson, Esquire, and the Justices of the Peace in Georgetown, in consequence of the latter having omitted to call a public meeting of the Inhabitants on the first day of May last, as was required by the "Act for the improvement of property at Georgetown, and to provide against accidents by Fire," together with the Attorney General's opinion upon the subject matter referred to him, agreeably to the request contained in the message of the House of Assembly, addressed to the Lieutenant Governor on the 8th of February instant.

Government House, Feb. 8, 1840.

Resolved, That the above Message, with the papers accompanying the same, be referred to a Committee of five Members, to report thereon, by bill or otherwise.

Ordered, That Mr. Clark, Mr. Le Lacheur, Mr. J. Dingwell, Mr. Rae and Mr. Fraser, do compose the said Committee.

Ordered, That Mr. J. Dingwell have leave to absent himself from this House until Wednesday next.

Ordered, That Mr. W. Dingwell have leave to absent himself from this House until Tuesday next.

A motion being made, that the House do adjourn:

The House divided on the question:

YEAS, 8.

NAYS, 12.

So it passed in the negative.

Then the House adjourned for one hour:

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, to inquire into and take into consideration the state of the Colony.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, February 10, 1840.

MR. CLARK, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address to ascertain whether His Excellency had any further information to communicate relative to the settlement of the lands, or the Fishery Reserves, reported to the House that their Address had been presented to His Excellency, and that he had been pleased to give the following answer:—

I beg to inform the House of Assembly, in reply to this Address, that I have received no further documents or information relating to either of the subjects referred to therein, beyond what I have already communicated to that House. Neither do I expect to receive any, particularly as regards the question of Escheat, as I can positively inform the House, that the refusal of Her Majesty's Government to entertain that question, in any shape, is final.

Resolved, That a Committee of five Members be appointed, to inquire into the expediency of amending the Act, 3 Will. 4, cap. 12, for regulating the stated times and places for holding the Supreme Court in King's and Prince Counties, and report thereon, by bill or otherwise—with power to send for persons, papers and records.

Ordered, That Mr. *Fraser*, Mr. *Le Lacheur*, Mr. *Rae*, Mr. *Clark* and Mr. *Longworth* do compose the said Committee.

The Order of the Day, for the House in Committee, to inquire into and take into consideration the state of the Colony, being read;

The Hon. *J. S. Macdonald* moved, that the said Order of the Day be discharged, and made the Order of the Day for Wednesday next.

The House divided on the question :

YEAS :

Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Palmer</i> .
Mr. <i>Arbuckle</i> ,	

NAYS :

Mr. <i>Macintosh</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Rae</i> ,	Mr. <i>Dulziel</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Macneill</i> .
Mr. <i>Gorman</i> ,	

So it passed in the negative.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. *J. S. Macdonald* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour :

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, to inquire into and take into consideration the state of the Colony.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. *J. S. Macdonald* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. *J. S. Macdonald* reported, that the Committee had agreed to several Resolutions; which Resolutions were again read at the Clerk's Table, and are as follow :

1. **RESOLVED**, That it is the opinion of this Committee, that a Bill be brought in for regulating the Fishery Reserves, embracing the principles of the Bill passed by the House of Assembly in its last Session for that purpose.

2. **RESOLVED**, That it is the opinion of this Committee, that the proposals made by George R. Young, Esq. of Halifax, as Agent for or partner with certain Proprietors or land speculators, are inadmissible—First, because, if the offers made had been equitable, they were only made by a few, and wanted that formality necessary to warrant the House of Assembly to make them matter for deliberation and enactment; Secondly, that they are not calculated to afford relief to the Tenantry, but to empower the Lessor with more ease and facility to deprive and dispossess the cultivator of his improvements; and, finally, that such proposals betray an entire ignorance of the capabilities and resources of the Island for the tenant to realize the sum required, and a total disregard of the rights of the inhabitants to a speedy, equitable and permanent settlement.

3. **RESOLVED**, That it is the opinion of this Committee, that a Special Committee be appointed, to prepare the draught of a Petition to the Imperial Parliament, setting forth the nature of the grievances under which the Agricultural population of this Island now labour—and praying for the redress thereof.

4. **RESOLVED**, That it is the opinion of this Committee, that the Despatch laid before this House by the Lieutenant Governor, from Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, of the Seventeenth of September last, together with the Bill passed by the House of Assembly in its last Session, to which it refers, be referred to a Special Committee, to report thereon, by Bill, Bills, or otherwise.

5. **RESOLVED**, That it is the opinion of this Committee, that the Despatch from the Colonial Secretary, as to the Bill for the relief of the American Loyalists and Disbanded Troops, be referred to a Special Committee, to report thereon, by Bill or otherwise.

The First of the said Resolutions being again read;

The Hon. *J. S. Macdonald* moved, in amendment thereto, that after the word "Resolved," all be struck out, and the following substituted—"That it be recommended to the House, to

appoint a Committee to prepare and bring in a Bill to regulate the carrying on of the Fisheries on the coast of each Township in this Island containing a Fishery Reserve."

The House divided on the motion of amendment:

YEAS:

Hon. J. S. Macdonald,	Mr. Hudson,
Mr. Thomson,	Mr. Palmer,
Mr. Arbuckle,	Mr. Longworth.

NAYS:

Mr. Gorman,	Mr. Le Lacheur,
Mr. Fraser,	Mr. Macfarlane,
Mr. D. Macdonald,	Mr. Clark,
Mr. Macintosh,	Mr. Macneill,
Mr. Rae,	Mr. Montgomery.

So it passed in the negative.

Mr. Palmer then moved, in amendment to the said Resolution, that after the word "Reserves," all be struck out, and the following substituted—"and to prevent improvident and injurious practices in carrying them on."

The House divided on the motion of amendment:

YEAS, 6.

NAYS, 10.

And the names being called for, they were taken down, as in the last preceding division.

So it passed in the negative.

The question being then put on the said Resolution,

The House again divided:

YEAS, 10.

NAYS, 6.

So it was carried in the affirmative.

The Second of the said Resolutions being again read, and the question put thereon,

The House divided:

YEAS:

Mr. Rae,	Mr. Le Lacheur,
Mr. Macneill,	Mr. Montgomery,
Mr. Macfarlane,	Mr. Clark,
Mr. Macintosh,	Mr. Arbuckle,
Mr. D. Macdonald,	Mr. Thomson,
Hon. J. S. Macdonald,	Mr. Dalziel,
Mr. Gorman,	Mr. Fraser.

NAYS:

Mr. Palmer,	Mr. Hudson.
Mr. Longworth,	

So it was carried in the affirmative.

The Third of the said Resolutions being again read;

Mr. Palmer moved, in amendment thereto, that after the word "Resolved," all be struck out, and the following substituted—"That in reviewing the Report of the proceedings of William Cooper, Esq. the Delegate appointed by this House to represent to the Home Government certain matters which have been long a subject of agitation in this Colony, it does not appear to this House that the said William Cooper, Esquire, made any effort or attempt to prosecute the said matters in the Imperial Parliament, or even to lay them before the said Parliament, although the same was in Session many weeks during the abode of the said William Cooper, Esquire, in England, on the subject of his mission, and although full authority was given him by a Resolution of this House, in its last Session, to adopt such a course if it became necessary, and although all evidence that this House could supply, together with full instructions to prosecute such a measure, and adequate means provided to carry the same into effect, were afforded the said William Cooper, Esquire; nor does there appear to this House, from the said Report, any causes or reasons, sufficiently well grounded, as having prevented the said William Cooper, Esquire, from pursuing the course assigned to him by this House."

The House divided on the motion of amendment:

YEAS:

Mr. Palmer	Mr. Longworth,
Mr. Hudson,	Hon. J. S. Macdonald.
Mr. Thomson,	

NAYS:

Mr. Fraser,	Mr. Le Lacheur,
Mr. Gorman,	Mr. Montgomery,
Mr. Macneill,	Mr. Clark,
Mr. Rae,	Mr. Arbuckle,
Mr. Macintosh,	Mr. Dalziel,
Mr. D. Macdonald,	Mr. Macfarlane.

So it passed in the negative.

Mr. Hudson then moved, in amendment to the said Resolution, that after the word "Resolved," all be struck out, and the following substituted—"That the questions between the Crown and the Proprietors of the Township Lands of this Colony, and between the said Proprietors and their Tenantry, which arise from the construction of the conditions of the original grants from the Crown, and generally upon the forfeiture of the said grants, for the non-compliance of any of the said conditions, and which questions have been so long subjects

of public dispute and controversy with many of the Tenantry of this Colony, are abstractly and mainly questions to be decided by conclusions of law; and that any law opinion on such questions, obtained from constitutional authority, or from Counsel of competent ability, in whom the said Tenantry could confide, as being wholly disinterested in, and unprejudiced by the case submitted, would be highly important to the said Tenantry, and fully acceptable to the public, and could not fail to have great influence on the conduct of the said Tenantry in any further controversy or discussion on such subjects."

The House divided on the motion of amendment:

YEAS:

Mr. Hudson, Mr. Palmer,
Hon. J. S. Macdonald, Mr. Longworth.
Mr. Arbuckle,

NAYS:

Mr. Thomson, Mr. Montgomery,
Mr. Rae, Mr. Fraser,
Mr. Clark, Mr. Macfarlane,
Mr. Dalziel, Mr. Gorman,
Mr. Macintosh, Mr. D. Macdonald,
Mr. Le Lacheur, Mr. Macneill.

So it passed in the negative.

Mr. Longworth then moved, in amendment to the said Resolution, that after the word "Resolved," all be struck out, and the following substituted—"That while this House duly appreciates the undertaking of William Cooper, Esq. the Delegate appointed by this House in its last Session, to discharge the trust reposed in him by this House, personally to represent the grievances of certain of the Tenantry of this Island to Her Majesty's Home Government, and to obtain for them redress, this House cannot, in deliberating on the result of his mission, refrain from viewing with deep regret and equal disappointment the omission of the said Delegate to pursue that part of his instructions requiring him to apply to the Imperial Parliament for redress, or even to procure a competent law opinion (while provided by this House with ample means for such purpose) upon the questions which have so long agitated the minds of the said Tenantry—or otherwise coming to the conclusion that the said Delegate was decidedly of opinion that either course could not have been attended with any benefit or advantage to the Colony.

The House divided on the motion of amendment:

YEAS:

Mr. Longworth, Mr. Hudson,
Mr. Palmer, Hon. J. S. Macdonald.

NAYS:

Mr. D. Macdonald, Mr. Le Lacheur,
Mr. Rae, Mr. Macintosh,
Mr. Montgomery, Mr. Gorman,
Mr. Fraser, Mr. Dalziel,
Mr. Clark, Mr. Macneill.
Mr. Macfarlane,

So it passed in the negative.

The question being then put on the said Resolution;

The House again divided:

YEAS:

Mr. Macfarlane, Mr. Fraser,
Mr. Macneill, Mr. Clark,
Mr. D. Macdonald, Mr. Montgomery,
Mr. Macintosh, Mr. Gorman,
Mr. Rae, Mr. Le Lacheur.
Mr. Dalziel,

NAYS:

Mr. Palmer, Mr. Longworth,
Mr. Thomson, Mr. Hudson.
Mr. Arbuckle,

So it was carried in the affirmative.

The question being then put on the Fourth of the said Resolutions;

The House divided:

YEAS:

Mr. Montgomery, Mr. D. Macdonald,
Mr. Le Lacheur, Mr. Rae,
Mr. Clark, Mr. Macneill,
Mr. Dalziel, Mr. Macintosh,
Mr. Fraser, Mr. Macfarlane,
Mr. Gorman, Mr. Arbuckle.

NAYS:

Mr. Thomson, Mr. Hudson.
Mr. Palmer,

So it was carried in the affirmative.

The question being then put on the Fifth of the said Resolutions;

The House again divided:

YEAS:

Mr. Rae, Mr. Arbuckle,
Mr. Montgomery, Mr. Thomson,
Mr. Clark, Mr. Gorman,
Mr. Le Lacheur, Mr. Dalziel,
Mr. Macfarlane, Mr. Hudson,
Mr. Macneill, Mr. Macintosh,
Mr. D. Macdonald, Mr. Fraser.

NAY:

Mr. Palmer.

So it was carried in the affirmative.

The Chairman then acquainted the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Wednesday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, February 11, 1840.

RESOLVED, That a Supply be granted to Her Majesty.

Mr. *Longworth* reported from the Committee to whom was referred the Bill to continue several Acts of the General Assembly about to expire, and thereupon presented four Bills to continue various Acts about to expire, and the same were read a first time, and are as follow :

A Bill to continue the several Acts for the Trial of common Assaults and Batteries, and the Act for regulating the manner of proceeding upon contested Elections.

A Bill to continue and amend the Act to impose a Tax on Dogs, and relating to other matters connected with them.

A Bill to continue and amend the Act to prevent the running at large of Sheep in the Town of Charlottetown.

A Bill to continue the Act to prevent Hawkers and Pedlars travelling or selling in this Colony without License.

Ordered, That the Tenth Rule of this House be suspended as far as respects the said Bills.

Ordered, That the said Bills be now severally read a second time.

The said Bills were accordingly read a second time.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to continue the several Acts for the Trial of common Assaults and Batteries, and the Act for regulating the manner of proceeding upon contested Elections.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Thomson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Thomson* reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed.

Then the House adjourned for one hour :

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to continue and amend the Act to impose a Tax on Dogs, and relating to other matters connected with them.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Gorman took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Gorman* reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to continue and amend an Act intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them."*

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, February 12, 1840.

READ a third time, as engrossed, the Bill intituled *An Act to continue and amend an Act intituled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them."*

Resolved, That the Bill do pass.

Ordered, That Mr. *Palmer* do carry the said Bill to the Legislative Council, and desire their concurrence.

A Petition of divers Inhabitants of Bedeque and its vicinity, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. *Rae*, and the same was received and read—praying an aid towards enabling Anthony Simpson to run a larger Packet between Bedeque and Shediac, in the Province of New Brunswick.

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

Mr. *Rae* moved, that a Special Committee be appointed, to prepare the draught of a Petition to the Imperial Parliament, setting forth the grievances which the Inhabitants of this Island suffer, and praying for the redress thereof, pursuant to a Resolution reported from the Committee of the whole House on the state of the Colony.

The House divided on the question :

YEAS :

Mr. <i>Rae</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Macintosh</i> .
Mr. <i>Montgomery</i> ,	

NAYS :

Mr. <i>Palmer</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Arbuckle</i> ,	Mr. <i>Hudson</i> .

So it was carried in the affirmative.

Ordered, That Mr. *Rae*, Mr. *Fraser*, Mr. *Le Lacheur*, Mr. *Clark*, Mr. *D. Macdonald*, Mr. *Montgomery* and Mr. *Dalziel* do compose the said Committee.

Resolved, That a Committee of five Members be appointed, to prepare and bring in a Bill to regulate the Fishery Reserves in this Island, pursuant to a Resolution reported from the Committee of the whole House on the State of the Colony.

Ordered, That Mr. *D. Macdonald*, Mr. *Le Lacheur*, Mr. *Clark*, Mr. *Montgomery* and Mr. *Macneill* do compose the said Committee.

Resolved, That a Committee of six Members be appointed, to report, by Bill or otherwise, on the Despatch from the Secretary of State on the subject of the Bill of last Session, for the relief of the American Loyalists and disbanded Troops in this Colony, or their Representatives, pursuant to a Resolution reported from the Committee of the whole House on the state of the Colony.

Ordered, That Mr. *Rae*, Mr. *Le Lacheur*, Mr. *Fraser*, Mr. *Macintosh*, Mr. *Clark* and Mr. *Longworth* do compose the said Committee.

Resolved, That a Committee be appointed, to whom shall be referred the Despatch of the Right Honorable Lord John Russell, of the 17th September last, together with a copy of the Bill passed by this House at its last Session, for the settlement of the Inhabitants, to report thereon by Bill, Bills or otherwise, pursuant to a Resolution reported from the Committee of the whole House on the State of the Colony—with power to send for persons, papers and records.

Ordered, That Mr. *Le Lacheur*, Mr. *Clark*, Mr. *Rae*, Mr. *Fraser*, Mr. *D. Macdonald*, Mr. *Dalziel*, Mr. *Beck* and Mr. *Thomson* do compose the said Committee.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to continue and amend the Act to prevent the running at large of Sheep in the Town of Charlottetown.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Clark* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Clark* reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown*.

The Honorable John Brecken, Acting Colonial Treasurer, by command of His Excellency the Lieutenant Governor, presented the following Documents to the House :

A General Account of all Moneys received at, and payments made from the Colonial Treasury, between the 22d January, 1839, and 20th January, 1840.

List of Bonds in the Treasury on the 20th January, 1840, with the Balances due thereon.

An Account of Interest paid on Warrants during the past year.

Ordered, That the said papers be referred to the Committee appointed to examine and report on the Public Accounts.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, February 13, 1840.

MR. D. MACDONALD moved, that the House do come to a Resolution as followeth:

Resolved, That no Member of this House shall speak twice to any Bill at any one time of reading, nor to any Report, motion or other matter, unless it be to explain some material point of his speech (but not to bring forward new argument,) and that not without leave of the House first obtained, except the Member bringing forward such Bill, Report, motion, or other matter, who, at the close of the debate, shall be privileged to reply.

And the motion being seconded, and the question put thereon, it was agreed to by the House.

Ordered, That the said Resolution be a Standing Order of the House.

Read a third time, as engrossed, the Bill intituled *An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown.*

Resolved, That the Bill do pass.

Ordered, That Mr. Longworth do carry the said Bill to the Legislative Council, and desire their concurrence.

Read a third time, as engrossed, the Bill to continue for a limited period the several Acts providing for the summary Trial of Common Assaults and Batteries; and also an Act to regulate the manner of proceeding upon contested Elections of Members to serve in the General Assembly.

Mr. Rae proposed to amend the Bill, by leaving out all that relates to the Act for regulating the manner of proceeding upon contested Elections of Members to serve in the General Assembly.

The House divided on the question:

YEAS:

Mr. Rae,	Mr. Dalziel,
Mr. Clark,	Mr. Le Lacheur,
Mr. Forbes,	Mr. Beck,
Mr. Montgomery,	Mr. Macneill,
Mr. D. Macdonald,	Mr. Macintosh,
Mr. Fraser,	Mr. Macfarlane,
Hon. J. S. Macdonald,	Mr. Longworth.
Mr. Hudson,	

NAYS:

Mr. Arbuckle,	Mr. Gorman,
Mr. Palmer,	Mr. Thomson.

So it was carried in the affirmative; and the Bill was amended at the Table accordingly.

Resolved, That the Bill do pass, and that the Title be *An Act to continue for a limited period the several Acts providing for the summary Trial of common Assaults and Batteries.*

Ordered, That Mr. Longworth do carry the said Bill to the Legislative Council, and desire their concurrence.

Resolved, That a Committee of five Members be appointed, to prepare and bring in a Bill, to continue and amend the Act, 6 Will. 4, cap. 20, intituled "An Act to regulate the manner of proceeding on contested Elections of Members to serve in the General Assembly."

Ordered, That Mr. Rae, Mr. Fraser, Mr. Dalziel, the Hon. J. S. Macdonald and Mr. Clark do compose the said Committee.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to continue the Act to prevent Hawkers and Pedlars travelling and selling in this Colony without License.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Rae took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Rae reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to continue for a limited period an Act to prevent Hawkers and Pedlars travelling and selling in this Colony without License.*

Then the House adjourned for one hour:

And being met—

Mr. Clark, from the Committee to whom was referred the Message of His Excellency the Lieutenant Governor, of the 8th inst. with the papers accompanying the same, on the subject

of the Georgetown Assessment Act, with leave to report by Bill or otherwise, reported a Bill to explain the Act for the improvement of property at Georgetown, and to provide against accidents by Fire; and the same was read the first time.

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

Ordered, That the Order of the Day, for the second reading of the Bill for regulating the floating of Timber, Deals and Scantling down the Rivers and lesser Streams of this Island, be now read.

And the said order being read accordingly;

Mr. Thomson moved, that the said Bill be now read a second time.

Mr. Dalziel moved, in amendment, to leave out the word "now," and, at the end of the question, to add the words "this day three months."

The House divided on the motion of amendment:

YEAS, 9.

NAYS, 10.

So it passed in the negative.

Mr. Palmer then moved, in amendment to the original motion, to leave out the word "now," and at the end of the question, to add the words "on Tuesday next;" and the motion being seconded, and the question put thereon, it was carried in the affirmative.

The main motion, as amended, was then put and carried—and thereupon,

Ordered, That the said Bill be read a second time on Tuesday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, February 14, 1840.

MR. SPEAKER presented to the House a Copy of the Warrant Book, from 30th January, 1839, to 30th January, 1840.

Ordered, That the said Document be referred to the Committee appointed to examine and report on the Public Accounts.

Mr. Longworth moved, that the Bill intituled *An Act to continue for a limited period an Act to prevent Hawkers and Pedlars travelling and selling in this Colony without License*, be now read the third time.

Mr. Clark moved, in amendment, to leave out the word "now," and, at the end of the question, to add the words, "this day three months."

The House divided on the motion of amendment:

YEAS:

Mr. Clark,	Mr. Fraser,
Mr. J. Dingwell,	Mr. Gorman.

NAYS:

Mr. Longworth,	Mr. Beck,
Mr. Dalziel,	Mr. Macfarlane,
Mr. Montgomery,	Mr. Macintosh,
Mr. D. Macdonald,	Mr. Macneill,
Mr. Hudson,	Mr. Le Lacheur,
Mr. Thomson,	Mr. W. Dingwell.

So it passed in the negative.

The question being then put on the main motion,

It was resolved in the affirmative.

The Bill was accordingly read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Longworth do carry the said Bill to the Legislative Council, and desire their concurrence.

The Bill to explain an Act for the improvement of property at Georgetown, and to provide against accidents by Fire, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned for one hour.

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, on

the further consideration of the Bill to explain an Act for the improvement of property at Georgetown, and to provide against accidents by Fire.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto: And the same being read;

Mr. Thomson moved, that the Bill be re-committed.

The House divided on the question :

YEAS :

Mr. Thomson,	Mr. Gorman,
Mr. Palmer,	Mr. J. Dingwell,
Mr. W. Dingwell,	Mr. Dalziel,
Mr. Macfarlane,	Mr. Macneill,
Mr. Le Lacheur,	Mr. Fraser.

NAYS :

Mr. Clark,	Mr. D. Macdonald,
Mr. Longworth,	Mr. Beck,
Mr. Montgomery,	Mr. Hudson,
Mr. Macintosh,	Mr. Forbes.

So it was carried in the affirmative.

Mr. Thomson moved, that the said Bill be re-committed to a Committee of the whole House to-morrow.

Mr. Clark moved, in amendment, that the words "to-morrow," be struck out, and the word "immediately" inserted instead thereof.

The House divided on the motion of amendment :

YEAS :

Mr. Clark,	Mr. D. Macdonald,
Mr. W. Dingwell,	Mr. Macintosh,
Mr. Fraser,	Mr. Beck,
Mr. Montgomery,	Mr. Macneill.

NAYS :

Mr. Le Lacheur,	Mr. Macfarlane,
Mr. Thomson,	Mr. Forbes,
Mr. Longworth,	Mr. Dalziel,
Mr. Gorman,	Mr. J. Dingwell,
Mr. Palmer,	Mr. Hudson.

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative ; and thereupon—

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

Ordered, That Mr. Speaker be added to the Committee appointed to make a selection of Books to be added to the Library of this House.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, February 15, 1840.

THE Order of the Day, for re-committing to a Committee of the whole House, the Bill to explain the Act for the improvement of property at Georgetown, and to provide against accidents by Fire, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto ; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to ex-*

plain and amend an Act intituled "An Act for the improvement of property at Georgetown, and to provide against accidents by Fire."

Ordered, That it be an instruction to the Committee appointed to prepare and bring in a Bill to continue and amend the Act, 6 Will. 4, cap. 20, for regulating the manner of proceeding on contested Elections of Members to serve in the General Assembly, that they do bring in a Bill to continue the said Act, and also to amend the Act, 1 Vict. cap. 9, to alter and amend an Act to consolidate and amend the Election Laws, in so far as relates to the expenses of scrutiny on objected votes.

Resolved, That a Message be sent to His Excellency the Lieutenant Governor, praying that

he will cause the usual Returns of Exports and Imports; Vessels launched and registered; Vessels which have left the Island under Certificate; Vessels transferred to other Ports; number and tonnage of Vessels engaged in Foreign Trade and in Fishing; Detailed Account of Imperial Duties collected at this Port, with the application thereof, during the past year, to be laid before the House.

Ordered, That Mr. *Longworth* and Mr. *Montgomery* be a Committee to wait upon His Excellency with the said Message; who, returning, reported the delivery thereof, and that His Excellency was pleased to say, he would cause the Returns moved for to be laid before the House.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, February 17, 1840.

A PETITION of John Willock, of Pleasant View, Township Fifty, Farmer, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. *Le Lacheur*, and the same was received and read—setting forth, among other matters—that Petitioner in the month of May last, sold to James Mutch land which was held by his brother Abercrombie Willock, in trust for Petitioner, and it becoming necessary, in strictness of law, for said Trustee to join Petitioner in such sale, the said James Mutch, by the advice of his Attorney, in order to perfectly secure himself, has retained upwards of One hundred Pounds of the purchase money from Petitioner, with the intent to indemnify and save himself harmless in regard of the land so purchased by him—the said James Mutch being apprehensive of being involved in serious litigation in consequence of any legal questions arising in regard of a Recognizance entered into by the said Abercrombie Willock, conjointly with Coun Douly Rankin and another, to defray the expense of an inquiry instituted by the House of Assembly in the year 1835, on a Petition presented to the House by the said C. D. Rankin, complaining of an undue election and return for Queen's County, and which Recognizance had been estreated, in consequence of the said C. D. Rankin's petition having been declared by the House of Assembly to be frivolous and vexatious, and the greater part of the debt due in such Recognizance being still due and unpaid to the Crown. That under the peculiar circumstances of the case, if the expenses of the inquiry should not be received from the said Abercrombie Willock, Petitioner is advised and believes that upwards of two years at the least must elapse before Petitioner can enforce the payment of the purchase money so retained by

the said James Mutch from Petitioner, without an Equity suit being instituted, and thus occasion to Petitioner (who has a wife and five young children) extreme, if not ruinous distress, if not averted by the indulgent interposition of the House of Assembly.—That the said Abercrombie Willock (such surety as aforesaid) is in his own right possessed of a farm of one hundred acres of land on Township Number Fifty, in Queen's County—wherefore Petitioner prays that the House will be graciously pleased to order that proceedings may not be taken against the land so sold as aforesaid to the said James Mutch; but wholly against the property of the said Coun Douly Rankin and his sureties—or for such other relief in the premises as the House shall deem meet and proper.

Resolved, That the said Petition be referred to a Committee of five Members, to examine the same, and report thereon with all convenient speed—with power to send for persons, papers and records.

Ordered, That Mr. *Le Lacheur*, Mr. *Arbuckle*, Mr. *Clark*, Mr. *J. Dingwell* and Mr. *Rae* do compose the said Committee.

Mr. *Fraser*, from the Committee appointed to inquire into the expediency of amending the Act, 3 Will. 4, cap. 12, for regulating the stated times and places for holding the Supreme Court in King's and Prince Counties, with power to report by Bill or otherwise, presented to the House a Bill to amend the said Act, and to repeal part of the Act, 13 Geo. 3, cap. 8, intitled "An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or

“kind soever;” and the same was read the first time.

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

The House having been informed that Mr. Speaker felt aggrieved at the charges against him in his capacity of a Delegate to England, which he considers are contained in certain proposed amendments to a Resolution reported from the Committee of the whole House on the State of the Colony, on Monday, the 10th inst.;

Mr. *Clark* moved, that Mr. Speaker be allowed to lay his defence against the said charges, before the House, in writing :

Which was ordered.

And thereupon Mr. Speaker laid the following statement before the House :

In consequence of my complaint to the House of Assembly, that I felt myself aggrieved at certain statements introduced on the Journals, which were proposed as amendments, to defeat the Resolution of this House to petition the Imperial Parliament—which statements, called amendments, go to accuse me of a neglect of the duties imposed upon me as Delegate to England: and as the amendments referred to were not proposed in the usual way, to meet the Resolution in Committee, to which they profess to be amendments, but were concealed until I was in the Chair, which prevented my making objections at the time; and the House of Assembly having granted me permission this day to bring in a refutation of the charges preferred—I therefore beg leave to submit, that when a Government, a Legislature, or a constituted body of the high standing of a House of Assembly, having appointed a public servant, and furnished him with instructions, it is not customary to charge such public servant with a dereliction of duty, without pointing out from his instructions wherein he has come short of his duty, or exceeded his authority; and it has also been customary with men of good intentions, if they had grounds for being dissatisfied with the manner in which a public trust or duty had been discharged, to prefer a charge stating the grounds of complaint—to furnish the person accused with the grounds of accusation—to hear his defence, and give him a fair trial, before he is declared guilty. In my case it is quite the reverse. My accusers kept the amendments containing those charges a secret until I was in the chair, and prevented my offering a defence, when they voted me guilty without a hearing, and passed their judgment without a trial—I must therefore commence where they ought to have begun.

The charges preferred against me, on Monday last, February 10th, by E. Palmer and F. Longworth, Esquires, are—

1st. That I was instructed to apply to the Imperial Parliament, and that I neglected a good opportunity of doing so.

2d. That I neglected to procure competent law opinion, while provided with ample means by this House for such purpose.

And my instructions are—

‘Resolved, That, under existing circumstances, it is indispensably necessary that some person, having the confidence of this House, should proceed forthwith to England to represent to Her Majesty’s Government the interests and sentiments of the Inhabitants of this Colony, and support the views entertained by this House before Her Majesty—and, if necessary, the Imperial Parliament.’

And the means placed at my disposal were—

‘Resolved, That the sum of Three hundred Pounds, granted for that purpose this Session, be paid to the said Delegate, to defray his unavoidable disbursements.’

According to which Instructions, it is evident that I was not instructed to apply to Counsel for a Law opinion in the case between the Tenantry and Proprietors, nor were any means placed at my disposal for such purposes.

My instructions were, to represent to Her Majesty’s Government the interests and sentiments of the Inhabitants of this Colony, and support the views entertained by this House before Her Majesty—and, if necessary, the Imperial Parliament.

To follow the instructions according to the letter, it will be seen that there is a wide distinction between representing the interests and sentiments of the Inhabitants to Ministers, and supporting the views of this House before Her Majesty, and, if necessary, the Imperial Parliament.

The instructions would imply, that, as the representations were to be made to Ministers, the Ministers might lay the representations before Her Majesty in Council, or before the Imperial Parliament, to inquire into the merits of the claims set forth; and, in either case, I was to support the views of this House when the matter was discussed. But as it is well known that no person can appear before either of those august tribunals until their attendance is required, and as I had no such requisition, I could not possibly appear before them.

But, taking another view of the case, and allowing that I was to petition Parliament, my instructions required me to apply to Ministers in the first place, and, if necessary, to Parliament. It was, therefore, left for me to judge of the necessity of applying to Parliament; and it appeared to me that I could not petition Parliament until the Ministers had given their decision—if I had done so, I would, in the first place, have betrayed a want of confidence in the government to whom I was directed to apply. Had I sent in a Petition to Parliament before the Government had given an answer, a Minister in his place in Parliament would have produced my instructions, to show that such Petition was premature; and as Ministers had it all in their own hands, the Parliament was prorogued before I received for answer ‘that the opinions of Her Majesty’s Government respecting the representations made, would be

'communicated to the Lieutenant Governor in this Island'—and, as the communications were unknown to me, and might have contained all that the Colony required, I could not have applied to Parliament without fresh instructions from this House, who have now a fair opportunity to Petition Parliament without further expense to support a Delegate.

But when the House of Assembly did me the honour to send me to England as Delegate, they were pleased to place such confidence in me, believing that I was fully acquainted with the duties of the mission, and faithful to perform it to the utmost of my ability, that few instructions were necessary—but the greater confidence that is placed in a public servant, the greater the responsibility, and more room to find fault. But from the view I have taken of the despatch sent to the Colony, in answer to the mission, the House, I trust, will not find it a fruitless one. And while I return the House of Assembly my sincere thanks for their vote of acquittal on the charges preferred, I believe my accusers had no other end in view than to injure my reputation in the estimation of my constituents and the public in general—

1. Because the charges were preferred without any foundation in truth.

2. Because they were not brought forward in Committee, where they could have been answered; but were concealed until they were proposed in the House as amendments, while the Speaker was in the Chair, where he could not reply.

3. Because they profess to complain that the Delegate did not apply to the Imperial Parliament, and were proposed to defeat a Resolution of the House to prepare a Petition to Parliament, and when it appears on the Journals of last Session that the movers of those amendments were opposed to the delegation, and to any application being made to Parliament.

4. Because they profess to be truth, and their being published would deceive persons who had not the means to perceive the deception, while the movers had the records of the House to correct such errors if they were so inclined.

While I asked the House of Assembly for permission to bring in a refutation of the charges preferred against me, I had no other end in view, than to publish this beside the charges preferred, to disabuse the public mind, and allow them to judge for themselves.

All of which is respectfully submitted.

WM. COOPER.

And the said statement having been read by the Clerk:

Mr. *Rae* moved to resolve, that this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the reply of the Delegate to the charges contained in certain amendments proposed to be made to a Resolution on the 10th inst. by Edward Palmer and Francis Longworth, Esquires.

The House divided on the question :

YEAS :

Mr. <i>Rae</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Arbuckle</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Macneill</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Thomson</i> .

NAYS :

Mr. <i>Gorman</i> ,	Mr. <i>Beck</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>W. Dingwell</i> .

So it was carried in the affirmative.

Then the House adjourned for one hour :

And being met—

Mr. *D. Macdonald*, in his place, presented to the House the Impost Accounts for the District of St. Margaret's, for the Quarters ending 30th June, 30th September, and 31st December, 1839.

Mr. *Montgomery*, in his place, presented to the House the Impost Account for New London, for the Quarter ending 31st December, 1839.

Ordered, That the said Accounts be referred to the Committee appointed to examine and report on the Public Accounts.

Mr. *Rae*, from the Committee appointed to prepare and bring in a Bill to continue the Act, 6 Will. 4, cap. 20, for regulating the manner of proceeding upon contested Elections of Members to serve in the General Assembly, and to amend the Act, 1 Vict. cap. 9, to alter and amend the Act, intituled "An Act to consolidate and amend the Election Laws," presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

Ordered, That the said Bill be read a second time, on Wednesday next.

Ordered, That the Committee to whom was referred the Despatch from Lord John Russell, communicating the reasons why Her Majesty has not been advised to confirm the Bill passed last Session for the relief of the American Loyalists, have leave to report from time to time, should they see fit.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, February 18, 1840.

EIGHTEEN Petitions, were (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House, and the same were received and read, viz :

By Mr. *Macintosh*—A Petition of divers Inhabitants of Bay Fortune, praying an aid of Twenty-five Pounds, to purchase a right of way through the farms of William Dingwell and William Mackenzie.

By Mr. *Yeo*—A Petition of divers Inhabitants of Townships Thirteen, Fourteen and Sixteen, praying a grant, in aid of individual subscription, towards constructing Wharfs or Slips at Ellis River Ferry.

A Petition of divers Inhabitants of Townships Twelve and Thirteen, praying an aid to improve the road leading from Maclean's Mill to the main Western Road.

A Petition of divers Inhabitants of Townships Twelve, Thirteen, Fourteen, Sixteen and Seventeen, praying a grant to aid individual subscription, towards building a Bridge over Ellis River, from Maclean's to Macdonald's shore.

A Petition of divers Inhabitants of Prince County, praying an aid to complete the road from the Ferry on Lot Ten to the French Village, situate on Lots Five and Six.

A Petition of divers Inhabitants of Townships Fourteen and Sixteen, praying an aid to improve the road communication between Cross Rivers, on Lot Fourteen, to Maclean's Ferry.

A Petition of divers Inhabitants of Trout River Settlement (Lot 13), and its vicinity, praying an aid to improve the road leading from Port Hill, by Trout River, to New Bideford, and also to repair the South-west Bridge.

By Mr. *Fraser*—A Petition of divers Inhabitants of Townships Sixteen, Seventeen, Nineteen, Twenty-five and Twenty-six, praying an aid to lengthen the Wharf at Green's Shore, Bedeque, and towards making the roads leading thereto.

A Petition of divers Inhabitants of Township Fifteen, for an aid of Fifty Pounds, to improve the road from Fifteen Point to Abraham's Village.

A Petition of divers Inhabitants of Township Sixteen, praying an aid to complete the road, lately partly opened, from Maclean's Ferry to the main Western Road.

A Petition of William and Magdalen Holmes, of Misquish, two aged and infirm persons, praying relief.

By Mr. *Gorman*—A Petition of James English, of Prince County, an indigent pauper, praying relief.

A Petition of divers Inhabitants of Township Seven, praying an aid to improve their road communications.

A Petition of divers Inhabitants of the Western Gulph Shore and Cascumpeque, praying an aid to improve the road leading from the Gulph Shore to Mill River, Cascumpeque.

A Petition of divers Inhabitants of Township Eleven, Cascumpeque, and its vicinity, praying an aid towards completing a Bridge over the Canadian River.

By Mr. *Macfarlane*—A Petition of divers Inhabitants of Suffolk Road Settlement, praying an aid to complete the repairs of Big Bridge.

A Petition of Charles Russell, praying pecuniary aid, as a decayed Teacher.

A Petition of Helen Reilly, of Covehead Road, Widow, praying pecuniary aid towards the support of herself and family.

Ordered, That the Eighteen preceding Petitions do lie on the Table.

A Petition of divers Inhabitants of Grand River, in King's County, and the adjacent Settlements, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. *W. Dingwell*, and the same was received and read; setting forth the advantages which would accrue, were the present road from Dingwell's Mill to the Northern branch of Grand River continued from thence to the head of Cardigan River; that until a new main road from the East Point towards Georgetown be made, were the present road from Dingwell's Mill to the head of Grand River further continued from thence to the Cardigan, it would materially improve the communication between the Northern and Western Settlements of Grand River—and praying the House to grant the necessary means for accomplishing those objects.

Ordered, That the said Petition be withdrawn by Mr. *W. Dingwell*.

The Bill to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams of this Island, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto; and the said amendments being again read at the Clerk's Table, were agreed to by the House.

Ordered, That the said Bill, with the amendments, be engrossed, and that the Title be *An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island.*

Mr. Palmer moved, that the House do come to a Resolution, as followeth:—

Resolved, That during any debate in this House, the Speaker do, as often as explanation shall seem to require, upon any point of order or practice, inform the House every thing he knows upon the subject from the Journals of this House or the History of Parliament; but that the said Speaker shall, on no account, argue or draw any conclusions from such information, nor, in any matter of doubt, attempt to sway this House: and that the Rule of the House of Commons of Great Britain, passed the 27th April, 1604, be strictly conformed to in the several matters before mentioned.

And the motion being seconded, and the question put thereon, it was agreed to by the House.

Ordered, That the said Resolution be a Standing Order of the House.

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, February 19, 1840.

READ a third time, as engrossed, the Bill intituled *An Act to explain and amend an Act intituled "An Act for the improvement of property at Georgetown, and to provide against accidents by Fire."*

Resolved, That the Bill do pass.

Read a third time, as engrossed, the Bill intituled *An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island.*

Resolved, That the Bill do pass.

Ordered, That Mr. Thomson do carry the two preceding Bills to the Legislative Council, and desire their concurrence.

A Petition of Terence Webster, of Tryon, and James Connors, of Bedeque, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by the Hon. Mr. Pope, and the same was received and read; setting forth—that in November last, Petitioners imported a quantity of goods, which were entered at the Custom House in Charlottetown, and entered into a Bond for the Duties, amounting to upwards of Fifty Pounds—

that previous to the landing of the said goods at Tryon, the vessel which they were on board of got water-logged, which rendered the goods unmerchantable, and a considerable quantity of them were entirely lost—and praying the House for a remission of part of the duties, or for such other relief as to the House may seem meet.

Resolved, That the said Petition be referred to a Committee of four Members, to examine the same, and report thereon—with power to send for persons, papers and records.

Ordered, That the Hon. Mr. Pope, Mr. Hudson, Mr. Clark and Mr. Yeo do compose the said Committee.

A Petition of divers Inhabitants of Clark's Place, Cape Traverse, Carleton Point and Seven-Mile-Bay was (with consent as aforesaid,) also presented to the House by the Hon. Mr. Pope, praying that the Mail from Tryon to Bedeque may be sent through their settlements; and that a Post Office be established at Cape Traverse.

And the said Petition being read by the Clerk;

Resolved, That an Address be presented to His Excellency the Lieutenant Governor, pray-

ing that he will be pleased to give effect to the prayer thereof.

Ordered, That the Hon. *Pope*, Mr. *Hudson* and Mr. *Palmer* be a Committee to prepare the said Address.

Fifteen Petitions were (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House, and the same were received and read, viz :

By the Hon. Mr. *Pope*—A Petition of divers Inhabitants of Township Twenty-five, praying an aid towards re-opening part of the old Malpeque Road.

A Petition of divers Inhabitants of Cape Traverse, Carleton Point and Seven Mile Bay, praying an aid to improve the road to Carleton Point.

A Petition of Matthew Flinn, of Bedeque, an infirm pauper, praying pecuniary aid.

By Mr. *D. Macdonald*—A Petition of Thomas Devereux, of East Point, an infirm pauper, praying pecuniary aid.

A Petition of Angus Mackelloch, of Township Forty-five, praying pecuniary aid towards the support of an insane daughter.

A Petition of Nancy Macgillivray, of Hay River, Widow, praying pecuniary aid towards the support of her son, nineteen years of age, who has been insane and dumb from infancy.

By Mr. *Clark*—A Petition of Daniel Quigley, of Fermoy, Prince County, praying an aid to support him in his present distressed condition.

A Petition of Mary Hickey, an infirm female, praying pecuniary aid.

A Petition of divers Inhabitants of Barbary Wyet, praying an aid towards the support of Peter Macmillan, a lame pauper.

By Mr. *Macneill*—A Petition of divers Inhabitants of Skye Settlement, praying an aid to improve the road from that settlement to Johnston's, on the Princetown Road.

A Petition of divers Inhabitants of Irishtown, and its vicinity, praying an aid to improve their road communications.

By Mr. *Forbes*—A Petition of divers Inhabitants of Townships Thirty-five and Thirty-six, and of Johnston's River and Glenfinnan Settlements, praying an aid to improve the road communication between Mount Stewart and Charlottetown Ferry.

A Petition of Finlay Mackinnon, of York River, Farmer, praying that a road be run, in a straight line, from the corner of Charles Mackinnon's farm, on the York River Road, towards the old York River Bridge, and that a sum of money be appropriated for that purpose; or otherwise that compensation be made to Petitioner in consequence of the present line of road intersecting his farm in three different places.

A Petition of Catherine Gainer, of Scotchfort, Widow, praying pecuniary aid to relieve her in her present distressed condition.

By Mr. *Gorman*—A Petition of Thomas Irwin, praying pecuniary aid, for the purpose of having an elementary book of instruction in the language of the Aborigines of these Colonies printed, in order to facilitate the means of extending to the Indians of this Island the benefits of education; and that the House would assume its controul over the Fifty Pounds formerly appropriated for that purpose, and placed at the disposal of the Board of Education.

Ordered, That the Fifteen preceding Petitions do lie on the Table.

A Petition of John Hickey, of Indian River, was (with consent as aforesaid) presented to the House by Mr. *Clark*, and the same was received and read; setting forth—that he contracted to build the Princetown Wharf for the sum of Two hundred and thirty-four Pounds, and completed the said work within the time limited by the terms of the contract, to the satisfaction of the Commissioners appointed to superintend the work; but that the above sum was by no means adequate to reimburse him for the trouble and expense he was put to in completing the said work—and praying the House for a grant to remunerate him for his loss.

Mr. *Clark* moved, that the said Petition be referred to a Special Committee, to examine the allegations therein contained, and report thereon to the House—with power to send for persons, papers and records.

The Hon. *J. S. Macdonald* moved, by way of amendment, that the said Petition be withdrawn by Mr. *Clark*.

The House divided on the motion of amendment:

NAYS :

Hon. J. S. Macdonald,	Mr. Dalziel,
Mr. Beck,	Mr. Yeo,
Mr. W. Dingwell,	Mr. Macintosh,
Mr. J. Dingwell,	Mr. Le Lacheur,
Mr. Forbes,	Mr. Arbuckle,
Mr. Thomson,	Mr. D. Macdonald,
Mr. Longworth,	Hon. Mr. Pope.

NAYS :

Mr. Clark,	Mr. Macfarlane,
Mr. Rae,	Mr. Macneill,
Mr. Montgomery,	Mr. Hudson,
Mr. Fraser,	Mr. Gorman.

So it was carried in the affirmative.

A Petition of divers Inhabitants of Townships One, Two and Three was presented to the House by Mr. Yeo, and the same was received and read; setting forth—that the House was pleased to grant the sum of £60 towards erecting a Bridge over Tignish Pond, about a quarter of a mile above the site of the old one; notwithstanding which, when the Commissioner for the District came to the spot, for the purpose of expending the money so granted, he stipulated that the new Bridge should be erected alongside of the former one, quite contrary to the tenure and meaning of the Petition formerly sent in by the Petitioners—and praying that the House will make such order, that the new bridge may be erected on the spot originally petitioned for.

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

A Petition of Joseph Gallant, of Township Number Ten, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. Yeo, and the same was received and read; praying an aid to enable him to establish a house of public entertainment on the main Western Road.

A motion being made, that the said Petition do lie on the Table;

The House divided on the question :

YEAS :

Mr. Yeo,	Hon. J. S. Macdonald,
Mr. Montgomery,	Mr. Gorman,
Mr. Forbes,	Mr. Rae,
Mr. J. Dingwell,	Mr. Arbuckle,
Mr. Fraser,	Hon. Mr. Pope.

NAYS :

Mr. Dalziel,	Mr. W. Dingwell,
Mr. Thomson,	Mr. Longworth,
Mr. D. Macdonald,	Mr. Hudson,
Mr. Macfarlane,	Mr. Macintosh,
Mr. Clark,	Mr. Le Lacheur,
Mr. Beck,	Mr. Macneill.

So it passed in the negative.

Ordered, That the said Petition be withdrawn by Mr. Yeo.

A Petition of William Scott, of Township Number Thirty-four, Farmer, was presented to the House by Mr. Macfarlane, and the same was received and read; setting forth—that Petitioner's farm is situated on the Hillsborough, and that he is debarred, from peculiar circumstances, from all access to the main road—and praying relief.

Resolved, That the said Petition be referred to a Committee of five Members, to examine into the allegations therein contained, and to report thereon by bill or otherwise—with power to send for persons, papers and records.

Ordered, That Mr. Le Lacheur, Mr. Rae, Mr. Fraser, Mr. Forbes and Mr. Clark do compose the said Committee.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker;

The Legislative Council have passed the following Bills, without any amendment, viz :

An Act to prohibit the exportation of Oysters, from this Island, for a limited period.

An Act to continue for a limited period the several Acts providing for the summary Trial of common Assaults and Batteries.

An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown.

An Act to continue and amend an Act intitled "An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them."

An Act to continue for a limited period an Act to prevent Hawkers and Pedlars travelling and selling in this Colony without License.

And then he withdrew.

Then the House adjourned for one hour :

And being met—

A Petition of William M'Connell was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. Forbes, and the same was received and read—praying remuneration for loss incurred by Petitioner upon a contract entered into by him for road work.

Ordered, That Mr. Forbes have leave to withdraw the said Petition.

Mr. *Rae* moved, that this House do now resolve itself into a Committee of the whole House, to take into consideration a Petition of divers Inhabitants of Bedeque, presented to this House on the 12th inst., praying an aid towards enabling Anthony Simpson to run a larger Packet between Bedeque and Shediak.

And thereupon Mr. *Palmer* moved, that the Third Order of the Day be now read.

The House divided on the question, "That the Third Order of the Day be now read:"

YEAS:

Mr. <i>Palmer</i> ,	Hon. <i>J. S. Macdonald</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Arbuckle</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Longworth</i> .

NAYS:

Mr. <i>Rae</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>W. Dingwell</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Macintosh</i> .
Mr. <i>Beck</i> ,	

So it passed in the negative.

The Hon. Mr. *Pope* then moved, by way of amendment to the main motion, that the said Petition from Bedeque be referred to a Special Committee, to examine the same, and report thereon, by bill or otherwise; and that they do examine also and report on the Petition of di-

vers Merchants and others of Georgetown, presented to this House on the 8th inst., praying an aid towards establishing a Packet, to ply weekly between that port and Pictou.

The House divided on the motion of amendment:

YEAS, 8.

NAYS, 15.

And the names being called for, they were taken down as in the last preceding division.

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

Ordered, That the Petition from Georgetown, praying an aid towards the establishing of a Packet, to ply weekly between that Port and Pictou be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Gorman* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had come to two Resolutions, which he was directed to submit to the House, whenever it shall be pleased to receive the same.

Ordered, That the Report be received on Friday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, February 20, 1840.

ORDERED, That the Thirteenth Rule of this House, requiring twenty-four hours' notice of new matter, be suspended for this day, as far as respects the presentation of Petitions.

A Petition of divers Inhabitants of Township Eighteen was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. *Rae*, and the same was received and read; praying that a Road may be opened, commencing on the Princetown Road, 52 chains south of the County line, and from thence running on the line between the farms of Neil Ramsay and Edward Henry, to the old Princetown Road; and from thence continued on the line between the farms of William Ruby and Alexander Matthew, to

the County line, running through Fermoy Settlement.

Mr. *Rae* moved, that the said Petition do lie on the Table.

Mr. *Clark* moved, by way of amendment, that it is inexpedient to grant the prayer of the Petition.

The House divided on the motion of amendment:

YEAS:

Mr. <i>Clark</i> ,	Mr. <i>Yeo</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Gorman</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Arbuckle</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>J. Dingwell</i> ,	Hon. <i>J. S. Macdonald</i> .

NAYS :

Mr. Rae, Mr. Beck,
Mr. Macintosh, Mr. W. Dingwell.

So it was carried in the affirmative.

Thirty-eight Petitions were (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House, and the same were received and read, viz :

By the Hon. J. S. Macdonald—A Petition of divers Inhabitants residing on the South of Elliot River, between Long Creek and the head of the River, praying an aid to improve the road leading to Elliot River Bridge.

A Petition of divers Inhabitants of Township Thirty-seven, praying an aid of Twenty-five Pounds, to raise the Bridge over the Pisquid, near Apple Valley ; and also an aid of Fifteen Pounds towards opening half a mile of new road.

A Petition of divers Inhabitants of Townships Thirty-four and Thirty-five, praying an aid of Twenty-five Pounds to repair Corranban Bridge.

A Petition of divers Inhabitants of Townships Thirty-five and Thirty-six, on the South side of the Hillsborough, praying an aid of Thirty-five Pounds to repair the road from Tarentum, on Lot 36, to the Fort Augustus road, and for bridging or raising Comisky's Swamp, on the said road.

A Petition of divers Inhabitants of Townships Thirty-five and Thirty-six, praying an aid to complete Battery Point Road.

A Petition of divers Inhabitants of Rustico, and others, praying an aid to improve a road which was opened about three years ago, from the South side of Rustico towards Charlottetown.

A Petition of James Conway, of Township Thirty-two, a blind person, praying pecuniary aid.

A Petition of Catherine Hillyer, of Charlottetown, praying pecuniary aid.

A Petition of John Ready, of Tracadie, a blind person, praying pecuniary aid.

A Petition of Rosanna Mitchell, of Township Thirty-seven, praying pecuniary aid.

A Petition of John Egan, of Township Thirty-two, praying an aid to relieve him in his present distressed condition.

A Petition of Nancy Keilley, of Township Thirty-five, setting forth, that her husband is afflicted with mental derangement, and praying pecuniary aid.

A Petition of Edward Feehan, of Township Thirty-seven, setting forth—that he is reduced to a state of destitution, owing to the destruction of his house, containing all his provisions, furniture, &c. by fire, and praying pecuniary aid.

By Mr. W. Dingwell—A Petition of Mary Cluny, of Birch Hill, Bay Fortune Road, setting forth—that she has been deserted by her husband, and, praying an aid to enable her to return with her children to Newfoundland, where her friends reside.

A Petition of Mary Hoare, of Five Houses, praying an aid to reimburse her for an outlay she has incurred, for the interment of James Hall, a friendless individual who was taken ill and died in her house.

By Mr. Clark—A Petition of Edward Brenan, Teacher, an aged person, praying pecuniary aid.

By Mr. Le Lacheur—A Petition of Charles Nicholson, of Orwell Bay, Farmer, praying a grant to reimburse him for the expenses he was put to in interring his deceased brother, who had for many years been supported at the public expense, as a lunatic.

A Petition of Simon Mackinnon, of Newtown, Belfast, praying an aid towards the support of an insane son.

A Petition of Charles Young, President of the Charlottetown Mechanics' Institute, praying an aid to enable that Society to advance the objects for which it was founded.

A Petition of divers Inhabitants of Townships Forty-eight, Forty-nine, Thirty-five, Thirty-six and Thirty-seven, praying an aid of £50, for the making of seventy chains of road at the Southern end of Monaghan Road, on Township Forty-nine.

A Petition of divers Inhabitants of Murray Harbour, Pinette, Wood Islands, Flat River, Belfast, Newtown, Orwell and Vernon River, praying a grant in aid of individual subscription, towards erecting a Bridge over Vernon River, opposite the farm of Donald Macdonald, and also for the completion of the road from the head of the Orwell to the Georgetown Road, a distance of about two miles.

A Petition of divers Inhabitants of the Western side of Gallows Point, praying an aid to improve the road from thence to Cherry Valley.

By Mr. *Macintosh*—A Petition of divers Inhabitants of Township Forty-seven, praying an aid to complete a road partly opened, for the purpose of forming a direct communication with the coast, near the entrance of Surveyor's Inlet.

By Mr. *Macneill*—A Petition of divers Inhabitants of New London, and Townships Twenty and Twenty-one, praying an aid to build two small Scows, one for the use of Cole's Ferry, on the South-west River, and the other for the use of Fife's Ferry, on the Mill River.

A Petition of divers Inhabitants of Townships Eighteen and Twenty, praying an aid to open a road from the Darnley Road, to run along the old division line between Queen's and Prince Counties, to terminate at the Irish-town road, where it would meet the projected new road from thence to South-west River, New London.

By Mr. *Hudson*—A Petition of divers Inhabitants of Crapaud and its vicinity, praying an aid to repair three Bridges, and also towards extending and finishing a small Wharf.

A Petition of divers Merchants and Ship-owners of Crapaud and Tryon, praying an aid towards enabling them to have Buoys and Beacons established for the use of vessels frequenting Crapaud harbour.

A Petition of the Committee and Officers of the Crapaud and adjacent Settlements Agricultural Society, praying a grant in aid of the funds of that Society.

By Mr. *Forbes*—A Petition of divers Inhabitants of Townships Thirty-five and Thirty-six—praying an aid of Fifteen Pounds to cut down part of the hill at Angus Macaulay's, on the road leading from Tracadie Cross Roads to the Black River Bridge, on Township Thirty-five, and also an aid of Ten Pounds to improve the road leading from Dugald Macaulay's to the Ten-mile-house, Lot 35.

By Mr. *Macfarlane*—A Petition of divers Inhabitants of Township Thirty-four, on the St. Peter's Road, praying an aid of Forty Pounds, to make a Road from the St. Peter's Road to the Hillsborough.

A Petition of divers Inhabitants of Covehead and Little Tracadie, praying an aid of Twelve Pounds to improve the road from Stanhope to Corranban Bridge.

By Mr. *Gorman*—A Petition of divers Inhabitants of Lot One, praying that a Post Office may be established in their vicinity.

A Petition of divers Inhabitants of Townships Twelve and Thirteen, praying an aid towards making a road on the South side of Trout River, from Gorman's Ferry to the Highway leading from New Bideford to Port Hill.

By Mr. *Longworth*—A Petition of divers Inhabitants of Township Forty-eight, praying an aid to improve the road leading from Forbes's Mill to Gay's Saw Mill, and from thence to Johnston's River.

A Petition of John Scott, of Township Forty-eight, Ferryman; setting forth—that for the safety and accommodation of Passengers crossing at the Ferry, it would be very necessary that the Ferry Slip opposite Charlottetown be extended about one hundred yards further out, and the present Slip heightened by the thickness of one log, to be placed square on the top—and also setting forth, that the present rate of Ferriage of Two-pence for each passenger is insufficient, and praying for an additional one penny for each person crossing, or otherwise that the House will cause his present agreement to be cancelled.

A Petition of Thomas Pendergast, an old soldier, now infirm and indigent, praying pecuniary aid.

By Mr. *Thomson*—A Petition of Thomas Walsh, of Georgetown Road, praying an aid towards the support of one of his children, in a state of idiocy.

A Petition of divers Inhabitants of Townships Fifty, Fifty-one and Sixty-six, praying an aid to improve the Road from Maclean's, on the Montague River, to the Murray Harbour Road, and also the roads from Maclean's to Sparrow's Road and the lower Montague Bridge.

Ordered, That the Thirty-eight preceding Petitions do lie on the Table.

A Petition of divers Inhabitants of York River Settlement, was (with consent as aforesaid,) presented to the House by Mr. *Forbes*, and the same was received and read—praying an aid to rebuild the old York River Bridge.

Ordered, That Mr. *Forbes* have leave to withdraw the said Petition.

Three Messages from His Excellency the Lieutenant Governor:

The Hon. Mr. Haviland, by command of His Excellency, delivered the following

Messages:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly Copies of a Circular Despatch and its enclosures received from Her Majesty's late Principal Secretary of State for the Colonies, communicating the important information that Her Majesty's Government has made the necessary arrangements for establishing Steam Communication between Great Britain and British North America twice every month.

The Lieutenant Governor avails himself of this opportunity, to inform the House of Assembly, that the Contract entered into with Mr. Cunard, for the conveyance of the Mails by Steam between Charlottetown, Pictou and Miramichi, will expire at the termination of the present year; and he relies upon the liberality of the House, to make such provision for their future transmission, as shall insure to this Island its full participation in the benefits of the liberal arrangements made by Her Majesty's Government.

Government House, February 20, 1840.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor communicates to the House of Assembly, Copy of a Despatch from the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, in reply to the wish expressed by the Council and Assembly, to be furnished with certain Works published by the Record Commission, which are required to complete the set presented to them by Her Majesty's Government.

Government House, February 20th, 1840.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, Copy of a Despatch from the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, accompanied by a memorandum of the clauses suggested by the Inspectors of Prisons, to be inserted in the Bill to amend an Act for regulating the several Jails within this Island, and establishing Prison discipline therein—now under the consideration of Her Majesty's Government; and the Lieutenant Governor recommends these suggestions to the serious attention of the House.

Government House, February 20th, 1840.

And the Copy of the Despatch, with the enclosures, referred to in the first Message, was read by the Clerk.

[See Appendix (D.)]

And the Copy of the Despatch referred to in the second Message was read by the Clerk.

[See Appendix (E.)]

And the Copy of the Despatch alluded to in the third Message, and the documents accompanying it, were read by the Clerk.

[See Appendix (F.)]

Ordered, That the several Messages and accompanying Documents do lie on the Table.

Then the House adjourned for one hour:

And being met—

A Petition of James Hamney Down and James Pollard, of Charlottetown, Joiners and Carpenters, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. Palmer, and the same was received and read; setting forth—That in the month of May, 1839, Petitioners entered into a Contract with the Government of this Island, to erect a new picket fence around part of the Jail of Charlottetown, together with internal division fences, with the necessary doors, hinges, bars, locks, &c. for the sum of £78 19s. 6d. Currency—that Petitioners have in every respect performed their said Contract to the entire satisfaction of the Commissioners appointed to inspect and superintend the work—that in consequence of having had to pay a much higher price for the materials than they had been led to expect, and the great advance in wages, and this being the first contract of the kind ever entered into by either of them, Petitioners erred greatly against themselves in making their estimate, as experienced tradesmen have certified, since the work was completed, that it could not be executed for less than £130—and praying the House for such relief in the premises as may be just and reasonable in their peculiar case.

Mr. Palmer moved, that the said Petition be referred to a Committee of five Members, to examine the allegations therein contained, and report thereon, with all convenient speed—with power to send for persons, papers and records.

Mr. D. Macdonald moved, in amendment, that after the word "Petition," all be struck out, and the following substituted, "be withdrawn by Mr. Palmer."

The House divided on the motion of amendment:

YEAS, 6.

NAYS, 17.

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Ordered, That Mr. *Palmer*, Mr. *Macneill*, Mr. *Rae*, Mr. *W. Dingwell* and the Hon. Mr. *Pope* do compose the said Committee.

A Petition of divers Inhabitants of Townships Forty-six and Forty-seven was (with consent as aforesaid,) presented to the House by Mr. *Thomson*, and the same was received and read, praying an aid to alter the present line of road leading from Surveyor's Inlet towards the East Point.

A motion being made, that the said Petition do lie on the Table;

The Hon. *J. S. Macdonald* moved, by way of amendment, that the said Petition be withdrawn by Mr. *Thomson*, the remedy being elsewhere; which, being seconded and put, was carried in the affirmative.

A Petition of divers Inhabitants of Georgetown and its vicinity was (with consent as aforesaid,) also presented to the House by Mr. *Thomson*, and the same was received and read—praying an aid towards erecting a Market House in that Town.

The Hon. Mr. *Pope* moved, that the prayer of the said Petition be rejected.

Mr. *Thomson* moved, in amendment, that after the word "that," all be struck out, and the following substituted—"the said Petition do lie on the Table."

The House divided on the motion of amendment:

YEAS:

Mr. <i>Thomson</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Rae</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Beck</i> ,	Mr. <i>J. Dingwell</i> .
Mr. <i>D. Macdonald</i> ,	

NAYS:

Hon. Mr. <i>Pope</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Fraser</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Hudson</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Arbuckle</i> .

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

Ordered, That the Order of the Day, for the House in Committee, to inquire into and take into consideration the State of the Colony, be now read:

And the same being read;

Ordered, That the said Order of the Day be postponed until to-morrow.

The Bill to amend the Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to repeal part of a certain Act therein mentioned, was, according to order, read a second time.

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

The Order of the Day, for the House in Committee to consider the reply of the Delegate to the charges contained in certain amendments proposed to be made to a Resolution on the 10th inst. by Edward Palmer and Francis Longworth, Esquires, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Gorman* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

A motion being made, that the House do adjourn;

The House divided on the question:

YEAS:

Mr. <i>Le Lacheur</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Clark</i> ,	Mr. <i>W. Dingwell</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Dalziel</i> .
Mr. <i>Rae</i> ,	

NAYS:

Mr. <i>Palmer</i> ,	Mr. <i>Fraser</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Montgomery</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Arbuckle</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Hudson</i> ,

So it was carried in the affirmative.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, February 21, 1840.

THE Bill to continue the Act for regulating the manner of proceeding on Contested Elections, and to amend an Act passed in the First year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws," was, according to order, read a second time.

Ordered, That the said Bill be committed to a Committee of the whole House, at the afternoon's sitting.

Mr. *Gorman*, from the Committee of the whole House, on the consideration of a Petition of divers Inhabitants of Bedeque, praying an aid to enable Anthony Simpson to run a larger Packet between Bedeque and Shediac, and a Petition of divers Merchants and others of Georgetown, praying a grant in aid of establishing a Packet to ply weekly between that port and Pictou, reported, according to order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's Table, and are as follow :

1. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted, in aid of a Packet, to ply between Bedeque and Shediac, in the Province of New Brunswick—such Packet to be subject to such regulations as may be adopted by the Legislature of this Island.

2. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted, in aid of establishing a Packet, to ply between Georgetown and Pictou, subject to such regulations as may be by the Legislature considered necessary.

And the First of the said Resolutions being again read, and the question put thereon, it was agreed to by the House.

The Second of the said Resolutions being again read ;

Mr. *Rae* moved, in amendment thereto, to strike out the word "Fifty," and insert "Thirty," instead thereof.

The House divided on the motion of amendment :

YEAS :

Mr. <i>Rae</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Yeo</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Palmer</i> .

NAYS :

Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Arbuckle</i> ,
Mr. <i>Hudson</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Longworth</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>J. Dingwell</i> .
Mr. <i>W. Dingwell</i> ,	

So it passed in the negative.

The question being then put on the Second of the said Resolutions, it was agreed to by the House.

Resolved, That a Committee of five Members be appointed, for the purpose of drawing up regulations for the management of the Packets referred to in the above reported Resolutions, and to report by Bill or otherwise—with power to send for persons, papers and records.

Ordered, That Mr. *Rae*, Mr. *Thomson*, the Hon. Mr. *Pope*, Mr. *Dalziel* and Mr. *Palmer* do compose the said Committee.

Resolved, That this House do now resolve itself into a Committee of the whole House, as a Committee of Privileges, to take into consideration certain matters contained in a paper writing read by the Speaker of this House, in his place, on Tuesday the 11th inst., and also in another paper writing delivered by the said Speaker to this House, with leave thereof, on Monday the 17th inst.—the said matters purporting to reflect on the conduct of Edward Palmer and Francis Longworth, Esquires, as Members of this House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Fraser* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Fraser* reported, that the Committee had come to two Resolutions; which Resolutions were again read at the Clerk's Table, and are as follow :

1. *Resolved*, That in the amendments proposed respectively by Edward Palmer and Francis Longworth, Esquires, Members of this House, to a Resolution which passed this House on the 10th February, inst. on the subject of an application, by Petition, to the Imperial Parliament,

there does not appear to this Committee any statement unfounded in truth; nor does it appear to this Committee that the said amendments, or either of them, were offered with any malicious or other unparliamentary motives on the part of the movers, or with a view of personally injuring the reputation of the Honorable the Speaker of this House in the estimation of his constituents.

2. Whereas the Speaker of this House has retracted the offensive expressions, imputing malice and misrepresentation, contained in his written defence in reply to the charges alleged to have been preferred against him, in certain amendments to a Resolution proposed by Edward Palmer and Francis Longworth, Esquires: *Resolved, therefore,* That in consequence of such retraction of the offensive expressions alluded to, it is unnecessary that the matter should be further proceeded with.

The First of the said Resolutions being again read, and the question of concurrence put thereon,

The House divided :

YEAS :

Mr. Clark,	Mr. Arbuckle,
Mr. Fraser,	Mr. Hudson,
Mr. Montgomery,	Hon. J. S. Macdonald,
Mr. Macfarlane,	Mr. Rae,
Mr. Yco,	Mr. Gorman,
Hon. Mr. Pope,	Mr. Thomson.

NAYS :

Mr. Dalziel,	Mr. J. Dingwell,
Mr. Le Lacheur,	Mr. Macintosh,
Mr. W. Dingwell,	Mr. Beck,
Mr. Macneill,	Mr. Forbes.
Mr. D. Macdonald,	

So it was carried in the affirmative.

The Second of the said Resolutions being again read, was, on the question put thereon, agreed to by the House.

Then the House adjourned for one hour :

And being met—

Ordered, That the Order of the Day, for the House in Committee on the Bill to continue the Act for regulating the manner of proceeding on Contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws," be now read;

And the same being read—

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Le Lacheur took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

The Order of the Day, for the House in Committee on the Bill to amend the Act for regulating the stated times and places for holding the Supreme Court in King's and Prince Counties, and also to repeal certain parts of an Act therein mentioned, being read ;

Mr. Fraser moved, that the House do now resolve itself into the said Committee.

The Hon. Mr. Pope moved, in amendment, to strike out the word "now," and at the end of the question add the words "this day three months."

The House divided on the motion of amendment :

YEAS :

Hon. Mr. Pope,	Mr. Arbuckle,
Mr. Palmer,	Mr. Hudson,
Mr. Macneill,	Mr. Longworth.

NAYS :

Mr. Fraser,	Mr. D. Macdonald,
Mr. Thomson,	Mr. J. Dingwell,
Mr. Le Lacheur,	Mr. W. Dingwell,
Mr. Forbes,	Mr. Clark,
Mr. Rae,	Mr. Gorman,
Mr. Montgomery,	Mr. Macfarlane.
Mr. Macintosh,	

So it passed in the negative.

Mr. Thomson then moved, in amendment to the main motion, to strike out the word "now," and at the end of the question, add the words "to-morrow ;" which, being seconded and put, was carried in the affirmative.

The main motion, as amended, was then put and carried.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, February 22, 1840.

MR. *LE LACHEUR* reported from the Committee to whom was referred the Petition of John Willock, and the said Report was again read at the Clerk's Table, and is as followeth:

Your Committee, to whom was referred the Petition of John Willock, of Pleasant View, in Queen's County, respectfully report, that they have examined the statements contained in said Petition, and are of opinion that the Petitioner's case is one of peculiar hardship, and deserves the favourable consideration of this House—involving as it does the property of a person who was not concerned in the transaction in which it originated, and which was incurred without his knowledge or consent, for which Petitioner's property is now detained. Under the very peculiar circumstances in which the unfortunate Petitioner is now involved, by his brother, Mr. Abercrombie Willock, he having become one of the sureties of Major Coun Douly Rankin, in a Bond given by that gentleman, as required by Law, before he could contest his Election, your Committee are, under all the circumstances of the case, of opinion, that an Address be presented to his Excellency the Lieutenant Governor, praying him to be pleased to direct that such proceedings may be adopted as will prevent any further proceedings against the property of the said John Willock.

Ordered, That the said Report be received, and adopted by the House.

Mr. *Le Lacheur* moved, that the following Address to His Excellency the Lieutenant Governor do now pass:

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

May it please your Excellency;

The House of Assembly having had under their consideration the report of a Special Committee, appointed to examine the statements set forth in a Petition relating to certain circumstances arising out of Major Rankin's Petition against the Election and Return for Queen's County, in the year 1835, respectfully request, that your Excellency will be pleased to cause such proceedings to be taken as to your Excellency shall appear best adapted to the nature of the case, for the release of John Willock's property, now detained for a debt due to the Crown by the said Major Rankin.

The House are the more desirous to recommend this case to your Excellency's favourable consideration, as the unfortunate individual above mentioned was in no wise

connected with the transaction alluded to; and, moreover, has a numerous family, who, without the favourable interposition of your Excellency, will be deprived of a home.

And the motion being seconded, and the question put thereon, it was agreed to by the House.

Ordered, That the said Address be engrossed.

Ordered, That Mr. *Le Lacheur*, Mr. *Macneill* and Mr. *Arbuckle* be a Committee to wait upon His Excellency with the said Address.

The Order of the Day, for the House in Committee, on the Bill to amend the Act for regulating the stated times and places for holding the Supreme Court in King's and Prince Counties, and to repeal certain parts of an Act therein mentioned, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Hudson* reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments being again read at the Clerk's Table, were agreed to by the House.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to repeal part of an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled "An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or kind soever;" and to amend an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues, for a limited period."*

The Hon. *J. S. Macdonald* read in his place a Petition of divers Inhabitants of Townships Numbers Sixty-five, Thirty, Thirty-one, and others, praying a grant in aid of individual sub-

scription towards erecting a Bridge over the Elliot River, from Angus Maceachern's to Mac-ewen's.

Mr. *Macdonald* then acquainted the House, that His Excellency the Lieutenant Governor, being acquainted with the purport of the Petition, gives his consent, that the House may proceed thereon as they shall think fit.

Ordered, That, under the peculiar circumstances of the case, the said Petition be received and read.

And then the said Petition was received and read.

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

Ordered, That the Hon. Mr. *Pope* have leave to introduce a Bill to enable Commissioners of Small Debts and Justices of the Peace to appoint Clerks.

He accordingly presented the said Bill to the House; and the same was read the first time, and ordered to be read a second time on Wednesday next.

Ordered, That the Hon. Mr. *Pope* have leave to absent himself from this House until Tuesday next.

Ordered, That Mr. *Thomson* have leave to introduce a Bill to regulate the qualifications of Jurors, and the mode of striking Juries.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time on Wednesday next.

Then the House adjourned for one hour:

And being met—

Ordered, That the Order of the Day, for the House in Committee on the Bill to continue the Act for regulating the manner of proceeding on Contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws," be now read;

And the same being read—

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Le Lacheur* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Le Lacheur* reported, that the Committee had gone through the Bill, and made several amendments thereto.

Mr. *Palmer* moved, that the said Bill be recommended, for the purpose of inserting the following Clause; viz:

"And whereas, by the Sixth Section of an Act passed in the Sixth Year of the Reign of his late Majesty King William the Fourth, intituled *An Act to consolidate and amend the Election Laws*, no person, although the owner of any part less than the whole of any Town Lot, Pasture Lot, Common Lot, or Water Lot, in any Town or Royalty within this Island, is entitled to vote for Members of Assembly; nor, being the owner of any House, Warehouse, Shop or other Building, unless the same be of the yearly rent of Ten Pounds: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the owner of any part, although less than the whole, of any Town Lot, Pasture Lot, Common Lot or Water Lot, or of any House, Warehouse, Shop, or other Building, shall be deemed qualified to vote for Members of Assembly, provided that every such part of a Lot, and every such House, Warehouse, Shop, or other Building, be of the full yearly value of Ten Pounds."

The House divided on the question:

YEAS:

Mr. <i>Palmer</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Thomson</i> .
Mr. <i>Arbuckle</i> ,	

NAYS:

Mr. <i>Beck</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Rae</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Dalziel</i> .

So it passed in the negative.

And the amendments reported from the Committee being again read at the Clerk's Table, were agreed to by the House.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to continue an Act for regulating the manner of proceeding on contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws."*

Ordered, That the Committee to whom was referred the Despatch from the Secretary of State, on the subject of the Bill passed last Session, for the relief of the American Loyalists and Disbanded Troops, and their representatives, have power to send for persons, papers and records.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, February 24, 1840.

MR. LE LACHEUR, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address relative to the Petition of John Willock, reported to the House that their Address had been presented to His Excellency, and that His Excellency was pleased to say, that he would attend to the desire of the House.

Read a third time, as engrossed, the Bill intituled *An Act to repeal part of an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled "An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or kind soever;" and to amend an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled "An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues, for a limited period."*

Mr. Fraser moved, that the amendment following be made to the Bill, viz: in Section 1, last line, strike out the words "throughout the Island as therein recited," and insert the following words instead thereof, "as at present by law established."

And the motion being seconded, and the question put thereon, it was agreed to by the House; and the Bill was amended at the Table accordingly.

A further amendment was proposed to be made to the said Bill, in Section 2, by adding to the said Section the words "saving and excepting all such Actions as are already commenced and pending."

And the motion being seconded, and the question put thereon, it was agreed to by the House; and the Bill was amended at the Table accordingly.

Mr. Thomson then moved, in further amendment of the said Bill, that after the Preamble all be struck out, except the Fourth Section, and the following substituted:

"Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all or any action or actions of debt, for use and occupation, or otherwise, and all or any actions that may accrue or be brought upon a Lease or Leases, shall be deemed to be local, and the venue thereof shall be laid and tried in the County only where the cause of such action or actions has arisen: and that all criminal actions, of what kind or nature soever, shall be brought and tried in the County where the offence may have been committed."

The House divided on the question:

YEAS:

Mr. Thomson,	Mr. Beck,
Mr. Clark,	Mr. Macfarlane,
Mr. Dalziel,	Mr. J. Dingwell.

NAYS:

Mr. Fraser,	Mr. Gorman,
Hon. J. S. Macdonald,	Mr. Palmer,
Mr. Arbuckle,	Mr. W. Dingwell,
Mr. Longworth,	Mr. Le Lacheur,
Mr. Rae,	Mr. Macintosh,
Mr. Hudson,	Mr. D. Macdonald.

So it passed in the negative.

Mr. Palmer then moved, that the present Title of the Bill be struck out, and the following substituted, viz:

"An Act compelling all Actions between Landlord and Tenant, for the recovery of rent, whether of a local or transitory nature, to be tried in the County where the Tenant resides, whether the rent be payable in that County or elsewhere, or whether such Actions be founded

in Debt, Covenant, Replevin or Assumpsit, and for other purposes therein mentioned."

The House divided on the question :

YEAS :

Mr. Palmer,	Mr. Longworth,
Hon. J. S. Macdonald,	Mr. Hudson.
Mr. Arbuckle,	

NAYS :

Mr. Gorman,	Mr. Rae,
Mr. Beck,	Mr. Fraser,
Mr. Thomson,	Mr. Macintosh,
Mr. J. Dingwell,	Mr. D. Macdonald,
Mr. Dalziel,	Mr. Macfarlane,
Mr. Le Lacheur,	Mr. Clark.
Mr. W. Dingwell,	

So it passed in the negative.

Mr. Thomson moved, that the said Bill be referred to a Special Committee, to report thereon, by amendments or otherwise.

The House divided on the question :

YEAS :

Mr. Thomson,	Mr. Longworth,
Mr. J. Dingwell,	Hon. J. S. Macdonald,
Mr. Clark,	Mr. Dalziel.

NAYS :

Mr. Le Lacheur,	Mr. Fraser,
Mr. Beck,	Mr. Hudson,
Mr. Arbuckle,	Mr. W. Dingwell,
Mr. Rae,	Mr. Macintosh,
Mr. D. Macdonald,	Mr. Macfarlane,
Mr. Palmer,	Mr. Gorman.

So it passed in the negative.

A motion being made, that the Bill do pass ;

Mr. Palmer moved, in amendment, that at the end of the question be added the words "this day three months."

The House divided on the motion of amendment :

YEAS :

Mr. Palmer,	Hon. J. S. Macdonald,
Mr. Longworth,	Mr. Arbuckle.

NAYS :

Mr. Hudson,	Mr. Dalziel,
Mr. Fraser,	Mr. Thomson,
Mr. D. Macdonald,	Mr. Beck,
Mr. Macintosh,	Mr. J. Dingwell,
Mr. Rae,	Mr. W. Dingwell,
Mr. Le Lacheur,	Mr. Clark,
Mr. Macfarlane,	Mr. Gorman.

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass:"

It was resolved in the affirmative.

Ordered, That Mr. Fraser do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Rae reported from the Committee to whom was referred the Despatch from Her Majesty's Principal Secretary of State for the Colonial Department, on the subject of the Bill of last Session, for the relief of the American Loyalists and Disbanded Troops of this Island ; and the said Report was again read at the Clerk's Table, and is as followeth :

Your Committee submit, that when the matter was last Session before the House, it was not believed that full justice could be immediately done to these claimants, inasmuch as considerable portions of the land set apart to them had become irrecoverable by being sold or leased by the proprietors to individuals, who, having cultivated the same, could not with propriety be evicted from their improvements ; but that the House was anxious to take measures for putting on record their claims, which step would have enabled justice to be done to all in after years.

The measures of last Session were also calculated to put the Loyalists and Disbanded Soldiers in possession of the land which, having been set apart for them, still remained in the possession of the Proprietary claimants, who had agreed to the surrender thereof, or of their heirs. But the objections made by the Colonial Minister to any enactment which may sanction any right which militates against the interest of proprietary claimants, and the fear he expresses than an Act giving to these Loyalists any portion of the Crown lands, would be an encroachment on the rights of the Crown, all tend to make your Committee draw the conclusion, that the only step to which the Colonial Minister will not at present object, is an Act authorising the claims of such Loyalists and Disbanded Soldiers to be put upon record in conformity with the terms therein prescribed, and your Committee accordingly submit a Bill, which they trust will be found suitable for that purpose.

Your Committee cannot but lament, that the answer of the Colonial Minister evinces a much greater regard for absentees, than for those whose attachment to monarchical institutions led them to expose their lives and properties in the defence thereof, and to rely with confidence on proclamations sanctioned by their authority. Your Committee are satisfied that many of those unfortunate men, by their experience in the modes of industry most beneficial in a new country, were of material service to the other inhabitants who emigrated from the British Isles ; they feel real regret that many of such individuals have never been able to obtain justice, and that, even now, when the matter has been laid before the Imperial Government, when there are extant, in the Colonial Office, Acts passed by former Houses of Assembly verifying their claims, substantiated by the Report of the House of Assembly of 1833, when the whole of what they claim was from the

beginning sanctioned by a Governor's Proclamation, industriously circulated throughout North America, when the Public Papers, the Journals of either House, and the different other Records of this Island, will shew that their claims have never been dormant; that now the length of time during which this unjust procedure has been without remedy, is brought forward as one main argument why it should never be remedied—and that the American Loyalists and Disbanded Soldiers are looked upon by Lord John Russell as a body which, no doubt, had once been put to use, but which, when the occasion passed, were unworthy of further notice.

All which is respectfully submitted.

Mr. *Rae* also presented to the House a Bill, for the relief of the American Loyalists and

Disbanded Provincial Troops in this Island, as prepared by the said Committee; and the same was read the first time, and ordered to be read a second time to-morrow.

Resolved, That a Committee of three Members be appointed, to inquire into the number of offices or employments which require a License from the Lieutenant Governor.

Ordered, That Mr. *Rae*, Mr. *Clark* and Mr. *Le Lacheur* do compose the said Committee.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, February 25, 1840.

MR. *D. MACDONALD*, from the Committee appointed to prepare and bring in a Bill for the regulation of the Fishery Reserves in this Island, presented to the House a Bill, as prepared by the Committee; and the same was read the first time, and ordered to be read a second time on Thursday next.

A Petition of Thomas Robinson, and others, styling themselves Members of a Committee appointed by the Loyal American Refugees, the Provincial Disbanded Troops, and the Representatives of such persons, was presented to the House by Mr. *Rae*, and the same was received and read—praying for a Bill calculated to put the said parties into the possession of such unoccupied wilderness lands as had been previously surrendered for their benefit, and which still remain in the possession of the Proprietors by whom the surrender was made; and further praying the House to address the Throne, for a right to locate the Petitioners, and those whom they represent, on the aforesaid lands, or on such lands as may be at the disposal of the Crown in this Colony; or for such other mode of relief as to the House may appear meet.

The Bill for the relief of the American Loyalists and Disbanded Provincial Troops in this Colony, was, according to order, read a second time.

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

Ordered, That the above mentioned Petition be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Le Lacheur* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Le Lacheur* reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed, and that the Title be *An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives*.

Resolved, That an humble Address be presented to Her Majesty, in support of the Bill for the relief of the American Loyalists and Disbanded Provincial Troops, or their Representatives—and that the Committee who prepared the Bill be a Committee to prepare the said Address.

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

WEDNESDAY, February 26, 1840.

THE Hon. Mr. Pope, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, on the subject of appointing additional Post Offices in this Island, presented the draught of an Address, as prepared by the Committee; and the said draught Address, being again read at the Clerk's Table, was agreed to by the House, and is as followeth:

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

May it please your Excellency;

The House of Assembly having had under their consideration a Petition from the Inhabitants of Cape Traverse, Clark's Cove, and Seven-Mile-Bay, praying that a Post Office for the Inland Mails may be established at or near the House of Hector Campbell, Cape Traverse, respectfully request that your Excellency will be pleased to comply with the wishes of the Petitioners.

The House would also beg leave to suggest to your Excellency, the propriety of causing the Inland Mail to be forwarded to John Travers's, at Cape Kildare, as such an arrangement would be a great convenience to the Inhabitants of that section of Prince County; and this House will make good any expense incurred thereby.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Read a third time, as engrossed, the Bill intituled *An Act to continue an Act for regulating the manner of proceeding on contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws."*

Resolved, That the Bill do pass.

Ordered, That Mr. Fraser do carry the said Bill to the Legislative Council, and desire their concurrence.

The Bill to enable Commissioners of Small Debts and Justices of the Peace to appoint Clerks, was, according to order, read a second time.

Mr. D. Macdonald moved, that the further consideration of the Bill be deferred until this day three months.

The Hon. Mr. Pope moved, in amendment, that after the word "that," all be struck out, and the following inserted—"the said Bill be now committed to a Committee of the whole House."

The House divided on the motion of amendment:

YEAS:

Hon. Mr. Pope,	Mr. Arbuckle,
Mr. Macfarlane,	Mr. Dalziel,
Mr. W. Dingwell,	Mr. Hudson,
Mr. Montgomery,	Mr. Gorman,
Mr. Longworth,	Mr. Palmer,
Mr. Beck,	Hon. J. S. Macdonald,
Mr. Thomson,	Mr. Yeo.

NAYS:

Mr. D. Macdonald,	Mr. Forbes,
Mr. Rae,	Mr. Clark,
Mr. Fraser,	Mr. Macneill,
Mr. Le Lacheur,	Mr. Macintosh.

So it was carried in the affirmative.

The main question, as amended, was then put and carried.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to explain and amend an Act intituled "An Act for the improvement of property at Georgetown, and to provide against accidents by Fire."*

And then he withdrew.

Mr. Speaker laid before the House the Impost Accounts for the District of Charlottetown, for the year ended 31st December, 1839, received from the Honorable J. Spencer Smith, Collector for the said District.

Also, the Light Duty Accounts, for said District, for the same period, received from J. L. Hurdis, Esq.

Ordered, That the said Accounts be referred to the Committee appointed to examine and report on the Public Accounts.

Then the House adjourned for one hour :

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill to enable Commissioners of Small Debts and Justices of the Peace to appoint Clerks.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Hudson* reported, that the Committee had gone through the Bill, and made several amendments thereto.

Mr. Speaker having put the question, "Is it the pleasure of the House that the Report of the Committee be received?"

The House divided :

YEAS :

Mr. <i>Hudson</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Montgomery</i> ,
Hon. Mr. <i>Pope</i> ,	Hon. J. S. <i>Macdonald</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Longworth</i> .

NAYS :

Mr. <i>Clark</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Rae</i> ,	Mr. <i>Macneill</i> .
Mr. <i>Le Lacheur</i> ,	

So it was carried in the affirmative.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout the Island, to appoint Clerks*.

A motion being made, that the House do adjourn ;

The House divided on the question :

YEAS, 12. NAYS, 10.

So it was resolved in the affirmative.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, February 27, 1840.

THE Hon. Mr. *Pope*, in his place, presented to the House the Impost and Light Duty Accounts for the District of Bedeque, for the year ended 31st December, 1839.

Ordered, That the said Accounts be referred to the Committee appointed to examine and report on the Public Accounts.

Read a third time, as engrossed, the Bill intituled *An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives*.

A motion being made, that the Bill do pass ;

The House divided on the question :

YEAS :

Mr. <i>D. Macdonald</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Yeo</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Dalziel</i> ,	Hon. J. S. <i>Macdonald</i> .
Mr. <i>Arbuckle</i> ,	

NAYS :

Hon. Mr. <i>Pope</i> ,	Mr. <i>Palmer</i> .
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So it was carried in the affirmative.

Ordered, That Mr. *Rae* do carry the said Bill to the Legislative Council, and desire their concurrence.

Read a third time, as engrossed, the Bill intituled *An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks*.

A motion being made, that the Bill do pass :

Mr. *Le Lacheur* moved, in amendment, that, at the end of the question, the following words be added—"this day three months."

The House divided on the question :

YEAS :

Mr. <i>Le Lacheur</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Rae</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Fraser</i> .

NAYS :

Hon. Mr. Pope,	Mr. Beck,
Mr. Palmer,	Mr. Longworth,
Mr. Yeo,	Mr. Arbuckle,
Mr. Dalziel,	Mr. W. Dingwell,
Mr. Thomson,	Mr. Montgomery,
Mr. Macfarlane,	Hon. J. S. Macdonald.
Mr. Gorman,	

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass:"

It was resolved in the affirmative.

Ordered, That the Hon. Mr. Pope do carry the said Bill to the Legislative Council, and desire their concurrence.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of amending the Act, 3 Will. 4, cap. 2, intituled "An Act to regulate the performance of Statute Labour on

the Highways, and for other purposes therein mentioned."

The Bill for regulating the qualifications of Jurors, and the mode of striking Juries, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, February 28, 1840.

THE Order of the Day, for the House in Committee on the further consideration of the Bill for regulating the qualifications of Jurors, and the mode of striking Juries, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Bill for regulating the Fishery Reserves in this Island, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again ; which the House agreed to.

The Hon. Mr. Pope, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, recommending that certain additional Post Offices be established, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say, he would attend to the desire of the House.

Then the House adjourned for one hour :

And being met—

Ordered, That the Order of the Day, for the House in Committee, to consider the expediency of amending the Act, 3 Will. 4, cap. 2, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned,' be now read :

And the same being read ;

Ordered, That the said Order of the Day be postponed until to-morrow.

Resolved, That this House do now resolve itself into a Committee of the whole House, on

the further consideration of the Bill for the regulation of the Fishery Reserves in this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Mr. Thomson moved to Resolve, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider the expediency of establishing a Copper Currency in this Island.

The House divided on the question :

YEAS :

Mr. Thomson,	Mr. Palmer,
Hon. Mr. Pope,	Mr. Longworth,
Hon. J. S. Macdonald,	Mr. Hudson.

NAYS :

Mr. Le Lacheur,	Mr. Forbes,
Mr. D. Macdonald,	Mr. Macintosh,
Mr. Montgomery,	Mr. Macfarlane,
Mr. Dalziel,	Mr. Macneill,
Mr. Fraser,	Mr. Gorman,
Mr. Beck,	Mr. W. Dingwell.
Mr. Clark,	

So it passed in the negative.

Ordered, That Mr. Clark have leave to absent himself from this House until Tuesday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, February 29, 1840.

THE Order of the Day, for the House in Committee to consider the expediency of amending the Act, 3 Will. 4, cap. 2, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned,' being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had come to a Resolution ; which Resolution being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

Resolved, That it is the opinion of this Committee, that the system by which Statute Labour is performed, and commutation money expended on the Public Roads of this Island, does not operate with due advantage to the Colony.

Resolved, That a Committee of seven Members be appointed, to prepare and bring in a Bill to amend the Act, 3 Will. 4, cap. 2, intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

Ordered, That the Hon. Mr. Pope, Mr. Le Lacheur, Mr. Yeo, Mr. Rae, Mr. Palmer, Mr.

Macintosh and the Hon. J. S. Macdonald do compose the said Committee.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island*, without any amendment.

And then he withdrew.

Then the House adjourned for one hour :

And being met—

Ordered, That Mr. Thomson have leave to introduce a Bill to authorize the appointment of Coroners in King's and Prince Counties.

He accordingly presented the said Bill to the House ; and the same was read the first time, and ordered to be read a second time on Monday next.

Mr. Rae moved, that it be an instruction to the Committee appointed to prepare and bring in a Bill to amend the Act, 3 Will. 4, cap. 2, for regulating the performance of Statute Labour on the Highways, to provide that Com-

missioners of Roads and Overseers be required to make affidavit every year, that they have complied with the requisitions of the Act; and also to provide that the Statute Labour be apportioned according to polls, teams, income and property.

The Hon. Mr. Pope moved the previous question—"Shall the question be now put?"

The House divided on the question :

YEAS :

Mr. Rae, Mr. D. Macdonald.
Mr. Fraser,

NAYS :

Hon. J. S. Macdonald, Mr. Dalziel,
Mr. Palmer, Mr. Beck,
Mr. Yeo, Mr. W. Dingwell,
Hon. Mr. Pope, Mr. Longworth,
Mr. Le Lacheur, Mr. Macintosh,
Mr. Thomson, Mr. Arbuckle,
Mr. Montgomery, Mr. Hudson.
Mr. Gorman,

So it passed in the negative.

The Order of the Day, for the House in Committee, on the further consideration of the Bill for the regulation of the Fishery Reserves in this Island, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Wednesday next.

Resolved, That the following Address to His Excellency the Lieutenant Governor do now pass :—

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

May it please your Excellency ;

The Contract with the owners of the Cape Breton Steamer, being about to expire at the close of the present year, the House of Assembly, being fully alive to the advantage of keeping up a frequent intercourse by means of Steam with the neighbouring Provinces of Nova Scotia and New Brunswick, would respectfully request your Excellency to cause a correspondence to be opened with the Governments of Nova Scotia and New Brunswick, with a view of ascertaining how far those Provinces are disposed to co-operate with this Island in running a Steam Boat, of at least 80 Horse-Power, twice a week, between Charlottetown and Pictou, and once a week between Pictou, Charlottetown and Miramichi.

Ordered, That the said Address be engrossed.

Ordered, That the Hon. Mr. Pope, Mr. Palmer and Mr. Longworth be a Committee to wait on His Excellency with the said Address.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, March 2, 1840.

A PETITION of Lemuel Cambridge and other Merchants and Traders of Cascumpeque and its vicinity, was (with the consent of His Excellency the Lieutenant Governor, that the House may proceed thereon as they shall think fit,) presented to the House by Mr. Yeo, and the same was received and read—praying that provision may be made for the support of a Sub-Collector of Customs at Cascumpeque.

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

The Bill to authorize the appointment of Coroners in King's and Prince Counties, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Le Lacheur took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again; which the House agreed to.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to continue an Act for regulating the manner of proceeding on contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws,"* with several amendments, to which they desire the concurrence of the House of Assembly.

And also—

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

An Act to continue the Act for regulating the manner of proceeding on controverted Elections.

An Act to prevent the running at large of Horses in the Streets and Squares of Charlotte-

town, and also to prevent the running at large of Neat Cattle in the said Streets and Squares at certain seasons, and to repeal a certain Act therein mentioned.

And then he withdrew.

Then the House adjourned for one hour :

And being met—

The names of the Members present were taken down as followeth :

Mr. Speaker,

Hon. J. S. Macdonald, Mr. Gorman, Mr. Le Lacheur, Mr. Dalziel, Mr. Macfarlane, Mr. Fraser, Mr. Longworth, Mr. Hudson, Mr. Beck.

And at half-past Four-o'clock, p. m., Mr. Speaker adjourned the House, for want of a Quorum, until to-morrow, at Eleven o'clock.

TUESDAY, March 3, 1840.

MR. SPEAKER laid before the House two copies of the Minutes of Evidence taken under the direction of a General Commission of Inquiry for Crown Lands and Emigration, appointed on the 21st June, 1838, by His Excellency the Earl of Durham, High Commissioner and Governor General of Her Majesty's Colonies in North America—received from the Executive Government of this Island.

Also, two works, on the Ancient History of Canada, published under the direction of the Literary and Historical Society of Quebec.

The Amendments made by the Legislative Council to the Bill intituled *An Act to continue an Act for regulating the manner of proceeding on Contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws,"* were read the first time, and are as follow :

Title, folio 1—Strike out from the word "continue" to the word "Laws," in the seventh line, both inclusive, and insert, "amend an Act made and passed in the First Year of Her present Majesty's Reign, intituled An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty intituled An Act to consolidate and amend the Election Laws."

Same folio, line 8—Strike out from the word "Whereas" to the word "Votes," in Folio 2, line 15, both inclusive.

Folio 2, line 15—Strike out the word "therefore."

Same folio, line 16—After the word "enacted," insert "by the Lieutenant Governor, Council and Assembly."

Folio 5, line 1—Strike out from the word "and," to the word "longer," both inclusive.

Ordered, That the said amendments be read a second time on Thursday next.

An engrossed Bill from the Council, intituled *An Act to continue the Act for regulating the manner of proceeding on Controverted Elections,* was read the first time.

Ordered, That the said Bill be read a second time on Thursday next.

An engrossed Bill from the Council, intituled *An Act to prevent the running at large of Horses in the Streets and Squares of Charlottetown, and also to prevent the running at large of Neat Cattle in the said Streets and Squares at certain seasons, and to repeal a certain Act therein mentioned,* was read the first time.

Ordered, That the said Bill be read a second time on Thursday next.

Ordered, That the Hon. Mr. Pope have leave to introduce a Bill to authorize the sale, in cer-

tain cases, of Vessels and other property, seized as forfeited, under any Revenue Law of this Island.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time to-morrow.

Mr. Thomson, from the Committee appointed to draw up regulations for Packets to be employed between Georgetown and Pictou, and between Bdeque and Shediac, with power to

report by Bill or otherwise, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

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

Ordered, That Mr. Yeo have leave to absent himself from this House until Saturday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, March 4, 1840.

THE Hon. Mr. Pope, by command of His Excellency the Lieutenant Governor, presented to the House a Chart of Hillsborough Bay and the Harbour of Charlottetown, surveyed under the Colonial Statute, 2d Vict., cap. 5, by George Wright, Surveyor General, and George Peacock, Master of H. M. Ship *Andromache*, Commissioners appointed under the said Act.

Also, a Chart of Cardigan Bay, and the Harbour of Three Rivers, surveyed by the said Commissioners.

The Hon. Mr. Pope also presented to the House a Report made by the said Commissioners of their proceedings with reference to the above mentioned Surveys and other matters—together with the copy of a Letter addressed by Captain Baynes, of H. M. Ship *Andromache*, to His Excellency the Lieutenant Governor, on

the subject of the Fisheries in the immediate neighbourhood of Prince Edward Island.

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

[See Appendix (G.)]

The Hon. Mr. Pope, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that a correspondence may be opened with the Governments of Nova Scotia and New Brunswick, on the subject of maintaining a Steam communication between Pictou, Charlottetown and Miramichi, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say, he would comply with the desire of the House.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, March 5, 1840.

THE Bill to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of sailing Packets, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Hudson reported, that the Committee had gone through the Bill, and made several

amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick*.

Then the House adjourned for one hour:

And being met—

The Bill to authorize the sale, in certain cases, of Vessels and other property, seized as forfeited

under any Revenue Law of this Colony, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Hudson reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandise, and other things, seized as forfeited under any Revenue Law of this Colony.*

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill to authorize the appointment of Coroners in King's and Prince Counties.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Le Lacheur took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Le Lacheur reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to authorize the appointment of Coroners in King's and Prince Counties.*

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, March 6, 1840.

MR. SPEAKER laid before the House, an account of Exports and Imports; vessels launched and registered; vessels which have left the Island under certificate; vessels transferred to other ports; vessels employed in the Foreign and Coasting Trades; Detailed Account of Imperial Duties collected in this Island, with the application thereof, for the year ended 5th January, 1840—received in compliance with the Message of this House to His Excellency the Lieutenant Governor, of the 15th February last.

[For the said Returns, see Appendix (H.)]

Read a third time, as engrossed, the Bill intituled *An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.*

Resolved, That the Bill do pass.

Read a third time, as engrossed, the Bill intituled *An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandise, and other things, seized as forfeited under any Revenue Law of this Colony.*

Resolved, That the Bill do pass.

Ordered, That Mr. Thomson do carry the two preceding Bills to the Legislative Council, and desire their concurrence.

Read a third time, as engrossed, the Bill intituled *An Act to authorize the appointment of Coroners in King's and Prince Counties.*

An engrossed clause was offered to be added to the Bill, by way of Rider, limiting its continuance to three years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

And a motion being made that the said clause be read the first time,

The House divided on the question:

YEAS:

Mr. Macintosh,	Mr. Dalziel,
Mr. Palmer,	Mr. Fraser,
Mr. Macfarlane,	Mr. Macneill,
Mr. Forbes,	Mr. Gorman,
Mr. D. Macdonald,	Mr. Beck.

NAYS:

Mr. Thomson,	Mr. W. Dingwell,
Mr. Montgomery,	Mr. Hudson,
Mr. Longworth,	Mr. J. Dingwell.

So it was carried in the affirmative.

And the said clause was read the first time.

Then the House adjourned for one hour :

And being met—

Mr. Speaker laid before the House several papers relating to the importation and sale of Live Stock, by the Central Agricultural Society, in conformity to a vote of the House of Assembly passed in the year 1838.

[For Account Sales of said Stock, see Appendix I.]

A motion being made, that the engrossed Clause offered to be added by way of Rider to the Bill to authorize the appointment of Coroners in King's and Prince Counties, limiting its duration to three years, and from thence to the end of the then next Session of the General Assembly, be now read a second time ;

The Hon. Mr. Pope moved, in amendment, to leave out the word "now," and at the end of the question to add the words "this day three months."

The House divided on the motion of amendment :

YEAS :

Hon. Mr. Pope,	Mr. Arbuckle,
Mr. W. Dingwell,	Mr. Thomson,
Mr. Longworth,	Hon. J. S. Macdonald,
Mr. Montgomery,	Mr. Hudson,
Mr. Clark,	Mr. J. Dingwell.

NAYS :

Mr. D. Macdonald,	Mr. Beck,
Mr. Macintosh,	Mr. Palmer,
Mr. Le Lachar,	Mr. Macneill,
Mr. Fraser,	Mr. Forbes,
Mr. Dalziel,	Mr. Macfarlane,
Mr. Rae,	Mr. Gorman.

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

And then the said clause was read a second time.

And the said engrossed clause was read the third time ; and upon the question put thereupon, agreed to by the House, to be made part of the Bill by way of Rider.

Resolved, That the Bill do pass.

Ordered, That Mr. Thomson do carry the said Bill to the Legislative Council, and desire their concurrence.

Ordered, That the Hon. Mr. Pope have leave to absent himself from this House, on urgent business.

Ordered, That Mr. Fraser have leave to absent himself from this House until Tuesday next.

Ordered, That Mr. Montgomery have leave to absent himself from this House until Wednesday next.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, March 7, 1840.

ORDERED, That the Thirteenth Rule of this House be temporarily suspended, for the purpose of allowing a motion to be made for leave to introduce a Bill, without previous notice having been given.

Mr. Rae, pursuant to leave given, presented a Bill to continue and make valid in Law all manner of process and proceedings that should have taken place in the Supreme Court at Georgetown, during the last July Term—and the same was read the first time.

Ordered, That the Tenth Rule of this House be suspended, as far as respects the said Bill.

And then the said Bill was read a second time.

A motion being made, that the said Bill be now committed to a Committee of the whole House ;

Mr. Longworth moved, by way of amendment, that the said motion be for the present withdrawn.

The House divided on the motion of amendment :

YEAS :

Mr. Palmer,	Hon. J. S. Macdonald,
Mr. Longworth,	Mr. Arbuckle,
Mr. Beck,	Mr. Hudson.

NAYS :

Mr. Rae,	Mr. Macneill,
Mr. Macintosh,	Mr. Gorman,
Mr. Clark,	Mr. W. Dingwell,
Mr. J. Dingwell,	Mr. D. Macdonald,
Mr. Macfarlane,	Mr. Forbes.

So it passed in the negative.

Mr. Palmer then moved, in amendment to the main motion, to strike out the word "now," and at the end of the question to add the words "upon Monday next."

The House divided on the motion of amendment:

YEAS:

Mr. Palmer, Hon. J. S. Macdonald.
Mr. Longworth,

NAYS:

Mr. Gorman, Mr. Clark,
Mr. D. Macdonald, Mr. W. Dingwell,
Mr. Macfarlane, Mr. Rae,
Mr. J. Dingwell, Mr. Macintosh,
Mr. Beck, Mr. Arbuckle,
Mr. Hudson, Mr. Macneill,
Mr. Thomson, Mr. Forbes.

So it passed in the negative.

Mr. Thomson then moved, in amendment to the main motion, to strike out the word "now," and at the end of the question, to add the words "at the afternoon's sitting;"—which being seconded and put, was carried in the affirmative.

The main motion, as amended, was then put and carried.

Resolved, That a Conference be desired with the Legislative Council, on the subject of the Public Accounts.

Ordered, That Mr. Longworth do go to the Council, and desire the said Conference.

Ordered, That Mr. Longworth, Mr. Thomson, Mr. Palmer and Mr. Arbuckle be a Committee to manage the said Conference.

Resolved, That a Committee be appointed, to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill for the relief of certain of the American Loyalists and Provincial disbanded Troops, and their Representatives.

Ordered, That Mr. Rae and Mr. Clark do compose the said Committee.

The Amendments made by the Legislative Council to the Bill intituled *An Act to continue an Act for regulating the manner of proceeding on Contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws,"* were, according to order, read a second time.

Ordered, That the said amendments be now committed to a Committee of the whole House.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and is as followeth:

Resolved, That it is the opinion of this Committee, that this House do concur with the Legislative Council in their amendments to the said Bill.

And the question of concurrence being put on the said Resolution, it was agreed to by the House; and the said amendments were ordered for a third reading on Monday next.

An engrossed Bill from the Council, intituled *An Act to continue the Act for regulating the manner of proceeding on Controverted Elections*, was, according to order, read a second time, and ordered to be read the third time on Monday next.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council do agree to a Conference, as is desired by the House of Assembly, on the subject of the Public Accounts, and have appointed the Honorables Mr. Brecken and Mr. Macdonald a Committee to manage the said Conference—to meet in the Committee Room instanter.

And then he withdrew.

Whereupon the names of the Managers being called over, they went to the Conference.

And being returned;

Mr. Longworth reported the substance of the Conference to the House.

Then the House adjourned for one hour:

And being met—

The Order of the Day, for the House in Committee, on the Bill to continue and make valid in Law all manner of process and proceedings that should have taken place in the Supreme Court at Georgetown, during the last July term, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Order of the Day, for the House in Committee on the further consideration of the Bill for the regulation of the Fishery Reserves in this Island, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again; which the House agreed to.

Mr. Longworth reported, from the Committee appointed to examine and report on the Public Accounts; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read.

Ordered, That the said Report be referred to a Committee of the whole House on Tuesday next.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, March 9, 1840.

THE amendments made by the Legislative Council to the Bill intituled *An Act to continue an Act for regulating the manner of proceeding on contested Elections, and to amend an Act passed in the First Year of Her present Majesty's Reign, to alter and amend an Act intituled "An Act to consolidate and amend the Election Laws,"* were, according to order, read the third time.

Resolved, That the said amendments do pass, and that the Title of the Bill, as amended, do stand as follows:—*An Act to amend an Act made and passed in the First Year of Her present Majesty's Reign, intituled "An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty, intituled An Act to consolidate and amend the Election Laws."*

Ordered, That Mr. Rae do carry back the said Bill to the Legislative Council, and acquaint them that this House hath agreed to their amendments.

An engrossed Bill from the Council, intituled *An Act to continue the Act for regulating the manner of proceeding on controverted Elections,* was, according to order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Rae do carry back the said Bill to the Legislative Council, and acquaint them that this House hath agreed to the same.

Mr. Rae, from the Committee appointed to search the Journals of the Legislative Council, as to the proceedings had upon the Bill for the relief of certain of the American Loyalists and disbanded Provincial Troops, and their Representatives, reported that they had found the following entry:

LEGISLATIVE COUNCIL CHAMBER,
Wednesday, March 4, 1840.

Present:

The Hon. Mr. Attorney General, President;	
The Hon. Mr. Brecken,	The Hon. Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple,
Mr. Macdonald,	Mr. Macnutt.

The Order of the Day, for the second reading of the Bill intituled *An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives,* having been read;

On motion, the following Resolutions were unanimously agreed to:—

Resolved, That as a Bill, similar in its provisions to the Bill now before the House, sent up from the House of Assembly this present Session, intituled *An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives,* was passed by the Legislature of this Colony in the Session of 1839, and was disallowed by Her Majesty, for the reasons stated in the Despatch from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for

the Colonies, to His Excellency the Lieutenant Governor, bearing date the 31st day of October last, and transmitted to this House by His Excellency; and this House, as a component part of the Legislature of this Colony, by passing the said Act in the Session of 1839, having evinced their anxious desire to afford relief to the American Loyalists, and their Descendants, which desire still exists—yet, as the Bill now before this House has been framed without regard to one of the most material objections of Her Majesty's Government, expressed in the said Despatch, to the effect, "that the Legislature had assumed a right to dispose of the Waste Lands of the Crown, which the Crown had never surrendered to their controul," and which right is yet assumed in the Bill now before this House, without any surrender by the Crown, this House feels compelled to reject it, as only tending to excite hopes that cannot be realized by Legislative interference, without the concurrence of Her Majesty's Government, first obtained.

Resolved, That the Order of the Day, for the second reading of the Bill, intituled *An Act for the relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives*, for this day, do now stand discharged, and that the said Bill be read a second time this day Six Months.

Ordered, That the said Report be referred to the Committee appointed to prepare the draught

of an Address to Her Majesty, in support of the Bill for the relief of the American Loyalists and disbanded Provincial Troops, and their Representatives.

Mr. *Rae* reported from the Committee appointed last Session to acquire information during the recess, touching such amendments as it may be expedient to make to the Act for the encouragement and support of District and other Schools; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read.

Ordered, That the said Report be referred to a Committee of the whole House on Thursday next.

Ordered, That the Committee appointed to inquire into the number of offices or employments which require a License from the Lieutenant Governor, have power to send for persons, papers and records.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, March 10, 1840.

ORDERED, That Mr. *Longworth* have leave to introduce a Bill to amend the Act, 7 Will. 4, cap. 3, relating to Merchant Seamen.

He accordingly presented the said Bill to the House; and the same was read the first time, and ordered to be read a second time to-morrow.

A Petition of Peter Macauslane, of Charlottetown, was presented to the House by Mr. *Rae*, and the same was received and read; setting forth, that he has been harassed by impositions and overcharges, as will appear by the several documents annexed to the Petition; and praying that measures may be adopted, in order that such overcharges may in future be prevented.

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

Mr. *Le Lacheur*, from the Committee to whom was referred the Petition of William Scott, of Township Thirty-four, complaining of being

debarred from all access to any public road, except by suffrance of the owners of the adjoining lands, and praying relief—with power to report by Bill or otherwise, presented to the House a Bill, as prepared by the Committee, to provide for the opening of Roads to farms shut out from access to any public road—and the same was read the first time.

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

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for the regulation of the Fishery Reserves in this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *D. Macdonald* reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act for the regulation of the Fishery Reserves in this Island.*

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, March 11, 1840.

THE Bill to provide for the opening of Roads to farms shut out from access to any public road, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Two Messages from His Excellency the Lieutenant Governor:

The Hon. Mr. Haviland, by command of His Excellency, delivered the following Messages:

First Message:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, the Returns of Statute Labour for the past year, accompanied by Reports of the Commissioners of Roads of the state of the Roads and Bridges within their respective Districts; also, an account of the application of the moneys appropriated to this service for the past year; and the Lieutenant Governor, as heretofore, leaves it to the discretion of the House to vote the sum requisite for the services of Roads and Bridges for the current year. The Lieutenant Governor, at the same time, recommends to their favourable consideration a Petition, numerous and respectably signed, praying for a Bridge across the Wheatly River, at the Oyster Beds—an object of great public convenience, if it can be obtained at a reasonable outlay.

The Lieutenant Governor also transmits two other Petitions—one from the Inhabitants of Crapaud and Sable, praying for a Road to the place of shipment in Crapaud Harbour; the other of Malcolm Morrison, of Township No. 55, praying for remuneration for loss alleged to be sustained by him, in consequence of the Road from the North Side to Souris running through his land, together

with the Report of the Commissioner of the District, upon the subject matter of each Petition—to be dealt with as the local information possessed by the House shall enable them to advise.

As the Contract entered into with Mr. Richard Bagnall, for keeping in repair the Western Road, to the verge of Queen's County, is about to expire, the Lieutenant Governor submits, for the consideration of the House, whether it would not be expedient to make provision for receiving a similar Contract, to include the Bridges on the same Road.

The Lieutenant Governor further brings under the notice of the House, that by the terms of the Road Compensation Act, a Proprietor cannot be called on for the payment of the sum assessed upon his wilderness Land, on the opening of a new Road, until the Road is completed; and he is of opinion, that if the Legislature would sanction the advance of the sum necessary to open any new Road, the Public service would be greatly facilitated, and the rate of making such Road be much reduced, as will appear by the Reports of the Commissioners of the North and South Sections of District No. 1, upon a recent conditional letting of the Road from Hill's Mills to Lot No. 1, and the Road on the Division Lines of Lots 7 and 8, herewith transmitted.

Government House, March 10, 1840.

Second Message:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, the Estimates for the services of the current year, which have been prepared with a due regard to the wants and resources of the Colony.

The Lieutenant Governor also transmits a Memorial of Elizabeth Chappell, Postmistress at Charlottetown, praying, for the reasons therein contained, for additional remuneration for conducting the Inland Mails, which the Lieut. Governor recommends to the favourable consideration of the House.

Government House, March 10, 1840.

[For the Estimates referred to in the Second Message, see Appendix (J.)]

The papers referred to in the foregoing Messages were read by the Clerk, and thereupon,

Ordered, That the said Messages, and the several papers accompanying the same, do lie on the Table.

Then the House adjourned for one hour :

And being met—

Ordered, That the Order of yesterday, for the engrossing the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, be discharged.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Clark took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Clark* reported, that the Committee had come to an amendment ; which amendment was

again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the Bill to authorize the opening of Roads to farms shut out from access to any public road.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again, which the House agreed to.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, March 12, 1840.

A PETITION of divers Agriculturists of this Island, whose names are thereunto subscribed, was presented to the House by Mr. *Le Lacheur*, and the same was received and read, praying for the redress of the various grievances under which this Island now labours.

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

Read a third time, as engrossed, the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*.

An amendment was proposed to be made to the said Bill, in Section 6, line 24, by striking out the word "male," and inserting the word "person," which, being seconded and put, was agreed to by the House ; and the bill was amended at the Table accordingly.

The Hon. *J. S. Macdonald* then proposed to amend the Bill, by striking out the whole, and inserting the following words :—

"Whereas His late Majesty King *George* the Third, by an Order in Council, bearing date on the 8th day of *July*, in the year of our Lord One thousand seven hundred and sixty-seven, was graciously pleased to direct that, "in order "to promote and encourage the Fisheries, for "which many parts of this Island are conve-

niently situated, there be a clause in the "Grant of each Township that abuts on the "sea-shore, containing a reservation of liberty "to all His Majesty's subjects in general of "carrying on a free Fishery on the coast of the "said Township, and of erecting stages and "other necessary buildings for the said Fishery, "within the distance of Five hundred feet from "highwater mark : " And whereas the Grants of Townships Numbers Two (2), Ten (10), Fifteen (15), Sixteen (16), Nineteen (19), Twenty-one (21), Twenty-three (23), Forty-three (43), Forty-five (45), Forty-seven (47), Fifty-three (53) and Fifty-nine (59) contain the following reservation :—" And further saving and "reserving a free liberty to all His Majesty's "subjects of carrying on a free Fishery or "Fisheries on any part or parts of the coast of "the said Township, and of erecting stages and "other necessary buildings for the said Fishery "or Fisheries, within the distance of Five hundred feet from highwater mark : " And whereas the Grants of Townships Numbers One (1), Three (3), Four (4), Five (5), Seven (7), Nine (9), Thirteen (13), Fourteen (14), Eighteen (18), Twenty-two (22), Twenty-four (24), Thirty (30), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), For-

ty (40), Forty-one (41), Forty-two (42), Fifty (50), Fifty-one (51), Fifty-four (54), Fifty-five (55), Fifty-six (56), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64) contain the following reservation:—"And further saving and reserving, for the disposal of His Majesty, his Heirs and Successors, Five hundred feet from highwater mark, on the coast of the tract of land hereby granted, to erect stages and other necessary buildings for carrying on the Fishery:" And whereas the Right Honorable Lord Glenelg, Her Majesty's Principal Secretary of State for the Colonies, by two several Despatches, bearing date respectively the Tenth day of *May*, and the Fourteenth day of *September*, One thousand eight hundred and thirty-eight, conveyed authority to the Lieutenant Governor of this Island for throwing open to all British subjects engaged in the said Fisheries the said last mentioned reservation, and to place the same under the same conditions and restrictions as those which have been reserved for the use of all British subjects engaged in the Fisheries, to be regulated by such laws as might be found necessary for preventing improvident and injurious practices in carrying them on: And whereas but a small portion of the said Reservations has hitherto been required for the purpose of carrying on a Fishery, and many of them have been sold and leased with the adjoining lands, by the original Grantees of such Townships, or their heirs or assigns, and have been cleared and cultivated, and dwelling houses and other valuable buildings have been erected thereon; and it is but just and equitable that the said lessees and purchasers, and their heirs and assigns, should be quieted in their respective possessions of the said Reservations, and that the future uses and occupations of the said Reservations should be regulated by Law: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the clause in the Grants from the Crown of the following Townships—to wit, Numbers One (1), Three (3), Four (4), Five (5), Seven (7), Nine (9), Thirteen (13), Fourteen (14), Eighteen (18), Twenty-two (22), Twenty-four (24), Thirty (30), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Thirty-nine (39), Forty (40), Forty-one (41), Forty-two (42), Fifty (50), Fifty-one (51), Fifty-four (54), Fifty-five (55), Fifty-six (56), Sixty-one (61), Sixty-two (62), Sixty-three (63) and Sixty-four (64), reserving

Five hundred feet on the coasts thereof respectively, for the disposal of His Majesty, his Heirs and Successors, for a Fishery, shall be construed to have the same meaning and effect, so far as extending the right to all British subjects to the use of the said Reservations, for the purpose of carrying on a Fishery thereon, with the Reservations contained in the Grants from the Crown of the following Townships—to wit, Numbers Two (2), Ten (10), Fifteen (15), Sixteen (16), Nineteen (19), Twenty-one (21), Twenty-three (23), Forty-three (43), Forty-five (45), Forty-seven (47), Fifty-three (53) and Fifty-nine (59)—any thing in the said Grants of the said first enumerated Townships, to the contrary thereof, in any wise notwithstanding: And whereas no Grants from the Crown of the following Townships appear on record in this Island—to wit, Numbers Eight (8), Twelve (12), Twenty (20), Twenty-five (25), Forty-four (44) and Forty-six (46): Be it therefore enacted, That if, at any period after the passing of this Act, any of the said Grants shall be placed on record, and it shall appear that a Reservation on the coast thereof, in the form of either of the Reservations set forth in the preamble of this Act, is contained in the same, then the said Reservation in the said Grant, so recorded, shall be subject to all the enactments and provisions contained in this Act, relating to the Reservations in the Grants from the Crown, of the several Townships herein before enumerated.

And be it further enacted, That in all cases where any person or persons, who, at the time of passing this Act, shall be in the *bona fide* possession of or occupation of any of the said Fishery Reserves, either by virtue of any Deed, Grant, Lease, or Agreement for Lease, or other Conveyance from any original Grantee, his heirs or assigns, every such person or persons, their Heirs, Executors, Administrators or Assigns, shall be, and they are hereby confirmed in their several possessions and occupations as aforesaid—subject nevertheless to the right reserved for a free Fishery for all Her Majesty's subjects, as hereinafter provided, under the following limitation and restriction (that is to say)—that no portion of the said Reserve, which shall be occupied by any Building of any description, Farm-yard, Garden, Orchard, Mill-dam or Shipyard, or on the front side, or end nearest the coast, of any Building, Farm-yard, Garden, Orchard, Mill-dam, or Shipyard, or within the space of sixty feet of any other side or end of

any building, Farm-yard, Garden, Orchard, Mill-dam or Shipyard, as aforesaid, shall be liable to be occupied for the purpose of carrying on the said Fishery during the continuance of the term for which such person or persons shall be in such *bona fide* possession or occupation as aforesaid.

And be it further enacted, That to prevent persons holding such Reserves, or any part or parts thereof, under any demise or lease, or agreement for a demise or lease, (whether the same be written or parol), from any proprietor or proprietors of any Land adjoining thereto, from being harassed by suits at law, for the recovery of any rent already accrued due, or that might hereafter accrue due thereon, in respect of such part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease as aforesaid, no proprietor or proprietors, shall be entitled to bring any action, or recover in any Court of law in this Island, against any Tenant or Tenants, Lessee or Lessees, in the occupation of any part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, for any rent due, or hereafter to accrue due, in respect of such Reserves: and if, on the trial of any action for Rent, the Defendant or Defendants shall prove that all the Rent for which such action shall, upon such trial, appear to have been brought, has been paid or satisfied, except such portion thereof as may have accrued due in respect of land on the said Reserve, then such Defendant or Defendants may give this Act in evidence, under the general issue, and the same shall in such case be held a sufficient answer in any Court of this Island, to entitle such Defendant or Defendants to a verdict in his or their favour; and the said Court shall tax to the said Defendant or Defendants such costs as are usually taxed when a verdict is given for the Defendant in the said Court: Provided always, that nothing herein contained shall extend, or be construed to extend, to any suit or suits, action or actions, now instituted or pending, or which shall be brought or commenced before the passing of this Act, in any Court of this Island.

And be it further enacted, That no such Tenant or Tenants, Lessee or Lessees, shall be entitled to bring any action or suit, either at law or in equity, against any proprietor or landlord, who shall have demised or leased, or agreed to demise or lease, any of the said Reserves, or any parts or portions thereof, for any damages

whatsoever, by reason of the said Tenant or Tenants, Lessee or Lessees, being evicted from, or disturbed in his or their possession of such Reserves, or any part thereof, by virtue of this Act; and in any action or suit, so brought or commenced in any Court of Law or Equity, for the purpose aforesaid, the proprietor or landlord may give this Act in evidence as a full answer thereto; and if such suit or action shall be brought at law, the defendant or defendants shall be entitled to a verdict in his or their favour, with costs, to be taxed as usual in such cases; and if in Equity, the Complainant's bill shall be dismissed with costs to the said Defendant or Defendants, as is usual in such cases.

And whereas great mischief and inconvenience may result from permitting persons, wrongfully in possession of parts of the said reserves, to hold the same against the lessor or owner of the lands adjacent to, and in the rear thereof, notwithstanding such persons may be liable to be ejected or removed from such lands in rear thereof:—for the preventing of which, Be it therefore enacted, That whenever any lessor or owner of lands immediately in rear and adjacent to the said Fishery Reserves, shall, would or may be able to maintain an action against the tenant or tenants, occupier or occupiers of such lands, for recovering the possession thereof, such lessor or owner shall also have a right to enter into or maintain an action against such or any tenant or tenants, occupier or occupiers, having or being in possession of any part or parts of the said Reserves, adjacent to and in front of such lands, unless such tenant or tenants, occupier or occupiers, shall shew a good and legal right and title thereto, or to the possession thereof, for the purpose of carrying on the Fishery, under the provisions of this Act. Provided always, that the tenant or tenants, occupier or occupiers, ejected or removed from such reserved lands by the lessor or owner of the lands in rear thereof, shall be entitled to receive, sue for and recover from such lessor or owner the value of any building or buildings situated on such reserved lands, and necessarily erected by or at the expense of such tenant or tenants, occupier or occupiers—such value, if not otherwise agreed upon, to be ascertained by three competent persons, one to be chosen by each party, and a third by the two persons so chosen, and the award of those persons, or of any two of them, shall be binding on both parties, and taken as conclusive evidence as to the

value of such building or buildings, in all the Courts of this Island.

And be it further enacted, That whenever any rent shall be due and in arrear, for and in respect of any lands adjacent to and in rear of the said Reserves, and the lessor or landlord thereof shall be entitled to distrain therefor on such lands, it shall and may be lawful for such lessor or landlord to enter upon any part or parts of the said Reserve, and distrain thereon, for the purpose of satisfying such arrears of rent, although, by virtue of this Act, such rent may be only due and in arrear in respect of or chargeable on the land adjacent to and in rear of the part of the said Reserves upon which such entry may be so made, or distress taken. Provided, that the person or persons in possession of the part of the said Reserves into which such lessor or landlord shall go, enter or distrain, be tenant or tenants, occupier or occupiers of the land adjacent to and in rear thereof, and in respect of which such rent shall have accrued due. And provided always, that nothing in this clause contained shall extend, or be construed to extend, to give any right of action or suit against, or in any way to enable or empower any Proprietor, Lessor or Owner, to disturb, injure or molest any person or persons in the possession of or occupying any part of the said Reserves for fishing purposes, according to and under the provisions of this Act; or to extend, or be construed to extend, to affect, change, alter, take away, or in anywise interfere with the right of Her Majesty, her Heirs and Successors, to the whole or any part of the said Reserves; but that, as between Her said Majesty, her Heirs and Successors, and such Proprietors, Lessors or Owners, the right to the said Reserves shall stand and be in the same plight and condition as if this clause had not been enacted.

And be it further enacted, That where any land that may be bounded by the sea coast of this Island has been granted or sold by the Crown, or on behalf of the Crown, or by the authority of the Act of the General Assembly intituled *An Act to authorize the sale of lands in this Island, reserved as sites for Churches, and for Glebe and School Lands*, in pieces or parcels not exceeding Three hundred Acres in one piece or parcel, without any allowance or deduction having been made for the said Reservation in the said Grants or Deeds, then, and in such case, such Grantee or Feoffee shall not be

liable or subject to the said Reservation, but shall retain the same, and keep possession thereof, peaceably and quietly, the same as if this Act had not been made.

And whereas it is not reasonable or just that the freeholders and tenantry of this Island should be harassed with frequent and expensive litigation, if it can be prevented; but it is nevertheless probable that, in consequence of the numerous disputes and controversies likely to occur, as to the extent of the said Fishery Reserves, they will be exposed to the same, unless the extent of the said Reserves be in some way defined and ascertained—for remedying of which, and for the preventing of harassing and ruinous litigation, Be it therefore further enacted, that the words "on the coasts of the said Township," contained in the Order in Council under which the original grants were issued, shall be construed and taken to mean the part or parts of such Township as shall abut on the sea coast, or on the shore of any Bay, or inlet from the sea; and that as soon as conveniently may be, after the passing of this Act, it shall be lawful for the Lieutenant Governor, or Commander-in-Chief, by and with the advice of Her Majesty's Executive Council, to appoint three fit and proper persons, [of whom the Surveyor General of this Island for the time being shall be one,] to be Commissioners for ascertaining and settling the extent of the said Fishery Reserves, in the manner herein-after directed—which said Commissioners [being first duly sworn, before some Judge of the Supreme Court of this Island, well and faithfully to discharge the duties of their office, according to the best of their skill and judgment,] shall, within Three Months after their appointment, examine the public records of this Island, and make a report and plan of their proceedings, under their hands, clearly pointing out and specifying the respective coasts of each and every Township containing a Fishery Reserve, agreeably to the foregoing definition of the words "on the coasts of the said Township," and shall file the same in the Office of the Surveyor General of this Island; and shall also lodge in the Office of the Colonial Secretary nine copies thereof—which plan or report, so filed as aforesaid, shall be received and taken as evidence of the proceedings of said Commissioners in all the Courts of this Island; and in case of the death, absence or removal of any of the said Commissioners, before the whole duty of their office shall have

been completed, it shall and may be lawful for the Lieutenant Governor, by and with the advice aforesaid, to appoint another or others, in the place of such Commissioner or Commissioners, so dying or being absent, or removing; but nothing in this Act contained shall be construed to empower the said Commissioners to declare any of the Marshes or Sand Hills on the coasts of any Township to be within the limits of the said Fishery Reserve, but the same are hereby declared not to extend to the said Marshes or Sand Hills: Provided always, That where any Marsh or Marshes, Sand Hill or Sand Hills, shall be on the coast of any Township containing a Fishery Reserve, any person or persons carrying on the Fishery under the provisions of this Act, shall have free liberty to erect and extend outwards from the margin of such Marsh or Sand Hill a wharf or wharves, stage or stages, for the purposes aforesaid, and shall also be entitled to have a right of way, twenty feet in breadth, through the said Marsh or Sand Hill to the land reserved in rear thereof; and the said Commissioners shall be paid out of the Public Treasury of this Island such compensation for their trouble as His Excellency the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, may deem meet.

And be it further enacted, That, as soon as may be after the said Commissioners shall have made a report and plan of their proceedings as aforesaid, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint two or more persons, as Conservators of Fishery Reserves, in each of the Counties of this Island, who shall each be furnished by the Colonial Secretary with a copy of the report and plan aforesaid, for their guidance; and the said Conservators shall have full power and authority to enter into, examine, lay off and admeasure any part or parts of the said Reserves, in their respective Counties, in such form and manner as are hereinafter directed by this Act.

And be it further enacted, That when and as often as any person or persons shall be desirous of obtaining any part or parts of any of the said Fishery Reserves, for the purpose of carrying on a free Fishery, he shall apply to one or more of the Conservators appointed for the County in which such Reserves are situated (which application shall be made in writing, on or before the First day of *April*, in each and every year,) and shall also make and subscribe the Affidavit to

this Act annexed, marked (A.), before the said Conservator, who is hereby empowered and required to administer the Oath and attest the same; whereupon the said Conservator is authorised and directed to proceed, without unnecessary delay, to examine the particular part of the said Fishery Reserve which the said applicant is desirous of obtaining; and if it shall appear to the said Conservator that the situation so applied for is not in the possession of any other person, for the *bona fide* purpose of carrying on a free Fishery, he shall thereupon lay off a proportion of the said Fishery Reserve, to the extent to which the said applicant may be entitled, as is hereinafter provided, and shall grant a certificate, under his hand, stating the name of the person, if any, in the possession thereof, and describing the boundaries, and the area thereof, and whether the same is in a cultivated or wilderness state—which certificate shall be furnished to the person or persons applying for the said Fishery Reserve, who is thereupon required to serve a copy of the same at the dwelling-house of the person in possession of the same, if any; and, within ten days next after such service, it shall and may be lawful for the said person or persons, to whom the said certificate of the said conservator is granted, to enter into possession, and occupy the said Fishery Reserve, described in the said certificate, so long as it shall be required for the *bona fide* purpose of carrying on a free Fishery as aforesaid: And in case the said Fishery Reserve shall be in a wilderness and unoccupied state, then it shall and may be lawful for the person or persons to whom the same has been allotted by the said Conservator, to enter into, take possession of and occupy the same, immediately upon the certificate from the said Conservator being granted: Provided always, that if, within four months next after granting such certificate, no possession or occupation shall have taken place, by such person or persons obtaining the same, then the said certificate shall be void and of no effect: Provided also, that in all cases where any person or persons shall consider himself or themselves aggrieved, by reason of any station being selected and certified by any such Conservator, and which he or they shall consider ineligible, or too extensive for the purposes required, then, and in such case, every such person shall have the right to appeal to the Supreme Court of Judicature, at any time within ten days after service of such certificate, by giving to the said

party applicant notice, in writing, of such his or their intention—which notice shall be in the form of the Schedule to this Act annexed, marked (B.) ; and upon hearing evidence thereupon, the said Court is hereby authorised and empowered, in a summary way, either to confirm the said certificate, or vary or lessen the same, as to the said Court shall appear most conducive to the ends of justice, and in its discretion to give to either party such costs as the Court may award.

And be it further enacted, That the Conservators appointed as aforesaid shall be allowed and paid by the said parties applicant, for the services enjoined by this Act, the fees set forth in the Schedule to this Act annexed, marked (C.) ; and in default of payment thereof, the same shall be recovered, with costs, before any one of Her Majesty's Justices of the Peace, or Small Debt Commissioners, in like manner, in all respects, as Small Debts may now be recovered.

And be it further enacted, That no person or persons shall occupy more than twenty feet of the front of the said reserved lands, for every male person of the age of sixteen years and upwards employed by him or them in carrying on the Fishery : Provided always, that nothing in this Act contained shall extend, or be construed to extend, to prevent any of Her Majesty's subjects, engaged in fishing Mackerel, Herrings or Alewives, from drying his or their nets, or from curing the fish so taken, on any part of the said reserved land, not being previously occupied for the purpose of carrying on the Fishery.

And be it further enacted, That the Reservations so made as aforesaid shall extend Five hundred feet inland, from highwater mark, by a line running parallel with the Boundary Lines of the Farms fronting on or adjoining to the said Reserved Land ; and where no Farms shall be laid off, then by a line running the same distance, at right angles with the general course of the coast or gulf, without regard to minute indentations thereof.

And be it further enacted, That nothing in this Act contained shall be construed to prohibit or prevent any person or persons, who shall carry on a Fishery under the provisions of this Act, and who shall erect any building or buildings for that purpose on the said Reserves; from removing such building or buildings, or from disposing, by himself or themselves; or his or their heirs, executors, administrators or assigns, of the said building or buildings to any other

person or persons who may continue to carry on the said Fishery, as contemplated by this Act: Provided always, that if any such person or persons shall cease to carry on such a Fishery for one season, between the First day of *May* and the First day of *November*, in any year, or shall neglect to dispose of or remove such building or buildings, during the period aforesaid, then he or they shall forfeit the title of possession to such premises, and the buildings erected thereon, and the same may be occupied by any other person or persons who shall, in the manner herein-before directed, have obtained the same for the purposes of the Fishery.

And be it further enacted, That if any person or persons shall knowingly or wilfully make a false affidavit or oath, in any case wherein affidavits or oaths are required to be made or taken, under and by virtue of this Act, such person or persons, on due conviction thereof, shall be subject to the pains and penalties imposed by law upon persons guilty of wilful and corrupt perjury: Provided always, that nothing in this Act contained shall have any force or effect until Her Majesty's pleasure thereon shall be known.

Schedules to which this Act refers.

SCHEDULE (A.)

I *A. B.* of in the County of do make oath and say, that I am a British subject, and am desirous of embarking in the Fishing Trade of this Island, and intend to prosecute the same to such extent as I conceive will entitle me, under the provisions of the Act intituled *An Act for the regulation of the Fishery Reserves in this Island*, to a certain piece of Fishery Reserve land, situate at on Township Number in the County of and fronting and that I wish to obtain possession of the said piece of land, for the *bona fide* purpose of carrying on the business of the Fishery, and such uses as are immediately connected therewith, and for no other use or purpose whatsoever.

Sworn at the day of }
before me, }
A. B., Conservator.

SCHEDULE (B.)

Take notice, that I do appeal against the order made by the Conservator of Fishery Reserves, made in your favour for a portion of the land in my occupation, situate on Township Number in the County of for

that [here insert the reasons of appeal,] and that it is my intention to move the Supreme Court, at its next sitting in the said County, to hear and determine the said appeal, according to law.

Dated this day of 184 .
To Mr. C. D.

SCHEDULE (C.)
Conservator's Fees.

For every Oath	-	0	1	0
Drawing and engrossing Affidavit		0	1	6
For every Certificate	-	0	2	6
For every day employed	-	0	10	0
Mileage for each mile necessarily travelled	- - -	0	0	4

The House divided on the motion of amendment:

YEAS:

Hon. J. S. Macdonald, Mr. Longworth.
Mr. Hudson,

NAYS:

Mr. Macfarlane, Mr. Forbes,
Mr. Dalziel, Mr. W. Dingwell,
Mr. Beck, Mr. Macintosh,
Mr. Macneill, Mr. Rae,
Mr. Clark, Mr. D. Macdonald,
Mr. Le Lacheur, Mr. Gorman,
Mr. Fraser, Mr. J. Dingwell.

So it passed in the negative.

Resolved, That the Bill do pass.

Ordered, That Mr. Rae do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Clark rose in his place, and called the attention of the House to the general conduct of John Arbuckle, Esq., a Member of this House, who had so far lost sight of the decency and becoming demeanour of a gentleman, and reputable member of society, as to be seen, on more than one occasion, in a state of inebriety in the streets and public market place, and even on the floor of this House, to the great scandal and disgrace of himself and this House, of which he is a member.

Whereupon Mr. Clark moved, that the said Mr. Arbuckle be sent for, in order to answer to the charges brought against him.

The Messenger who was sent for Mr. Arbuckle, returned for answer, that he was then in bed, and in a state not fit to be seen.

Whereupon Mr. Clark moved that the House do come to the following Resolution:—

Resolved, That the general conduct of John Arbuckle, Esq. is of that degrading and ungentlemanly nature as to utterly disqualify him from any longer retaining his seat in this House; and that, in order to support the dignity of this House, it is indispensably necessary that he be expelled.

The Hon. J. S. Macdonald moved, that the consideration of the said motion be made the Order of the Day for Tuesday next.

The House divided on the question:

YEAS:

Hon. J. S. Macdonald, Mr. Hudson,
Mr. Beck, Mr. Longworth,
Mr. Macneill, Mr. Macfarlane.

NAYS:

Mr. Clark, Mr. Rae,
Mr. J. Dingwell, Mr. D. Macdonald,
Mr. Gorman, Mr. Forbes,
Mr. Dalziel, Mr. Macintosh,
Mr. Fraser, Mr. W. Dingwell,
Mr. Le Lacheur,

So it passed in the negative.

Mr. Longworth then moved, by way of amendment to Mr. Clark's motion, that Mr. Arbuckle be heard in his place.

The House divided on the motion of amendment:

YEAS:

Mr. Longworth, Hon. J. S. Macdonald,
Mr. W. Dingwell, Mr. Hudson,
Mr. Macfarlane, Mr. Macneill,
Mr. Beck,

NAYS:

Mr. J. Dingwell, Mr. Clark,
Mr. Gorman, Mr. Macintosh,
Mr. Fraser, Mr. Forbes,
Mr. Dalziel, Mr. Le Lacheur,
Mr. Rae, Mr. D. Macdonald.

So it passed in the negative.

The question being then put on the main motion:

The House again divided:

YEAS:

Mr. Clark, Mr. Macintosh,
Mr. Gorman, Mr. Rae,
Mr. J. Dingwell, Mr. Forbes,
Mr. Fraser, Mr. D. Macdonald,
Mr. Dalziel, Mr. Le Lacheur.

NAYS:

Mr. Macneill, Mr. Beck,
Mr. Hudson, Mr. W. Dingwell,
Hon. J. S. Macdonald, Mr. Longworth,
Mr. Macfarlane,

So it was carried in the affirmative.

And thereupon, Mr. *D. Macdonald* moved, that the said John Arbuckle, Esquire, be expelled from this House :

The House divided on the question :

YEAS :

Mr. <i>D. Macdonald</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Rae</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Forbes</i> .

NAYS :

Mr. <i>Beck</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Longworth</i> ,	Hon. <i>J. S. Macdonald</i> .
Mr. <i>Macneill</i> ,	

So it was carried in the affirmative—and Ordered, accordingly.

Then the House adjourned for one hour :

And being met—

The Order of the Day, for the House in Committee, to consider the Report of the Special Committee appointed last Session, to acquire information during the recess, touching such amendments as it may be expedient to make to the Act for the encouragement and support of District and other Schools, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *D. Macdonald* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *D. Macdonald* reported, that the Committee had come to a Resolution ; which Resolution being again read at the Clerk's Table, was, upon the question put thereon, agreed to by the House, and is as followeth :

Resolved, as the opinion of this Committee, that the Report of the Special Committee appointed last Session to acquire information during the recess respecting the changes necessary to be made in the School Act, be printed as an Appendix to the Journals of this House, and also published once in each of the Newspapers of the Island.

[See Appendix (K.)]

The Order of the Day, for the second reading of an engrossed Bill from the Council, intituled *An Act to prevent the running at large of Horses in the Streets and Squares of Charlottetown, and also to prevent the running at large of Neat Cattle in the said Streets and Squares at certain seasons, and to repeal a certain Act therein mentioned*, being read ;

Mr. Speaker informed the House, that, it appearing that the Legislative Council had introduced a clause into the Bill imposing a Penalty of a pecuniary nature, and also dictating the mode of suing for the same—the House, therefore, could not, consistently with its privileges, consider further of the said Bill.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, March 13, 1840.

ORDERED, That Mr. *Rae* have leave to introduce a Bill to prevent the running at large of Horses and Neat Cattle in the Streets and Squares of Charlottetown.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time to-morrow.

The Order of the Day, for the House in Committee to consider the Report of the Special Committee appointed to examine and report on the Public Accounts, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Longworth* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Longworth* reported, that the Committee had come to two Resolutions ; which Resolutions being again read at the Clerk's Table, were, upon the question being separately put upon each, agreed to by the House, and are as follow :

1. *Resolved*, as the opinion of this Committee, that it be recommended to the House to appoint a Special Committee, to ascertain if any and how much of the expenses of Crown prosecutions relate to prosecutions against indi-

viduals for alleged resistance to the collection of Rent.

2. *Resolved*, That it be recommended to the House to appoint a Special Committee to examine the Accounts relative to Buoys and Beacons, and to report thereon, and on the efficiency of the Buoys and Beacons already provided, so far as they have obtained or can attain information—with power to send for persons, papers and records.

The Chairman also acquainted the House that he was directed by the Committee to move for leave to sit again—which the House agreed to.

Ordered, That Mr. *Rae*, Mr. *Fraser*, Mr. *Macfarlane*, Mr. *Gorman* and Mr. *Dalziel* be a Committee for the purpose mentioned in the First of the above reported Resolutions—with power to send for persons, papers and records.

Ordered, That Mr. *Le Lacheur*, Mr. *D. Macdonald*, Mr. *Macintosh*, Mr. *J. Dingwell* and Mr. *W. Dingwell* be a Committee for the purpose

mentioned in the Second of the above reported Resolutions.

A Message from the Legislative Council, by Mr. Heath Haviland, their Acting Clerk :

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment :

An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.

An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks.

An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandise, and other things, seized as forfeited under any Revenue Law of this Colony.

And then he withdrew.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, March 14, 1840.

ORDERED, That Mr. *Hudson* have leave to absent himself from this House until Tuesday next.

The Bill to prevent the running at large of Horses and Neat Cattle in the Streets and Squares of Charlottetown, and to repeal a certain Act therein mentioned, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto.

Mr. Clark moved, that the Report be received this day three months.

The House divided on the question :

YEAS :

Mr. Clark,	Mr. Longworth,
Mr. Palmer,	Mr. Beck,
Mr. Thomson,	Mr. Macneill.

NAYS :

Mr. Yeo,	Mr. D. Macdonald,
Mr. Dalziel,	Mr. Rae,
Mr. Fraser,	Hon. J. S. Macdonald,
Mr. Macfarlane,	Mr. Forbes,
Mr. J. Dingwell,	Mr. Gorman,
Mr. W. Dingwell,	Mr. Montgomery.

So it passed in the negative.

Mr. *Rae* moved, that the Bill be re-committed, for the purpose of amending the same, by striking out the words "between the hours of Ten o'clock in the forenoon and Four o'clock in the afternoon."

The House divided on the question :

YEAS :

Mr. Rae,	Mr. Macfarlane,
Mr. Montgomery,	Mr. Yeo,
Mr. Clark,	Mr. Fraser,
Mr. Macneill,	Mr. Forbes,
Mr. J. Dingwell,	Mr. D. Macdonald.
Mr. W. Dingwell,	

NAYS :

Mr. Gorman,	Mr. Beck,
Mr. Palmer,	Mr. Longworth,
Mr. Dalziel,	Hon. J. S. Macdonald,
Mr. Thomson,	

So it was carried in the affirmative.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had agreed to a further amendment.

Mr. Palmer moved, that the Report be received this day six months.

The House divided on the question :

YEAS:

Mr. Palmer,	Mr. Gorman,
Mr. Longworth,	Mr. Thomson,
Mr. Dalziel,	Mr. Beck.

NAYS:

Mr. Fraser,	Mr. Macneill,
Mr. Yeo,	Mr. Forbes,
Mr. Macfarlane,	Mr. W. Dingwell,
Hon. J. S. Macdonald,	Mr. D. Macdonald,
Mr. J. Dingwell,	Mr. Montgomery,
Mr. Rae,	Mr. Clark.

So it passed in the negative.

The several amendments reported from the Committee were then read by the Clerk, and on the question put thereon, agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown.*

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, March 16, 1840.

MR. RAE, from the Committee appointed to ascertain if any and how much of the charges for Crown Prosecutions relate to prosecutions against individuals for alleged resistance to the collection of Rent, reported from the said Committee; which Report was again read at the Clerk's Table, and is as followeth :

Your Committee, to whom it was referred by the House to examine whether any of the expenses of Crown Prosecutions relate to the alleged resistance of individuals to the collection of Rent, have to report, that in the Accounts of the Honourable the Attorney General, there appears a charge of £2 15s. 4d.; in those of the Solicitor General, a charge of £1 1s. 0d.; and in those of the Prothonotary, a charge of £1 8s. 0d.—all for a prosecution commenced by the Crown against three individuals, for an alleged rescue of some cattle, &c. belonging to one Martin, of Belfast, and distrained for rent alleged to be due to the Trustees of Lord Selkirk, and that it appears there may be some further procedure in this matter at the public expense. Whether or not any expense was incurred by summoning witnesses, &c. your Committee have not been able to ascertain.

There appears in the Accounts of the Sheriff of Queen's County, the sum of £12 7s. 11½d. for expenses incurred in the prosecution, at the suit of the Crown, against Hugh McLeod and wife, for a similar resistance. As a trial took place in this case, there is no doubt that a charge in this matter, for the services of the Prothonotary and the Attorney General, &c. will be forthcoming against the country the next year.

From information which your Committee have received, as to certain proceedings which took place at the last sitting of the Court in Georgetown, it appears, that the public will have to defray a heavy charge for law expenses there, as bills have been found by the Grand Jury against several individuals, for an alleged assault on the Sheriff at a sale of cattle belonging to James Douglas, of Bay Fortune, and distrained for Rent; and that in 1838, there was paid out of the Treasury the sum of £81 18s. 3d. as the expense of taking constables to assist the Sheriff in his endeavours to apprehend one Robertson, of Lot 42, King's County, for his alleged resistance to the Sheriff, in serving a Writ for Rent, besides the Attorney General's Account, in regard to the same matter—amount £7 4s. 6d.

Ordered, That the said Report be referred to the Committee of the whole House, to inquire into and take into consideration the State of Colony.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the expediency of establishing fixed salaries for certain Public Officers, in lieu of all fees and emoluments at present allowed for their services.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Clark took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Mr. *Rae* gave notice that he will, to-morrow, move that an Address be presented to His Excellency the Lieutenant Governor, praying that he will cause a copy of Lord John Russell's Despatch of the 16th October, 1839, relative to the responsibility of Public Officers, to be laid before this House.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Report of the

Special Committee appointed to examine and report on the Public Accounts.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, March 17, 1840.

READ a third time, as engrossed, the Bill intituled *An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown.*

Mr. *Clark* moved, that the Bill do now pass.

Mr. *Palmer* moved, in amendment, to leave out the word "now," and at the end of the question, to add the words "this day three months."

The House divided on the motion of amendment:

YEAS:

Mr. <i>Palmer</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Longworth</i> .
Mr. <i>Beck</i> ,	

NAYS:

Mr. <i>Clark</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Rae</i> .
Mr. <i>W. Dingwell</i> ,	

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass,"

It was resolved in the affirmative.

Ordered, That Mr. *Clark* do carry the said Bill to the Legislative Council, and desire their concurrence.

The Order of the Day, for the House in Committee on the further consideration of the Report

of the Special Committee appointed to examine and report on the Public Accounts, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Longworth* reported, that the Committee had gone into the consideration of the Report of the Special Committee referred to them, had made amendments thereto, and then adopted the same; and he read the Report in his place, and delivered it in at the Clerk's Table, where being again read, it was agreed to by the House, and is as followeth:—

EXPENDITURE for the YEAR ending January 30th 1840.

ROADS AND BRIDGES.	
Paid by the Correspondent of Road Commissioners	£2315 11 4
Repairing Anderson's Road, part of £150 voted for that purpose	9 2 0
Landing Materials of the old Mount Stewart Bridge	2 0 0
Compensation to Lauchlan M'Leod, John Muttart, Widow Praught, John Clark, Widow Mackie and Michael D Leary, for a right of way through each of their Farms	89 14 0
Saving Materials and repairing Hope River Bridge	14 18 0
Repairing Wright's Bridge	16 18 9
Road leading from Cardigan to Mount Stewart Bridge	159 2 6

Repairing Auld's Bridge - - -	5	19	0
Mount Stewart Bridge (1st instalment)	120	0	0
Correspondent of Road Commissioners' Salary - - -	30	0	0
Road Commissioners' Salaries - - -	160	0	0
	<hr/>		
	2923	6	1

Road Compensation Act.

Compensation for Damages	11	0	0
Sheriff's Account for Prince County - - -	135	10	6
	<hr/>		
	146	10	6

CROWN PROSECUTIONS.

Attorney General's Fees -	134	11	3½
Solicitor General's do. -	17	6	8
Clerk of the Crown's Fees and Disbursements -	115	11	7½
Deputy Clerk of the Crown's Fees and Disbursements for Prince County - - -	44	3	8
Deputy Clerk of the Crown's Fees and Disbursements for King's County - - -	14	1	7
	<hr/>		
	325	14	10½

JAILS AND COURT-HOUSES.

Queen's County.

Bread, (Jail) - - -	30	3	11½
Fuel, do. - - -	56	6	3
Sheriff's Account - - -	86	3	9½
Erecting a Picket Fence, &c., (Jail) - - -	95	16	6
Repairing Court House - - -	10	0	3
Medical Attendance, (Jail) - - -	10	0	0
Jailer - - -	40	0	0
Matron - - -	15	0	0
	<hr/>		
	343	10	9

King's County.

Sheriff's Account - - -	£48	8	3
Fuel (Jail) - - -	20	14	2
Jailer - - -	30	0	0
Medical Attendance - - -	2	10	3
	<hr/>		
	101	12	8

Prince County.

Sheriff's Account - - -	20	12	2
Fuel (Jail) - - -	7	3	0
Jailer - - -	30	0	0
	<hr/>		
	57	15	2

MAILS.

By Steam - - -	500	0	0
J. H. White, two trips to Pictou	20	0	0
Winter, including £38 10s. 6d. for carrying Mails between Cape Tormentine and Amherst	177	0	6
	<hr/>		
	940	4	5
	<hr/>		
	98	17	1
Eastern - - -	59	10	10
Three Rivers, Belfast and Wood Islands - - -	64	16	0
Miss Chappell, for conducting Mails - - -	20	0	0
	<hr/>		
	940	4	5

EXECUTIVE COUNCIL.

Clerk's Quarterly Accounts	189	3	6
Messenger's Salary, - - -	40	0	0
	<hr/>		
	239	3	6

LEGISLATIVE COUNCIL.

Notifying Members (travelling expenses) - - -	12	0	0
Chaplain - - -	30	0	0
Clerk and Stationery - - -	152	10	1
Usher of the Black Rod - - -	38	10	0
Printing Journals and Binding	101	10	0
Preparing Index to Journals - - -	7	10	0
Messenger and Disbursements	40	5	0
Doorkeeper - - -	26	6	6
	<hr/>		
	408	11	7

HOUSE OF ASSEMBLY.

Speaker and Members - - -	786	6	7½
Clerk - - -	180	0	0
Sergeant at Arms - - -	33	15	0
Ditto, Sundries supplied	66	13	4
Messenger - - -	28	17	6
Printing - - -	250	18	7
Doorkeeper - - -	27	19	6
	<hr/>		
	1374	10	6½

WHARVES AND HARDS.

Princetown Wharf - - -	243	0	0
Wharf at Green's Shore, Bedeque (voted in 1838) - - -	50	0	0
Charlottetown Wharf (repairing outer block) - - -	14	8	6
Hard opposite Georgetown	15	0	0
Repairing Hard opposite Charlottetown - - -	10	0	0
	<hr/>		
	332	8	6

NAUTICAL SURVEY OF THE HARBOURS OF CHARLOTTETOWN AND GEORGETOWN.

George Peacock, Esq. Master H. M. S. Andromache, for his services, protracting Plans, &c.	50	0	0
Hon. George Wright, Surveyor General, for his services and disbursements, Charts, &c.	143	0	7
	<hr/>		
	193	0	7

BOYS AND BEACONS—CHARLOTTETOWN HARBOUR.

Paid by the Surveyor General, as per vouchers - - -	33	1	0
Mr. Peake, for Cables, &c. supplied - - -	41	3	6
Mining Association, for Anchors, Mr. C. C. Davison's Account, for Iron and Blacksmith's work for Buoys - - -	50	15	8
Mr. C. C. Davison, for taking up Buoys - - -	8	12	2
	<hr/>		
	157	4	4

Georgetown Harbour, one Beacon at St. Andrew's Point	6	13	2
New London (Buoys) - - -	8	0	0
Cascumpeque Harbour (2 Buoys)	8	7	0
Richmond Bay (1 Buoy) - - -	12	18	0
St. Peter's (2 Beacons) - - -	8	0	0
Grand River, King's County, (Buoys) - - -	7	12	0
	<hr/>		
	208	14	6

FISH BOUNTY ACT.

Benjamin Beers (Schooner Olive Branch) - - -	10	5	0
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William Mackay & Co. (Schr. Sarah Ann and Trial)	25	15	0	
Walker & Macdonald (Schooner Success)	11	5	0	
				47 5 0

PRINTING AND STATIONERY.

J. D. Haszard's Quarterly Accounts,	262	6	9	
J. B. Cooper & Co. (advertising),	8	16	6	
				271 3 3

MISCELLANEOUS.

Sundry Work, in and about Government House & out-buildings, in 1838 & 1839,	479	19	10	
Balance due on Books purchased for the use of the Legislature,	45	3	2½	
William Smallwood, for his improvement on a Horse-power Machine,	10	0	0	
Return of Duty paid on a Printing Press, &c. imported by J. B. Cooper & Co.	10	0	0	
Return of Duty on Bibles,	4	11	3½	
Assessment on Government Pews in St. Paul's Church,	6	19	6	
Assessment on do. paid up to Whitsuntide, 1840,	8	15	0	
Delegation to England, by W. Cooper, Esq.,	300	0	0	
Mechanics' Institute,	20	0	0	
Truckage of Firewood from Fuel-yard to Guard-house (Government House),	3	3	0	
Theophilus Chappell, for preparing Plan and Specification of Bridge intended to be built at Mount Stewart Ferry, and travelling expenses,	3	12	6	
Isaac Smith—his Account for Plans of Public Buildings, &c.,	12	0	0	
Surveyor General's Account,	2	10	0	
George Wright, jr., Deputy Surveyor General, his Account for public services,	27	7	6	
Joseph Ball, for exploring and ascertaining the best line of Road between the Scotch Settlement, Lot 67, and Lots 28 and 29, and furnishing a Plan,	13	5	5	
J. H. White, to reimburse him in expenses incurred in defending an Action instituted against him by the Commissioners appointed to superintend the reprinting of the Laws,	125	0	0	
James Warburton, Road Commissioner, his Account for mileage, and other charges, in travelling to let a part of the Western Road,	7	7	0	
Cutting Ice from Mount Stewart Bridge,	5	0	0	
Ellis River Ferry,	5	0	0	
T. Owen, Esq., for apprehending a Deserter, allowed by 50 Geo. 3, cap. 3,	5	0	0	
Pump in Public Well at Ferry House, opposite Charlottetown,	5	0	0	
Protecting Herring and Alewives Fisheries,	24	0	0	
Coroner's Inquests,	32	11	4½	
Agricultural Societies,	150	0	0	
District Schools, including £50 to St. Andrew's College, and £20 to Acadian Teachers,	605	0	0	
Colonial Secretary (including his own and the Lieutenant Governor's Fees, &c.,	177	14	1½	
Lunatics and Paupers,	294	9	0	

Master of the National School,	19	0	0
Fitting up Telegraph,	5	6	4
Town Major's small Disbursement Account,	11	12	1½
Sheriffs' Salaries, £20 each,	60	0	0
Assayer of Weights and Measures,	10	0	0
Chief Justice's travelling expenses,	100	0	0
Treasurer's Salary,	500	0	0
Collector of Impost's Salary,	260	0	0
Sub-Collectors of Customs,	160	0	0
Adjutant General's Salary,	75	0	0
Central Academy, Masters' Salaries,	300	0	0
Secretary to Board of Education,	15	0	0
Visitor of Schools' Salary,	100	0	0
Wharfinger,	32	10	0
Market Clerk's Salary,	40	0	0
Treasurer's small Disbursement Account,	30	17	4
Drawback on Goods exported,	90	1	8½
Treasury Notes cancelled,	1000	0	0
Bears and Loupcerviers,	21	5	0
Interest on Outstanding Warrants,	564	11	2½
Balance,	3319	9	8½
			<u>£17,011 14 2</u>

RECEIPTS AT THE TREASURY,
For the Year ending January 30th, 1840.

	IMPOST DUTY.			
	£	s.	d.	
Charlottetown,	29570	8	33	
Three Rivers,	1173	11	23	
Bedeque,	584	6	3½	
Richmond Bay,	460	12	0	
Colville Bay,	382	2	43	
St. Margaret's,	305	6	0½	
Cascumpeque,	167	5	6	
New London,	158	7	3	
St. Peter's,	83	13	11	
Crapaud,	27	5	7	
Rustico,	17	19	7	
Belfast,	4	1	3	
				12934 19 4½
	LIGHT DUTY.			
Charlottetown,	54	5	5	
Three Rivers,	21	13	53	
Bedeque,	11	13	73	
Richmond Bay,	9	14	7	
Colville Bay,	5	7	8	
				102 14 9½
Post Office,				336 6 1½
Amount of Licence Duty, (including £5 for one Pedlar's Licence,)				310 5 0
Fines and Penalties, &c.				44 0 0
Land Assessment Act,				2108 11 3
One Year's Rent of Warren Farm,				27 15 6
Collector of Dog Tax,				7 12 0
Coal Meters' Hire of Tubs,				6 18 4
William Murphy—on account of Ferry Rent,				1 17 6
Her Majesty's Customs,				900 0 0
Charlottetown Wharf,				103 17 8
Interest on Bonds,				126 16 7½
				<u>£17011 14 2</u>

Dr.	GENERAL ABSTRACT.			Cr.
	£	s.	d.	£ s. d.
To amount of Treasury Warrants afloat, and bearing Interest, viz :				
Warrants issued between the 1st February, 1837 and 1st February, 1838, -	910	12	11	
Warrants issued between the 1st February, 1838 and 21st January, 1839, -	1807	1	0	
Warrants issued between the 21st January, 1839 and 30th January, 1840, -	7363	10	2½	
Balance, -	5214	6	10	
	<u>£15,295</u>	<u>10</u>	<u>11½</u>	
				<u>£15,295 10 11½</u>

Dr.	TREASURY NOTES.			Cr.
	£	s.	d.	£ s. d.
To amount of Notes in circulation,	11,500	0	0	
	<u>£11,500</u>	<u>0</u>	<u>0</u>	
				By Balance, as per General Abstract, - £5214 6 10
				Less £2108 11s. 3d., appropriated under the present Land Assessment Act, - 2108 11 3
				<u>3,105 15 7</u>
				Balance, - - - 8,394 4 5
				<u>£11,500 0 0</u>

As appears by the above statement, the Expenditure for the past year amounts to £13,692 4s. 5½d. and the Receipts at the Treasury to £17,011 14s. 2d., thereby showing a balance in favour of the Colony, for that period, of £3,319 9s. 9d.; yet the actual balance in its favour, for that time, must be taken to be £4,319 9s. 9d., in consequence of £1000 of Treasury Notes being cancelled under the Act, 3 Will. 4, cap. 13, and charged as expenditure.

The amount of Treasury Warrants afloat and bearing interest is £10,081 4s. 1¾d., and the amount of Bonds and Cash in hand is £15,295 10s. 11¾d. Of the latter amount £2108 11s. 3d. has arisen under the operation of the Land Assessment Act, and by it appropriated. The balance then available, to meet the floating debt of the Colony, will be £3,105 15s. 7d.—less the amount of Interest due on outstanding Warrants, over and above the Interest that may arise on Bonds in the Treasury, thereby reducing the actual debt of the Colony to £8,394 4s. 5d.

Your Committee are gratified in stating, that there has been an increase in the Revenue, during the past year, of £5,446 15s. 4d. beyond that of the preceding one; and it is worthy of remark, that the increase of Revenue in the Excise Department, for the past year, is 40 per cent. over and above the receipts of any former year in the same Department.

The Impost Accounts for Three Rivers are 5s. 8d. short on three Quarters, and there is a deficiency on the Impost Account for St. Peter's, for the Quarter ending 30th June, in two small sums which appear to have been calculated at 2½ per cent. duty instead of 5 per cent.

There appears on the late Colonial Secretary's Accounts a charge of £16 11s. for searches by order of the Principal

Secretary of State for the Colonies : and in the Accounts of the late Clerk of the Executive Council the sum of £8 for stationery, and the sum of 1s. per side for reading each side of every matter in Council, and 3s. 4½d. for every order made thereon, which do not appear to have been charged in this form heretofore; and as these two last sums formed part of the 6s. 7½d. stg. in lieu of which the Act, 2, Vict. c. 2, and Session 2, allows 3s. for each and every warrant, it makes a difference of £58 6s. 1d. on these items, from 1st March to 5th Nov. against the Colony. In respect to the opinions of the Law Officers of the Crown, which are herewith submitted, in regard to these charges, the Committee are at a loss to discover their consistency; but inasmuch as the legal construction of that act appears to be held by the Crown Officers, so greatly at variance with the intention of the Legislature as manifested in passing the Act, and as your Committee humbly consider, so apparent in its language, they would recommend that it be rendered, by an amendment, still more explicit.

The Sheriff's Account for the Gaol at St. Eleanor's is in too general terms, and without sufficient vouchers.

The Account for the Surveys and Plans of the Harbours of Charlottetown and Three Rivers is £193 0s. 7d. and for the Buoys and Beacons for Charlottetown, £157 4s. 4d. a sum greater by £100 than for all the Harbours of the Island besides.

The expenditure for Roads is much larger than the appropriations, which has chiefly arisen in consequence of the gale of the 13th Sept. last; and the Committee duly appreciate the motives of his Excellency the Lieutenant Governor, in having ordered these necessary services to be performed.

A sum of £3 15s. is charged for the Assessment on Government Pews in St. Paul's Church, to Whitsuntide last, which sum is not yet appropriated.

Your Committee recommend, that the Attorney General be requested to furnish the House with a statement of such Bonds as have been placed in his hands, and in the hands of the Solicitor General, for recovery, and what steps have been taken to recover such Bonds, and the probability of the sums severally due thereon being eventually paid.

Your Committee have to remark, that in sundry instances, the Juries summoned under the Road Compensation Act, have been summoned from twenty and thirty miles distance, when there is every reason to believe that an impartial Jury could have been got within one third of the distance, and that the Sheriffs ought to be warned against a practice productive of needless expence.

Your Committee recommend, that the Copy of the Warrant Book, and the Vouchers of Amounts in the list hereunto annexed, be published as an Appendix to the Journal.

[*For the Documents referred to in the above Report, see Appendix (L.)*]

Resolved, That the following Address to His Excellency the Lieutenant Governor be adopted :

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

May it please your Excellency ;

The House of Assembly having understood that your Excellency had received from the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, a Despatch of date 16th October, 1839, relative to the responsibility of Public Officers, respectfully request your Excellency to cause a copy of the same to be transmitted to this House.

Ordered, That Mr. Rae, Mr. Macintosh and Mr. Clark be a Committee to wait upon His Excellency with the said Address.

A Petition of the Officers and Committee of the Charlottetown Temperance Society was presented to the House by Mr. Clark, and the same was received and read—praying that an Act may be passed to prohibit entirely the importation of Ardent Spirits into this Colony, and the distillation of any quantity thereof by means of domestic manufacture ; or for the adoption of such other salutary and restrictive measures for the promotion of Temperance as to the House may seem meet.

Resolved, That the said Petition be referred to a Committee of nine Members, to examine the same, and report thereon to the House at its next Session.

Ordered, That Mr. Clark, Mr. Longworth, Mr. Yeo, Mr. Thomson, Mr. Dalziel, Mr. Hudson, Mr. D. Macdonald, Hon. J. S. Macdonald and Mr. Macneill do compose the said Committee.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to authorize the appointment of Coroners in King's and Prince Counties*, with an amendment, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

The amendment made by the Legislative Council to the Bill intituled *An Act to authorize the appointment of Coroners in King's and Prince Counties*, was read the first time, and is as followeth :

Folio 2, line 6—Strike out from the word "Enacted," to the end of the clause, and insert—"that
" nothing herein contained shall have
" any force or effect until Her Majesty's
" pleasure therein shall be known."

Ordered, That the said amendment be read a second time to-morrow.

Then the House adjourned for one hour :

And being met—

Resolved, That a Committee be appointed, to frame a Rule on the subject of Penalties of a pecuniary nature inserted in Bills.

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

The Order of the Day, for the House in Committee to resume the consideration of the expediency of providing fixed salaries for certain public officers, in lieu of the fees and emoluments hitherto allowed for their services, being read ; The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Clark took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Clark reported, that the Committee had come to a Resolution, which they had directed

him to report to the House, and he read the same in his place, and delivered it in at the Clerk's Table.

Mr. Clark also informed the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The Resolution reported from the Committee was again read by the Clerk, and, on the question put thereon, agreed to by the House, and is as followeth :

Resolved, That it is the opinion of this Committee, that a certain Salary be granted to the person filling the offices of Colonial Secretary and Registrar, and Clerk of the Executive Council of this Island, in lieu of all fees and emoluments now payable to that Officer by the Government of this Colony.

Ordered, That Mr. Thomson, Hon. Mr. Pope and Mr. Palmer be a Committee to prepare and bring in a Bill in accordance with the above reported Resolution.

Resolved, That the several Petitions praying aid towards the relief and support of Paupers and Lunatics, presented to the House this Session, be referred to a Committee of twelve

Members, to examine the same, and report thereon with all convenient speed.

Ordered, That the Hon. J. S. Macdonald, Mr. Clark, Mr. Dalziel, Mr. Thomson, Mr. Yeo, Hon. Mr. Pope, Mr. Macintosh, Mr. W. Dingwell, Mr. Macneill, Mr. Le Lacheur, Mr. Fraser and Mr. Palmer do compose the said Committee.

Resolved, That a Message be sent to His Excellency the Lieutenant Governor, praying that he will be pleased to direct the proper Officer to lay before this House an account of such Bonds as have been placed in the hands of the Attorney General and Solicitor General, and what steps have been taken to recover the sums due thereon, and what prospects there may be of the sums severally due being eventually paid.

Ordered, That Mr. Thomson and Mr. Clark be a Committee to wait upon His Excellency with the said Message.

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, March 18, 1840.

RESOLVED, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider of the Supply to be granted to Her Majesty.

The Amendment made by the Legislative Council to the Bill intituled *An Act to authorize the appointment of Coroners in King's and Prince Counties*, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had come to a Resolution; which Resolution was again read at the Clerk's Table, and is as followeth :

Resolved, That it is the opinion of this Committee, that this House do concur with the Legislative Council in their amendment to the said Bill.

And the question of concurrence being put

on the said Resolution, it was agreed to by the House; and the said amendment was ordered for a third reading to-morrow.

Then the House adjourned for one hour :

And being met—

Mr. Rae, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, requesting a copy of Lord John Russell's Despatch of the 16th October, 1839, on the subject of the responsibility of Public Officers, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say he would comply with the desire of the House.

Ordered, That Mr. Macintosh and Mr. Montgomery be added to the Committee to whom was referred the Despatch of the Right Honorable Lord John Russell, of the 17th September last; together with a copy of the Bill passed by this House at its last Session for the settlement of the Inhabitants, to report thereon.

Then the House adjourned until to-morrow, at Eleven o'clock.

THURSDAY, March 19, 1840.

THE Hon. J. S. Macdonald reported from the Committee to whom was referred the several Petitions presented to the House this Session, praying aid towards the relief and support of Paupers and Lunatics; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read, and is as followeth:

Your Committee having maturely considered the subject to them referred, are of opinion, that the Petitioners, and others for whom aid is solicited, be relieved to the extent of the sums respectively attached to their names in the following Schedule:

Prince County.

James English	£3	0	0
William and Magdalen Holmes	10	0	0
Daniel Quigley	5	0	0
Matthew Flinn	5	0	0
Mary Hickey	3	0	0
Peter Macmillan	5	0	0
Maurice Curran	3	0	0
William Macneill	5	0	0
	39	0	0

King's County.

Nancy Macgillivray	2	10	0
Mary Hore, for expenses of James Hall	5	0	0
Thomas Devereaux	4	0	0
Mary Cluny, to pay her passage to Newfoundland	5	0	0
Angus M'Kellock	3	0	0
Margaret Campbell	2	10	0
John Griffin	7	0	0
Elizabeth Brow	2	10	0
John Smith	3	0	0
Christiana Maceachran	3	0	0
John Rowan	3	0	0
	40	10	0

Queen's County.

Charles Russell	5	0	0
Nancy Keilley	3	0	0
John Ready	5	0	0
Rosanna Mitchell	5	0	0
Catherine Hilliard	5	0	0
Helen Reilly	4	0	0
James Conway	5	0	0
Simon Mackinnon	3	0	0
Catherine Gainer	5	0	0
Charles Nicholson, Orwell	5	0	0
Hercules Freeze, New London	8	0	0
James Maddox	8	0	0
Joanna Redmond	5	0	0
Margaret Finlayson	8	0	0
Christiana Macphee	3	0	0
Mary Macaulay, towards the support of her son John	10	0	0
Archibald M'Nevin	3	0	0
John Macnamara	10	0	0
William Purcell	10	0	0

Elizabeth Le Page	10	0	0
Three blind persons of the name of Mackay, at New London	12	0	0
John Joseph A. Betture, New London	8	0	0
Robert Winter	5	0	0
Ann Macdonald, Belfast	3	0	0
	148	0	0

Your Committee are of opinion that it is inexpedient to grant the prayer of the Petitions from or on behalf of the following persons, viz:

Thomas Welsh, Lot 66;
John Egan, Lot 32;
Edward Fehan, Lot 37;
Edward Brenan, Lot 18.

Your Committee respectfully recommend to the House to grant a sum in aid of the Ladies' Benevolent Society, to enable them more effectually to provide for the support of the indigent, and that the case of Thomas Prendergast be referred to their consideration.

Ordered, That the said Report be referred to the Committee of Supply.

The amendment made by the Legislative Council to the Bill intituled *An Act to authorize the appointment of Coroners in King's and Prince Counties* was, according to order, read the third time.

A motion being made, that the said amendment do pass;

The House divided on the question:

YEAS:

Mr. Longworth,	Hon. J. S. Macdonald,
Mr. Gorman,	Mr. Palmer,
Mr. Macneill,	Mr. Thomson,
Mr. Yeo,	Mr. Beck,
Mr. Hudson,	Mr. Clark,
Mr. Dalziel,	Mr. Montgomery.

NAYS:

Mr. Macintosh,	Mr. D. Macdonald,
Mr. Fraser,	Mr. Forbes,
Mr. Le Lacheur,	Mr. Mucfarlane.

So it was resolved in the affirmative.

Ordered, That Mr. Thomson do carry back the said Bill to the Legislative Council, and acquaint them that this House hath agreed to their amendment.

Ordered, That the Order of the Day, for the second reading of the Bill to amend the Act relating to Merchant Seamen, be now read;

And the same being read;

Mr. Longworth moved, that the said Bill be now read a second time;

The House divided on the question :

YEAS :

Mr. Longworth,	Mr. Palmer,
Hon. J. S. Macdonald,	Mr. Montgomery,
Mr. Thomson,	Mr. Hudson,
Mr. Gorman,	Mr. Yeo.
Mr. Macneill,	

NAYS :

Mr. Dalziel,	Mr. Macfarlane,
Mr. Le Lacheur,	Mr. Forbes,
Mr. Macintosh,	Mr. D. Macdonald,
Mr. Clark,	Mr. Fraser.
Mr. Beck,	

The House being equally divided, Mr. Speaker gave his casting vote against the motion.

So it passed in the negative.

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

Then the House adjourned for one hour :

And being met—

Ordered, That Mr. Rae have leave to introduce a Bill to exempt Lessees and Tenants from being held responsible for Quit Rents and Land Assessments.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time on Saturday next.

The Order of the Day, for the House in Committee to inquire into and take into consideration the State of the Colony, being read ;

Ordered, That the said Order of the Day be postponed until to-morrow.

Ordered, That the Order of the Day, for the House in Committee to consider of the Supply to be granted to Her Majesty, be now read ;

And the same being read ;

Ordered, That the Messages received from His Excellency the Lieutenant Governor on the 11th inst. with the Estimates for the service of the current year, Road Returns, and other papers, be referred to the said Committee.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, on the consideration of all matters relating to Roads and Bridges.

Ordered, That the several Petitions presented to the House this Session, praying aid for Roads and Bridges, be referred to the said Committee.

Then the House adjourned until to-morrow, at Eleven o'clock.

FRIDAY, March 20, 1840.

MR. LE LACHEUR, from the Committee to whom was referred the Despatch of the Right Honorable Lord John Russell, of the 17th September last, together with a copy of the Bill passed by this House at its last Session, for the settlement of the Inhabitants, to report thereon by Bill, Bills, or otherwise, reported a Bill, as prepared by the Committee, to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and the same was read the first time.

Ordered, That sixty copies of the said Bill be printed for the use of Members.

Mr. Thomson, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Message praying for returns of Bonds in the hands of the Attorney and Solicitor General, reported the delivery thereof, and that His Excellency was pleased to say, he would cause the returns moved for to be laid before the House.

Mr. Thomson, from the Committee appointed to prepare and bring in a Bill to provide Salaries for certain public Officers, in lieu of fees and other emoluments, presented to the House a

Bill to provide a fixed Salary for the Colonial Secretary and Registrar and Clerk of the Executive Council; and the same was read the first time, and ordered to be read a second time to-morrow.

Ordered, That Mr. Palmer have leave to introduce a Bill to amend the Act enabling Married Women to convey Real Estates during their coverture.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time to-morrow.

Then the House adjourned for one hour.

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for opening Roads to farms from whence there is no access to any public road.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto; and the said amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act for opening Roads to Farms from whence there is no access to any public road*.

The Bill to amend the Act relating to Merchant Seamen, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Then the House adjourned until to-morrow, at Eleven o'clock.

SATURDAY, March 21, 1840.

READE a third time, as engrossed, the Bill intituled *An Act for opening Roads to Farms from whence there is no access to any public Road*.

Mr. Rae moved, that the Bill do now pass.

The Hon. Mr. Pope moved, in amendment, to strike out the word "now," and at the end of the question, to add the words "this day three months."

The House divided on the motion of amendment:

YEAS :

Hon. Mr. Pope,	Mr. Palmer,
Mr. Longworth,	Mr. Yeo.

NAYS :

Mr. Le Lacheur,	Mr. Gorman,
Hon. J. S. Macdonald,	Mr. Dalziel,
Mr. Beck,	Mr. Macfarlane,
Mr. Montgomery,	Mr. Macintosh,
Mr. Forbes,	Mr. Rae,
Mr. Macneill,	Mr. D. Macdonald,
Mr. Thomson,	Mr. Fraser.
Mr. Clark,	

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass,"

It was resolved in the affirmative.

Ordered, That Mr. Rae do carry the said Bill to the Legislative Council, and desire their concurrence.

The Bill to exempt Lessees and Tenants from the payment of Quit Rents and Land Assessments, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress; and had directed him

to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned for one hour :

And being met—

Resolved, That a Message be sent to His Excellency the Lieutenant Governor, respectfully to request that he will be pleased to cause the proper Officer to lay before this House a copy of so much of the Blue Book as relates to the Fees, Salary and Emoluments of office of the Colonial Secretary and Registrar, and Clerk of the Executive Council, for the last six years.

Ordered, That Mr. Thomson, Mr. Le Lacheur and Mr. Rae be a Committee to wait upon His Excellency with the said Message.

Ordered, That this House do now proceed to the consideration of the several Private Petitions before the House.

The Petition of divers Inhabitants of Townships Twelve, Thirteen, Fourteen and Sixteen, praying for a grant in aid of individual subscriptions, towards erecting Wharves or Hards at Ellis River Ferry, was read, and referred to the Committee of Supply.

The Petition for aid to extend the Wharf at Green's Shore, Bedeque, and to make roads leading thereto, was read, and referred to the Committee of Supply.

The Petition from the Inhabitants of New London and its vicinity, praying an aid to provide Scows for Fyffe's and Cole's Ferries, was read, and referred to the Committee of Supply.

The Petition from divers Inhabitants of Townships One, Two and Three, complaining of the site selected by the Road Commissioner for the Bridge to be built over Tignish Pond, was read ; and thereupon,

Ordered, That the said Petition be referred to the Committee of the whole House on the

consideration of all matters relating to Roads and Bridges.

The Petition of divers Merchants and Ship-owners of Tryon and Crapaud, for aid to provide Buoys and Beacons, was read, and referred to the Committee of Supply.

The Petition of the Officers and Committee of the Crapaud and adjacent Settlements' Agricultural Society was read, and referred to the Committee of Supply.

The Petition of Charles Young, on behalf of the Charlottetown Mechanics' Institute, was read, and referred to the Committee of Supply.

The Petition of Lemuel Cambridge and others, praying that provision may be made for a Sub-Collector of Customs at Cascumpeque, was read, and referred to the Committee of Supply.

The Petition of John Scott, Ferryman, was read ; and thereupon,

Ordered, That the said Petition be referred to Mr. Longworth, Mr. Palmer and the Hon. J. S. Macdonald, to examine the same, and report thereon.

The Petition of Thomas Irwin, on behalf of the Indians, was read ; and thereupon,

The Hon. Mr. Pope moved, that it is inexpedient to grant the prayer of the said Petition.

Mr. D. Macdonald moved, in amendment, that after the word "that," all be struck out, and the following substituted—"the said Petition be referred to a Committee of five Members, to examine the same, and report thereon."

The House divided on the motion of amendment :

YEAS, 8.

NAYS, 7.

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

Ordered, That Mr. D. Macdonald, Mr. Gorman, Mr. Macintosh, Mr. Clark and Mr. Thomson do compose the said Committee.

Then the House adjourned until Monday next, at Ten o'clock.

MONDAY, March 23, 1840.

THE Order of the Day, for the House in Committee on the further consideration of the Bill to exempt Lessees and Tenants from the payment of Quit Rents and Land Assessments, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *D. Macdonald* reported, that the Committee had gone through the Bill, and made several amendments thereto.

Mr. *Palmer* moved, that the Report of the Committee be received this day three months.

The House divided on the question :

YEAS :

Mr. <i>Palmer</i> ,	Mr. <i>Dalziel</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Gorman</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>Longworth</i> .

NAYS :

Mr. <i>D. Macdonald</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Kac</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Macfarlane</i> .
Mr. <i>Forbes</i> ,	

So it passed in the negative.

The several amendments reported from the Committee were then read by the Clerk, and, on the question put thereon, agreed to by the House.

Mr. *D. Macdonald* moved, that the said Bill, as amended, be engrossed, and that the Title be "An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments."

The Hon. Mr. *Pope* moved, in amendment, that after the word "engrossed," all be struck out, and the following substituted—"and that the Title be "An Act to abolish the rights of property, and to invalidate all contracts entered into between Landlord and Tenant, for the payment of Quit Rents and Land Assessments;" which being seconded and put, passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Ordered, That Mr. *Gorman* have leave to introduce a Bill to repeal the Act for regulating the Herring and Alewives Fisheries.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time tomorrow.

Then the House adjourned for one hour.

And being met—

Two Messages from His Excellency the Lieutenant Governor :

The Hon. Mr. Haviland, by command of His Excellency, delivered the following Messages :

First Message :

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor transmits to the House of Assembly, Copy of a Despatch which he has received from the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, bearing date the 16th of October last, relative to the responsibility of Public Officers, as requested by the House of Assembly. Government House, March 23, 1840.

Second Message :

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, Plans and Estimates of a Fire-proof Building, to be erected in Charlottetown, for the safe keeping of the Public Records, and for other purposes enumerated in the Act of the 7th Will. 4, cap. 31.

These Plans also include the accommodation necessary for holding the Supreme Court within the same building ; and the Lieutenant Governor strongly recommends to the serious consideration of the House of Assembly, the propriety of making such addition to the appropriation, under the Act in question, as will enable the Commissioners to carry into effect so desirable an object of public convenience.

Government House, 23d March, 1840.

[For the Despatch referred to in the First Message, see Appendix (M.)]

Ordered, That the said Messages, and the papers accompanying the same, do lie on the Table.

Mr. *Thomson*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Message, requesting a copy of so much of the Blue Book as relates to the fees and emoluments of the Colonial Secretary and Registrar, and Clerk of the Executive Council, reported the delivery thereof, and that His Excellency was pleased to say, he would cause the information prayed for to be communicated to the House.

The Bill to amend the Act enabling married women to convey Real Estates during their coverture, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Palmer* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Palmer reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to amend the Act enabling married women to convey Real Estates during their coverture.*

Resolved, That a Committee be appointed, to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill intituled *An Act to repeal part of an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled "An Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits, of what nature or kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits, of what nature or kind soever;"* and to amend an Act passed in the Third Year of the Reign of His late Majesty King William the Fourth, intituled *"An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the Trial of Issues, for a limited period."*

Ordered, That Mr. Fraser and Mr. Rae do compose the said Committee; who, returning, reported, that they had found the following entry:—

LEGISLATIVE COUNCIL CHAMBER,
Friday, March 20, 1849.

Present:

The Hon. Mr. Attorney General, President;

The Hon. Mr. Brecken,	Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple.
Mr. Macdonald,	

On motion, the House was adjourned during pleasure, and put into a Committee on the Report of the Special Committee, to whom was referred the Bill intituled *"An Act to repeal part of an Act passed in the Thirteenth year of the Reign of His late Majesty King George the Third, intituled, 'An Act for the more easy and effectual trial of Criminal Offenders; also trials of property, or any other suit or suits of what nature or kind soever; and for the ascertaining the qualifications of Jurors in trials of such offenders, as also in trials of property, or any other suit or suits, of what nature or kind soever;' and to amend an Act*

passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled 'An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court, in Queen's County, a Term for the trial of Issues, for a limited period.'"

After some time, the House was resumed, and Mr. Brecken reported, that the Committee had gone through the Report of the Special Committee, and that they had agreed to the same.

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

On motion, Resolved, that the further consideration of the said Bill be deferred until this day six months.

The Order of the Day, for the House in Committee to inquire into and take into consideration the State of the Colony, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had come to three Resolutions, which they had directed him to report to the House; and he read the same in his place, and delivered them in at the Clerk's Table.

Mr. Macdonald also informed the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

The Resolutions reported from the Committee were then read by the Clerk, and, on the question being separately put thereon, agreed to by the House, and are as follow:

1. Whereas it has been officially communicated to the House of Assembly, that the Lords Commissioners of Her Majesty's Treasury have no objection to the appropriation of the sum of Fifteen hundred Pounds out of the accruing produce of the Sales of Crown Lands in this Colony, to the erection of a building in Charlottetown, as an Asylum for insane persons and other objects of charity, the House of Assembly making provision for the future maintenance thereof: *Therefore, Resolved*, That it is the opinion of this Committee, that a Bill be brought in to provide for the erection and future maintenance of an Asylum for insane persons and other objects of charity.

2. Whereas the Plans sent down by His Excellency the Lieutenant Governor, by Message,

on the 1st February last, accompanied with a Despatch from the Right Honorable the Marquis of Normanby, transmitting the same, are not the Plans prayed for by the Address of this House to His Excellency the Lieutenant Governor, on the 14th April, 1839, nor those to which the Tabular explanation which accompanied the same refers: *Resolved, therefore*, that an Address be presented to His Excellency the Lieutenant Governor, thanking his Excellency for his attention in forwarding the views of the House in this matter, and respectfully requesting, that he will be pleased to renew the application for the Plans required; and further praying His Excellency, to use his influence to obtain a copy of any Plan or Plans of Georgetown and Royalty, which may have been sanctioned by the Imperial Government, prior to the year 1835.

3. *Resolved*, That it be recommended to the House to appoint a Special Committee to examine the state of the Public Plans and Surveys in the Surveyor General's Office, and any authorised records contained therein, and report thereon to the House.

Ordered, That Mr. Palmer, Mr. Longworth, Hon. Mr. Pope, Mr. Clark, Mr. Thomson, Hon. J. S. Macdonald and Mr. Macintosh be a Committee to prepare and bring in a Bill, in accordance with the First of the above reported Resolutions.

Ordered, That Mr. Thomson, Mr. Palmer and Mr. Montgomery be a Committee to prepare the draught of an Address, in accordance with the Second of the above reported Resolutions.

Ordered, That Mr. Rae, Mr. Fraser, Mr. D. Macdonald, Mr. Thomson and Mr. Clark be a Committee for the purpose mentioned in the Third of the above reported Resolutions.

Then the House adjourned until to-morrow, at Eleven o'clock.

TUESDAY, March 24, 1840.

ORDERED, That the Committee appointed to examine the Public Plans and Surveys in the Surveyor General's Office, with any other authentic Records therein deposited, have power to send for persons, papers and records.

Read a third time, as engrossed, the Bill intitled *An Act to amend the Act enabling married women to convey Real Estates during their coverture*.

Resolved, That the Bill do pass.

Ordered, That Mr. Palmer do carry the said Bill to the Legislative Council, and desire their concurrence.

The Bill to repeal the Act for regulating the Herring and Alewives Fisheries was, according to order, read a second time.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to repeal the Act for regulating the Herring and Alewives Fisheries*.

The Order of the Day, for the House in Committee, to consider further of a Supply, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again—which the House agreed to.

Then the House adjourned until to-morrow, at Ten o'clock.

WEDNESDAY, March 25, 1840.

READ a third time, as engrossed, the Bill intituled *An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments.*

Mr. *Rae* moved, that the Bill do now pass.

Mr. *Palmer* moved, in amendment, to strike out the word "now," and at the end of the question to add the words "this day three months."

The House divided on the motion of amendment :

YEAS :

Mr. <i>Palmer</i> ,	Hon. Mr. <i>Pope</i> ,
Mr. <i>Longworth</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>Hudson</i> .

NAYS :

Mr. <i>Rae</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>W. Dingwell</i> .

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass,"

The House again divided :

YEAS :

Mr. <i>W. Dingwell</i> ,	Mr. <i>Rae</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Beck</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Fraser</i> .
Mr. <i>Macneill</i> ,	

NAYS :

Hon. Mr. <i>Pope</i> ,	Mr. <i>Longworth</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Hudson</i> ,	Mr. <i>Gorman</i> .
Mr. <i>Palmer</i> ,	

So it was resolved in the affirmative.

Ordered, That Mr. *Rae* do carry the said Bill to the Legislative Council, and desire their concurrence.

Read a third time, as engrossed, the Bill intituled *An Act to repeal the Act for regulating the Herring and Alewives Fisheries.*

Resolved, That the Bill do pass.

Ordered, That Mr. *Gorman* do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. *Thomson*, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, relative to the obtaining a copy of the original Plan of Survey of the Island, presented to the House the draught of an Address, as prepared by the Committee; and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency ;

The House of Assembly beg leave to thank your Excellency for your attention to the subject matter of their Address of the 14th April, 1839. Neither of the Plans, however, which have been transmitted to this Colony in answer to that Address, as your Excellency is aware, appears to be a copy of the Plan of Survey made by the late Mr. Holland, as desired by the House, and described in the Address alluded to—and certainly are not those Plans to which the Tabular Explanation accompanying the same refers. The House are therefore under the necessity of again soliciting your Excellency to endeavour to obtain a copy of the Plan of the Island, - as executed by Mr. Holland and others, from the survey by them made, by authority, between the years 1764 and 1769—the said Plan being on a scale of Four thousand feet to one inch, and being that to which the Tabular Explanation alluded to refers.—The House of Assembly are further desirous of obtaining a copy of any Plan or Description of the Town and Royalty of Georgetown which may have been submitted to and sanctioned by the Imperial Government previous to the year 1835 ; and respectfully request that your Excellency will be pleased to use your influence to procure the same.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

A Message from the Legislative Council, by Mr. *Desbrisay* :

Mr. *Speaker*,

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

An Act to prevent the bringing persons convicted of Felonies and Misdemeanours to this

Island, from the Island of Newfoundland, or elsewhere in America.

An Act to provide for the maintenance and support of illegitimate Children.

And then he withdrew.

The Hon. *J. S. Macdonald*, from the Committee of the whole House, on the consideration of a Supply, reported, according to order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's Table, and are as follow :

1. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred and sixty Pounds be granted, to defray the salary of the Collector of Impost for the District of Charlottetown, for the present year.

2. **RESOLVED** That it is the opinion of this Committee, that a sum not exceeding Forty Pounds be granted, to defray the salary of the Clerk of the Market at Charlottetown, for the present year.

3. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and sixty Pounds be granted, to defray the salaries of the Sub-Collectors of Customs, for the present year.

4. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and sixty Pounds be granted, to defray the salaries of the Commissioners of Highways, for the present year.

5. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Thirty Pounds be granted, to defray the salary of the Wharfinger of the public Wharf at Charlottetown, for the present year.

6. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Seventy-five Pounds be granted, to defray the salary of the Officer appointed under the Act, 3 Will. 4, cap. 39, for receiving the returns from the Commanders of Militia regiments and battalions.

7. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to the Assayer of Weights and Measures for Charlottetown, in lieu of office rent and other contingent expenses, for the present year.

8. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Forty Pounds be granted, to defray the salary of the Messenger of the Executive Council, Crier of the Supreme Court, and Tipstaff in Chancery, for the present year.

9. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty Pounds, or as much thereof as may be required, be granted, to defray the allowance to the Commissioners for issuing Treasury Notes, for the present year.

10. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Three hundred Pounds be granted, to defray the Salaries of the two Masters of the Central Academy, for the present year.

11. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Twenty-five Pounds be granted, to defray the Salary of the Master of the National School at Charlottetown, for the present year—should the same be required.

12. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One thousand Pounds be granted, for carrying into effect the Act for the encouragement and support of District and other Schools, including the allowance to St. Andrew's College, and to Acadian Teachers.

13. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Five hundred Pounds be granted, to defray the expence of conveying the Mails, by means of Steam Navigation, for the present year, under the provisions of the Act of 6 Will. 4, cap. 11—providing the services stipulated in the contract are duly performed.

14. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred and fifty Pounds be granted, to defray the expence of conveying the Winter Mails to and from the Provinces of Nova Scotia and New Brunswick.

15. **RESOLVED**. That it is the opinion of this Committee, that the sum of Two hundred and fifty Pounds be granted, to defray the expence of conveying the Inland Mails for the present year, or such amount as may be required for that service.

16. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted, and paid to Elizabeth Chappell, for conducting the business of the Inland Mails, for the present year.

17. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Eighty Pounds be granted, and placed at the disposal of the Lt. Governor, towards carrying into effect the Act of the present Session intituled "An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick."

18. **RESOLVED**, That it is the opinion of this Committee, that the sum of Forty Pounds be granted, to defray the amount of Premiums allowed by law for the destruction of Bears and Loupcerviers, for the present year.

19. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred and fifty Pounds be granted, to defray the expence of public Printing and Stationery, for the present year.

20. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Four hundred and fifty Pounds be granted, to defray the cost of Crown Prosecutions, including fees of Crown Officers—and a sum not exceeding Fifty Pounds for Crown Officers' fees for other purposes, should the same be required, for the present year.

21. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred Pounds be granted, to defray the Chief Justice's travelling charges, for the present year.

22. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Sixty Pounds be granted, to de-

fray the salaries of the High Sheriffs of the different Counties, for the present year.

23. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred Pounds be granted, to defray the Sheriffs' expenses for the Jails of King's, Prince, and Queen's Counties.

24. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding One hundred Pounds be granted, to provide Fuel and Bread for the three County Jails, for the present year.

25. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Forty Pounds be granted, to defray the Salary of the Keeper of the Jail at Charlottetown, for the present year.

26. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Sixty Pounds be granted, to defray the salaries of the Keepers of the Jails at St. Eleanor's and Georgetown, for the present year.

27. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Fifteen Pounds be granted, to defray the allowance to the Matron of Charlottetown Jail, for the present year, should the same be required.

28. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to the Medical Attendant of Charlottetown Jail, for his services, and for supplying the Prisoners with Medicines, for the present year.

29. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Four Pounds be granted, and paid to each of the Medical Attendants of the Jails of St. Eleanor's and Georgetown, should the same be required during the present year.

30. **RESOLVED**, That it is the opinion of this Committee, that the sum of Two hundred and fifty Pounds be granted, to defray the contingent expenses of the Government, for the present year.

31. **RESOLVED**, That it is the opinion of this Committee, that there be granted, and placed at the disposal of the Lieut. Governor, the sum of Four hundred Pounds, to defray the Interest payable on Treasury Warrants at the Treasury, agreeably to law.

32. **RESOLVED**, That it is the opinion of this Committee, that there be granted, and paid to the Speaker of this House, the sum of Sixty Pounds; and to each of the Members, the sum of Thirty Pounds, to indemnify them for their disbursements while attending the sittings of the House of Assembly, during the present Session, with travelling charges as heretofore—deducting a proportionate rate for each and every day absent.

33. **RESOLVED**, That it is the opinion of this Committee, that there be granted, and paid to John Arbuckle, late a Member of this House, the sum of Twenty Pounds, to indemnify him for his disbursements in attending the same during the present Session.

34. **RESOLVED**, That it is the opinion of this Committee,

that the sum of One hundred and sixty-seven Pounds, Four Shillings and Five-pence halfpenny, be granted, to defray the balance due for repairs and improvements on Government House and Premises during the past year.

35. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three hundred Pounds be granted, to defray the expenditure on Government House and Premises for the present year.

36. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three thousand Pounds be granted, for the service of Roads and Bridges, for the present year—to be apportioned equally among the three Counties.

37. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred Pounds be granted, to defray the incidental repairs of Roads and Bridges, for the present year, to be similarly apportioned.

38. **RESOLVED**, That it is the opinion of this Committee, that the sum of Four hundred Pounds be granted, and placed at the disposal of the Lieutenant Governor, towards completing the Main Western Road, in Prince County.

39. **RESOLVED**, That it is the opinion of this Committee, that the sum of Six hundred and seventy-seven Pounds be granted, to defray the balance due on the contract for the erection of Mount Stewart Bridge.

40. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and six Pounds be granted, to defray the expense of completing the Bridge over South River, Murray Harbour, in addition to the sum of One hundred Pounds granted last Session in aid of that object.

41. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted, to extend the Wharf near Peter's Shore, Three Rivers.

The First of the said Resolutions being again read;

Mr. *Rae* moved, that the said Resolution be referred back to the Committee of Supply, for re-consideration.

The House divided on the question:

YEAS:

Mr. <i>Rae</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Macneil</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Fraser</i> .

NAYS:

Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Dalziel</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Montgomery</i> .

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

The Second of the said Resolutions being again read;

Mr. *Rae* moved, in amendment thereto, that the word "Forty" be struck out, and the word "Thirty" substituted.

The House divided on the motion of amendment:

YEAS:

Mr. <i>Rae</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>D. Macdonald</i> .

NAYS:

Mr. <i>Montgomery</i> ,	Mr. <i>Thomson</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Forbes</i> ,	Hon. Mr. <i>Pope</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Longworth</i> .

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

The Third to the Twentieth of the said Resolutions, inclusively, being again severally read, were, upon the question of concurrence being separately put thereon, agreed to by the House.

The Twenty-first of the said Resolutions being again read;

Mr. *Rae* moved, that the said Resolution be referred back to the Committee of Supply, for re-consideration.

The House divided on the question:

YEAS:

Mr. <i>Rae</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Macneill</i> .
Mr. <i>W. Dingwell</i> ,	

NAYS:

Mr. <i>Macfarlane</i> ,	Mr. <i>Beck</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Longworth</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>Clark</i> .
Mr. <i>Palmer</i> ,	

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

The Twenty-second to the Thirty-first of the said Resolutions, inclusively, being again severally read, were, upon the question of concurrence being separately put thereon, agreed to by the House.

The Thirty-second of the said Resolutions being again read;

Mr. *Palmer* moved, in amendment thereto, that the word "Sixty" be struck out, and the word "Fifty" substituted; and that the word "Thirty" be struck out, and the words "Twenty-five" substituted.

The House divided on the motion of amendment:

YEAS:

Mr. <i>Palmer</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Clark</i> ,	Hon. <i>J. S. Macdonald</i> .
Hon. Mr. <i>Pope</i> ,	

NAYS:

Mr. <i>Hudson</i> ,	Mr. <i>Rae</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Montgomery</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Thomson</i> .
Mr. <i>J. Dingwell</i> ,	

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

The Thirty-third to the Thirty-fifth of the said Resolutions, inclusively, being again severally read, were, upon the question being separately put thereon, agreed to by the House.

The Thirty-sixth of the said Resolutions being again read;

Mr. *Thomson* moved, in amendment thereto, that the words "Three thousand" be struck out, and "Two thousand five hundred" substituted; which being seconded and put, passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

The Thirty-seventh of the said Resolutions being again read, was, on the question put thereon, agreed to by the House.

The Thirty-eighth of the said Resolutions being again read;

Mr. *Fraser* moved, in amendment, that the following words be added to the said Resolution—"and that Twenty-five Pounds thereof be expended in covering the logs and completing the road at each end of Ellis River Bridge;" which being seconded and put, passed in the negative.

The Hon. Mr. *Pope* then moved, in amendment, that the following words be added to the said Resolution—"North of Ellis River Bridge,

and thence to Hill's Mills;" which being seconded and put, was carried in the affirmative.

The question being then put on the said Resolution, as amended, it was agreed to by the House.

The residue of the said Resolutions being again severally read, were, upon the question being separately put thereon, agreed to by the House.

The Petition of divers Inhabitants of Bay Fortune, praying an aid to purchase a right of way through the farms of Wm. Dingwell and Wm. Mackenzie, was taken up and again read.

Ordered, That the said Petition be referred to the Committee of Supply.

Ordered, That Mr. Longworth have leave to introduce a Bill to regulate the service of Processes issued out of any of the Superior Courts of this Island.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time on Friday next.

Then the House adjourned until to-morrow, at Ten o'clock.

THURSDAY, March 26, 1840.

MR. THOMSON, in his place, presented to the House an extract from the Blue Book, showing the amount paid to the Colonial Secretary, Registrar and Clerk of the Executive Council, for the last six years—received, in compliance with the Message of this House to His Excellency the Lieutenant Governor, of the 21st inst.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill to amend the Act relating to Merchant Seamen.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Montgomery reported, that the Committee had gone through the Bill, and made several amendments thereto.

Mr. Fraser moved, that the Report be received this day three months.

The House divided on the question :

YEAS :

Mr. Fraser,	Mr. Forbes,
Mr. Rae,	Mr. D. Macdonald,
Mr. Macintosh,	Mr. J. Dingwell.

NAYS :

Mr. Longworth,	Mr. Palmer,
Mr. Thomson,	Mr. Hudson,
Mr. Beck,	Mr. Clark,
Mr. Macneill,	Mr. Montgomery,
Mr. Dalziel,	Mr. W. Dingwell,
Hon. Mr. Pope,	Hon. J. S. Macdonald.
Mr. Gorman,	

So it passed in the negative.

The amendments reported from the Committee were then read by the Clerk, and, on the question put thereon, agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to amend the Act relating to Merchant Seamen*.

Then the House adjourned for one hour.

And being met—

Mr. Palmer, from the Committee appointed to inquire into the subject of the introduction of Money Penalties into Bills, with a view to the founding of a Rule thereon, for the future governance of the House, presented the Report of the said Committee; which Report was again read at the Clerk's Table, and is as followeth :

Your Committee, appointed to examine into the usage and practice of your Honourable House, hitherto pursued, where the upper branch of the Legislature originate, or propose to amend, any Bill, or Clause of a Bill, in which a penalty or forfeiture is imposed, with a view of defining, by express rule, the extent to which the House of Assembly should recognize the interference of the Legislative Council in such matters, find that the House of Assembly hath ever claimed to itself the sole right of originating all Bills, or Clauses of Bills, by which any penalty or forfeiture of a pecuniary nature is intended to be imposed on the subject; but, inasmuch as your Committee have grounds to believe that this subject has lately been considered by the House of Commons of Great Britain, and that where the direct object of a Bill is not to tax the subject or to grant aids to the Crown, but for any other principle, and there are penalties in the Bill to effect such purpose, the House of Commons would now appear to admit the right of the House of Lords to amend any penalty clauses in

such Bill contained; your Committee would respectfully submit that the House of Assembly should for the present relax the rule it has hitherto so strenuously adhered to, in so far as to acknowledge (until reference can be obtained to the late Journals of the House of Commons) a co-ordinate right in the Legislative Council to originate Bills containing penalties or forfeitures of a pecuniary nature (it not being a direct object to tax the subject or to grant aids to the Crown,) and to prescribe the mode of recovery thereof; and also the right of amending any Bills sent from this House containing clauses of such a nature.

Ordered, That the said Report be received and adopted by the House.

An engrossed Bill from the Council, intituled *An Act to prevent the bringing persons convicted of Felonies and Misdemeanours to this Island, from the Island of Newfoundland, or elsewhere in America*, was read the first time, and ordered to be read a second time to-morrow.

An engrossed Bill from the Council, intituled *An Act to provide for the maintenance and*

support of illegitimate Children, was read the first time, and ordered to be read a second time on Saturday next.

The Bill to provide a fixed Salary for the Colonial Secretary and Registrar and Clerk of the Executive Council, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Wednesday next.

Then the House adjourned until to-morrow, at Ten o'clock.

FRIDAY, March 27, 1840.

MR. THOMSON, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address relative to the procuring a copy of the original Plan of Survey of this Island, made by the late Mr. Holland and others, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say he would comply with the desire of the House.

Mr. Thomson, in his place, presented to the House the following papers, received in compliance with the Message of this House to His Excellency the Lieutenant Governor, of the 17th inst. viz:

List of Bonds in the Attorney General's hands, with the Balances due thereon, exclusive of Interest.

List of Bonds recently handed over by the late Solicitor General to the Acting Treasurer, with the Balances due thereon, exclusive of Interest.

Ordered, That the said papers be referred to a Committee of the whole House to-morrow.

The Order of the Day, for the House in Committee on the consideration of all matters relating to Roads and Bridges, being read.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Thomson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Thomson reported, that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's Table, and, on the question being separately put thereon, agreed to by the House, and are as follow:

1. *RESOLVED*, That it is the opinion of this Committee, that the moneys appropriated for the service of Roads and Bridges be expended agreeably to the following scale, viz.

PRINCE COUNTY.

District No. 1, North Section.

To build a Bridge at Tignish, in addition to the sum of £60 granted last Session,	£30	0	0
To build a Bridge over the Canadian River, Lot 11, in aid of individual subscription,	30	0	0
Repairing Road from Canadian River to Large's Ferry,	10	0	0
Road from Ferry, Lot 10, towards Cascumpeque,	20	0	0
Oyster River Bridge,	10	0	0
Road from Halloran's towards Cascumpeque,	35	0	0
Road from Cascumpeque towards Kildare Bridge, where most required,	5	0	0
Towards completing Main Western Road, from Hill's Mills to Ellis River Bridge,	60	0	0

District No. 1, South Section.

Road from McLean's Mill to Main Western Road,	30	0	0
Road on Lot 7, where most required,	50	0	0
Road on Lot 8, where most required,	30	0	0
Road on Lot 9, where most required,	30	0	0
Road from McLean's Mill towards Barlow's	20	0	0
Towards completing Main Western Road,			
from Hill's Mills to Ellis River Bridge,	40	0	0

District No. 2.

Road leading from McLean's Mill to Main Western Road,	10	0	0
Road from McLean's Mill towards Bideford Yard,	20	0	0
Road from South side Trout River to Main Road,	10	0	0
Road from Cross Rivers to the Main Western Road, Lot 14,	20	0	0
Road and Bridge from Cross Rivers to Maclean's Ferry, Lot 14,	20	0	0
Road from Ellis River Bridge to Egmont Bay,	15	0	0
Road from Abraham's Village to Fifteen Point,	25	0	0
The Main Western Road, North and South of Ellis River Bridge,	12	0	0
Bridge near Malcolm Ramsay's, Lot 17,	10	0	0
Road from Mascouche to Fifteen Point,	11	0	0
Road from Benjamin Darby's to the Wharf at Green's Shore,	10	0	0
Road from J. Hillson's to Green's Wharf,	10	0	0
Road from McGregor's to the South West Ferry,	10	0	0
Road from Little South West, by McLean's, to the Main Western Road,	12	0	0
Road from Donald Lyle's to Simon Fraser's Shore,	10	0	0

District No. 3.

Borthwick Bridge,	10	0	0
Jamieson's do.	10	0	0
Town Road, from Princetown to County Line,	30	0	0
Road from Townshend's to Lot 17,	7	10	0
Road from McMurdo's Settlement to Clark's Mills,	7	10	0
Royalty Roads and Bridges,	35	0	0
Road from Barrett's to Margate,	6	0	0
Bridge near David Walker's,	8	0	0
Bridge and Swamp near John Stewart's, Oyster Cove Road,	7	10	0
Indian River Road,	7	10	0
Darnley Bridge, and Road leading to New London,	30	0	0
Irishtown Road,	6	0	0
Wilmot Creek Bridge,	30	0	0

District No. 4.

Lower Road to Crapaud,	5	0	0
Road to James Wood's Shore, Lot 28,	8	0	0
Causeway near J. Lord's,	30	0	0
Bridge near Gouldroup's Mill,	7	10	0
Road above Gouldroup's Mill,	5	0	0
Road from Deagon's, Lot 28, to Bedeque Road,	10	0	0
Carleton Point Road,	20	0	0
General repairs of Road from Tryon to Bedeque, through Cape Traverse,	10	0	0
Repairing South Shore Road, Lot 26,	10	0	0
do. do. do. Lot 27,	10	0	0
General repair of Anderson's Road, Prince County,	10	0	0
Road from Irving's to South West,	7	10	0
Opening and repairing old Malpeque Road, from Taylor's Mills, Lots 25 and 26,	20	0	0

Completing that part of Road from Burns's Settlement to the Princetown Road, being in Prince County,	25	0	0
Repairs of Dunk River Bridge,	5	0	0
In aid of general repair of Roads throughout the District, to be expended where most required,	17	0	0
	<u>£1000</u>	<u>0</u>	<u>0</u>

QUEEN'S COUNTY.

District No. 5.

Road from Haslem's to Granville Mills	25	0	0
Road from New Glasgow to Fife's Ferry	28	0	0
Bridge over Doran's Creek	20	0	0
Bridge over Tanner's Brook,	29	13	4
To complete Bridge over Mathewson's Mill Dam,	5	0	0
Raising Martin Murphy's Hollow, Irishtown,	9	0	0
Towards completing Road from Graham's Road to Burns's Settlement, Lot 67,	25	0	0
Anderson's Road, from the Scotch Settlement, Lot 67, towards Bedeque,	20	0	0
Road from Scotch Settlement to Johnston's,	15	0	0
Princetown Road, from Johnston's to the County line,	25	0	0

District No. 6.

Repairing Bridge at McNaught's, Crapaud,	15	0	0
Repairing Bridge over Howatt's Mill Dam, Crapaud,	15	0	0
Repairing Bridge at Mabey's, and cutting down Hill at same place,	6	0	0
To complete new line of Road from Mabey's to Todd's Mill,	22	6	0
To rebuild a Bridge over Sawyer's Creek, Lot 30,	15	0	0
Road from Poplar Island Bridge to Sable, where most required,	15	0	0
New Bridge over Dixon's Mill Dam, Ban-nockburn Settlement,	20	0	0
Repairing the Road on the South side of Elliot River, leading from Alex. McFadyen's, towards Bonshaw, and for erecting a Bridge on said Road,	10	0	0
Towards erecting a Bridge over the Elliot River, near Bonshaw,	50	13	4

District No. 7.

Winsloe Road,	25	0	0
Back Royalty Road,	10	0	0
Royalty Road (Chief Justice's)	25	0	0
Saint Peter's Road within the Royalty,	15	0	0
Princetown Road, and several small Bridges,	15	0	0
Repairing Wright's Bridge,	10	0	0
Repairing Samuel Martin's Bridge, across the Fish Pond,	40	0	0
Poplar Island Bridge,	6	0	0

District No. 8.

Repairing Bridge over Goff's Mill Creek on the St. Peter's Road,	7	10	0
Frenchfort Creek Bridge,	12	0	0
Raising Bridge at Apple Valley, Lot 37, and repairing Road leading from said Bridge,	25	0	0
Road leading from Tarentum Settlement, Lot 36, to McConnell's Ferry, South side of the Hillsborough,	15	0	0
Towards completing the Road between Monaghan Settlement and the Georgetown Road,	20	0	0
Road leading from Black River, Lot 85, towards the Ten-mile-House, where most required,	5	0	0
Repairing Big Bridge, on New Suffolk Road,	15	0	0
Towards completing Road leading from Stanhope to Corranban Bridge,	8	0	0

Rebuilding old Saw Mill Bridge, on the Covehead Road, - - -	15	0	0
Road leading from the Sand Hills towards Point De Rouge, - - -	6	0	0
For opening a Road from the St. Peter's Road to the Hillsborough, on the division line between Widow M'Gregor's and George Vickerson's, - - -	12	0	0
Repairing Road leading from the St. Peter's Road to the site of the Mount Stewart Bridge, - - -	8	0	0
Cutting done hill at Alex. M'Aulay's, on the road leading from Tracadie Cross Roads towards Black River, - - -	10	0	0
Cutting down Hills on the Road near Clark's Mill, Lot 37, - - -	3	16	8

District No. 9.

Road From Ferry House to Tierney's Forge	15	0	0
Burke's Bridge, near Tea Hill, Acorn's Bridge, Seal River Bridge, French Mill Creek Bridge, Redmond's Bridge, Hayden's Bridge, and Barren Bridge, all on Georgetown Road, - - -	50	0	0
For widening China Point Road, Gallows Point Road, leading to J. M'Innis's, and Gallows Point Road leading to M'isick, senior's, - - -	20	0	0
Pisquid Road, where wanted most, - - -	15	0	0
Road leading from Forbes's Mill, Lot (48), towards Gay's Saw Mill, and from thence to Johnston's River, - - -	7	0	0
Monaghan Road, where most wanted, - - -	20	0	0
Back Settlement Road, Lot (49) - - -	15	0	0
Towards the erection of a Bridge over Vernon River, - - -	50	0	0

District No. 10.

Road from County line to Wood Islands, - - -	30	0	0
For the Upper and Lower Bridges on Belle Creek, - - -	15	0	0
Repairing French Mill Creek Bridge, and Gill's Bridge, - - -	12	0	0
Semple's Bridge, and Brown's Creek Bridge, - - -	20	0	0
Murray Harbor Road, from Semple's Bridge to the County line, - - -	15	0	0
Newtown Back Settlement Road, - - -	15	0	0
Road leading from the Ferry to Mount Stewart, where most required, - - -	10	0	0
Towards the erection of a Bridge on a Creek Lot (62), near County line, - - -	24	6	8
	£1000	0	0

KING'S COUNTY.

District No. 11.

Road from County line to M'Dermot's, - - -	£10	0	0
Covering Morel Bridge, - - -	15	0	0
Road from head of St. Peter's Bay to Cardigan, - - -	30	0	0
To repair Midgell Bridge, - - -	15	0	0
For raising and extending abutments of St. Peter's Bay Bridge, on the East end, £5, and on the West, £10, - - -	15	0	0
Road from the head of St. Peter's Bay to the line of Lot 42, - - -	20	0	0
Road from Charles Dingwell's to the main road, - - -	4	0	0
Road from St. Peter's Bay, by Leslie's Mill, to Cable-head, - - -	15	0	0
Repairing the Road from head of St. Peter's Bay to O'Hanley's, - - -	10	0	0
Repairing the road from Watt's Spring to the head of the Hillsborough, - - -	3	0	0
Repairing small Bridges from George to Thomas Douglas's, and lowering a Hill on the said road, - - -	10	0	0

Road from St. Peter's Mill to Mulally's, - - -	5	0	0
Repairing the Bridge at Worrell's Gate, - - -	8	0	0
Repairing Road between Midgell and Marie Bridge, - - -	5	0	0
Road from Marie to Morel, - - -	5	0	0
Savage Harbour Road, - - -	10	4	0
To pay in part the erection of the St. Peter's Bay Bridge, - - -	15	16	0

District No. 12.

To repair the Road from the head of Rollo Bay to Bay Fortune Bridge, and to reduce the Hills on the said road, - - -	10	0	0
To repair the Road from the Red-house to the line of Lot 42, - - -	30	0	0
To repair the Road from Dingwell's Mill to M'Rae's, - - -	15	0	0
To repair the Bridges at Dingwell's Mill, - - -	3	0	0
To repair the Road from Fortune Bridge to James Coffin's, - - -	4	0	0
Repairing the Road from Fortune Bridge, along the Bay, to the Harbour, (South Side), - - -	5	0	0
From Red-house to Cooper's, - - -	10	0	0
To reduce the Hills from the Cross Roads towards the head of Little River, - - -	9	0	0
To reduce the Hill at Cooper's Mill, and to rail the Bridge, - - -	5	0	0
From Little River to George Banks's Ferry, - - -	10	0	0
To repair the Road from Cooper's Mill, through Lot 55, to the head of Grand River, and from thence to Little Brook, - - -	20	0	0
To repair the Road from Bay Fortune Church to the cross Roads, at Cooper's Farm, Little River Road, - - -	15	0	0
From James Coffin's to the Church, - - -	5	0	0
To raise M'Caskill's River Bridge, and to lower the Hills on each side, - - -	10	0	0
To raise and repair Fox River Bridge, - - -	6	0	0
Hollow River Bridge, - - -	4	0	0
To place a quantity of stone on the North Side of Cow River Bridge, to prevent its being carried away by the sea, and for other repairs, - - -	5	0	0
To raise and repair the abutments of Naufrage Bridge, - - -	6	0	0
Road from Naufrage Bridge to John Mac-cormack's fence, - - -	2	0	0
To repair and gravel a swamp at M'Kinnon's, Goose River, - - -	2	0	0
To repair the line road between Lots 43 and 44, - - -	20	0	0

District No. 13.

Road from Souris to the Portage, South Side, - - -	20	0	0
For repairing and straightening the Road from the Portage to East Point, (South Side), - - -	25	0	0
Road from Souris Mills to the Road through Lot 45, - - -	7	10	0
Road from Souris Mills to the line between Lots 43 and 44, - - -	15	0	0
To repair abutments of Big Pond Bridge, - - -	10	0	0
North Lake Bridge, - - -	20	0	0
Priest Pond Bridge, - - -	12	10	0
Bear River Bridge, - - -	5	0	0
Hay River Bridge, - - -	5	0	0
For raising the Bridge and lowering the Hills of the French Mill Creek, - - -	13	0	0
Mill road through Lot 45, - - -	35	0	0
Line road between Lots 43 and 44, - - -	10	0	0
Road from Souris Mills to the high road to Souris, - - -	7	10	0
To finish the road from the Cross Roads to Archibald Campbell's, Rollo Bay, - - -	4	0	0

To repair a Road lately opened between East Point Chapel and Surveyor's Inlet, No. 1., - - - - - 6 10 0

District 14.

Road from the head of the Montague towards Murray Harbor Road - - - 20 0 0
 Road from Montague River to Brudenell Point Road, at A. Robertson's - - - 2 10 0
 Road from Montague Bridge towards Brudenell Bridge - - - - - 7 0 0
 Road from Montague River to Brudenell Point at M'Laren's - - - - - 2 10 0
 Road from head of Cardigan towards Launching Place - - - - - 12 0 0
 Road from Canligan Ferry Road to head of Grand River - - - - - 12 0 0
 For a Bridge on the road from Montague Bridge to M'Laren's - - - - - 12 0 0
 Repairing the same road - - - - - 5 0 0
 Buck's road - - - - - 20 0 0
 Georgetown road - - - - - 20 0 0
 St. Peter's road, between the 2 and 6 mile trees 30 0 0
 Bridge on Cardigan Ferry road - - - 12 0 0
 Grand River road - - - - - 8 0 0
 Clearing the Square and Streets of Georgetown, where most required - 20 0 0
 At the disposal of the Commissioner, where reqd. 33 0 0

District No. 15.

Mink River Road, - - - - - 30 0 0
 Bridge at M'Farlane's, Lot 59, - - - 12 0 0
 Hill and Road, South end of Montague Bridge, - - - - - 20 0 0
 Swamp near Graham's Pond, - - - - 5 0 0
 Graham's Pond Bridge, new covering, 15 0 0
 Shore Road, from Aitken's to St. Andrew's Point, - - - - - 10 0 0
 Road from White Sands to Little Sands, 20 0 0
 Road from South River to County line, 20 0 0
 Guernsey Cove and White Sands Roads to Murray Harbour, - - - - - 21 0 0
 Road leading from the Main Road towards Georgetown Ferry, - - - - 7 0 0
 To be left at the disposal of the Commissioner to be applied where most required, 33 0 0

£1000 0 0

The sums unexpended of former Appropriations to be expended as appropriated, if required.

2. RESOLVED, That it is the opinion of this Committee, that the sum of Fifty Pounds, appropriated in the foregoing scale, towards the erection of a Bridge over Vernon River, be not expended, until a right of way to and from the site of said Bridge be secured to the public.

3. RESOLVED, That it be recommended to the House, when in Committee of Supply, to grant, and place at the disposal of the Lieutenant Governor, the sum of Fifty Pounds, to defray the expense of the Bridge erected over the head of St. Peter's Bay, last October, in addition to the sum of Fifteen Pounds, Sixteen Shillings, to be paid out of the sum appropriated for Roads and Bridges for the current year.

4. RESOLVED, That it be recommended to the House, to grant the sum of Eighty Pounds, in aid of erecting a Bridge over the Elliot River, at Bonshaw, in addition to the sum of £50 already appropriated for that purpose.

5. RESOLVED, That it be recommended to the House, to refer the Petition of divers Inhabitants of Townships Numbers Sixty-five, Thirty, Thirty-one, and others, praying a grant in aid of individual subscriptions towards erect-

ing a Bridge over the Elliot River, from Angus Maceachen's to Macewen's, to a Special Committee, to inquire into the expediency and practicability of erecting the said Bridge, and to ascertain the probable expense thereof, and report thereon to the House at its next Session—with power to send for persons, papers and records.

6. RESOLVED, That it be recommended to the House, to refer the Petition of divers Inhabitants of Townships Numbers Twelve, Thirteen, Fourteen, Sixteen and Seventeen, praying a grant in aid of individual subscriptions, towards erecting a Bridge over Ellis River, to a Special Committee, to inquire into the expediency and practicability of erecting the said Bridge, and to ascertain the probable expense thereof, and the state of the roads on each side of the proposed site—and to report thereon to the House at its next Session.

Ordered, That the Hon. J. S. Macdonald, Mr. Hudson, Mr. Palmer, Mr. Clark and the Hon. Mr. Pope be a Committee, for the purpose mentioned in the Fifth of the above reported Resolutions—with power to send for persons, papers and records.

Ordered, That Mr. Fraser, Mr. Yeo, Mr. Gorman, Mr. Clark and Mr. Montgomery be a Committee, for the purpose mentioned in the Sixth of the above reported Resolutions—with power to send for persons, papers and records.

An engrossed Bill from the Council, intituled *An Act to prevent the bringing persons convicted of Felonies and Misdemeanours to this Island, from the Island of Newfoundland, or elsewhere in America*, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Longworth reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the Report be received, and that the said Bill be read the third time to-morrow.

The Bill to regulate the service of Processes was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made an amendment thereto; which amendment was again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled "An Act for*

levying an Assessment on all Lands in this Island."

Ordered, That Mr. Palmer have leave to introduce a Bill to further amend the Act establishing the times and places for holding the Supreme Court in King's and Prince Counties.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time on Monday next.

Then the House adjourned until to-morrow, at Ten o'clock.

SATURDAY, March 28, 1840.

AN engrossed Bill from the Council, intituled *An Act to prevent the bringing persons convicted of Felonies or Misdemeanours to this Island, from the Island of Newfoundland, or elsewhere in America*, was, according to order, read the third time.

Resolved, That the Bill do pass.

Ordered, That Mr. Thomson do carry back the said Bill to the Legislative Council, and acquaint them, that this House hath agreed to the same, without any amendment.

Read a third time, as engrossed, the Bill intituled *An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled "An Act for the levying an Assessment on all Lands in this Island."*

Mr. Rae proposed that an engrossed Clause be added to the Bill, by way of Rider, and do make part thereof, limiting the continuance of the Act to Ten years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

And the said engrossed clause was thrice read, and, upon the question put thereon, agreed to by the House, to be made part of the Bill, by way of Rider.

The Hon. Mr. Pope moved to amend the Bill, in Section 1st, by adding the following proviso thereto—"Provided always, that nothing herein contained shall be construed to prevent the articulated Clerk of any practising Attorney from serving such Processes within the limits of the several Towns and Royalties"—which being seconded and put, was carried in the affirmative; and the Bill was amended at the Table accordingly.

Resolved, That the Bill do pass.

Ordered, That Mr. Thomson do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Rae reported from the Committee appointed to examine the state of the Public Plans and Surveys in the Surveyor General's Office, and any authorized records therein contained; and he read the same in his place, and delivered it in at the Clerk's Table, where it was again read.

Ordered, That the said Report be referred to the Committee of the whole House, to inquire into and take into consideration the state of the Colony.

The Hon. Mr. Pope, by command of His Excellency the Lieutenant Governor, presented to the House two Petitions to His Excellency, from divers Ship Owners, Ship Masters, and others, of the Ports of Richmond Bay and New London, setting forth the necessity, for the safety of the shipping interest of this Island and the neighbouring Provinces, of erecting a Light House on the North Cape of this Island, and praying His Excellency to urge upon the Legislature of this Island, and upon the Governments of the neighbouring Colonies, the necessity of contributing towards the erection and future maintenance of so desirable an object—which Petitions his Excellency refers to the consideration of the House of Assembly.

Ordered, That the said Petitions be referred to the Committee of the whole House, to inquire into and take into consideration the State of the Colony.

Mr. D. Macdonald, from the Committee to whom was referred the Petition of Thomas Irwin, praying for a grant of money, in order to enable him to print some books of instruction in the language of the native Indians, presented to the House the Report of the Committee; and the said Report was again read at the Clerk's Table, and is as followeth:

Your Committee, to whom was referred the Memorial of Thomas Irwin, on behalf of the Aborigines of this Colony, beg to report, that they are of opinion, that it would not answer the expectations of the Memorialist were even a sum of money voted in order that his manuscripts might be printed in the Indian language, inasmuch as there must be a doubt as to the manuscripts being accurate, from the fact that, however competent the Memorialist may be to execute such a work, the Committee do not know of any individual sufficiently skilled in the language to examine the said manuscripts. Besides, it is within the knowledge of your Committee, that such Books may be had in the neighbouring Colonies. In order, however, to incite the Aborigines to embrace the habits of industry, practised by their more favoured white brethren, and to fit them for a civilized life, your Committee recommend that a sum not exceeding Fifty Pounds be placed at the disposal of the Lieutenant Governor, to be expended in the following manner:—On the certificate of any Justice of the Peace, Commissioner of Small Debts, or Member of this House, that any schoolmaster has furnished any one of the Aborigines with the necessary elementary books in the English language, paper, &c., and has educated him for a period of not less than six months, such schoolmaster shall be entitled to receive the sum of Twenty shillings for the first six months, Thirty shillings for the next six months, and the sum of Thirty shillings for every six months thereafter that he may be under his tuition.

Ordered, That the said Report be referred to the Committee of Supply.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council have passed the following Bills, without any amendment:

An Act to repeal the Act for regulating the Herring and Alewives Fisheries.

An Act to amend the Act enabling married

women to convey Real Estates during their coverture.

And also—

The Legislative Council have passed the Bill intituled *An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown*, with several amendments, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

Then the House adjourned for one hour:

And being met—

An engrossed Bill from the Council intituled *An Act to provide for the maintenance and support of illegitimate Children*, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Macfarlane took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Order of the Day, for the House in Committee to consider the statements of the Bonds placed in the hands of the Attorney General for collection, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Tuesday next.

Then the House adjourned until Monday next, at Twelve o'clock.

MONDAY, March 30, 1840.

THE Amendments made by the Legislative Council to the Bill intituled *An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown*, were read the first time, and are as follow :

In the Title, folio 1, line 1—Strike out from the word ‘provide’ to the word ‘Charlottetown,’ both inclusive, and insert ‘prevent the running at large of Horses in the Streets and Squares of Charlottetown, and also to prevent the running at large of Neat Cattle in the said Streets and Squares, at certain seasons, and to repeal a certain Act therein mentioned.’

Same folio, line 7.—Strike out from the word ‘provide’ to the word ‘owners,’ in the seventh line of the second folio, and insert ‘prevent the running at large of Horses at all seasons, and Neat Cattle at certain seasons, within the Streets and Squares of Charlottetown ;

‘ Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any Horse, Mare, or Gelding, shall be found at large within the Streets or Squares of Charlottetown, the owner or owners thereof shall be liable to pay a fine of with costs, to be recovered before any one of Her Majesty’s Justices of the Peace for the said Town, on the oath of one credible witness, and to be levied by warrant of distress on the goods and chattels of the said owner or owners.

‘ And be it further enacted, That if any Neat Cattle shall be found at large within the said Streets or Squares of the said Town, during any public Market Day in the said Town, the owner or owners shall be liable to pay a fine of and costs—to be recovered in the way and manner prescribed in the first section of this Act.’

Folio 2, line 16—After the word ‘Act,’ insert—

‘ And be it further enacted, That all fines arising under and by virtue of this Act, shall be paid to the person who may sue for and recover the same.

‘ And be it further enacted, That an Act made and passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act to prevent the running at large of Horses within the Streets and Squares of Charlottetown, in the Winter season*, be and the same is hereby repealed.’

Ordered, That the said amendments be read a second time this day three months.

Resolved, That a Committee be appointed to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments.

Ordered, That Mr. *D. Macdonald* and Mr. *Macneill* do compose the said Committee ; who returning, reported, that they had found the following entry :

LEGISLATIVE COUNCIL CHAMBER,
Friday, 27th March, 1840.

Present :

The Hon. Mr. Attorney General, President ;	
The Hon. Mr. Brecken,	Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple,
Mr. Macdonald,	Mr. Macnutt.

The Order of the Day, for the second reading of the Bill intituled *An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments*, having been read ;

Resolved, That the same be discharged, and that the said Bill be read a second time this day three months.

Then the House adjourned until to-morrow, at Ten o’clock.

TUESDAY, March 31, 1840.

CHARLES YOUNG, Esquire, elected a Member for the Third Electoral District of Queen’s County, in the place of John Arbuckle, Esquire, expelled from this House, appeared at the bar, and having been led into the body of the House, and introduced to the Speaker by John W. Le Lacheur and John Macintosh, Esquires, took the Oaths prescribed by Law, and his seat.

The Order of the Day, for the House in Committee on the further consideration of the Bonds for Duties due to the Colony, placed in the hands of the Attorney General for collection, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had come to three Resolutions, which Resolutions being again read at the Clerk's Table, were, on the question put thereon, agreed to by the House, and are as follow :

1. RESOLVED, That it be recommended to the House to address His Excellency the Lieutenant Governor, requesting him to cause the Attorney General to write to Duncan M'Kay and John M'Gregor, Esquires, requesting them to liquidate the balance of their Bond, viz : £46 13s. 9d.—in the event of there being no method of recovering the same from property alleged to belong to the former, situate on Lot 13.

2. RESOLVED, That as there appears no prospect of realizing any part of the balance due by Robert Hyndman, Esq. and his surviving Surety (the latter of whom has long since left the Island), than what may be produced by the sale of Mr. Hyndman's Real Estate, that it be recommended to the House to present an Address to the Lieutenant Governor, requesting His Excellency to order that the Estate and property of the said Robert Hyndman, Esq. wheresoever to be found within this Island, be sold, and that no further proceedings on the said Bonds be taken for any deficiency which, after such sale, may remain due and unpaid by the said Robert Hyndman on the said Bonds.

3. RESOLVED, That it be recommended to the House to request His Excellency the Lieutenant Governor to direct the Attorney General to discharge Nicholas Marquand of his joint liability with James Mooney, for the balance of their bond, viz: £88 6s. 9d.—the said Nicholas Marquand being insolvent.

Ordered, That Mr. Clark, Mr. Montgomery, Mr. Thomson and the Hon. Mr. Pope be a Committee to prepare and report the draught of an Address to His Excellency the Lieutenant Governor, founded on the above reported Resolutions.

The Bill to further amend the Act establishing the stated times and places for holding the Supreme Court in King's and Prince Counties, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Clark took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Clark reported, that the Committee had gone through the Bill, and made several amendments thereto.

Ordered, That the question of concurrence be separately put on the said amendments.

And the following amendment being again read :

“ And be it further enacted, That in the event of any Assistant Judge proceeding to hold the Court in any of the said Counties, in the absence of the Chief Justice, that in every such case he shall be allowed and paid the sum of Twenty-five Pounds—the said sum to be deducted from the allowance annually made to the Chief Justice for his travelling expenses :”

And the question of concurrence being put thereon,

The House divided :

YEAS :

Mr. Clark,	Hon. J. S. Macdonald,
Hon. Mr. Pope,	Mr. Palmer,
Mr. Montgomery,	Mr. Thomson,
Mr. Hudson,	Mr. Macfarlane,
Mr. Gorman,	Mr. Young.
Mr. Longworth,	

NAYS :

Mr. Yeo,	Mr. D. Macdonald,
Mr. Dalziel,	Mr. Fraser,
Mr. Forbes,	Mr. J. Dingwell,
Mr. Le Lacheur,	Mr. Macintosh,
Mr. W. Dingwell,	Mr. Macneill.
Mr. Beck,	

The numbers being equally divided, Mr. Speaker gave his casting vote against the motion. So it passed in the negative.

The residue of the said amendments reported from the Committee, being again read, were, upon the question being separately put thereon, agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to further amend the Act establishing the times and places for holding the Supreme Court in King's and Prince Counties.*

The Hon. Mr. Pope, from the Committee appointed to prepare and bring in a Bill to amend the Act for regulating the performance of Statute Labour on the Highways, presented to the House a Bill, as prepared by the Committee; and the same was read the first time, and ordered to be read a second time to-morrow.

Then the House adjourned for one hour.

And being met—

Ordered, That the Order of the Day, for the House in Committee, to consider further of a Supply, be now read;

And the same being read ;
 The House accordingly resolved itself into the said Committee.
 Mr. Speaker left the Chair.
 The Hon. J. S. Macdonald took the Chair of the Committee.
 Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

WEDNESDAY, April 1, 1840.

THE Bill to amend the Act for regulating the performance of Statute Labour on the Highways, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Hudson* reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

The Hon. Mr. *Pope* moved, that the following Clause be added to the Bill :

“ And be it enacted, That Township Number Twenty, and that part of Township Number Twenty-one West of the South-west River, New London, do hereafter form part of Road District Number Three, instead of District Number Five, as heretofore—any Law to the contrary notwithstanding.”

The House divided on the question :

YEAS :

Hon. Mr. <i>Pope</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Yeo</i> ,	Hon. J. S. <i>Macdonald</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Hudson</i> .

NAYS :

Mr. <i>Gorman</i> ,	Mr. D. <i>Macdonald</i> ,
Mr. <i>Macintosh</i> ,	Mr. W. <i>Dingwell</i> ,
Mr. <i>Young</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Dalziel</i> ,	Mr. J. <i>Dingwell</i> .
Mr. <i>Le Lacheur</i> ,	

So it was resolved in the affirmative.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to*

amend an Act, intituled “ An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.”

Resolved, That this House will, to-morrow, resolve itself into a Committee of the whole House, to consider of Ways and Means.

Then the House adjourned for one hour :

And being met—

The Hon. J. S. *Macdonald* moved, that the Orders of the Day be called over.

The House divided on the question :

YEAS, 10.

NAYS, 9.

So it was carried in the affirmative.

The Order of the Day, for the House in Committee on the further consideration of the Bill to establish a fixed salary for the Colonial Secretary and Registrar and Clerk of the Executive Council, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Hudson* reported, that the Committee had gone through the Bill, and made several amendments thereto.

The Hon. J. S. *Macdonald* moved to amend the said Bill, by striking out of the Preamble all that relates to the subject of the Correspondent of the Road Commissioners.

The House divided on the question :

YEAS, 13.

NAYS, 7.

So it was carried in the affirmative.

The amendments reported from the Committee were then read at the Clerk's Table, and on the question put thereon, agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to es-*

tablish the Salary payable by this Island to the Colonial Secretary and Registrar, and Clerk of the Executive Council.

Then the House adjourned until to-morrow, at Ten o'clock.

THURSDAY, April 2, 1840.

READ a third time, as engrossed, the Bill intituled *An Act to amend the Act relating to Merchant Seamen.*

Ordered, That the following clause be added to the Bill:—

“And be it further enacted, That any Warrant issued for the apprehension of any Seaman, for desertion, neglect or refusal of duty, in one County, may be executed in any other County in this Island, by the said Warrant being indorsed by any Justice of the Peace residing within the County where such Seaman may be found—any law or usage heretofore to the contrary notwithstanding, and which indorsation the said Justice of the Peace is hereby required to make, and which shall be in the form following (that is to say)—

“You [*here insert the name of the Constable*] are hereby authorized to execute the within Warrant within the County of

“Dated at this day of”
“And such Constable shall be paid his usual and accustomed Fees.”

Mr. *Rae* moved an amendment to the said Bill, in Section First, by adding thereto the words “by and with his own consent;” and the motion being seconded, and the question put thereon;

The House divided:

YEAS:

Mr. <i>Rae</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>D. Macdonald</i> .

NAYS:

Mr. <i>Beck</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Hudson</i> ,	Mr. <i>Yeo</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Young</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>Longworth</i> ,	Hon. <i>J. S. Macdonald</i> ,
Hon. Mr. <i>Pope</i> ,	Mr. <i>W. Dingwell</i> ,
Mr. <i>J. Dingwell</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Palmer</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Macneill</i> .
Mr. <i>Gorman</i> ,	

So it passed in the negative.

An engrossed clause was offered to be added to the Bill, by way of Rider, limiting the continuance thereof to three years, and from thence to the end of the then next Session of the General Assembly: and the said engrossed clause being thrice read, was, on the question put thereon, agreed to by the House, to be made part of the Bill, by way of Rider.

Resolved, That the Bill do pass.

Ordered, That Mr. *Longworth* do carry the said Bill to the Legislative Council, and desire their concurrence.

A Message from His Excellency the Lieutenant Governor:

The Hon. Mr. *Haviland*, by command of His Excellency, delivered the following

Message:

CHARLES A. FITZ ROY, Lt. Governor.

The Lieutenant Governor transmits to the House of Assembly, a Petition of the Militia Officers of the Brigade of Artillery, and First Queen's County Regiment, whose names are thereunto attached, praying for certain alterations and amendments in the Militia Law, in order to render the Law more efficient in its operation—which Petition is addressed to the House of Assembly, and has been placed in the Lieutenant Governor's hands, with a request, that he would recommend its prayer to the favourable consideration of the House; and the Lieutenant Governor does so, in the full confidence that the Petition will receive that attention from the House of Assembly which the subject merits.

Government House, 30th March, 1840.

The Petition referred to in the above Message was read at the Clerk's Table, praying for several alterations in the Militia Laws.

Resolved, That the foregoing Message, with the Petition which accompanied it, be referred to a Committee of seven Members, to report thereon, by Bill or otherwise.

Ordered, That Mr. *Young*, Mr. *Rae*, Mr. *Fraser*, Mr. *Clark*, Mr. *Palmer*, Mr. *Longworth* and Mr. *Gorman* do compose the said Committee.

Ordered, That the Order of yesterday, for engrossing the Bill to establish the salary payable by this Colony to the Colonial Secretary and Registrar and Clerk of the Executive Council, be discharged.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Hudson* reported, that the Committee had gone into the consideration of the Bill, and made a further amendment thereto; which amendment was again read at the Clerk's Table, and agreed to by the House.

A motion being made, that the said Bill, as amended, be engrossed;

Mr. *Gorman* moved, in amendment, that after the word "Bill," all be struck out, and the following substituted—"be re-committed to a Committee of the whole House, for the purpose of fixing the Salary of the Correspondent of the Road Commissioners;" which being seconded and put, passed in the negative.

Ordered, That the said Bill be engrossed.

Read a third time, as engrossed, the Bill intitled *An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council*.

Mr. *Young* moved to amend the said Bill in Section 1, by leaving out the words "Four hundred," and instead thereof, inserting the words "Three hundred and seventy."

The Hon. *J. S. Macdonald* moved, as an amendment, that the Bill do pass.

The House divided on the motion of amendment:

YEAS:

Hon. <i>J. S. Macdonald</i> ,	<i>Mr. Forbes</i> ,
<i>Mr. Clark</i> ,	<i>Mr. W. Dingwell</i> ,
<i>Mr. J. Dingwell</i> ,	Hon. <i>Mr. Pope</i> ,
<i>Mr. Dalziel</i> ,	<i>Mr. Longworth</i> ,
<i>Mr. Montgomery</i> ,	<i>Mr. Hudson</i> ,
<i>Mr. Gorman</i> ,	<i>Mr. Beck</i> ,
<i>Mr. Thomson</i> ,	<i>Mr. Palmer</i> ,
<i>Mr. Yeo</i> ,	<i>Mr. Le Lacheur</i> .

NAYS:

<i>Mr. Young</i> ,	<i>Mr. D. Macdonald</i> ,
<i>Mr. Fruser</i> ,	<i>Mr. Macintosh</i> ,
<i>Mr. Macfarlane</i> ,	<i>Mr. Rae</i> .
<i>Mr. Macneill</i> ,	

So it was carried in the affirmative.

The question being then put on the main motion, as amended, "That the Bill do pass:"

It was resolved in the affirmative.

Ordered, That *Mr. Longworth* do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Macneill moved, that the Standing Rule of this House, as to giving twenty-four hours' notice of a motion being made, be suspended, for the purpose of enabling him to move for leave to present a Petition.

The House divided on the question:

YEAS, 11.

NAYS, 9.

So it was carried in the affirmative.

Mr. Macneill read in his place a Petition of divers Inhabitants of Cavendish, styling themselves friends of Temperance—praying that an Act may be passed to prohibit entirely the importation of Ardent Spirits into this Colony, and the distillation of any quantity thereof, by means of domestic manufacture; or for the adoption of such other salutary and restrictive measures, for the promotion of Temperance, as to the House may seem meet.

And then *Mr. Macneill* moved that the said Petition be received and read.

The Hon. *Mr. Pope* moved, as an amendment to the question, that the said Petition be not received, the same being printed, and therefore contrary to Parliamentary rule.

The House divided on the motion of amendment:

YEAS:

Hon. <i>Mr. Pope</i> ,	Hon. <i>J. S. Macdonald</i> ,
<i>Mr. Longworth</i> ,	<i>Mr. Palmer</i> ,
<i>Mr. Montgomery</i> ,	<i>Mr. Yeo</i> .
<i>Mr. Gorman</i> ,	

NAYS:

<i>Mr. Clark</i> ,	<i>Mr. Beck</i> ,
<i>Mr. Thomson</i> ,	<i>Mr. Fraser</i> ,
<i>Mr. Le Lacheur</i> ,	<i>Mr. Hudson</i> ,
<i>Mr. D. Macdonald</i> ,	<i>Mr. Rae</i> ,
<i>Mr. Macfarlane</i> ,	<i>Mr. Macintosh</i> ,
<i>Mr. Forbes</i> ,	<i>Mr. Macneill</i> ,
<i>Mr. W. Dingwell</i> ,	<i>Mr. J. Dingwell</i> ,
<i>Mr. Dalziel</i> ,	<i>Mr. Young</i> .

So it passed in the negative.

Mr. Le Lacheur then moved, that the said Petition be withdrawn by *Mr. Macneill*.

The House divided on the question:

YEAS, 17.

NAYS, 6.

So it was carried in the affirmative.

Read a third time, as engrossed, the Bill intituled *An Act to further amend the Act establishing the times and places for holding the Supreme Court in King's and Prince Counties.*

Mr. Palmer moved that the following engrossed clause be added to the Bill, and do form part thereof, by way of Rider :

"And be it further enacted, That all Suits, Causes, Informations and Indictments, had and pending in the Supreme Court of King's County, and which shall have been at issue previous to the third Tuesday of July last, and all Writs and Processes, issued from the said Court, wherein the defendant or defendants have appeared, according to the usual course and practice of the said Court, shall and may be prosecuted in the same manner and with the like effect as they could and might have been prosecuted, had the said Court actually been holden at Georgetown, at the said July Term aforesaid."

And the motion being seconded, and the question put thereon—

It passed in the negative.

A motion being made that the Bill do pass ;
The House divided on the question :

YEAS :

Mr. Montgomery,	Mr. Rae,
Mr. Macfarlane,	Mr. Forbes,
Mr. Macneill,	Mr. W. Dingwell,
Mr. Le Lacheur,	Mr. J. Dingwell,
Mr. Beck,	Mr. Dalziel,
Mr. Young,	Mr. D. Macdonald,
Mr. Clark,	Mr. Macintosh.
Mr. Gorman,	

NAYS :

Mr. Palmer,	Hon. J. S. Macdonald,
Mr. Fraser,	Mr. Yeo,
Hon. Mr. Pope,	Mr. Longworth,
Mr. Hudson,	Mr. Thomson.

So it was resolved in the affirmative.

Ordered, That Mr. Longworth do carry the said Bill to the Legislative Council, and desire their concurrence.

The Hon. Mr. Pope moved, that the engrossed Bill intituled *An Act to amend an Act, intituled "An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned,"* be now read a third time.

Mr. Gorman moved, in amendment, to leave out the word "now," and at the end of the question to add the words "this day three months."

The House divided on the motion of amendment :

YEAS .

Mr. Gorman,	Mr. Macintosh,
Mr. Rae,	Mr. Fraser,
Mr. D. Macdonald,	Mr. Le Lacheur,
Mr. Macfarlane,	Mr. Forbes,
Mr. Young,	Mr. Dalziel.
Mr. Beck,	

NAYS :

Hon. Mr. Pope,	Mr. Palmer,
Mr. Yeo,	Mr. W. Dingwell,
Mr. Clark,	Mr. Montgomery,
Mr. J. Dingwell,	Mr. Longworth,
Hon. J. S. Macdonald,	Mr. Hudson,
Mr. Macneill,	Mr. Thomson.

So it passed in the negative.

And then the said Bill was read the third time.

The Hon. Mr. Pope proposed that the following engrossed clause be added to the Bill, and do make part thereof, by way of Rider :—

"And whereas it is enacted, that the several Fines and Penalties imposed by the herein-before recited Act, shall be recovered in way and manner pointed out in the Fifth Section of the said Act ; and whereas the Fourth Section of the said Act only relates to the recovery of such Fines and Penalties, be it therefore enacted, That the words "Fourth Section" shall hereafter be substituted for and instead of the words "Fifth Section," as mentioned in the said recited Act, as often as the same shall occur and relate to the mode and manner of enforcing Fines and Penalties—any thing in the said recited Act to the contrary notwithstanding."

And the said engrossed clause, being thrice read, was, upon the question put thereon, agreed to by the House, to be made part of the Bill, by way of Rider.

Mr. Gorman then moved, that the clause attaching part of Road District Number Five to Road District Number Three, be struck out of the Bill.

The Hon. Mr. Pope moved, in amendment to the motion, that the Bill do pass.

The House divided on the motion of amendment :

YEAS :

Hon. Mr. Pope,	Mr. J. Dingwell,
Mr. Macneill,	Mr. Yeo,
Mr. W. Dingwell,	Mr. Thomson,
Mr. Hudson,	Mr. Clark,
Mr. Montgomery,	Hon. J. S. Macdonald,
Mr. Longworth,	Mr. Palmer.

NAYS :

Mr. Gorman,	Mr. Le Lacheur,
Mr. Beck,	Mr. Young,
Mr. D. Macdonald,	Mr. Dalziel,
Mr. Macintosh,	Mr. Forbes.
Mr. Macfarlane,	

So it was carried in the affirmative.

Ordered, That the Hon. Mr. Pope do carry the said Bill to the Legislative Council, and desire their concurrence.

Then the House adjourned until to-morrow, at Ten o'clock.

FRIDAY, April 3, 1840.

THE Bill to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled "An Act for levying an Assessment on all Lands in this Island,"* with several amendments, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

The amendments made by the Legislative Council to the Bill intituled *An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled "An Act for levying an Assessment on all Lands in this Island,"* were read a first time, and are as follow :

Folio 1, line 9—Strike out from the word 'that,' in the first enacting clause, to the word 'that,' in the ninth line of the third folio, inclusive.

Strike out the last clause.

In the Title—Strike out from the word 'Act,' in the first line, to the word "to," in the second line.

Ordered, That the said amendments be read a second time to-morrow.

Then the House adjourned for one hour :

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill to authorize

the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again—which the House agreed to.

Ordered, That the Hon. Mr. Pope have leave to introduce a Bill to authorize the erection of a Building for a Lunatic Asylum, and for other objects of charity, and to provide for the future maintenance thereof.

He accordingly presented the said Bill to the House, and the same was read the first time.

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

Ordered, That Mr. Thomson have leave to introduce a Bill to regulate and provide for the support of the Poor of this Colony.

He accordingly presented the said Bill to the House, and the same was read the first time.

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

The Order of the Day, for the House in Committee, to consider of Ways and Means, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had come to a Resolution, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

SATURDAY, April 4, 1840.

MR. D. MACDONALD, from the Committee of the whole House, on the consideration of Ways and Means, reported, according to order, the Resolution of the said Committee; which Resolution was again read at the Clerk's Table, and is as follows:—

Resolved, That it is the opinion of this Committee, that the several rates and duties imposed by the Act, 2d Vict. cap. 1, intituled "An Act to further continue for one year, and to amend an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island," be continued for one year from the Seventh day of May next, and no longer, except on the article of Molasses, which shall hereafter be imported free of Colonial Duty.

Mr. Thomson moved, in amendment to the said Resolution, that after the word "Molasses," the following words be inserted, "and on the articles of Cordage, Canvass, Chain-cables, Anchors and Copper."

The House divided on the motion of amendment:

YEAS:

Mr. Thomson,	Mr. Montgomery,
Hon. Mr. Pope,	Mr. Yeo,
Mr. Gorman,	Mr. Young,
Hon. J. S. Macdonald,	Mr. Beck,
Mr. Longworth,	Mr. Palmer.
Mr. Hudson,	

NAYS:

Mr. Clark,	Mr. Macintosh,
Mr. D. Macdonald,	Mr. J. Dingwell,
Mr. Le Lacheur,	Mr. Dalziel,
Mr. Fraser,	Mr. Rae,
Mr. W. Dingwell,	Mr. Macneill,
Mr. Macfarlane,	Mr. Forbes.

So it passed in the negative.

Mr. Longworth then moved, in amendment to the said Resolution, that after the word "Molasses," the following words be inserted—"and the article of Copper."

The House divided on the question:

YEAS, 11.

NAYS, 12.

And the names being called for, they were taken down as in the last preceding division.

So it passed in the negative.

The question being then put on the said Resolution, it was agreed to by the House.

Resolved, That a Committee be appointed to prepare and bring in a Bill to continue and amend an Act of last Session, providing for the increase of the Revenue of this Island.

Ordered, That Mr. D. Macdonald and Mr. Young do compose the said Committee.

Mr. Clark, from the Committee appointed to prepare the draught of an Address to His Excellency the Lieutenant Governor, on the subject of certain Bonds placed in the hands of the Attorney General for recovery, presented to the House the draught of an Address, as prepared by the Committee, which said draught Address was again read at the Clerk's Table, and on the question put thereon, agreed to by the House, and is as followeth:

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

May it please your Excellency;

The House of Assembly having investigated the statement of Bonds for Duties due to the Colony, now in the hands of the Crown Officers for collection, beg leave to request, that your Excellency will be pleased to order the said Officers to open a correspondence with Duncan Mackay, now of Australia, and John Macgregor, now or late of London, or either of them, demanding payment of a balance due to this Government on a Bond, bearing their signatures.

Also, that your Excellency will be pleased to direct that the property of Robert Hyndman, Esq. be sold forthwith, and that no further proceedings be taken against him on account of any deficiency that may then remain due on his Bonds.

And further, that your Excellency will be pleased to direct, that Nicholas Marquand, of Charlottetown, be discharged from his joint liability with James Mooney—the said Nicholas Marquand being insolvent.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Ordered, That Mr. Young be added to the Committee appointed to prepare an Address to Her Majesty, on the subject of the claims of the American Loyalists, and Provincial disbanded Troops in this Island, and their Representatives.

The Bill to provide certain regulations for the management of the Poor, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Gorman took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Gorman* reported, that he was directed by the Committee to report back the Bill to the House; and the Report was again read at the Clerk's Table.

Resolved, That the said Bill be referred to a Committee of five Members, to report thereon, by amendments or otherwise; and that it be an instruction to the said Committee, to inquire into the expediency of amending the Act relating to Apprentices.

Ordered, That Mr. *Palmer*, Mr. *Thomson*, Hon. Mr. *Pope*, Hon. *J. S. Macdonald* and Mr. *Young* do compose the said Committee.

Then the House adjourned for one hour.

And being met—

The Amendments made by the Legislative Council to the Bill intituled *An Act to regulate the service of Processes, and to explain certain*

parts of an Act intituled 'An Act for levying an Assessment on all Lands in this Island,' were, according to order, read a second time, and ordered to be read the third time on Monday next.

The Bill to authorize the erection of a Building near Charlottetown, for a Lunatic Asylum, and other objects of charity, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Longworth* reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to authorize the erection of a Building near Charlottetown, as an Asylum for insane persons, and other objects of charity, and to provide for the future maintenance of the same.*

Then the House adjourned until Monday next, at Ten o'clock.

MONDAY, April 6, 1840.

THE Amendments made by the Legislative Council to the Bill intituled *An Act to regulate the service of Processes, and to explain a certain part of an Act, intituled 'An Act for levying an Assessment on all Lands in this Island,'* were, according to order, read the third time.

Resolved, That the amendments do pass, and that the Title of the Bill, as amended, do stand as follows:

An Act to explain a certain part of an Act intituled "An Act for levying an Assessment on all Lands in this Island."

Ordered, That the Hon. Mr. *Pope* do carry back the said Bill to the Legislative Council, and acquaint them that this House hath agreed to their amendments.

Read a third time, as engrossed, the Bill intituled *An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same.*

The following amendments were proposed to be made to the Bill, viz:

In Sec. 2, last line—after the word "them," insert "or a majority of them."

In Sec. 6—Strike out "Five," and insert "Six."

In Sec. 8, line 19—Strike out the word "granted," and insert "and placed at the disposal of the said Trustees."

And the said amendments were, upon the

question being separately put thereon, agreed to by the House—and the Bill was amended at the Table accordingly.

Resolved, That the Bill do pass.

Ordered, That the Hon. Mr. *Pope* do carry the said Bill to the Legislative Council, and desire their concurrence.

The Order of the Day, for the House in Committee on the further consideration of the Bill to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Colony, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Resolved, That a Committee of five Members be appointed, to examine and report on the state of Charlottetown Jail, and as to such alterations as may be there necessary—with power to send for persons, papers and records.

Ordered, That Mr. *Palmer*, Mr. *Longworth*, Hon. J. S. *Macdonald*, Mr. *Thomson* and Mr. *Young* do compose the said Committee.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the Bill intituled *An Act to amend the Act relating to Merchant Seamen*, without any amendment.

And then he withdrew.

Then the House adjourned for one hour :

And being met—

The Order of the Day, for the House in Committee, to consider further of a Supply, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Mr. *Palmer*, from the Committee to whom was referred the Bill to provide certain regulations relative to the Poor of this Island, and to inquire into the expediency of amending the Act relating to Apprentices, presented to the House a Bill to amend the Act relating to Apprentices ; and the same was read the first time, and ordered to be read a second time to-morrow.

Mr. *Clark*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address relative to certain Bonds placed in the hands of the Attorney General, for the recovery thereof, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say, he would attend to the desire of the House.

Then the House adjourned until to-morrow, at Ten o'clock.

TUESDAY, April 7, 1840.

THE Order of the Day, for the House in Committee on the further consideration of the Bill to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto ; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act intituled "An Act for levying an Assessment on all Lands in this Island."*

Resolved, That the Committee to whom was referred the Despatch of Lord John Russell, of the 17th September last, together with a copy of the Bill passed by this House at its last Session, for the settlement of the Inhabitants; do report the evidence by them taken—and also that they be authorized to examine such further evidence as to them may appear necessary, and report the same to the House.

Ordered, That Mr. Young be added to the said Committee.

Resolved, That a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor; to ascertain if any further information has been received relative to the appropriation of the proceeds arising from the sale of the Glebe and School Lands:

Ordered, That Mr. Young, Mr. Le Lacheur, Mr. Dalziel, Hon. J. S. Macdonald and Mr. Clark do compose the said Committee.

The Bill to amend the Act relating to Apprentices, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Montgomery took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Montgomery reported, that the Committee had gone through the Bill, and made an amendment thereto; which amendment was again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to amend the Act now in force regulating Apprentices.*

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to amend an Act intituled*

"An Act to regulate the performance of Statute Labour on the Highways; and for other purposes therein mentioned."

And also—

The Legislative Council have passed the Bill intituled *An Act to further amend the Act establishing the times and places for holding the Supreme Court in King's and Prince Counties*, with several amendments, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

The amendments made by the Legislative Council to the Bill intituled *An Act to further amend the Act establishing the times and places for holding the Supreme Court in King's and Prince Counties*; were read the first time, and are as follow:

Folio 4, line 4—After the word 'Judge,' insert, 'nor shall the Defendant or Defendants be compelled to go to trial at any Term in either of the said Counties, which may be held by any Assistant Judge in the absence of the Chief Justice, or be liable to any costs to the Plaintiff or Plaintiffs for refusing to go to trial, notwithstanding notice of trial shall have been duly given by the Plaintiff or Plaintiffs.'

'And whereas, in consequence of there being no Sitting of the Supreme Court for King's County, in July Term last, as aforesaid, it was deemed and adjudged, that all causes, civil and criminal, which were continued to the Term which should have been then and there holden, were therefore discontinued; and whereas, to avoid expense and delay to the suitors in the said causes so discontinued, it is considered necessary that a Legislative provision should be made for their revival: Be it therefore enacted, That it shall and may be lawful for the Chief Justice upon due application made to him, and notice given to the opposite party, by his fiat, to cause each and every of the said causes, matters and things so discontinued as aforesaid, to be revived, without any re-summons, or further process or proceeding whatever; and every cause, matter, or thing so revived, shall be taken and considered at the time of such fiat granted, to be at the same stage and in the same situation, in all respects, and to

' all intents and purposes, as it was at the
' time of the said July Term, had the same
' been duly held as aforesaid.'

Ordered, That the said amendments be read a second time to-morrow.

Then the House adjourned for one hour.

And being met—

Resolved, That a Committee be appointed to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill for opening Roads to Farms from whence there is no access to any public road.

Ordered, That Mr. *Fraser* and Mr. *Forbes* do compose the said Committee.

Mr. *Palmer*, from the Committee to whom was referred the Petition of James H. Down and James Pollard, reported from the Committee; which Report was again read at the Clerk's Table, and is as followeth:—

Your Committee, to whom was referred the Petition of Messrs. James H. Down and James Pollard, Contractors for certain work performed at the Jail of Charlottetown, setting forth—that they had sustained loss to the amount of Seventy-two Pounds seven shillings and fourpence, and praying compensation, respectfully report to your honourable House, that having carefully investigated the facts submitted by the Petitioners, and the various accounts and vouchers produced in support thereof, they find that the Petitioners were the only persons who tendered for the contract, the amount of their tender being Seventy-eight Pounds nineteen shillings and sixpence: That it appears to your Committee the work has been fully and very faithfully executed; but that the performance and completion thereof has evidently cost the Petitioners a sum very far exceeding that specified in their contract, owing, as it would appear to your Committee, to an unexpected rise in the price of materials and labour, and to the extra quantity of timber, it was found, on commencing operations, that the nature of the work necessarily required. Your Committee, however, regret, that with due regard to the interests of the public, and to the precaution with which the House of Assembly usually proceeds, on applications of

this nature, they cannot recommend to the House to reimburse the Petitioners in the amount of their loss, which they have made to appear to your Committee; but, inasmuch as it also appears to them, that as it was found to be the interest of the Government, that a certain portion of the work should be performed in a different and more substantial method than that required in the contract, and that such part incurred expences not contemplated by the Petitioners, and has been satisfactorily done by them, they would respectfully recommend, that, under the peculiar circumstances of the case, the Petitioners be allowed the sum of Twenty-five Pounds, in full of all allowances.

Mr. *Palmer* moved that the said Report be referred to the Committee of Supply.

The House divided on the question:

YEAS:

Mr. <i>Palmer</i> ,	Mr. <i>J. Dingwell</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Thomson</i> ,
Mr. <i>Maoneill</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Young</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Beck</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Hudson</i> ,	Mr. <i>Longworth</i> .

NAYS:

Mr. <i>Clark</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Macfarlane</i> .

So it was carried in the affirmative.

The Order of the Day, for the House in Committee to consider further of a Supply, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. *J. S. Macdonald* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

WEDNESDAY, April 8, 1840.

RESOLVED, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Report of the Special Committee appointed to examine and report on the Expiring Laws.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Le Lacheur* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had come to a Resolution ; which Resolution being again read at the Clerk's Table, was, upon the question put thereon, agreed to by the House, and is as followeth :—

Resolved, That it is the opinion of this Committee, that it is expedient to continue for one year the Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.

Ordered, That Mr. D. Macdonald have leave to introduce a Bill for continuing for one year the Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.

He accordingly presented the said Bill to the House, and the same was read the first time.

Ordered, That the Standing Rule of this House, prohibiting the reading of a Bill twice in one day, be dispensed with as far as regards this Bill.

And then the said Bill was read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had gone through the Bill, without making any amendment thereto.

Ordered, That the said Bill be engrossed, and that the Title be *An Act to continue for one year the Act intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."*

Ordered, That Mr. Fraser have leave to introduce a Bill to prevent the circulation of Private Bank Notes in this Island.

He accordingly presented the said Bill to the House, and the same was read the first time, and ordered to be read a second time to-morrow.

The Order of the Day, for the House in Committee to inquire into and take into consideration the state of the Colony, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again, which the House agreed to.

The Amendments made by the Legislative Council to the Bill intituled *An Act to further amend the Act establishing the times and places for holding the Supreme Court in King's and Prince Counties*, were, according to order, read a second time.

A motion being made, that the said amendments be now committed to a Committee of the whole House.

Mr. Macintosh moved, in amendment, to strike out the word "now," and at the end of the question, to add the words "this day three months."

The House divided on the motion of amendment.

YEAS :

Mr. Macintosh,	Mr. Montgomery,
Mr. Macneill,	Mr. W. Dingwell,
Mr. Clark,	Mr. Beck,
Mr. Fraser,	Mr. Young,
Mr. Rae,	Mr. J. Dingwell,
Mr. Macfarlane,	Mr. Forbes,
Mr. D. Macdonald,	Mr. Gorman.

NAYS :

Mr. Palmer,	Mr. Longworth,
Mr. Thomson,	Hon. J. S. Macdonald,
Mr. Hudson,	Mr. Dalziel.

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

Ordered, That the said amendments be read a third time this day three months.

The Order of the Day, for the House in Committee, to consider further of a Supply being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

THURSDAY, April 9, 1840.

A MESSAGE from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council desire a Conference with the House of Assembly, on the Bill intituled *An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same*; and have appointed the Honorables Mr. Brecken and Mr. Dalrymple a Committee to manage the same—to meet in the Committee Room, on Friday next, at Two o'clock.

And then he withdrew.

Resolved, That this House do agree to a Conference, as is desired by the Legislative Council, on the said Bill.

Ordered, That Mr. Young do go to the Council, and acquaint them therewith.

Ordered, That Mr. Young, Mr. Montgomery, Mr. Palmer and Mr. Longworth be a Committee to manage the said Conference.

Read a third time, as engrossed, the Bill intituled *An Act to continue for one year the Act intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."*

Resolved, That the Bill do pass.

Ordered, That Mr. D. Macdonald do carry the said Bill to the Legislative Council, and desire their concurrence.

Then the House adjourned for one hour.

And being met—

Mr. Fraser, from the Committee appointed to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill for opening Roads to Farms from whence there is no access to any public road, reported, that they had found the following entry :

LEGISLATIVE COUNCIL CHAMBER,
Monday, 6th April, 1840.

Present :

The Hon. Mr. Attorney General, President ;	
The Hon. Mr. Brecken,	Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple,
Mr. Macdonald,	Mr. Macnutt.

The Order of the Day, for the second reading of the Bill, intituled "An Act for opening Roads to Farms from

"whence there is no access to any public Road," being read;

On motion, Ordered, that the same be discharged, and that the said Bill be read a second time this day three months.

The Bill to prevent the circulation of Private Bank Notes in this Island, was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. D. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. D. Macdonald reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to prevent the Issue of Private Bank Notes in this Island*.

A motion being made that the Accounts furnished by the Attorney General and Solicitor General, for opinions given by them to the Committee of Grievances, last Session, be referred to the Committee of Supply; and the question being put thereon, it passed in the negative.

The Order of the Day, for the House in Committee, to consider further of a Supply, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had come to several Resolutions, which he was directed to submit to the House whenever it shall be pleased to receive the same.

Ordered, That the Report be received to-morrow.

The Chairman also informed the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Mr. *Rae* moved, that a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, on the expediency of conjoining in one office the office of Collector of Customs and Collector of Impost and Excise.

Mr. *Clark* moved that this House do now adjourn.

The House divided on the question :

YEAS :

Mr. <i>Clark</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Dalziel</i> .

NAYS :

Mr. <i>Rae</i> ,	Mr. <i>Palmer</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Montgomery</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Fraser</i> .
Mr. <i>Forbes</i> ,	

So it was carried in the affirmative.

And then the House adjourned until to-morrow, at Ten o'clock.

FRIDAY, April 10, 1840.

MR. THOMSON moved, that the Orders of the Day be called over; which being seconded and put, passed in the negative.

Mr. *Young*, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, for information on the subject of the proceeds of the Glebe and School Lands, presented the draught of an Address; as prepared by the Committee, and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency ;

The House of Assembly being desirous of obtaining information as regards the disposition of the proceeds arising from the Sale of the Glebe and School Lands in this Island, humbly request that your Excellency will be pleased to lay before the House any information your Excellency may have received, as regards the disposition of the said funds.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Mr. *D. Macdonald*, from the Committee appointed to prepare and bring in a Bill to continue and amend the Revenue Act of last year, presented to the House a Bill, as prepared by

the Committee, and the same was read the first time, and ordered to be read a second time to-morrow.

The Hon. *J. S. Macdonald*, from the Committee of the whole House on the consideration of a Supply, reported, according to order, the Resolutions of the said Committee; which Resolutions were again read at the Clerk's Table, and are as follow :

1. RESOLVED, That it is the opinion of this Committee, that there be granted, and placed at the disposal of the Lieutenant Governor, a sum sufficient to enable him to have the Charts of the Harbours of Charlottetown and Georgetown engraved, and Five hundred copies thereof struck off, and deposited in the office of the Surveyor General, for Sale.

2. RESOLVED, That it is the opinion of this Committee, that there be granted, and placed at the disposal of the Lieutenant Governor, a sum sufficient to obtain a new Seal for the Supreme Court of this Island, to be used in the different Counties.

3. RESOLVED, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted, and paid to James H. Down and James Pollard, in lieu and in full of all claims made by them on account of their Contract for work at the Jail of Charlottetown.

4. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Donald Macphee, as compensation for services performed when Jailer at Georgetown.

5. RESOLVED, That it is the opinion of this Committee, that the sum of One hundred Pounds be granted, and placed at the disposal of the Lieutenant Governor, for carrying into effect the Quarantine regulations, should the same be required during the present year.

6. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five hundred Pounds be granted, to defray the Salary of the Treasurer of this Island, for the present year.

7. **RESOLVED**, That it is the opinion of this Committee, that the sum of Sixty Pounds, or as much thereof as may be necessary to defray a salary of Twenty Pounds per annum for three years, to a Sub-Collector of the Customs, at the Port of Cascumpeque, be granted, and placed at the disposal of the Lieutenant Governor, for that purpose.

8. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Solomon Desbrisay, to defray his Salary as Librarian to the Legislature, for the past year.

9. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifteen Pounds be granted, and paid to Charles Young, Esquire, for the professional services rendered by him to different Committees of this House, in draughting Bills, and otherwise, previous to his being a Member thereof.

10. **RESOLVED**, That it is the opinion of this Committee, that the sum of Eight Pounds Eight Shillings and Sixpence be granted, and paid to Solomon Desbrisay, Librarian, to defray the expense of certain Books purchased for the use of the Library, during this Session.

11. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five hundred Pounds be granted, and placed at the disposal of the Lieutenant Governor and Council, to be applied in opening such new Roads as are already assessed under the Road Compensation Act—the said sum to be refunded out of the amount of the Assessments levied.

12. **RESOLVED**, That it is the opinion of this Committee, that the sum of Sixteen Pounds be granted, and paid to Messrs. Muirshed & Keough, of York River, for raising the Bridge over Macphee's Creek, Lot 32, on their producing the certificate of the Road Commissioner of the District, that they have completed the said Bridge, by fixing a substantial handrail thereon.

13. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted, in aid of erecting a Bridge across Little Sands' Creek, near the County line, Lot 62, in addition to Twenty-four Pounds Six Shillings and Eightpence, already granted for that purpose.

14. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and seventy-two Pounds be granted, in aid of erecting a Bridge across Vernon River, in addition to Seventy-eight Pounds Four Shillings, of individual subscriptions, and Fifty Pounds already granted—the said sum to be expended when all persons interested in the right of way to the said Bridge shall have duly surrendered the same to the public.

15. **RESOLVED**, That it is the opinion of this Committee, that the sum of Eighty Pounds be granted, and placed at the disposal of the Lieutenant Governor, in aid of erecting a Bridge over the Elliot River, at Bonshaw, in addition to

the sum of Fifty Pounds already appropriated for that purpose.

16. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted, and placed at the disposal of the Lieutenant Governor, towards defraying the expenses incurred in erecting a Bridge over the head of St. Peter's Bay, in addition to the sum of Fifteen Pounds, Sixteen Shillings, out of the sum appropriated for Roads and Bridges, for the present year.

17. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ninety Pounds be granted to the Lieutenant Governor, and applied towards opening the Road from Cardigan towards Mount Stewart.

18. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted, and paid equally between William Dingwell and William Mackenzie, for a right of way in the line between their respective farms, namely, twelve feet each from the high road to the sea shore; the same to be paid when the Road Commissioner shall certify that the same is opened to the public.

19. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-five Pounds be granted, and paid to Malcolm Morrison, of Township 45, as compensation for the privilege of a road of sixty feet, now running through his farm to Souris.

20. **RESOLVED**, That it is the opinion of this Committee, that the sum of Seventy Pounds be granted, for the purpose of extending the Wharf at Green's Shore, Bedeque.

21. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, for repairing Bedeque Wharf.

22. **RESOLVED**, That it is the opinion of this Committee, that the sum of Fifty Pounds be granted, towards extending the Hards at Ellis River Ferry.

23. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and ten Pounds be granted, and paid to the Commissioners appointed to superintend the erection of the Princetown Wharf, to be applied in extending the same.

24. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, for the purpose of providing a Buoy and Beacon for the Harbour of Crapaud; also the sum of Ten Pounds, towards the extension of the wharf at that place.

25. **RESOLVED**, That it is the opinion of this Committee, that the sum of Eight Pounds be granted, for the purpose of laying down Buoys in the Harbour of Souris.

26. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty-four Pounds be granted, and placed at the disposal of the Lieutenant Governor, to build two Scows, the one for the use of Fyffe's Ferry, and the other for the use of Cole's Ferry, New London—Provided the respective Ferrymen shall give sufficient security to the Executive of this Island for the safe keeping of the said Scows.

27. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, and placed at the disposal of the Lieutenant Governor, for the building of a Scow at Grand River, where the Commissioner of the 14th District may direct, and to whom the Ferryman shall give bond therefor.

28. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred and fifty Pounds be granted, for the encouragement of Agriculture in this Colony—viz. Fifty Pounds to each County therein; and that the sum of Fifty Pounds be equally distributed between the Central, Independent, and Crapaud Societies, in Queen's County; and that the sum of Sixteen Pounds Thirteen Shillings and Fourpence be granted to each of the Societies in King's County; and that the remaining sum of Fifty Pounds be equally divided among the Societies in Prince County—Provided, that no Society shall receive Legislative aid, unless the Society shall consist of at least thirty annual Subscribers.

29. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, and paid to the Office-bearers of the Charlottetown Mechanics' Institute, in aid of the funds of that Institution.

30. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Thirty Pounds be granted, and placed at the disposal of the Lieutenant Governor, for the Education of the Indians of this Colony, to be applied as follows (that is to say)—to every Teacher who shall produce a certificate from any Justice of the Peace, Commissioner of Small Debts, or Member of this House, that he had under his tuition any one or more of this tribe, and has provided him with the necessary Stationery, for a period of at least six months, the sum of Thirty Shillings, including the price of Stationery, and a like sum for every period of six months he may have such person under his tuition.

31. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Mrs. Hannah Bullpitt, for conducting a preparatory School in Charlottetown.

32. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Elizabeth Le Page, of Township Forty-nine, for the support of her husband, Andrew Le Page, a Lunatic.

33. **RESOLVED**, That it is the opinion of this Committee, that the sum of Four Pounds be granted, and paid to Thomas Desbrisay, to be expended in the purchase of clothing for Gregory Urquhart, on or about the First of November next.

34. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Jesse Duroche, of Lot Seventeen, towards the support of William and Magdalane Holmes, two aged and infirm individuals.

35. **RESOLVED**, That it is the opinion of this Committee, that the sum of Eight Pounds be granted, and placed at the disposal of James Yeo, Esquire, for the relief of the under

mentioned persons—James English, the sum of Three Pounds; Matthew Flinn, the sum of Five Pounds.

36. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds Ten Shillings be granted, and placed at the disposal of Thomas Owen, Esquire, and expended as follows—for the relief of John Rowan, the sum of Three Pounds, and for the relief of an Idiot, the son of Margaret Campbell, Lot 55, the sum of Two Pounds Ten Shillings.

37. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Rosanna Mitchell, a poor woman, residing near Monaghan Settlement.

38. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to John Ready, a blind person.

39. **RESOLVED**, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to Nancy Keilly, towards the support of her husband, a person afflicted with mental derangement.

40. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Charles Russell, an infirm Teacher, in indigent circumstances.

41. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty-two Pounds be granted, and placed at the disposal of the Reverend John MacLennan, to be applied as follows (that is to say)—For the relief of Simon Mackinnon, Three Pounds; James Maddox, Eight Pounds; Margaret Finlayson, Eight Pounds; Christiana Macphee, Three Pounds; Mary Macaulay, towards the support of her son, John, Ten Pounds.

42. **RESOLVED**, That it is the opinion of this Committee, that the sum of Sixteen Pounds be granted, and placed at the disposal of the under mentioned persons—Mary Hickey, Three Pounds; Peter M'Millan, Five Pounds; Maurice Curran, Three Pounds; Daniel Quigley, Five Pounds.

43. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and placed at the disposal of James Arthur, New Glasgow, for the support of Robert Winter, an insane person.

44. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, and paid to James Simpson, of New London, for the support of three blind persons named Mackay; and Eight Pounds, for the support of Joseph Artman Betteure, of the same place.

45. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, and placed at the disposal of the Rev. John Macdonald, for the relief of the following persons—to Nancy M'Gillivray, Two Pounds, Ten Shillings—to Thomas Devereaux, Four Pounds—to Elizabeth Brow, Two Pounds Ten Shillings—and to Angus M'Kelloc, Three Pounds.

46. **RESOLVED**, That it is the opinion of this Committee, that the sum of Sixteen Pounds be granted, and placed at

the disposal of the Rev. Robert Douglas, for the relief of the following persons, (that is to say)—to Mary Hore, for supporting James Hall, Five Pounds—to Mary Cluny, to pay her passage to Newfoundland, Five Pounds—to John Smith, Three Pounds—to Christiana M'Eachern, Three Pounds.

47. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to Archibald M'Nevin, of Township Thirty, towards the support of his son, an Idiot.

48. RESOLVED, That it is the opinion of this Committee, that the sum of Seven Pounds be granted, and placed at the disposal of Edward Thornton, Esq., towards the support of John Griffin, and his sisters, of Lot Sixty-one, who are in a state of Idiocy.

49. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to John Masters, of Township No. 50, towards the support of his son, who is an idiot, and who is also afflicted with epilepsy, and other infirmities.

50. RESOLVED, That it is the opinion of this Committee, that the sum of Eight Pounds be granted, and paid to Hercules Freeze, of New London, a blind person.

51. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and placed at the disposal of the Rev. John M'Lennan, for the relief of Ann Macdonald, an aged and infirm person.

52. RESOLVED, That it is the opinion of this Committee, that the sum of Forty-four Pounds be granted, and paid to the Ladies' Benevolent Society, to be by them expended in the following manner, (that is to say)—for the relief of John Macnamara, a disabled Seaman, the sum of Ten Pounds; and for the relief of James Conway, of Township No. 32, a blind person, the sum of Five Pounds; and for the relief of William Purcell, a blind person, the sum of Ten Pounds; and for the relief of Widow Hilliard, the sum of Five Pounds; and for the relief of Widow Reilly, the sum of Four Pounds; and for the relief of Catherine Gainer, (Widow) of Scotchfort, the sum of Five Pounds; and for the relief of Joanna Redmond, of Township No. 34, the sum of Five Pounds, towards the support of a lame daughter—the said several sums to be laid out at such times and in such way and manner as the said Society may deem best—and that a further sum of Thirty Pounds be granted, and paid to the said Society, in aid of their funds.

53. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to Thomas Walsh, Lot 66, towards the support of his son, an Idiot.

54. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and placed at the disposal of the Honorable Donald Macdonald, to be by him applied towards the relief of Mary Macleod, Widow, late of Fort Augustus.

55. RESOLVED, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and placed in the

hands of Allan Fraser, Esquire, for the relief of George Macwilliams, of the West Cape, whose wife is in a state of mental derangement.

56. RESOLVED, That it is the opinion of this Committee, that the sum of Four Pounds be granted, and paid to Catherine Godkin, Widow of the late John Godkin, Tanner, Charlottetown.

57. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to George Luke, of Lot 11, a sick man, with a large helpless family.

58. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to James Adams, of Lot 11, a sick man, with a large helpless family.

59. RESOLVED, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to James M'Callum, of Brackley Point, to be expended during the year, for the support of Pierre Doucette, Senior, of Rustico, a native of France, whose right arm is withered.

60. RESOLVED, That it is the opinion of this Committee, that the sum of Three Pounds be granted, and paid to William Cooper, Esquire, towards the support of Mrs. Quin, and her destitute family.

61. RESOLVED, That it is the opinion of this Committee, that the sum of Sixty-four Pounds Sixteen Shillings be granted, and paid to William Cooper, Esquire; the sum of Sixty-three Pounds Sixteen Shillings to John Macintosh, Esquire, and the sum of Sixty-three Pounds Eight Shillings to John W. Le Lacheur, Esquire, to indemnify them for their disbursements in attending the House of Assembly during the Sessions in the years 1837 and 1838.

62. RESOLVED, That it is the opinion of this Committee, that the sum of Twelve Pounds be granted, and paid to Alexander Rae, Esquire, the Master of the School taught in the lower part of the Royalty of Princetown.

63. RESOLVED, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted, and paid to R. B. Irving, for his services performed and to be performed as Reporter to this House, for the present Session.

64. RESOLVED, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, and placed at the disposal of the Rev. Mr. Perry, in aid of completing the Indian Chapel on Lennox Island.

And the First to the Eleventh of the said Resolutions, inclusively, being again severally read, were, on the question being separately put thereon, agreed to by the House.

The Twelfth of the said Resolutions being again read, and the question of concurrence put thereon:

The House divided:

YEAS, 18.

NAYS, 2.

So it was carried in the affirmative.

The Thirteenth to the Sixtieth of the said Resolutions, inclusively, being again severally read, were, upon the question being separately put thereon, agreed to by the House.

The Sixty-first of the said Resolutions being again read, and the question of concurrence put thereon;

The House divided:

YEAS:

Mr. Thomson,	Mr. Macfarlane,
Mr. Forbes,	Mr. Le Lacheur,
Mr. Dalziel,	Mr. Fraser,
Mr. Macneill,	Mr. Beck,
Mr. Young,	Mr. Clark,
Mr. J. Dingwell,	Mr. Macintosh,
Mr. W. Dingwell,	Mr. D. Macdonald.

NAYS:

Hon. J. S. Macdonald,	Mr. Palmer,
Mr. Longworth,	Mr. Hudson,
Mr. Gorman,	Mr. Montgomery.

So it was carried in the affirmative.

The Sixty-second of the said Resolutions being again read, and the question of concurrence put thereon;

The House divided:

YEAS.

Mr. D. Macdonald,	Mr. Macfarlane,
Mr. Montgomery,	Mr. Young,
Mr. Le Lacheur,	Mr. Macneill,
Mr. W. Dingwell,	Mr. Forbes,
Mr. Dalziel,	Mr. Fraser,
Mr. Beck,	Mr. Clark,
Mr. Macintosh,	Mr. Thomson,
Mr. Gorman,	Mr. J. Dingwell.

NAYS:

Mr. Longworth,	Mr. Hudson,
Mr. Palmer,	Hon. J. S. Macdonald.

So it was carried in the affirmative.

The residue of the said Resolutions being again severally read, were, upon the question being separately put thereon, agreed to by the House.

The time appointed for holding the Conference with the Legislative Council on the Bill intituled *An Act to authorize the erection of a Building near Charlottetown, as an Asylum for insane persons, and other objects of charity, and to provide for the future maintenance of the same,* having arrived;

The Managers went to the Conference.

And being returned;

Mr. Young reported, that the Managers had

been at the Conference, and he stated the substance of the Conference to the House.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council.*

And then he withdrew.

Two Messages from His Excellency the Lieutenant Governor:

The Hon. Mr. Haviland, by command of His Excellency, delivered the following Messages:

First Message:

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor informs the House of Assembly, that Her most gracious Majesty Queen Victoria has allied herself in marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

This auspicious event took place at the Chapel Royal, St. James's, on the 10th of February last.

Government House, 1st April, 1840.

Second Message:

C. A. FITZ ROY, Lieutenant Governor.

The Lieutenant Governor lays before the House of Assembly, Copy of a communication which he has received from the Right Honourable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, with reference to a correspondence between the Right Honourable Lord Glenelg, Her Majesty's late Principal Secretary of State for the Colonies, and himself, relative to the Indians in this Island. Also, Copy of a correspondence which has passed with Mr. David Stewart and the Colonial Department, on the subject of the Lieutenant Governor's proposition, that some arrangement should be made for securing Lennox Island, of which he is the Proprietor, for the use of the Indians.

The Lieutenant Governor has been instructed to bring this matter under the consideration of the House of Assembly, and to propose to them that the purchase money, whatever it may be finally fixed at, should be paid out of the Colonial Revenues; and that Her Majesty's Government will undertake, from time to time, as occasion may offer, to defray the amount by the sale of Crown Lands in the Colony.

Government House, 10th April, 1840.

For the Documents referred to in the Second Message, see Appendix (N.)

Ordered, That the above Messages, and the accompanying documents, do lie on the Table.

On motion of Mr. Palmer—

Resolved, That the following Address to His Excellency the Lieutenant Governor do now pass.

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

May it please your Excellency ;

The House of Assembly being desirous of making as adequate provision for the support of the Lunatic Asylum intended for this Colony as the resources of the Colony will admit of, humbly submit to your Excellency the advantages which might hereafter accrue to that Institution, by there being appropriated or reserved for its use certain of the ungranted Lots of Land in the Royalty of Charlottetown ; and respectfully request, that your Excellency will be pleased to take such measures as may to your Excellency seem necessary, to meet the views entertained by the House of Assembly in obtaining for that Institution the benefits the House would desire.

Ordered, That the said Address be engrossed.

Ordered, That Mr. Palmer, Mr. Longworth and Mr. Thomson be a Committee to wait upon His Excellency with the said Address.

Resolved, That a Committee of five Members be appointed, to prepare a congratulatory Address to Her Majesty, on the auspicious event of Her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

Ordered, That Mr. Young, Mr. Palmer, Mr. Clark, Mr. Montgomery and the Hon. J. S. Macdonald do compose the said Committee.

Then the House adjourned for one hour :

And being met—

Read a third time, as engrossed, the Bill intituled *An Act to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act intituled "An Act for levying an Assessment on all Lands in this Island."*

Mr. D. Macdonald moved, that the Bill do now pass.

Mr. Palmer moved, in amendment, to leave out the word "now," and at the end of the question, to add the words "this day three months."

The House divided on the motion of amendment.

YEAS :

Mr. Palmer,	Mr. Longworth,
Hon. J. S. Macdonald,	Mr. Hudson.

NAYS :

Mr. Young,	Mr. Fraser,
Mr. Clark,	Mr. Beck,
Mr. Macneill,	Mr. Dalziel,
Mr. D. Macdonald,	Mr. Le Lacheur,
Mr. Macintosh,	Mr. Forbes,
Mr. Macfarlane,	Mr. W. Dingwell,
Mr. J. Dingwell,	Mr. Gorman,
Mr. Thomson,	Mr. Montgomery.

So it passed in the negative.

The question being then put on the main motion, "That the Bill do pass ;"

The House again divided :

YEAS, 16.

NAYS, 4.

So it was resolved in the affirmative.

Ordered, That Mr. D. Macdonald do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Young, from the Committee to whom was referred the Message of His Excellency the Lieutenant Governor, communicating a Petition of divers Officers of Militia, praying for a change in the Militia Laws, presented to the House the Report of the said Committee ; and the said Report was again read at the Clerk's Table, and is as followeth :

Your Committee, to whom was referred the Petition of Major Thomas Robinson, and others, respecting certain defects in the Militia Laws now in force in this Island, with His Excellency's Message thereupon, beg to report, that the Committee have examined the said Petition and Message, and also the Militia Laws, and find the latter extremely defective ; but, from the lateness of the present Session of the House, cannot recommend any change or amendment in the said Militia Laws this Session ; but would suggest that the matter be taken up at an early day next Session, and that the amendments and alterations prayed for in the said Petition be then taken into consideration.

Ordered, That the said Report be received, and adopted by the House.

Then the House adjourned until to-morrow, at Ten o'clock.

SATURDAY, April 11, 1840.

MR. *YOUNG*, from the Committee appointed to wait on His Excellency the Lieutenant Governor, with the Address relative to the proceeds of the sales of the Glebe and School Lands, reported to the House, that their Address had been presented to His Excellency, and that he was pleased to say, that he had no further information to communicate on the subject than what was already before the House.

Resolved, That a further Conference be desired with the Legislative Council, on the subject matter of the last Conference.

Ordered, That Mr. *Palmer* do go to the Council, and desire the said Conference.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Conference.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, with several amendments, to which they desire the concurrence of the House of Assembly.

And also—

COUNCIL CHAMBER,
Friday, 10th April, 1840.

Resolved, That an humble Address be presented to Her Majesty, congratulating Her Majesty on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe-Cobourg and Gotha; and that the House of Assembly be requested, by Message, to join in the said Address.

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

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

And also—

The Legislative Council do agree to a further Conference, as is desired by the House of Assembly, on the subject matter of the last Conference: and have appointed the same Committee who managed the last Conference a Com-

mittee to manage this further Conference—to meet in the Committee Room instanter.

And then he withdrew.

And the names of the Managers being called over, they went to the Conference:

And being returned,

Mr. *Young* reported, that the Managers had been at the Conference; and he stated the substance of the Conference to the House.

Ordered, That the Committee appointed to prepare the draught of a congratulatory Address to Her Majesty on her marriage be discharged.

Resolved, That this House do agree to a Joint Address to Her Majesty, congratulating Her Majesty on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe-Cobourg and Gotha.

Ordered, That Mr. *Young*, Mr. *Palmer*, Mr. *Clark* and the Hon. *J. S. Macdonald* be a Committee, to join the Committee of the Legislative Council, to prepare the said Address.

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

Ordered, That Mr. *Young* do carry the said Message to the Council.

Then the House adjourned for one hour.

And being met—

The amendments made by the Legislative Council to the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, were read the first time, and are as follow :

Folio 7, line 7—Strike out from the word “and” to the word “aforesaid,” in the Schedule, *folio 29, line 43*, both inclusive, and insert—

And whereas no Grants from the Crown of the following Townships appear on record in this Island, to-wit—Numbers Eight (8), Twelve (12), Twenty (20), Twenty-five (25), Forty-four (44) and Forty-six (46): Be it therefore enacted, That if, at any period after the passing of this Act, any of the said grants shall be placed on record, and it shall appear that a reservation on the coast thereof, in the form of either of the reservations set forth in the preamble of this Act, is contained in the same, then the said reservation in the said grant so recorded, shall be subject to all the enactments and provisions contained in this Act

relating to the reservations in the grants from the Crown of the several Townships herein before enumerated.

"And be it further enacted, That in all cases where any person or persons, who, at the time of the passing of this Act, shall be in the *bona fide* possession or occupation of any of the said Fishery Reserves, either by virtue of any deed, grant, lease, or agreement for lease, or other conveyance, from any original grantee, his heirs or assigns, every such person or persons, their heirs, executors, administrators or assigns, shall be, and they are hereby confirmed in their several possessions and occupations as aforesaid—subject, nevertheless, to the right reserved for a free Fishery for all her Majesty's subjects, as hereinafter provided, under the following limitation and restriction (that is to say)—that no portion of the said Reserve, which shall be occupied by any building, of any description, farm-yard, garden, orchard, mill-dam or shipyard, or on the front side or end nearest the coast, of any building, farm-yard, garden, orchard, mill-dam or shipyard, or within the space of sixty feet of any other side or end of any building, farm-yard, garden, orchard, mill-dam or shipyard, as aforesaid, shall be liable to be occupied for the purpose of carrying on the said Fishery, during the continuance of the term for which such person or persons shall be in such *bona fide* possession or occupation, as aforesaid.

"And be it further enacted, That to prevent persons holding such Reserves, or any part or parts thereof, under any demise or lease, or agreement for a demise or lease (whether the same be written or parol), from any proprietor or proprietors of any lands adjoining thereto, from being harassed by suits of law, for the recovery of any rent already accrued due, or that might hereafter accrue due, thereon, in respect of such part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, no proprietor or proprietors shall be entitled to bring any action, or recover in any Court of Law in this Island, against any tenant or tenants, lessee or lessees, in the occupation of any part or parts of the said Reserves, under any such demise or lease, or agreement for a demise or lease, as aforesaid, for any rent due, or hereafter to accrue due, in respect of such Reserves: and if, on the trial of any action for rent, the defendant or defendants shall prove that all the rent for which such action shall, upon such trial, appear to have been brought, has been paid or satisfied, except such portion thereof as may have accrued due in respect of land on the said reserve, then such defendant or defendants may give this Act in evidence, under the general issue, and the same shall, in such case, be held a sufficient answer in any Court of this Island, to entitle such defendant or defendants to a verdict in his or their favour; and the said Court shall tax to the said defendant or defendants such costs as are usually taxed when a verdict is given for the defendant in said Court: Provided always, that nothing herein contained shall extend, or be construed to extend, to any suit or suits, action or actions, now instituted or

pending, or which shall be brought or commenced before the passing of this Act, in any Court of this Island.

"And be it further enacted, That no such tenant or tenants, lessee or lessees, shall be entitled to bring any action or suit, either at law or equity, against any proprietor or landlord, who shall have demised or leased, or agreed to demise or lease, any of the said Reserves, or any parts or portions thereof, for any damages whatsoever, by reason of the said tenant or tenants, lessee or lessees, being evicted from, or disturbed in his or their possession of such Reserves, or any part thereof, by virtue of this Act; and in any action or suit, so brought or commenced in any Court of law or equity, for the purposes aforesaid, the proprietor or landlord may give this Act in evidence, as a full answer thereto; and if such suit or action shall be brought at law, the defendant or defendants shall be entitled to a verdict in his or their favour, with costs, to be taxed as usual in such cases; and if in equity, the complainant's bill shall be dismissed, with costs, to the said defendant or defendants, as is usual in such cases.

"And whereas great mischief and inconvenience may result from permitting persons, wrongfully, in possession of parts of the said Reserves, to hold the same against the proprietor, lessor or owner of the lands adjacent to and in the rear thereof, notwithstanding such persons may be liable to be ejected or removed from such lands in rear thereof—For the preventing of which, be it therefore enacted, that whenever any proprietor, lessor or owner of lands immediately in rear and adjacent to the said Fishery Reserves, shall, would or may be able to maintain an action against the tenant or tenants, occupier or occupiers of such lands, for recovering the possession thereof, such proprietor, lessor or owner shall also have a right to enter into or maintain an action against such or any tenant or tenants, occupier or occupiers of such lands, having or being in possession of any part or parts of the said Reserves, adjacent to and in front of such lands, unless such tenant or tenants, occupier or occupiers shall shew a good and legal right and title thereto, or to the possession thereof: And in like manner, be it further enacted, that whenever any rent shall be due and in arrear for and in respect of any lands adjacent to and in the rear of the said Reserves, and the lessor or landlord thereof shall be entitled to distrain therefor on such lands, it shall and may be lawful for such lessor or landlord to enter upon any part or parts of the said Reserve, and distrain thereon, for the purpose of satisfying such arrears of rent, although, by virtue of this Act, such rent may be only due and in arrear in respect of or chargeable on the land adjacent to and in rear of part of the said Reserves, upon which such entry may be so made, or distress taken: Provided, that the person or persons in possession of the part of the said Reserves into which such lessor or landlord shall go, enter or distrain, be tenant or tenants, occupier or occupiers of the land adjacent to, and in rear thereof, and in respect of which such rent shall have accrued due: And further, pro-

vided always, That nothing in this clause contained shall extend, or be construed to extend, to give any right of action or suit against, or in any way to enable or empower any proprietor, lessor or owner, to disturb, injure or molest any person or persons in the possession of or occupying any part of the said Reserves for fishing purposes, according to and under the provisions of this Act, or to extend, or be construed to extend, to affect, change, alter, take away, or in anywise interfere with the right of Her Majesty, Her Heirs or Successors, to the whole, or any part of the said Reserves; but that, as between Her said Majesty, her Heirs and Successors, and such proprietors, lessors or owners, the right of the said Reserves shall stand and be in the same plight and condition as if this clause had not been enacted.

“ And be it further enacted, That where any land that may be bounded by the sea coast of this Island has been granted or sold by the Crown, or on behalf of the Crown, or by the authority of the Act of the General Assembly, intituled *An Act to authorize the Sale of Lands in this Island, reserved as sites for Churches and for Glebe and School Lands*, in pieces or parcels not exceeding Three hundred Acres in one piece or parcel, without any allowance or deduction having been made for the said Reservation in the said grants or deeds, then, and in such case, such grantee or feoffee shall not be liable or subject to the said Reservation, but shall retain the same, and keep possession thereof, peaceably and quietly, the same as if this Act had not been made.

“ And whereas it is not reasonable or just that the freeholders and tenantry of this Island should be harassed with frequent and expensive litigation, if it can be prevented; but it is nevertheless probable that, in consequence of the numerous disputes and controversies likely to occur as to the extent of the said Fishery Reserves, they will be exposed to the same, unless the extent of the said Reserves be in some way defined and ascertained—For remedying of which, and for the preventing of harassing and ruinous litigation, be it therefore enacted, that as soon as conveniently may be, after the passing of this Act, it shall and may be lawful for the Lieutenant Governor or Commander in Chief, by and with the advice of Her Majesty's Executive Council, to appoint three fit and proper persons (of whom the Surveyor General of this Island for the time being shall be one), to be Commissioners for ascertaining and settling the extent of the said Fishery Reserves, in the manner hereinafter directed—which said Commissioners (being first duly sworn before some Judge of the Supreme Court of this Island, well and faithfully to discharge the duties of their office, according to the best of their skill and judgment,) shall, within Twelve Months after their appointment, examine the headlands or entrances of the several harbours or inlets on the coasts of this Island, and define and settle the same, by declaring what respective headlands or points shall be considered and held to form

the mouth or entrance of such harbours or inlets respectively; and the said Commissioners shall thereupon make a Report and Plan of their proceedings, under their hands, clearly pointing out and specifying the respective headlands or points, so defined and settled by them as aforesaid, and shall file the same in the Office of the Surveyor General of this Island—which Plan or Report, so filed as aforesaid, shall be received and taken as conclusive evidence of the proceedings of said Commissioners, in all the Courts of this Island; and that none of the said Fishery Reserves shall be held or construed to extend or come within the mouth or entrance of any harbour or inlet on the Coast of this Island, beyond such respective headlands or points so defined and settled as aforesaid: and in case of the death, absence or removal of any of the said Commissioners, before the whole duty of their office shall have been completed, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint another or others in the place of such Commissioner or Commissioners so dying or being absent, or removing: Provided always, that the power of the said Commissioners shall not extend to declare any of the marshes or sandhills, or any part thereof, on the coasts of this Island, to be within the said Fishery Reserves; but the same are hereby declared not to extend to the said marshes or sandhills, or any part thereof—anything in the Reservations contained in the said grants from the Crown of the respective Townships or Islands belonging thereto, to the contrary thereof, in any wise notwithstanding.

“ And be it further enacted, That as soon as may be, after the said Commissioners shall have made a Report and Plan of their proceedings as aforesaid, it shall and may be lawful for the Lieutenant Governor, by and with the advice of Her Majesty's Executive Council, to appoint two or more persons, as Conservators of Fishery Reserves, in each of the Counties of this Island, who shall have full power and authority to enter into, examine, lay off and admeasure any parts of the said Reserves in their respective Counties, in such form and manner as are hereinafter directed by this Act.

“ And be it further enacted, That when and as often as any person or persons shall be desirous of obtaining any part or parts of any of the said Fishery Reserves, for the purpose of carrying on a free Fishery, he shall apply to one or more of the Conservators appointed for the County in which such Reserve is situated (which application shall be made in writing, on or before the First day of April, in each and every year); and shall also make and subscribe the Affidavit to this Act annexed, marked (A.), before the said Conservator, who is hereby empowered and required to administer the Oath, and attest the same; whereupon the said Conservator is authorized and directed to proceed, without unnecessary delay, to examine the particular part of the said Fishery Reserve which the said applicant is desirous of obtaining; and if the said Conservator shall be

intention to move the Supreme Court, at its next sitting in the said County, to hear and determine the said appeal, according to Law.

Dated this day of 18
To Mr. C. D.

Ordered, That the said amendments be read a second time on Monday next.

Mr. *Fraser* moved, that the House do come to a Resolution, as followeth:

Whereas the Treasurer of this Island resigned his situation some time since, and this House is not aware of the vacancy being filled up: and whereas an Act was passed in the 3d year of His late Majesty's Reign, to regulate the Salary of the said Officer, and it is deemed expedient to amend the same, but from the late period of the Session it is rendered impracticable to enter into the merits of the case this Session:

Therefore, Resolved, That this House pledges itself, at its next Session, to review the said Act, as to the expediency of amending the same, and reducing the salary attached to the said office.

Mr. *D. Macdonald* moved, by way of amendment, to resolve, that this House will, at an early day next Session, take into consideration the Act, 3 Will. 4, cap. 31, with a view of considering the expediency of reducing the Salary of the Treasurer of this Island.

Mr. *Palmer* moved, in amendment to the amendment, to strike out the words "at an early day next Session," and insert "on Monday next," instead thereof—which being seconded and put, passed in the negative.

The question being then put on the first motion of amendment,

The House divided:

YEAS:

Mr. <i>D. Macdonald</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Young</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Longworth</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Rae</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Gorman</i> .

NAYS:

Mr. <i>Palmer</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Beck</i> ,	Mr. <i>Thomson</i> .

So it was carried in the affirmative.

The Bill to continue the Act for the increase of the Revenue was, according to order, read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *D. Macdonald* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *D. Macdonald* reported, that the Committee had gone through the Bill, and made several amendments thereto; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act further to continue for one year, and to further amend an Act passed in the Seventh Year of His late Majesty's Reign, for raising a Revenue in this Island*.

Mr. *Young*, from the Committee appointed to join the Committee of the Legislative Council, to prepare a Joint Address of congratulation to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, presented to the House the draught of an Address, as prepared by the Joint Committee; and the said draught Address being again read at the Clerk's Table, was, on the question put thereon, agreed to by the House, and is as followeth:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MOST GRACIOUS SOVEREIGN;

We your Majesty's dutiful and loyal subjects, the Legislative Council and Assembly of Prince Edward Island, in Colonial Parliament assembled, humbly beg leave to approach your Majesty's Throne and Person, to offer our heart-felt congratulations upon the auspicious occasion of your Majesty's marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, and to assure your Majesty of the cordial joy and satisfaction with which the happy event is hailed by your Majesty's faithful subjects, the Inhabitants of this Island.

We entreat your Majesty to receive also the renewed expressions of our devoted attachment to your Royal Person and Government; and we sincerely pray, that the Almighty may extend his blessing to a union of so much importance to your Majesty's domestic happiness, and the welfare of those widely spread dominions, which Divine Providence has placed under your Majesty's mild and benignant sway.

Mr. *Longworth*, from the Committee to whom was referred the Petition of John Scott, Ferryman, with leave to report by Bill or otherwise,

presented to the House a Bill for the better regulation of Charlottetown Ferry, as prepared by the Committee, and the same was read the first time.

A motion being made, that the said Bill be read a second time on Monday next;

Mr. *Rae* moved, in amendment, to strike out the words "on Monday next," and insert "this day three months," instead thereof.

The House divided on the motion of amendment.

YEAS :

Mr. <i>Rae</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Hudson</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Thomson</i> ,	Mr. <i>Macintosh</i> .

NAYS :

Mr. <i>Longworth</i> ,	Mr. <i>Le Lachur</i> ,
Mr. <i>Clark</i> ,	Mr. <i>Palmer</i> ,
Mr. <i>Young</i> ,	Mr. <i>Gorman</i> .

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

Ordered, That the said Bill be read a second time this day three months.

Read a third time, as engrossed, the Bill intitled *An Act to amend the Act now in force regulating Apprentices*.

Resolved, That the Bill do pass.

Ordered, That Mr. *D. Macdonald* do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. *Palmer*, from the Committee appointed to examine and report on the state of Charlottetown Jail, presented to the House the Report of the said Committee; and the said Report was again read at the Clerk's Table, and is as followeth:

Your Committee, appointed to examine into the expediency of certain proposed alterations and improvements in and about the Jail of Charlottetown, report, that they have attended at the Jail, and from personal inspection, they find that a new Porch, leading into the new yard, and also two new Windows, some new Doors, Partitions, &c., with certain painting, appear necessary for the safety and comfort of the inmates, and for general accommodation, as well as the preservation of the Building. Your Committee, from an estimate of the expence of those alterations and improvements, which has been laid before them, find they can be completed for about the sum of Eighty-eight Pounds, and they humbly recommend the appropriation of that sum for the aforesaid purposes.

Ordered, That the said Report be referred to the Committee of Supply.

The Order of the Day, for the House in Committee, to consider further of a Supply, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. *Hudson* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

Read a third time, as engrossed, the Bill intitled *An Act to prevent the Issue of Private Bank Notes in this Island*.

Resolved, That the Bill do pass.

Ordered, That Mr. *D. Macdonald* do carry the said Bill to the Legislative Council, and desire their concurrence.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, April 13, 1840.

THE Order of the Day, for the House in Committee, to consider further of a Supply, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. *J. S. Macdonald* took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. *J. S. Macdonald* reported, that the Committee had come to several Resolutions; which Resolutions were again read at the Clerk's Table, and are as follow:

I. RESOLVED, That it is the opinion of this Committee, that the sum of Three hundred Pounds be granted, to defray the Bounties on Vessels engaged in the Fisheries of this Island, under the Act of the present Session.

2. **RESOLVED**, That it is the opinion of this Committee, that the sum of One hundred Pounds be granted, and placed at the disposal of the Lieutenant Governor, for opening Roads under the Road Compensation Act, should the same be required.

3. **RESOLVED**, That it is the opinion of this Committee, that the sum of Eighty Pounds, or as much thereof as may be necessary, be placed at the disposal of His Excellency the Lieutenant Governor, to defray the expenses of certain proposed alterations and improvements in and about the Jail of Charlottetown.

4. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid for repairing the Slip on Lot Forty-eight, at the Charlottetown Ferry.

5. **RESOLVED**, That it is the opinion of this Committee, that the sum of Twenty Pounds be granted, and placed at the disposal of the Lieutenant Governor, for Plans and Estimates of Public Works for the present year, should the same be required.

6. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and placed at the disposal of the Lieutenant Governor, for the purpose of causing a Survey to be made of Lennox Island, and ascertaining the quantity and quality of the land of said Island.

7. **RESOLVED**, That it is the opinion of this Committee, that the sum of Thirty Pounds be granted, and paid to the Correspondent of the Road Commissioners for the present year.

8. **RESOLVED**, That it is the opinion of this Committee, that a sum not exceeding Two hundred Pounds be granted, to defray the fees of the Colonial Secretary and Clerk of the Executive Council, to the First day of July next; and a further sum of Two hundred Pounds, to defray the Salary of that Officer to First January, 1841.

9. **RESOLVED**, That it is the opinion of this Committee, that a sum be placed at the disposal of the Lieutenant Governor, sufficient to defray the Contingent Expenses of the Legislative Council and House of Assembly for the present Session.

10. **RESOLVED**, That it is the opinion of this Committee, that the sum of Ten Pounds be granted, and paid to Charles Young, Esquire, for his necessary disbursements, as a Member of this House during a part of the present Session.

11. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Charles Nicholson, of Orwell, for the last quarterly allowance, for the keeping of his insane brother, and also to defray the funeral expenses of the same.

12. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Mr. Allan Forsyth, of Cascumpeque, for the relief of James Gillinder, of that place.

13. **RESOLVED**, That it is the opinion of this Committee, that the sum of Five Pounds be granted, and paid to Angus Maclean, of Canoe Cove, to relieve him in his present distressed circumstances.

14. **RESOLVED**, That it is the opinion of this Committee, that the sum of Eight Pounds be granted, and paid to John M'Swain, for the keeping of Jane Arbuckle, an infirm person.

And the said Resolutions were again read throughout, and on the question being separately thereon, agreed to by the House.

Resolved, That a Committee of three Members be appointed, to prepare and bring in a Bill for appropriating the Supplies granted to Her Majesty this Session.

Ordered, That Mr. Fraser, Mr. D. Macdonald and Mr. Palmer do compose the said Committee.

Resolved, That the following Address to His Excellency the Lieutenant Governor do now pass.

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

May it please your Excellency;

The House of Assembly humbly request that your Excellency will give to the Attorney General the necessary directions to release Bridget Keating, of Charlottetown, Widow, and Administratrix of the late James Keating, deceased, from her liability for any balance that may be due on a certain Bond to the Treasurer, entered into by her said husband as surety with James Mooney, for Impost Duties; there appearing no prospect to the House of Assembly of ability in the said Bridget Keating to pay any such balance, and the said James Keating in his life time having paid part of the said amount secured.

Ordered, That Mr. Palmer, Mr. Longworth and the Hon. J. S. Macdonald be a Committee to wait upon His Excellency with the said Address.

Then the House adjourned for one hour:

And being met—

Read a third time, as engrossed, the Bill intitled *An Act to further continue for one year, and to further amend an Act passed in the Seventh Year of His late Majesty's Reign, for raising a Revenue in this Island.*

Resolved, That the Bill do pass.

Ordered, That Mr. D. Macdonald do carry the said Bill to the Legislative Council, and desire their concurrence.

Mr. Fraser, from the Committee appointed to prepare and bring in a Bill for appropriating the Supplies granted to Her Majesty this Session, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

Ordered, That the Tenth Rule of this House be suspended, as far as respects the said Bill.

And then the said Bill was read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Fraser took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Fraser reported, that the Committee had gone through the Bill, and made several amendments thereto.

Mr. Palmer moved to amend the Report, by leaving out of the Bill the following words:

“And a further sum of £64 16s. to William Cooper, Esq., and the sum of £63 16s. to John Macintosh, Esq., and the sum of £63 8s. to John W. Le Lacheur, Esq. to indemnify them for their disbursements in attending the House of Assembly, during the Sessions in the years 1837 and 1838.”

The House divided on the motion of amendment:

YEAS:

Mr. Longworth,	Mr. Palmer,
Mr. Gorman,	Mr. Hudson.
Hon. J. S. Macdonald,	

NAYS:

Mr. Beck,	Mr. Clark,
Mr. Macintosh,	Mr. Le Lacheur,
Mr. D. Macdonald,	Mr. Rae,
Mr. Fraser,	Mr. Forbes,
Mr. Dalziel,	Mr. Macfarlane,
Mr. W. Dingwell,	Mr. Macneill,
Mr. Thomson,	Mr. Young.

So it passed in the negative.

Mr. Longworth then moved to amend the Report, by leaving out of the Bill the following words:

“And a further sum of Twelve Pounds to Alexander Rae, Esq., the Master of the School taught in the lower part of the Royalty of Princetown.”

The House divided on the motion of amendment:

YEAS:

Mr. Longworth,	Mr. Palmer,
Hon. J. S. Macdonald,	Mr. Hudson.

NAYS:

Mr. Young,	Mr. Gorman,
Mr. Thomson,	Mr. Macneill,
Mr. W. Dingwell,	Mr. Macfarlane,
Mr. Dalziel,	Mr. Forbes,
Mr. D. Macdonald,	Mr. Le Lacheur,
Mr. Macintosh,	Mr. Beck,
Mr. Clark,	Mr. Fraser.

So it passed in the negative.

The several amendments reported from the Committee were then read by the Clerk, and on the question put thereon, agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty.*

Then the House adjourned until to-morrow, at Ten o'clock.

TUESDAY, April 14, 1840.

MR. LE LACHEUR reported from the Committee to whom was referred the Despatch of Lord John Russell, of the 17th September last, together with a copy of the Bill passed by this House at its last Session, for the Settlement of the Inhabitants, to report thereon by Bill, Bills, or otherwise; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read.

Mr. Le Lacheur also handed in the Evidence taken before the said Committee.

Mr. Le Lacheur moved, that the said Report and accompanying papers be referred to the Committee of the whole House to enquire into and take into consideration the State of the Colony.

Mr. Palmer moved, in amendment to the motion, that the following words be added

thereto, "on Thursday morning;" which being seconded and put, passed in the negative.

Mr. *Palmer* then moved, in amendment to the said motion, that the words "to-morrow" be added thereto.

The House divided on the motion of amendment:

YEAS:

Mr. <i>Palmer</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Young</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Beck</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Thomson</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Hudson</i> .

NAYS:

Mr. <i>Le Lacheur</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Rae</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Macfarlane</i> .
Mr. <i>W. Dingwell</i> ,	

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

Ordered, That Lord John Russell's Despatch on the subject of the responsibility of Public Officers, and His Excellency the Lieutenant Governor's Message of the 10th inst. with the papers which accompanied it, relative to the purchase of Lennox Island, and other matters relative to the Indians, be referred to the Committee of the whole House, to inquire into and take into consideration the State of the Colony.

The Order of the Day, for the second reading of the amendments made by the Legislative Council to the Bill intituled *An Act for the regulation of the Fishery Reserves in this Island*, being read:

A motion was made, that the said amendments be now read a second time.

Mr. *Clark* moved, in amendment, to strike out the word "now," and at the end of the question to add the words "this day three months."

The House divided on the motion of amendment:

YEAS:

Mr. <i>Clark</i> ,	Mr. <i>Rae</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Young</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Beck</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Gorman</i> .

NAYS:

Mr. <i>Palmer</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Hudson</i> .

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

Ordered, That the said amendments be read a second time this day three months.

Resolved, That a Committee of three Members be appointed, to prepare an Address to His Excellency the Lieutenant Governor, thanking him for the several communications made by him to the House during the present Session.

Ordered, That Mr. *D. Macdonald*, Mr. *Clark* and Mr. *Hudson* do compose the said Committee.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker;

The Legislative Council desire a Free Conference with the House of Assembly, on the subject matter of the last Conference; and have appointed the Honorables Mr. Brecken, Mr. Dalrymple and Mr. Macintosh a Committee to manage the same—to meet in the Committee Room, at Two o'clock.

And then he withdrew.

Resolved, That this House do agree to a Free Conference, as is desired by the Legislative Council, on the subject matter of the last Conference.

Ordered, That Mr. *Young* do go to the Council, and acquaint them therewith.

Ordered, That Mr. *Young*, Mr. *Longworth*, Hon. *J. S. Macdonald*, Mr. *Thomson*, Mr. *Hudson* and Mr. *Macneill* be a Committee to manage the said Conference.

A Message from the Legislative Council, by Mr. Desbrisay:

COUNCIL CHAMBER,
Tuesday, 14th April, 1840.

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

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

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

And then he withdrew.

Resolved, That a Committee of this House be appointed, to join the Committee of the Legislative Council, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

Ordered, That Mr. Young, Mr. Clark, Mr. Palmer and Mr. Hudson do compose the said Committee.

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

Ordered, That Mr. Young do carry the said Message to the Council.

Mr. Young, from the Joint Committee of the Council and Assembly, reported the draught of an Address to His Excellency the Lieutenant Governor; which said Joint Address was again read at the Clerk's Table, and, upon the question put thereon, agreed to by the House, and is as followeth:—

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

May it please your Excellency;

The Legislative Council and Assembly having agreed to an Address, congratulating Her Majesty on the auspicious event of Her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, respectfully request that your Excellency will be pleased to transmit the same, to be laid at the foot of the Throne.

The Council and Assembly avail themselves of this opportunity, to express to your Excellency the high estimation in which they hold your Excellency's anxious desire to promote the public welfare, as well as their sense of the courtesy which your Excellency has always evinced in their Legislative intercourse with your Excellency.

Mr. Palmer, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address relative to procuring certain ungranted Lots in the Royalty of Charlottetown, for the use of the proposed Lunatic

Asylum, reported to the House, that their Address had been presented to His Excellency, and that he was pleased to say, he would transmit the said application to Her Majesty's Government.

Mr. Palmer, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address relative to Mrs. Bridget Keating, reported the delivery thereof, and that His Excellency was pleased to say, he would comply with the desire of the House.

A Message from the Legislative Council, by Mr. Desbrisay:

COUNCIL CHAMBER,
Tuesday, 14th April, 1840.

Resolved, That this House do wait upon His Excellency the Lieutenant Governor, with the Address, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

Ordered, That the House of Assembly be requested to join this House in the presentation of the said Address.

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

And then he withdrew.

Resolved, That this House do wait upon His Excellency the Lieutenant Governor, along with the Legislative Council, to present the Address, praying that he will be pleased to forward the Joint Address of the Council and Assembly to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

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

Ordered, That Mr. Young do carry the said message to the Council.

A Message from the Legislative Council, by Mr. Desbrisay:

COUNCIL CHAMBER,
Tuesday, 14th April, 1840.

Resolved, That a Committee be appointed, to join a Committee of the House of Assembly, to wait upon His Excellency the Lieutenant

Governor, to know when His Excellency will be pleased to receive the Joint Address of the Council and Assembly, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty, on the auspicious event of Her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

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

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

And then he withdrew.

Resolved, That a Committee be appointed, to join the Committee of the Legislative Council, to wait upon His Excellency the Lieutenant Governor, to know his pleasure when he will receive the two Houses with the Joint Address of the Council and Assembly, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha.

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

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

Ordered, That Mr. Young do carry the said Message to the Council.

Mr. Young, from the said Committee, reported, that His Excellency had been pleased to appoint To-morrow, at One o'clock, to receive the two Houses with their Joint Address.

The time appointed for holding the Free Conference with the Legislative Council, on the subject matter of the last Conference, having arrived;

And the names of the Managers being called over, they went to the Conference:

And being returned,

Mr. Young reported, that the Managers had been at the Conference; and he stated the substance thereof to the House.

A Message from His Excellency the Lieutenant Governor:

The Hon. Mr. Haviland, by command of His Excellency, delivered the following

Message:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly copy of a Despatch which he has received from His Excellency Lieutenant General Sir Colin Campbell, K. C. B., Lieutenant Governor of Nova Scotia, enclosing copy of a Resolution of the House of Assembly of that Province, declining to make any provision towards facilitating the intercourse between Pictou, Miramichi, and Charlottetown, by means of a Steam Boat.

The Lieutenant Governor also lays before the House of Assembly, copy of a Despatch which he has received from His Excellency Major General Sir John Harvey, K. C. B. and K. C. H., Lieutenant Governor of New Brunswick, enclosing copy of a Resolution of the House of Assembly of that Province, granting the liberal sum of £350 annually, for five years, for the purpose of encouraging a weekly Steam Communication between New Brunswick, Nova Scotia, and this Island.

Also copy of a Resolution of the House of Assembly of New Brunswick, granting the sum of £1000, for an exploration and survey of a Line for a Canal or Rail Road, to connect the Bay of Fundy with the Gulph of St. Lawrence—To this important undertaking, the Lieutenant Governor recommends the earnest attention of the House of Assembly.

Government House, April 14, 1840.

The papers referred to in the said Message were read by the Clerk, a list whereof is as followeth:

- No. 1. Copy of a Despatch from Sir Colin Campbell to Sir Charles A. Fitz Roy, dated 8th April, 1840.
2. Copy a Resolution of the House of Assembly of Nova Scotia, declining to make any provision in aid of the intercourse by means of steam navigation, between Pictou, Charlottetown and Miramichi.
3. Despatch from Sir John Harvey, Lieutenant Governor of New Brunswick, to Sir Charles A. Fitz Roy, dated 31st March, 1840.
4. Resolution of the House of Assembly of New Brunswick, granting the sum of £350 annually, for five years, for the purpose of encouraging a weekly steam communication between that Province, Nova Scotia and this Island.
5. Resolution of the House of Assembly of New Brunswick, granting a sum of money towards the exploration and survey of a line for a canal, or railroad, to con-

nect the waters of the Bay of Fundy with the Gulf of St. Lawrence.

[See Appendix (O.)]

Ordered, That the said Messages, and the several papers accompanying the same, do lie on the Table.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the Bill intituled *An Act to continue for one year the Act intituled "An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island."*

And then he withdrew.

Then the House adjourned for one hour :

And being met—

Mr. Palmer moved for leave to introduce a Bill to make further provision for the management of Charlottetown Ferry.

The House divided on the question :

YEAS :

Mr. Palmer,	Mr. Clark,
Mr. Forbes,	Mr. Young,
Mr. Longworth,	Mr. Gorman,
Mr. D. Macdonald,	Mr. Hudson,
Hon. J. S. Macdonald,	Mr. Macfarlane.

NAYS :

Mr. Rae,	Mr. Macintosh,
Mr. Le Lacheur,	Mr. Macneill,
Mr. Fraser,	Mr. W. Dingwell,
Mr. Beck,	Mr. Dalziel.

So it was carried in the affirmative.

He accordingly presented the said Bill to the House, and the same was read the first time.

Mr. Palmer moved, that the Tenth Rule of this House be suspended, as far as respects the said Bill.

Mr. Thomson moved, by way of amendment, that the further consideration of the said Bill be postponed until this day three months.

The House divided on the motion of amendment :

YEAS :

Mr. Thomson,	Mr. Rae,
Mr. Macintosh,	Mr. Le Lacheur,
Mr. Macneill,	Mr. Fraser,
Mr. W. Dingwell,	Mr. Beck,
Mr. Dalziel,	

NAYS :

Mr. Palmer,	Mr. Macfarlane,
Hon. J. S. Macdonald,	Mr. Hudson,
Mr. D. Macdonald,	Mr. Gorman,
Mr. Longworth,	Mr. Young,
Mr. Forbes,	Mr. Clark.

So it passed in the negative.

The question being then put on the main motion, it was carried in the affirmative.

And then the said Bill was read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Thomson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Thomson reported, that the Committee had gone through the Bill, and made several amendments thereto ; which amendments were again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to make further provision for the management of the Charlottetown Ferry.*

Mr. D. Macdonald, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, thanking him for the several communications made by His Excellency to the House this Session, presented the draught of an Address, as prepared by the Committee ; and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency :

The House of Assembly respectfully thank your Excellency for the several Messages and other Documents which your Excellency has been pleased to communicate to the House during the present Session.

Ordered, That the said Address be engrossed.

Ordered, That the same Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

The Order of the Day, for the House in Committee to inquire into and take into consideration the State of the Colony, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Hudson reported, that the Committee had come to three Resolutions, which they had directed him to report to the House; and he read the same in his place, and delivered them in at the Clerk's Table.

Mr. Hudson also informed the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

The Resolutions reported from the Committee were then read by the Clerk, and are as follow :

1. RESOLVED, That as it appears by the Report of a Committee of this House, that certain discrepancies appear to exist in the various boundary lines of Township lands in this Island, and that the operation of the Act passed in the Fourth year of the Reign of King William 4th, cap. 15, for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and other purposes therein contained, is not found to remedy those discrepancies, but rather to make them more glaring and inaccurate, an Address be presented to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to direct the Commissioners appointed by virtue of the said Act, to suspend all proceedings under the said Act, during the present year, and until the next session of this House, when this House will take the subject more fully into its consideration.

2. WHEREAS this Committee having had under consideration the Lieutenant Governor's Message of the 10th inst. with the accompanying documents, relative to the purchase of Lennox Island for the Indians, are of opinion that the Island is of much less extent than Fourteen hundred acres, and of much less value than the amount asked for the same : Resolved, therefore, That the Lieutenant Governor be requested to direct a Survey to be made of the said Island during the ensuing Summer, with a description of the quality of the land thereon ; and also to ascertain whether any and what improvements have been made by the Indians thereon, and how long they have resided on the same ; and any further information that can be obtained relative to the said Island—the whole of which, when so obtained, to be submitted to the House of Assembly during its next Session.

3. And whereas the value of land in this Island, as fixed

by Inquest under the Road Compensation Act, appears to be, on an average, the sum of Four Shillings currency per acre ; and the price of Land sold under the Land Assessment Act, during the present year, appears, by the returns thereof, to be, on an average, the sum of Two Shillings, currency, per acre :

Resolved, Therefore, That the sum of Fifteen hundred Pounds Sterling, demanded by the Proprietor thereof, for Lennox Island, even if it should contain Fourteen hundred Acres, is most extravagant, and far beyond its actual value, and the average price of Lands in this Island.

And the First of the said Resolutions being again read :

Mr. Palmer moved, in amendment to the said Resolution, that after the word "Resolved," all be struck out, and the following substituted—"That this House will, at its next Session, take into consideration the expediency of altering and amending the Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

The House divided on the motion of amendment.

YEAS :

Mr. Palmer, Mr. Hudson,
Mr. Longworth,

NAYS :

Mr. Young, Mr. Fraser,
Mr. D. Macdonald, Mr. Beck,
Mr. Le Lacheur, Mr. Rae,
Mr. Macintosh, Mr. Thomson,
Mr. Forbes, Mr. Macneill,
Mr. Macfarlane, Mr. W. Dingwell,
Mr. Clark,

So it passed in the negative.

The question being then put on the said Resolution ;

The House again divided :

YEAS, 13.

NAYS, 3.

So it was carried in the affirmative.

The residue of the said Resolutions being again read, were, on the question put thereon, agreed to by the House.

Ordered, That Mr. Young, Mr. Le Lacheur and Mr. Fraser be a Committee, to prepare Addresses to His Excellency the Lieutenant Governor, in conformity to the above reported Resolutions.

Then the House adjourned until to-morrow, at Ten o'clock.

WEDNESDAY, April 15, 1840.

RESOLVED, That a further Free Conference be desired with the Legislative Council, on the subject matter of the last Free Conference.

Ordered, That Mr. Young do go to the Council, and desire the said Conference.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Free Conference.

The hour appointed for the two Houses of the Legislature to wait upon His Excellency the Lieutenant Governor, with the Joint Address, praying His Excellency to transmit the Joint Address to Her Majesty, on the auspicious event of her marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, having arrived, both Houses went up—and being returned, Mr. Speaker reported, that both Houses had waited upon His Excellency, and presented their Joint Address, to which His Excellency was pleased to make the following reply :

Mr. President, and Honourable Gentlemen of the Legislative Council; Mr. Speaker, and Gentlemen of the House of Assembly;

I shall have much pleasure in forwarding this dutiful and loyal Address, to be laid at the foot of the Throne; and I shall feel both pride and satisfaction in bearing testimony to the attachment of all classes in this Island to Her Majesty's Person and Government.

I beg to return my sincere thanks to the Council and Assembly for the expression of their continued confidence in my administration of the Government of this Colony.

Mr. Young, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, on the subject of Lennox Island, presented to the House the draught of an Address, as prepared by the Committee; and the said draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency ;

The House of Assembly have taken into their consideration your Excellency's Message, with the accompanying documents, as respects the purchase of Lennox Island, and are of opinion, that the Island is of much less extent

than 1400 acres, and of much less value than £1500 sterling. The House of Assembly have passed a Resolution to request your Excellency to direct, during the ensuing Summer, a survey to be made of the said Island, with a description of the quality of land thereon; and also, for the Surveyor whom your Excellency may appoint, to ascertain whether any and what improvements have been made by the Indians thereon, and how long they have resided on the same, and any further information that can be obtained relative to the said Island—the whole of which, when so obtained, the House of Assembly request that your Excellency will be pleased to submit to it during its next Session.

The House of Assembly begs leave to inform your Excellency, that, during the present Session, it has taken into its consideration the destitute condition of the Indians on this Island, and have voted the sum of £30, for the education of the Indians, and the further sum of £20, for the completing and finishing of the Chapel erected on Lennox Island for their benefit.

Ordered, That the said Address be engrossed.

Ordered, That the same Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Mr. Young, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to suspend the operation of the Act for ascertaining the Boundary Lines of Counties and Townships, presented to the House the draught of an Address, as prepared by the Committee; and the said draught Address was again read at the Clerk's Table, and is as followeth :

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

May it please your Excellency ;

The House of Assembly having had under their consideration the operation and effect of the present Boundary Act, find that it was extremely injurious in its operation, and defective in its enactments; and as no remedy can be had thereon this Session, on account of the lateness of the Session, the House of Assembly humbly request that your Excellency will be pleased to direct the Commissioners appointed by virtue of the said Boundary Act to suspend all further proceedings under the said Act during the present year, and until the next Session of the House

of Assembly, when the House will take the subject more fully into its consideration at an early day.

A motion being made, that the Address reported from the Committee be received and adopted by the House,

The House divided on the question :

YEAS :

Mr. Young,	Mr. W. Dingwell,
Mr. Clark,	Mr. Macintosh,
Mr. Le Lacheur,	Mr. Macneill,
Mr. Fraser,	Mr. Dalziel,
Mr. Forbes,	Mr. Macfarlane,
Mr. Beck,	Mr. D. Macdonald.

NAYS :

Mr. Palmer,	Mr. Gorman,
Mr. Longworth,	Hon. J. S. Macdonald.
Mr. Hudson,	

So it was carried in the affirmative.

Ordered, That the said Address be engrossed.

Ordered, That the same Committee who prepared the Address, be a Committee to wait upon His Excellency with the same.

Read a third time, as engrossed, the Bill intitled *An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty.*

Mr. Palmer moved to amend the Bill, by striking out the clause granting a certain sum to William Cooper, John Macintosh and John W. Le Lacheur, Esquires, to indemnify them for their disbursements, in attending the sittings of this House in the Sessions of 1837 and 1838—which being seconded and put, passed in the negative.

A motion being made, that the Bill do pass,
The House divided :

YEAS :

Mr. D. Macdonald,	Mr. Macfarlane,
Mr. Forbes,	Mr. Clark,
Mr. Beck,	Mr. Dalziel,
Mr. Macneill,	Mr. Fraser,
Mr. Hudson,	Mr. Le Lacheur,
Mr. Macintosh,	Mr. W. Dingwell.
Mr. Young,	

NAYS :

Mr. Palmer,	Hon. J. S. Macdonald,
Mr. Gorman,	Mr. Longworth.

So it was resolved in the affirmative.

Read a third time, as engrossed, the Bill intitled *An Act to make further provision for the management of the Charlottetown Ferry.*

Resolved, That the Bill do pass.

Ordered, That Mr. Palmer do carry the two last preceding Bills to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council have passed the following Bills, viz :

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

An Act to amend the Act now in force, regulating Apprentices.

And also—

The Legislative Council do agree to a further Free Conference, as is desired by the House of Assembly, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference a Committee to manage this further Free Conference—to meet in the Committee Room instanter.

And then he withdrew.

And the names of the Managers being called over, they went to the Conference :

And being returned ;

Mr. Young reported, that the Managers had been at the Conference ; and he stated the substance of the Conference to the House.

Then the House adjourned for one hour :

And being met—

Ordered, That the Message from His Excellency the Lieutenant Governor of yesterday, communicating copies of Despatches from Sir Colin Campbell and Sir John Harvey, with their enclosures, relating to a proposed weekly communication by steam between this Island, Nova Scotia and New Brunswick, be, with the several papers accompanying the same, referred to the Committee of the whole House, to inquire into and take into consideration the State of the Colony.

The Order of the Day, for the House in Committee to inquire into and take into consideration the State of the Colony, being read ;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee

had made some progress, and had directed him to move for leave to sit again.

Ordered, That the said Committee have leave to sit again to-morrow.

Then the House adjourned until to-morrow, at Ten o'clock.

THURSDAY, April 16, 1840.

THE Order of the Day, for the House in Committee, to inquire into and take into consideration the State of the Colony, being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Chairman reported, that the Committee had made some progress, and had directed him to move for leave to sit again, which the House agreed to.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council desire a further Free Conference with the House of Assembly, on the subject-matter of the last Conference; and have appointed the same Committee who managed the last Conference a Committee to manage this further Free Conference—to meet in the Committee Room instanter.

And then he withdrew.

Resolved, That this House do agree to a further Free Conference, as is desired by the Legislative Council, on the subject-matter of the last Conference.

Ordered, That Mr. Young do go to the Council, and acquaint them therewith.

Ordered, That Mr. Young, Mr. Longworth, the Hon. J. S. Macdonald, Mr. Hudson, Mr. Macneill and Mr. Palmer be a Committee to manage this further Free Conference.

And the names of the Managers being called over, they went to the Conference.

And being returned,

Mr. Young reported, that the Managers had been at the further Free Conference; and he stated the substance thereof to the House.

A Message from His Excellency the Lieutenant Governor :

The Hon. Mr. Haviland, by command of His Excellency, delivered the following

Message:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor is desirous that the House of Assembly, at its rising to-day, should adjourn to Saturday the 18th instant.

Government House, 16th April, 1840.

Resolved, That this House will, at its rising to-day, adjourn to Saturday the 18th inst.

Then the House adjourned for one hour.

And being met—

Resolved, That this House do now resolve itself into a Committee of the whole House, to inquire into and take into consideration the State of the Colony.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. J. S. Macdonald took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. J. S. Macdonald reported, that the Committee had gone through the Report of the Special Committee to whom was referred Lord John Russell's Despatch of the 17th September, together with a copy of the Bill passed by this House last Session, for the Settlement of the Inhabitants, and referred to this Committee, paragraph by paragraph, had amended and then adopted the same; and he read the Report in his place.

The Chairman also acquainted the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Saturday next.

Mr. Speaker having put the question, "Shall the Report be now received?"

The House divided:

YEAS, 9.

NAYS, 6.

So it was carried in the affirmative.

And the said Report was again read at the Clerk's Table, and is as followeth:

Your Committee respectfully submit—

1st. That the British Colonial Minister appears to believe that Mr. Cunard has offered fair terms of settlement to the Agriculturists occupying those Townships in this Island at present claimed by that individual; that your Committee examined Mr. Peters, the Solicitor General, who has been acting as Land Agent for Mr. Cunard ever since he purchased these forfeited claims of the grantees; and that the terms demanded by Mr. Cunard appear to your Committee most oppressive.

2d. That the country has been and is likely to be put to considerable expense, in consequence of criminal prosecutions against several individuals for alleged resistance to officers distraining for rent; and, in regard to these, your Committee have to observe, that in some instances the individuals distrained on appear to have resisted, by threatening and even assaulting the bailiffs—and that in such instances the Crown Law Officers cannot be blamed for commencing criminal prosecutions.

3d. That in other instances, the individuals upon whom demands of rent were made, have endeavoured to defeat distrains, by locking up their cattle, or driving them off the premises, and to prevent the service of processes, by locking the doors of their dwelling houses; and that the accusing such individuals of criminal resistance must be held to be oppressive—it is turning a private suit into a public prosecution, and by the terrors thereof, and by using the revenue (raised from the people) against the rights of the people, enforcing them to yield to the claims made by the Grantees of Townships.

4th. Your Committee further remark, that an instance has occurred where individuals appear to have been subjected to criminal prosecutions, merely because, when their neighbours' property was exposed to auction under distraint, and they had assembled in considerable numbers, they had expressed their dislike of such proceedings, and their contempt for those who acted as bailiffs, or who would purchase distrained property—and that criminal prosecutions for such language are highly unconstitutional.

5th. That where these criminal prosecutions are well founded, they must be looked on as one of the many evils resulting solely from the tenure of land in this Island; and as there are instances where the prosecutions appear to have been founded on false allegations, your Committee recommend that in every instance where the accused are

acquitted, the expenses of such criminal prosecutions should be recovered from the parties who have employed the bailiffs.

6th. In regard to the state of the Agriculturists, it appears that the majority are in arrears of rent, and are unable to discharge the same, without violating their obligations to mechanics and storekeepers; and in many instances, that the payment thereof would leave them without means to cultivate the ground, and of course that their families must be maintained by the small proportion of leaseholders not similarly situated, and by the freeholders, or must perish for want.

7th. That many of these Agriculturists have been compelled to pay rent, being denied at the same time a valid lease; that on several Townships the rents have been exacted in British coin; and that several individuals have been obliged to pay rent for a greater quantity of land than their farms admeasured; as an instance, the case of James Douglas, of Bay Fortune, may be taken. His lease states the land leased at 150 acres, and several years afterwards, when it is measured, it is found to contain only 102 acres—his lease had been for forty years; the son of the deceased Grantee of the Township (and which son was the acknowledged agent for the widow and the rest of the family) bargains with Douglas to extend the lease 999 years, and receives for this extension £35. This extended lease, as well as the first lease, has been laid before your Committee. Sometime afterwards, Douglas ascertains that the will of the deceased Grantee prohibited any lease being extended beyond the life of his widow: Douglas tries, both at-law and in equity, to get his rent reduced, in proportion to the defalcation of the measurement, and to get credit for the money obtained under the false pretence of extending the duration of his lease; and neither by law nor in equity has he, in proceedings protracted through eight years, been able to get redress, but has been stripped of his property for alleged arrears of rent which he had really paid, and is harassed with Chancery prosecutions, for the expenses of those who have been benefited by his being defrauded. To crown the whole, a criminal prosecution has been instituted against one of his sons, a young man of nineteen years of age, for an alleged assault on the Sheriff, at the day of the sale of the property distrained from his father; the Sheriff, on his examination, states, that he was assaulted by the young man, while all the other witnesses maintain that they were present during the whole sale, and that the Sheriff was not assaulted by Douglas, or by any other individual. Your Committee submit, that many instances of oppression similar to the above have been consummated in this Island, the oppressed not having means to carry on proceedings in Chancery to a final conclusion; and that it is expedient that the case of James Douglas should be maintained at the public expense, till finally decided.

8th. Your Committee, from the above and from many

other cases, are led to the conclusion, that although the condition of the Agriculturists shall be ameliorated by a tenure of land resembling that of the other Colonies, yet that those in ordinary circumstances will always be exposed to aggression, until the duration of suits and the expense of procedure shall be materially curtailed by legislative enactment. The instances of the claimants of Townships having been able, by their influence and wealth, to trample on the rights of their fellow men, are so numerous and flagrant, as to give to your Committee reasons to fear, that any amelioration which the Imperial Government might make in the situation of the Agriculturists, would in many instances be rendered nugatory by vexatious proceedings commenced against them at law, and that when at length the Ministry shall concede our rights, we must, for the security thereof, simplify the administration of justice. With this view your Committee respectfully suggest that the House should, at an early period next Session, take this subject into consideration.

Your Committee also lay before the House returns as to the value of wilderness land, as ascertained by the sales of such land at auction, made for non-payment of the Land Assessment, where in 1833, 1834, 1835 and 1836, (as at page 30, of the evidence taken before the Commissioners sent with the Earl of Durham) the average is two shillings and three farthings per acre, and in 1840, by a return from the Prothonotary, the average appears to be two shillings per acre—and of the values affixed by Juries on wilderness land under the Road Compensation Act, where the average value affixed is four shillings per acre. The discrepancy betwixt the actual value paid by individuals who had to pay money down, and the higher value put by Juries, may be fairly attributed to the Juries having considered that a road passing through the land gave it additional value, and to the scarcity of money, and to the difficulty (in the present state of the system of surveys) of ascertaining where the vacant land sold for non-payment of land tax was to be found—the ascertaining of which, the measuring it, and the expense of the deed have to be paid by the purchaser, and are often equal to the price for which the land was knocked down. Your Committee have understood that an average of sales of wilderness land for three years previous to 1835, showed five shillings and fourpence per acre. Your Committee have also to observe, that in almost every paper from Nova Scotia and New Brunswick, there appears advertisements to remind the Agriculturists of the prodigious difference of the value put on wilderness land in Nova Scotia and New Brunswick, from what is charged by the claimants of Townships and by the Government of this Island—the average price in Nova Scotia being three shillings and sixpence per acre, and in New Brunswick ranging from three shillings to six shillings per acre—and the last 200,000 acres which, on application from an Emigration Society, the House of

Assembly of that Province determined should be sold to such Society at three shillings per acre, of which price two thirds are to be remitted on condition of the Society making and establishing the necessary roads and bridges on such tracts at their own expense, and within a limited time performing such certain definite improvements thereon, with reference to actual settlement and cultivation, as may be determined on, in default of which the land to be revested in the Crown. Had this been done in this Island, your Committee submit that the Grantees of Townships behoved to have expended £130,000 on Roads and Bridges, whereas, under the utmost efficiency of the Road Compensation Act, they have not as yet paid £2000.

The difference of the average quality of land here and in these adjacent Colonies forms no ground for argument in this matter, that a higher price should be exacted here—for of the whole extent of these other provinces, one-third is not likely for many years to be offered for, and the average quality of the soil bought by cultivators will be found nearly equal to that of this Island, and the market for produce far superior.

Along with this Report, your Committee submit the evidence of Messrs. Aitken, Macdonald, Macivor, Kelly, Douglas, senior and junior; also of Peter M'Cailum, Esq. High Sheriff of King's County, and of Charles Binns and Charles Young, Esquires, Barristers, and of James H. Peters, Esq., Solicitor General, and Messrs. Flyn, Mackenzie and Sutherland, and of John Lawson, Esq.

Many inferences may be drawn from these examinations, not specially alluded to in this Report, lest it should be extended to an inconvenient length, but all tending to shew that the people are highly dissatisfied with the measures pursued towards them by the claimants of Townships; and that as the conduct of these claimants and their agents has been oppressive, there is no prospect of the dissatisfaction being done away with by refusing, year after year, the popular requests for redress. The House may be dissolved, the constitution of the Colony suspended or abrogated, but these measures will bring neither prosperity nor even peace; because it is not a desire for an extension of political power which mainly agitates the country, but a desire for evenhanded justice, and for land on such terms as that, by an union of labour, hardihood and economy, they may live on it and may leave the dear bought property to their children; and until this be conceded, every branch of industry must languish; and every impartial man must confess that the people are deeply wronged, and will look for the bitter fruits which spring from oppression long persisted in.

Mr. Young moved to amend the said Report, by leaving out of the Seventh Paragraph, so much thereof as recommends the prosecution of the case of James Douglas at the public expense.

The House divided on the motion of amendment :

YEAS :

Mr. Young,	Mr. Dalziel,
Mr. Gorman,	Mr. Beck,
Mr. Clark,	Mr. Palmer.
Mr. Longworth,	

NAYS :

Mr. Macintosh,	Mr. D. Macdonald,
Mr. Fraser,	Mr. Rae,
Mr. W. Dingwell,	Mr. Le Lacheur.
Mr. Macneill,	

The House being equally divided, Mr. Speaker gave his casting vote in the negative.

Mr. D. Macdonald then moved to amend the said Report, by adding the following words to the seventh paragraph :

—"Which case is taken, not as the case of an individual, but as it is of the utmost consequence that the important rights therein involved should be decided, and that as individual agriculturists have not means to prosecute such suits to a final decision, it is for the benefit of the people that one case should be followed out to a final decision—but as nothing but the extreme necessity for a decision so interesting to many could justify the House in such application of the public money, so they trust that individuals will not from this be led to derive any expectation that the House will apply the public money to their private suits."

The House divided on the motion of amendment :

YEAS :

Mr. D. Macdonald,	Mr. Macneill,
Mr. Le Lacheur,	Mr. Fraser,
Mr. Rae,	Mr. Macintosh.
Mr. W. Dingwell,	

NAYS :

Mr. Young,	Hon. J. S. Macdonald,
Mr. Longworth,	Mr. Clark,
Mr. Beck,	Mr. Dalziel.
Mr. Gorman,	

The House being equally divided, Mr. Speaker gave his casting vote in the affirmative.

A motion being made that the Report, as amended, be adopted by the House,

The House divided on the question :

YEAS :

Mr. W. Dingwell,	Mr. D. Macdonald,
Mr. Macintosh,	Mr. Rae,
Mr. Fraser,	Mr. Gorman,
Mr. Le Lacheur,	Mr. Dalziel,
Mr. Macneill,	Mr. Young.

NAYS :

Mr. Clark,	Mr. Beck,
Hon. J. S. Macdonald,	Mr. Longworth.
Mr. Palmer,	

So it was carried in the affirmative.

Mr. Le Lacheur moved to resolve, that the evidence taken before the Special Committee, and referred to in the above Report, be an Appendix to the printed Journals of this Session.

A debate ensued.

Mr. Le Lacheur moved, that certain words spoken by Edward Palmer, Esquire, a Member of this House, be taken down by the Clerk.

Which was ordered—and the words referred to were taken down accordingly, and are as follow, viz :

—"John Windsor Le Lacheur, Esquire, and Joseph Dingwell, Esquire, Members of this House, aided and abetted those who obstructed the Sheriff in the execution of that same writ."

The question being then put on the main motion,

The House divided :

YEAS :

Mr. Le Lacheur,	Mr. D. Macdonald,
Mr. Macneill,	Mr. Clark,
Mr. W. Dingwell,	Mr. Fraser,
Mr. Young,	Mr. Gorman,
Mr. Macintosh,	Mr. Beck.

NAYS :

Mr. Palmer,	Mr. Longworth.
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So it was carried in the affirmative.

[See Appendix (P.)]

Then the House adjourned until Saturday next, at Ten o'clock.

SATURDAY, April 18, 1840.

THE Hon. Mr. *Pope* moved, to discharge the Committee appointed to wait upon the Lieutenant Governor with the Address, praying His Excellency to direct the Commissioners appointed under the Boundary Act to suspend all further proceedings under the said Act during the present year—there being no power constitutionally vested in the Administrator of the Government to suspend the operation of any Act of the Legislature.

The House divided on the question :

YEAS :

Hon. Mr. <i>Pope</i> ,	Mr. <i>Gorman</i> ,
Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Hudson</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Longworth</i> .

NAYS :

Mr. <i>Young</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Dalziel</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Macfarlane</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Beck</i> .
Mr. <i>Rae</i> ,	

So it passed in the negative.

On motion of Mr. *Longworth*, Ordered, that the entry in the Journal of Thursday last, as to certain words spoken by Edward Palmer, Esq. a Member of this House, be now read ;

And the said entry being read ;

Mr. *Clark* thereupon moved, that this House do come to a Resolution, as followeth :

Resolved, That a flat denial having been given to Mr. *Palmer*, by Mr. *Le Lacheur*, and that in the absence of Mr. *Joseph Dingwell*, a Member of this House, this House cannot at so late a period of the Session, take up the subject, but is pledged to take up the same at an early day next Session.

The Hon. *J. S. Macdonald* moved, in amendment, that after the word "*Resolved*," all be struck out, and the following substituted:—"That this House will take the subject into consideration on Monday next."

The House divided on the motion of amendment.

YEAS :

Hon. <i>J. S. Macdonald</i> ,	Hon. Mr. <i>Pope</i> ,
Mr. <i>Palmer</i> ,	Mr. <i>Longworth</i> .
Mr. <i>Hudson</i> ,	

NAYS :

Mr. <i>Clark</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Fraser</i> ,	Mr. <i>Rae</i> ,
Mr. <i>W. Dingwell</i> ,	Mr. <i>Forbes</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Le Lacheur</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>Young</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Beck</i> ,	Mr. <i>D. Macdonald</i> .

So it passed in the negative.

The Hon. Mr. *Pope* then moved, in amendment to the said Resolution, that the whole be struck out, and the following substituted :

"Whereas Edward Palmer, Esquire, has expressed his readiness to substantiate the charge preferred by him against Joseph Dingwell and John W. Le Lacheur, Esquires, and having invited the House to an investigation thereof; *Resolved, therefore*, that this House do proceed to the said investigation, or that the said Edward Palmer, Esq. be exonerated from proving the said charge at any future Session of this House.

The House divided on the motion of amendment :

YEAS :

Hon. Mr. <i>Pope</i> ,	Mr. <i>Gorman</i> ,
Mr. <i>Palmer</i> ,	Hon. <i>J. S. Macdonald</i> ,
Mr. <i>Longworth</i> ,	Mr. <i>Hudson</i> .

NAYS :

Mr. <i>Fraser</i> ,	Mr. <i>Dalziel</i> ,
Mr. <i>Le Lacheur</i> ,	Mr. <i>Clark</i> ,
Mr. <i>Macfarlane</i> ,	Mr. <i>D. Macdonald</i> ,
Mr. <i>Macintosh</i> ,	Mr. <i>Rae</i> ,
Mr. <i>Macneill</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>W. Dingwell</i> .

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Ordered, That the Thirteenth Rule of this House, requiring twenty-four hours' notice of the introduction of new matter, be for the present suspended; and that the Hon. Mr. *Pope* have leave to introduce a Bill to suspend for a limited period certain parts of the Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships.

He accordingly presented the said Bill to the House, and the same was read the first time.

Ordered, That the Tenth Rule of this House be suspended, as far as respects the said Bill.

And then the said Bill was read a second time.

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

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

The Hon. Mr. Pope took the Chair of the Committee.

Mr. Speaker resumed the Chair.

The Hon. Mr. *Pope* reported, that the Committee had gone through the Bill, and made an amendment thereto; which amendment was again read at the Clerk's Table, and agreed to by the House.

Ordered, That the said Bill, as amended, be engrossed, and that the Title be *An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."*

Then the House adjourned for one hour.

And being met—

Ordered, That the Order of the Day, for the House in Committee to inquire into and take into consideration the State of the Colony, be now read;

And the same being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Macfarlane took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Macfarlane* reported, that the Committee had come to four Resolutions, which they had directed him to report to the House; and he read the same in his place, and delivered them in at the Clerk's Table.

Mr. *Macfarlane* also acquainted the House, that he was directed by the Committee to move for leave to sit again.

Ordered, That the said Committee have leave to sit again on Monday next.

The several Resolutions reported from the Committee were then read by the Clerk, and are as follow:

1. **RESOLVED**, That it is the opinion of this Committee, that it is much to be regretted, the House of Assembly of Nova Scotia have not deemed it advisable to make any provision towards the support of a Steam Packet, to run between that Province, this Island and New Brunswick—while such a measure continues to be so much the mutual interest of each Province, as well as this Island, and of Nova Scotia no less than either this Island or New Brunswick; yet this Committee cannot but view with every satisfaction the provision made for that purpose by the Legislature of the enterprising Province of New Brunswick, as communicated by the Message of His Excellency the Lieutenant Governor, sent to this House on the 14th of April inst.

2. **RESOLVED**, That it is the opinion of this Committee, that provision be made for the conveyance of the Government Mails by means of a Steam-boat between Charlottetown, in this Island, and Pictou, in the Province of Nova Scotia, and Miramichi, in the Province of New Brunswick, for the term of five years—to commence the First day of May, One thousand eight hundred and forty-one; and that His Excellency the Lieutenant Governor be humbly requested to enter into a Contract for the conveyance of the Government Mails of this Island, by a sufficient Steam-boat, of not less than Eighty horse power, to run regularly, twice a-week, between Pictou and Charlottetown aforesaid, and once a week between those places and Miramichi, touching at Bedeque on the voyage to and from Miramichi, between the First day of May and the Twentieth day of November, as respects Miramichi, and as long as the navigation remains open, as respects Pictou, each year, during the said term of five years, at any sum not exceeding Five hundred Pounds per year: and if entered into by any Contractor who shall be, *bona fide*, an inhabitant of this Island, or be contracted for by any Company, established in this Colony, wherein and so long as one half of the stock or capital shall be owned by persons resident in this Island, then at the sum of Six hundred Pounds per annum; and that His Excellency be further requested to stipulate, on behalf of Her Majesty's Government, in the event of the same appearing advantageous to the Colony, that an advance be made to the Contractor or Company established in this Colony, upon due security being entered into, to any amount not exceeding the sum of One thousand two hundred Pounds, to be in advance of the first two years' allowance as aforesaid; and that the House of Assembly do pledge itself to the grant of the said sums of money as the same shall become necessary.

3. **RESOLVED**, That it is the opinion of this Committee, that an Address be presented to His Excellency the Lieutenant Governor, praying him to use his influence with Her Majesty's Government, to cause the Steam-boat about to be established between Pictou and Quebec, to touch at the most convenient Port in this Island, on her going to and returning from those places.

RESOLVED, That it is the opinion of this Committee, that the connection of the Bay of Fundy with the Gulf of Saint Lawrence, by a line of Canal, is a measure which would materially advance the trade and commerce of this Colony, and that it is expedient that provision be made to defray some portion of the expense of the Survey now contemplated by the Province of New Brunswick, and that the House of Assembly do, at its next Session, take the subject into its favourable consideration.

And the said Resolutions being again read throughout, were, on the question being separately put thereon, agreed to by the House.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, April 20, 1840.

MR. LE LACHEUR moved, that a Committee of five Members be appointed, to prepare an Address to the Lieutenant Governor, praying that he will be pleased to give directions that the case of James Douglas, of Bay Fortune, now pending in Chancery, both as respects Plaintiff and Defendant, be conducted at the public expense.

The House divided on the question :

YEAS :

Mr. <i>Le Lacheur</i> ,	Mr. <i>Beck</i> ,
Mr. <i>Dulziel</i> ,	Mr. <i>Macneill</i> ,
Mr. <i>D. Macdonald</i> ,	Mr. <i>Fraser</i> ,
Mr. <i>Gorman</i> ,	Mr. <i>Macintosh</i> ,
Mr. <i>Forbes</i> ,	Mr. <i>Clark</i> .
Mr. <i>Macfarlane</i> ,	

NAYS :

Hon. <i>J. S. Macdonald</i> ,	Mr. <i>Longworth</i> ,
Mr. <i>Young</i> ,	Mr. <i>Hudson</i> .

So it was carried in the affirmative.

Ordered, That Mr. *Le Lacheur*, Mr. *Clark*, Mr. *Fraser*, Mr. *D. Macdonald* and Mr. *Macintosh* do compose the said Committee.

Then the House adjourned for one hour :

And being met—

Mr. *Le Lacheur*, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, on the subject of the case of James Douglas, of Bay Fortune, presented to the House the draught of an Address, as prepared by the Committee; and the said draught Address was again read at the Clerk's Table, and is as followeth :

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

May it please your Excellency ;

The House of Assembly having had under their consideration the State of the Colony, and knowing that there are sundry important points at issue between the claimants

of Townships and the Tenantry, which may be finally determined by Law, but, though frequently commenced, have never been brought to a termination, because the expense of so doing exceeded the entire means of individual Tenants—therefore, in order to the obtaining a final decision, the case of James Douglas, of Bay Fortune, now pending in Chancery, has been selected—and we respectfully request your Excellency to give the directions necessary for said case being carried on—so far as respects both Plaintiff and Defendant—at the Public expense, until such final decision can be obtained : and the House of Assembly will, at its next Session, make provision for defraying the taxed costs on said suit—such expenses to be refunded by the parties, as the Court may direct.

Mr. *Le Lacheur* moved, that the Address reported from the Committee be received and adopted by the House.

Mr. *Palmer* moved, in amendment, that after the word "that", all be struck out, and the following substituted—"the House do come to a Resolution, as followeth :

RESOLVED, That the case of James Douglas is now pending and undetermined in the Court of Chancery of this Island, where the same was commenced by himself several years ago, and is now in the course of prosecution by the said James Douglas, and is one entirely of a private nature, and depends in a great measure on the power of one of the defendants, as derived under the will of the late William Townshend, Esq. to grant a lease to the said James Douglas of his farm for a long term of years, as by him claimed in the said suit, and of the quantity of land contained in the said farm; and also on the legality and good faith of a certain sale of the said farm made by the Sheriff of this Island, and alleged by the said James Douglas as fraudulent; being matters involving merits and questions of both law and equity, on which it is not competent or constitutional for this House to decide, the more especially as this House is not fully in possession of the said questions and merits, as the information relating thereto has been ob-

tained wholly from the examination of the said James Douglas himself, his son, and his Counsel and Solicitor, and not from the records of the Court of Chancery, nor from any examination, either of the defendants in the said suit, their Counsel or Solicitor, or any of them; and therefore that this House is of opinion, that the said Cause should be determined, by being prosecuted by and at the expense of the proper parties, and in the properly constituted Courts."

The House divided on the motion of amendment.

YEAS:

Mr. Palmer,	Mr. Longworth,
Hon. Mr. Pope,	Mr. Hudson.
Hon. J. S. Macdonald,	

NAYS:

Mr. Le Lacheur,	Mr. Fraser,
Mr. Gorman,	Mr. Clark,
Mr. Young,	Mr. Macintosh,
Mr. Macneill,	Mr. Macfarlane,
Mr. Dalziel,	Mr. Beck,
Mr. Forbes,	Mr. W. Dingwell.
Mr. D. Macdonald,	

So it passed in the negative.

The Hon. Mr. Pope then moved, in amendment to the main motion, that, at the end of the question, be added the words "this day three months."

The House divided on the motion of amendment:

YEAS:

Hon. Pope,	Mr. Young,
Mr. Dalziel,	Mr. Palmer,
Mr. Longworth,	Hon. J. S. Macdonald.
Mr. Hudson,	

NAYS:

Mr. Clark,	Mr. Macintosh,
Mr. W. Dingwell,	Mr. Fraser,
Mr. Gorman,	Mr. Macneill,
Mr. Macfarlane,	Mr. Beck,
Mr. Forbes,	Mr. D. Macdonald.
Mr. Le Lacheur,	

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Ordered, That the said Address be engrossed.

Ordered, That the same Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Mr. Le Lacheur, from the Committee appointed to prepare an Address to Her Majesty, on the subject of the claims of the American

Loyalists and disbanded Provincial Troops in this Island, or their Representatives, presented to the House the draught of an Address, as prepared by the Committee; which said draught Address was again read at the Clerk's Table.

Ordered, That the said draught Address be committed to a Committee of the whole House.

Read a third time, as engrossed, the Bill intituled *An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."*

The Hon. Mr. Pope proposed an amendment to the said Bill, by inserting a clause, limiting its operation to Prince County—which being seconded and put, passed in the negative.

Resolved, That the Bill do pass.

Ordered, That Mr. Hudson do carry the said Bill to the Legislative Council, and desire their concurrence.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council have passed the Bill intituled *An Act to make further provision for the management of the Charlottetown Ferry*, without any amendment.

And also—

COUNCIL CHAMBER,
Monday, 20th April, 1840.

Resolved, That the House of Assembly be requested to furnish the Legislative Council with copies of the evidence or documents on which the Bill intituled "An Act to authorize the Crown to purchase the Lands and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act intituled 'An Act for levying an Assessment on all Lands in this Island,'" sent up by the House of Assembly to the Council for their concurrence, and now under consideration of the Council, was founded.

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

And then he withdrew.

A motion being made, that the Legislative Council be furnished with the documents upon

which this House have founded the Bill now before the Legislative Council, to authorize the Crown to purchase the lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain sections of the Act for levying an Assessment on all Lands in this Island;

Mr. Palmer moved, in amendment to the said motion, that the following words be added thereto—"and also with so much of the evidence given before the Committee who prepared the said Bill, as was taken before the Bill was reported."

The House divided on the motion of amendment:

YEAS:

Mr. Palmer,	Hon. Mr. Pope,
Hon. J. S. Macdonald,	Mr. Hudson.
Mr. Longworth,	

NAYS:

Mr. Macintosh,	Mr. Rae,
Mr. Young,	Mr. Forbes,
Mr. D. Macdonald,	Mr. Le Lacheur,
Mr. W. Dingwell,	Mr. Macfarlane,
Mr. Dalziel,	Mr. Fraser,
Mr. Gorman,	Mr. Beck,
Mr. Clark,	Mr. Macneill.

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Resolved, That a Committee of three Members be appointed, to select such documents as it may be necessary to communicate to the Legislative Council, and report thereon to the House.

Ordered, That Mr. Young, Mr. Le Lacheur and Mr. Rae do compose the said Committee.

Resolved, That a Committee of five Members be appointed, to prepare an Address to His Excellency the Lieutenant Governor, praying that he will exert his influence in order that the Government Steam Vessels, to be employed to ply between Quebec and Pictou, be directed to make Charlottetown a port of call.

Ordered, That the Hon. Mr. Pope, Mr. Palmer, Mr. Longworth, Mr. Clark and Mr. Young do compose the said Committee.

Resolved, That this House do now resolve itself into a Committee of the whole House, to consider the draught of an Address to Her Majesty, on the subject of the claims of certain American Loyalists and disbanded Provincial Troops, and their Representatives, in this Island,

as reported from the Special Committee appointed to prepare the same.

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Longworth took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Longworth reported, that the Committee had gone into the consideration of the Address reported from the Special Committee, paragraph by paragraph, had amended and then adopted the same—and the said draught Address, as amended, was again read at the Clerk's Table, and agreed to by the House, and is as followeth:

TO THE QUEEN'S MOST EXCELLENT MAJESTY:

Most Gracious Sovereign;

We your Majesty's dutiful and loyal subjects, the Representatives of the people of Prince Edward Island, in Colonial Parliament assembled, humbly beg leave to approach your Majesty, in order to represent the numerous grievances which, during a series of years, Your Majesty's truly loyal subjects, the American Refugees, the disbanded Provincial Troops, and their Representatives, now inhabitants of this Island, have experienced. After the termination of the American Revolutionary War, they were induced to repair to this Colony, in consequence of the circulation of a Proclamation then issued by its then Governor, Walter Patterson, Esquire. On their arrival in this Colony, they applied to the said Governor for a portion of the Lands surrendered to the Crown by certain Proprietors of this Island. The said Proprietors received a remission of the Quit Rents then due and payable to His Majesty, as also an abatement of the Quit Rent thereafter payable of such Lands as remained in their possession, which Lands so promised them in said Proclamation they were to have received on the same liberal terms as were assigned to persons of a similar description in Nova Scotia, and in the other British Colonies—in proof of which, this House humbly begs leave to refer your Majesty to a Statute of this Colony, passed in the year 1790, which Statute still remains in force. On reference to the Records of the Executive Council of this Colony, wherein are set forth the proceedings adopted by the said Governor Patterson, from which it will appear, that although the said Governor and Council imparted to the said Loyal Refugees the apportioned tracts of Land they were entitled to receive by the terms of the said Proclamation, they studiously evaded giving Grants for the same, with a very few exceptions, and the Proprietors before mentioned adopted the most coercive measures in order to compel the said Refugees to abandon the locations assigned them, by which measures the majority of said Refugees were compelled to surrender the lands in question, as also all their improvements, for

which they have not received any remuneration. They have, therefore, under the pressure of adverse circumstances, been reduced to the necessity of becoming Tenants to the said Grantees, and to enter into such agreements, and to pay such Rents for wilderness Lands, as have proved to them highly detrimental and embarrassing.

Such policy compelled the said Loyalists to make repeated appeals to the Colonial Legislature for a redress of the wrongs done them through the mal-administration of the aforesaid Governor Patterson, and also by the line of conduct pursued by his immediate successor in office, who it appears, from the testimony preferred to this House, not only omitted protecting the Loyalists in asserting their rights, but became in turn also their assailant.

That the said American Refugees and Disbanded Provincial Troops preferred a petition to this House last Session of the Colonial Assembly, praying relief, upon which a Bill was passed and transmitted for your Majesty's Royal Allowance, but was rejected for the reasons stated by your Majesty's Minister for the Colonies, the Right Honorable Lord John Russell. The said Loyalists again submitted a Petition to this House at its present Session, praying the long deferred redress, and a Committee was appointed fully to investigate the grievances complained of; and after duly examining the same, the said Committee made such a Report as induced this House now to address your Majesty, in the earnest expectation that your Majesty will be graciously pleased to remove those grievances that have so long retarded the improvement of so deserving a class of your Majesty's subjects.

May it therefore please your Majesty to take the premises thus submitted into your most gracious consideration, and make such order thereon, as will enable so deserving a portion of your Majesty's subjects to obtain such a location on the Lands surrendered to the Crown as aforesaid, as their valuable services in defence of British interests, and the sacrifices by them made for the maintenance thereof, entitle them to expect, or to be graciously pleased to award the aforesaid Loyalists a suitable settlement on the Crown Lands of this Colony.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to forward the same, for the purpose of being laid at the foot of the Throne.

Mr. Young, from the Committee appointed to wait upon His Excellency the Lieutenant

Governor, with the Address relating to a survey of Lennox Island, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say he would comply with the desire of the House.

Mr. D. Macdonald, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, thanking his Excellency for the several Messages and Documents communicated by him to the House this Session, reported to the House, that their Address had been presented to His Excellency.

Resolved, That the following Address do pass, and be presented to His Excellency the Lieutenant Governor:

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

May it please your Excellency;

The House of Assembly humbly request that your Excellency will be pleased to cause to be procured estimates of the expense of a Wharf, and also of a Hard or Slip, on the same site, of the necessary length, at the Ferry Point opposite Charlottetown, and of the probable compensation required for any alteration of the present line of road to such site, and to cause the same to be laid before the House of Assembly, at its next Session.

Ordered, That the said Address be engrossed.

Ordered, That Mr. Longworth, Mr. Hudson and the Hon. Mr. Pope be a Committee to wait upon His Excellency with the said Address.

Resolved, That a Committee of five Members be appointed, to examine the Officers' and Contingent Accounts, for the present Session, and report thereon to the House—with power to send for persons, papers and records.

Ordered, That the Hon. Mr. Pope, Hon. J. S. Macdonald, Mr. Longworth, Mr. Young and Mr. Le Lacheur do compose the said Committee.

Then the House adjourned until to-morrow, at Ten o'clock.

TUESDAY, April 21, 1840.

A MESSAGE from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker ;

The Legislative Council desire a Conference with the House of Assembly, on the Bill intituled *An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty* ; and have appointed the Honorables Mr. Brecken, Mr. Macintosh and Mr. Livett a Committee to manage the said Conference—to meet in the Committee Room instanter.

And then he withdrew.

Resolved, That this House do agree to a present Conference, as is desired by the Legislative Council, on the Bill intituled *An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty*.

Ordered, That Mr. Young do go to the Legislative Council, and acquaint them therewith.

Ordered, That Mr. Young, Mr. Clark, Mr. Le Lacheur, Mr. Rae, Mr. Fraser and the Hon. J. S. Macdonald be a Committee to manage the said Conference.

So the Managers went to the Conference.

And being returned ;

Mr. Young reported, that the Managers had been at the Conference ; and he stated the substance of the Conference to the House.

Resolved, That a further Conference be desired with the Legislative Council, on the subject matter of the last Conference.

Ordered, That Mr. Young do go to the Council, and desire the said Conference.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Conference.

The Hon. Mr. Pope, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to exert his influence, in order that the Government Steamers about to be employed to ply between Quebec and Pictou, may make Charlottetown a port of call ; presented to the House the draught of an Address, as prepared by the Committee, and the said draught Address being again read at the Clerk's

Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency ;

The House of Assembly having, with much pleasure and satisfaction, learned, by a copy of a Circular Despatch and its enclosures, from Her Majesty's late Principal Secretary of State for the Colonies, transmitted to this House with your Excellency's Message of 20th February last, that Her Majesty's Government has liberally provided for establishing a Steam communication between Great Britain and British North America, and also between Pictou and New Brunswick and Quebec ; and being forcibly impressed with the many advantages that would result to this Colony were the Steamers employed between the last mentioned places, to call at Charlottetown on going to and returning from Quebec, the House would therefore respectfully request your Excellency to use your best influence with Her Majesty's Government to effect such an arrangement. The Port of Charlottetown being not more than 15 to 20 miles from the direct route between Pictou, New Brunswick and Quebec, added to the circumstance of an accurate and extensive nautical survey of the Harbour having been lately made, under the direction of the Surveyor General of this Island, and an Officer of Her Majesty's Navy, together with the accommodation afforded by an extensive Public Wharf, will, we trust, have their due weight in inducing my Lords of the Admiralty to accede to the wishes of this Colony, by enabling it to participate in the benefits of the liberal and munificent arrangements of Her Majesty's Government.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Mr. Young, from the Committee appointed to select such documents as it may be necessary to communicate to the Legislative Council, in conformity to their Message of yesterday, desiring the evidence or documents on which was founded the Bill to authorize the Crown to purchase the lands, and to regulate the settlement of the Inhabitants of this Island, presented to the House the Report of the Committee ; and the said Report was again read at the Clerk's Table, and is as followeth :

"Your Committee, to whom was referred the Message of the Legislative Council, of yesterday, asking for the evidence or documents on which the Bill intituled "An Act to authorize the Crown to purchase the Lands, &c." was founded, report, that the following documents be forthwith sent to the Council, in conformity to their said Message, viz :—

"The Report of a Committee of the House of Assembly, dated March 6th, 1835, and contained in the Journals of that year.

"The various documents contained in Appendix (A.) to the Journals of 1839.

"The evidence of the Hon. the Attorney General, taken before the Commissioners, and contained in Lord Durham's Report.

"And the Report submitted during the present Session by the Delegate of this House, and contained in the *Colonial Herald*, of the 8th, 15th and 29th February last.

"Your Committee further report, that they have examined the evidence taken before the Committee appointed by this House on Lord John Russell's Despatch, of 17th September last, and do not find anything therein contained that would furnish the Council with any information that would bear upon the enactments or provisions contained in the said Bill."

A motion being made, that the said Report be received and adopted by the House ;

The House divided on the question :

YEAS :

Mr. Young,	Mr. Le Lacheur,
Mr. W. Dingwall,	Mr. Fraser,
Mr. Dalziel,	Mr. D. Macdonald,
Mr. Rae,	Mr. Macintosh,
Mr. Macfarlane,	Mr. Macneill,
Mr. Beck,	Mr. Gorman.

NAYS :

Hon. Mr. Pope,	Mr. Yeo,
Mr. Palmer,	Mr. Longworth.
Mr. Hudson,	

So it was carried in the affirmative.

Ordered, That a copy of the said Report, together with the Documents therein referred to, be communicated to the Legislative Council.

Ordered, That Mr. Young do carry the same to the Legislative Council.

Mr. *Le Lacheur*, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit the Address of this House to Her Majesty, on the subject of the claims of certain American Loyalists and disbanded Provincial Troops in this Island, or their Representatives, for the purpose of being laid at the foot of the Throne, presented to the House the draught of an Address, as prepared by the Committee; which draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency ;

The House of Assembly having passed an Address to Her Most Gracious Majesty the Queen, on the subject of the just claims of the Loyalists and disbanded Troops in this Island, respectfully request that your Excellency will be pleased to forward the same, so that it may be laid at the foot of the Throne ; and that your Excellency will also be pleased to recommend the subject matter of such Address to the favourable consideration of Her Majesty.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Then the House adjourned until to-morrow, at Ten o'clock.

WEDNESDAY, April 22, 1840.

MR. *RAE*, from the Committee appointed to inquire into the number of offices or employments which require a Licence from the Lieutenant Governor, presented to the House the Report of the said Committee ; which Report was again read at the Clerk's Table, and is as followeth :

Your Committee beg to submit, that the only offices which require licences from the Executive are those which, by the Acts of the Legislature of this Island, are so defined ; but that it appears charges have been made for granting licences to Auctioneers, which charge is not authorized by any Act of this Island, nor required by the circumstances of the Colony, there being no Auction duty pay-

ble to Government; and they submit, that no individual following any lawful employment in this Island, should be required to take out or pay for a license, unless the law of the Colony requires him to take out such license for his engaging in such employment; and they think it more necessary to make this remark, as it is notorious that in other countries similar exactions, although not supported by law, and therefore unlawful, have at length, by remaining unchallenged, been held to be indisputable.

Your Committee further submit, that even when an Act authorizes the Lieutenant Governor "to nominate and appoint" to any office, such as those of Assayers of Weights and Measures, Inspectors of Fish, Visiter of Schools, it appears to them extremely doubtful if a charge ought to be made for such nomination; and that your Committee having, amongst others, examined the Visiter of Schools, find that an annual charge of £1. 19s. has been made against him for a license.

All which is respectfully submitted.

Ordered, That the said Report be received and adopted by the House.

The Hon. Mr. *Pope*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying His Excellency to exert his influence, in order that the Government Steamers to be appointed to ply between Quebec and Pictou, may make Charlottetown a port of call, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say he would comply with the desire of the House.

Mr. *Longworth*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, as to procuring estimates of the expense of a Wharf or Slip at the Ferry Point, opposite Charlottetown, reported the delivery thereof, and that His Excellency was pleased to say, he would comply with the desire of the House.

Mr. *Le Lacheur*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that he will be pleased to transmit the Address of this House to Her Majesty, on the subject of the claims of certain American Loyalists and disbanded Provincial Troops, or their Representatives, in this Island, for the purpose of being laid at the foot of the Throne, reported to the House that their Address had been presented to His Excellency, and that he was pleased to say he would forward the Address referred to, to Her Majesty's Ministers.

Mr. *Le Lacheur*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, relative to the case of James Douglas, of Bay Fortune, reported to the House that their Address had been presented to His Excellency, and that he was pleased to make the following reply:

In reply to this Address of the House of Assembly, requesting that a Suit now pending in the Court of Chancery of this Island, wherein one James Douglas, of Bay Fortune, is a party, should be carried on at the Public expense, I feel compelled to express my opinion that, independent of all other considerations, the novelty and peculiarity of this application preclude me from complying with the wishes of the House of Assembly.

Resolved, That a Committee of five Members be appointed, to prepare and report the draught of an Address to Her Majesty, on the subject of the Bill passed by this House for the regulation of the Fishery Reserves in this Island.

Ordered, That Mr. *Fraser*, Mr. *Rae*, Mr. *Le Lacheur*, Mr. *Clark* and Mr. *D. Macdonald* do compose the said Committee.

Then the House adjourned for one hour:

And being met—

Mr. *Fraser*, from the Committee appointed to prepare an Address to Her Majesty, on the subject of the Bill passed by this House, for the regulation of the Fishery Reserves in this Island, presented to the House the draught of an Address, as prepared by the Committee; and he read the same in his place, and delivered it in at the Clerk's Table, where it was again read.

Mr. *Fraser* moved, that the Address reported from the Committee be received and adopted by the House.

Mr. *Palmer* moved, in amendment, that after the word "Committee," all be struck out, and the following substituted—"be committed to a Committee of the whole House to-morrow."

The House divided on the motion of amendment:

YEAS:

Mr. *Palmer*,
Mr. *Hudson*,

Hon. *J. S. Macdonald*,
Mr. *Yeo*.

NAYS:

Mr. *Fraser*,
Mr. *Gorman*,
Mr. *W. Dingwell*,
Mr. *Rae*,
Mr. *Macneill*,
Mr. *Forbes*,

Mr. *Clark*,
Mr. *Young*,
Mr. *D. Macdonald*,
Mr. *Macintosh*,
Mr. *Beck*,
Mr. *Macfarlane*.

So it passed in the negative.

Mr. D. Macdonald then moved, in amendment to the said motion, that after the word "Committee," all be struck out, and the following substituted—"be now committed to a Committee of the whole House."

The House divided on the motion of amendment.

YEAS :

Mr. D. Macdonald,	Mr. Macintosh,
Mr. Hudson,	Mr. Le Lacheur,
Mr. Gorman,	Mr. Clark,
Mr. Beck,	Mr. Macfarlane,
Mr. Forbes,	Mr. W. Dingwall,
Mr. Fraser,	Mr. Rae,
Mr. Macneill,	Mr. Young.

NAYS :

Hon. J. S. Macdonald, Mr. Yeo.
Mr. Palmer,

So it was carried in the affirmative.

The main motion, as amended, was then put and carried.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Rae took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Rae reported, that the Committee had gone through the Address reported from the Special Committee, paragraph by paragraph, had made an amendment thereto, and then adopted the same—and the Report was again read at the Clerk's Table, and is as followeth :

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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

Most Gracious Sovereign ;

We your Majesty's faithful and loyal subjects, the House of Assembly of Prince Edward Island, in Colonial Parliament assembled, humbly submit to your Majesty's Royal consideration two Despatches received by His Excellency Sir Charles Augustus Fitz Roy, K. H., the Lieutenant Governor of this Island, from the Right Hon. Lord Glenelg, your Majesty's Principal Secretary of State for the Colonies, relative to certain Fishery Reserves in this Island—the second of which is as follows :

(No. 66.)

Downing Street, 14th September, 1838.

Sir—I have received your Despatch (No 27.) of the 26th July, recommending the adoption of the alternative suggested in my Despatch of the 10th May last, (No. 43) of throwing open the Fishery Reserves on the shores of Prince Edward Island to all British subjects engaging in the Fisheries. I have to convey to you my authority for carrying this measure into effect, in the manner which you propose.

I have, &c. &c.

(Signed)

GLENELG.

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

The House of Assembly humbly submit, that in conformity with the communications which took place between the

Lieutenant Governor of this Island, and the Right Honorable Lord Glenelg, and in conformity with the Despatches (No. 43,) 10th May, 1838, (No. 27) of the 26th July, 1838, and (No. 66) of the 14th September, 1838, in its last Session passed a Bill in accordance with the views entertained by his Lordship, as expressed in the said Despatches. And, aware that the boon thus confirmed by your Most Gracious Majesty was of the utmost consequence to the inhabitants of this Island, they framed a Bill with the greatest care to guard the rights of all persons interested in the Colony, and calculated, in their view, to meet all the emergencies which the case required. Notwithstanding which, the Legislative Council, in passing the Bill, clogged the details thereof by amendments, which made it utterly unavailable to persons carrying on the Fisheries, and consequently the House of Assembly on receiving it back was under the mortifying necessity of rejecting it altogether.

The House of Assembly afterwards transmitted the Bill as passed by them, together with the Amendments made by the Legislative Council thereto, to your most gracious Majesty, to which communication your Majesty was pleased to answer by a Despatch from the Right Honourable Lord John Russell, dated Downing Street, 19th September, 1839, that the subject matter of the said Reserves should be again referred to the consideration of the Legislature of this Island at its next Session.

The House, on reconsidering the matter this Session, passed another Bill on the subject of the said Fishery Reserves, guarded in its provisions in the most cautious manner, and calculated, in their opinion, to produce the most beneficial results to the fishermen, for whose benefit it was intended—a copy of which Bill is herewith submitted.

But the House of Assembly regret to state that the said Bill was so changed in its principles and details by the amendments made thereto by the Legislative Council, as to be rendered an instrument for manifestly infringing upon the rights originally secured to the fishermen, and confirmed to them by the above Despatches. For which reasons it became imperative on the House of Assembly to reject the said amendments, and in consequence the Bill of the present Session, collated and prepared, at the special request and desire of your Majesty's Government, for the settlement of this long disputed question, was lost.

May it therefore please your Majesty, if the provisions contained in the Bill passed this Session by the House of Assembly meet your Royal approbation, to cause the same to be intimated to the Lieutenant Governor, or else to direct that the said Reserves shall, by the Lieutenant Governor, be declared to be thrown open, in conformity with the Despatch of the 14th of September, 1838; and that if any dispute should arise amongst parties availing themselves of the said privilege, that the Legislature shall apply such remedy thereto as the nature of the case may appear to require.

A motion being made, that the Report of the Committee be agreed to ;

The House divided on the question :

YEAS :

Mr. Rae,	Mr. Macintosh,
Mr. Le Lacheur,	Mr. Gorman,
Mr. Macneill,	Mr. Fraser,
Mr. W. Dingwell,	Mr. Macfarlane,
Mr. D. Macdonald,	Mr. Clark,
Mr. Forbes,	Mr. Beck.

NAYS :

Mr. Palmer,	Mr. Hudson,
Mr. Yeo,	Hon. J. S. Macdonald.

So it was carried in the affirmative.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit the same to Her Majesty's Ministers, for the purpose of being laid at the foot of the Throne.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

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

And then he withdrew.

And the names of the Managers being called over, they went to the Conference.

And being returned,

Mr. Young reported, that the Managers had been at the Conference; and he stated the substance thereof to the House.

Mr. Rae moved, that a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, relative to the conduct of Peter McCallum, Esq., in his capacity of Sheriff of King's County.

A motion being made, that the said motion be withdrawn,

The House divided on the question :

YEAS :

Mr. Beck,	Mr. Forbes,
Mr. W. Dingwell,	Mr. Macneill,
Mr. Yeo,	Mr. Gorman,
Mr. D. Macdonald,	Mr. Young,
Mr. Macintosh,	Mr. Macfarlane,
Mr. Clark,	Mr. Le Lacheur.

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NAYS :

Mr. Palmer,	Mr. Rae,
Mr. Fraser,	Hon. J. S. Macdonald,
Mr. Hudson,	Mr. Longworth.

So it was carried in the affirmative.

Mr. Rae moved, that the Order of the Day, for the House in Committee, to inquire into and take into consideration the State of the Colony, be now read;

The House divided on the question :

YEAS :

Mr. Rae,	Mr. Fraser,
Mr. D. Macdonald,	Mr. Macfarlane.

NAYS :

Mr. Clark,	Mr. Young,
Mr. Le Lacheur,	Mr. Macintosh,
Mr. W. Dingwell,	Mr. Macneill,
Mr. Forbes,	Mr. Beck.
Mr. Hudson,	

So it passed in the negative.

Ordered, That the said Order of the Day be postponed until to-morrow.

Mr. Fraser, from the Committee appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit to Her Majesty's Ministers, the Address to Her Majesty, on the subject of the Bill passed by this House, for the regulation of the Fishery Reserves in this Island, presented to the House the draught of an Address, as prepared by the Committee; which draught Address being again read at the Clerk's Table, was agreed to by the House, and is as followeth :

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

May it please your Excellency :

The House of Assembly have, in conformity with the Despatch of the Right Honorable Lord John Russell, of the 19th September last, passed a Bill for the regulation of the Fishery Reserves, to which the Legislative Council have made such amendments as to render nugatory the liberal intentions of Her Majesty's Government on that question, and which amendments the House of Assembly were, consequently, under the necessity of rejecting.

The House of Assembly have therefore agreed to an Address to Her Majesty on the subject of these Reserves, and respectfully request that your Excellency will be pleased to forward the same, with the said Bill, in order that

it may be laid at the foot of the Throne; and pray that your Excellency will be pleased to recommend the prayer thereof to the favourable consideration of Her Majesty's Government.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Then the House adjourned until to-morrow, at Ten o'clock.

THURSDAY, April 23, 1840.

RESOLVED, That a Committee be appointed to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill to prevent the Issue of Private Bank Notes in this Island.

Ordered, That Mr. Fraser and Mr. Macneill do compose the said Committee; who, returning, reported, that they had found the following entry:

LEGISLATIVE COUNCIL CHAMBER,
Thursday, 16th April, 1840.

Present:

The Hon. Mr. Attorney General, President;	
The Hon. Mr. Brecken,	Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple.
Mr. Macdonald,	

On motion, the House was adjourned during pleasure, and was put into a Committee on the Bill intituled *An Act to prevent the Issue of Private Bank Notes in this Island*.

—After some time, the House was resumed, and Mr. Brecken reported, that the Committee had gone through

the Bill, and they had come to the following Resolutions, which they recommend to the adoption of the House:—

Resolved, That until a Bank be established in this Colony, on such principles as shall entitle it to public confidence, this Committee sees no good reason to prohibit the circulation of Private Notes, as contemplated by the Bill now before this Committee; particularly as it is a matter of notoriety, that the only Private Notes in circulation in this Island are at a premium of Fifteen Pounds per centum over the Treasury Notes of this Colony, and are eagerly sought after by Merchants and Traders, as a mode of remittance to Nova Scotia; and no complaint, by Petition or otherwise, has ever yet been made by the people of this Colony, against such circulation, to the knowledge of this Committee.

Resolved, That it be recommended to the House, to postpone the further consideration of the said Bill to this day three months.

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

Then the House adjourned until to-morrow, at Ten o'clock.

FRIDAY, April 24, 1840.

A MESSAGE from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council have passed the following Bills, viz:—

An Act to authorize the erection of a Building near Charlottetown, as an Asylum for insane persons, and other objects of charity, and to provide for the future maintenance of the same.

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

And also—

The Legislative Council have passed the Bill intituled *An Act to suspend, for a limited period, certain parts of an Act made and passed in the*

Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned"—with several amendments, to which they desire the concurrence of the House of Assembly.

And then he withdrew.

The Amendments made by the Legislative Council to the Bill intituled *An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Town-*

ships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned," were read the first time, and are as follow :

Folio 1, line 16—After the word "Act," insert "as far as relates to the County of Prince County."

Same folio, line 18—Strike out from the word "Island" to the word "be," in the 20th line of the same folio.

Folio 2, line 1—Strike out the words "so much," and insert "the operation."

Folio 2, line 14—After the word "thereof," strike out to the word "Assembly," inclusive, and insert "so far as the same shall relate to the "ascertaining and establishing the Boundary Lines of any Townships, or parts of Townships, within the County of Prince County, in the said Island, be and the same is hereby suspended until the "end of the next Session of the General "Assembly."

Title—After the word "mentioned," in the eleventh line, insert "And also, a certain Act in "amendment thereof, so far as relates to "the County of Prince County, in this "Island."

A motion being made, that the said amendments be disagreed to,

The House divided on the question :

YEAS, 12.

NAYS, 6.

So it was carried in the affirmative.

Resolved, That a Committee of four Members be appointed, to draw up reasons, to be offered to the Legislative Council, at a Conference, for disagreeing to the amendments made by their Honors to the said Bill.

Ordered, That Mr. Young, the Hon. J. S. Macdonald, Mr. Clark and Mr. Palmer do compose the said Committee.

Then the House adjourned for one hour.

And being met—

Mr. Young, from the Committee appointed to draw up reasons to be offered to the Legislative Council, at a Conference, for disagreeing to the amendments made by their Honors to the Bill intituled *An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the*

duty of Surveyors, and to repeal a certain Act therein mentioned"—presented to the House the Report of the said Committee; which Report was again read at the Clerk's Table, and agreed to by the House, and is as followeth :

Because the House of Assembly consider that many cases of inaccuracy on the State of Boundary Lines in King's and Queen's Counties, which, although not actually represented to the Commissioners of Boundary Lines, or publicly known, do exist, and, if acted upon, by the provisions of the Boundary Line Acts, might be productive of evils as great as those which are apprehended may ensue from any peculiar case in Prince County—the more particularly as cases have already occurred in Queen's County, wherein individuals have considered their rights materially affected by the operation of the provisions of the Boundary Act, as at present in force; whence the House of Assembly deem that it calls for amendments in different particulars—and in those as affecting the whole Island.

Resolved, That a Conference be desired with the Legislative Council, on the subject of the amendments made to the Bill intituled *An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned"*—and that upon such Conference the Committee of this House be directed to communicate to the Committee of the Council the reasons of this House, as above reported, for disagreeing to the said amendments.

Ordered, That Mr. Young do go to the Council, and desire the said Conference.

Ordered, That Mr. Palmer, Mr. Young, Hon. J. S. Macdonald and Mr. Clark be a Committee to manage the said Conference.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council do agree a Conference, as is desired by the House of Assembly, on the amendments made to the Bill intituled 'An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned"'—and have

appointed the Honorable Mr. Goodman and Mr. Livett a Committee to manage the said Conference—to meet in the Committee Room instanter.

Council Chamber, 24th April, 1840.

And then he withdrew.

Whereupon the Managers went to the Conference:

And being returned;

Mr. Palmer reported, that the Managers had been at the Conference, and had complied with the instructions given them by this House.

Resolved, That a Committee be appointed to search the Journals of the Legislative Council, to ascertain what proceedings have been had on the Bill intituled *An Act to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act intituled 'An Act for levying an Assessment on all Lands in this Island.'*

Ordered, That Mr. Rae and Mr. Le Lacheur do compose the said Committee; who, returning, reported, that they had found the following entry:

LEGISLATIVE COUNCIL CHAMBER,
Friday, 24th April, 1840.

PRESENT:

The Hon. Mr. Attorney General, President;	
The Hon. Mr. Brecken,	Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple.
Mr. Macdonald,	

Pursuant to order, the House was adjourned during pleasure, and put into a Committee on the Bill intituled "An Act to authorize the Crown to purchase the lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act intituled *An Act for levying an Assessment on all Lands in this Island.*"—After some time, the House was resumed, and Mr. Brecken reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

On motion of Mr. Rae—

"Whereas the House of Assembly, at its last Session, passed the following Resolution:—

"Whereas a large amount of private Notes, issued by persons in New Brunswick, and payable in Halifax, Nova Scotia, are now in circulation in this Island, and are transferable by delivery only; and whereas the issue of such Notes is not authorized by any law of this or any other of the British Provinces, or of the Imperial Parliament, nor is any security provided for the redemption thereof, but the circulation or passing thereof within the said Province of New Brunswick has been prohibited, under a penalty of Five Pounds for each offence, by a Law passed for that purpose; and whereas a Bill, being a transcript of the New Brunswick Act referred to, was unanimously passed by this House, during the present Session, to prevent the further circulation of such Notes, after the First day of October next, which Bill has been rejected by the Legislative Council; and whereas the most serious consequences may hereafter be felt by the inhabitants of this Colony, if the circulation of the said Notes is not restricted: *Therefore, Resolved, unanimously*, That this House pledges itself to take the subject again into its most serious consideration at its next Session."

And whereas the House have this Session passed a similar Bill, which has been negatived by the Council; *Therefore, Ordered*, that the foregoing Resolution be thrice published in the *Royal Gazette* and *Colonial Herald*, Newspapers, that the public may be sufficiently apprised of the intention of this House, and of the risk of receiving such irresponsible paper as a sufficient enduring consideration for their goods and property.

Then the House adjourned until to-morrow, at Ten o'clock.

SATURDAY, April 25, 1840.

A MESSAGE from the Legislative Council, by Mr. Desbrisay:
Mr. Speaker,

The Legislative Council desire a further Conference with the House of Assembly, on the subject-matter of the last Conference; and have

appointed the same Committee who managed the last Conference a Committee to manage this further Conference—to meet in the Committee Room instanter.

And then he withdrew.

Resolved, That this House do agree to a further Conference, as is desired by the Legislative Council, on the subject-matter of the last Conference.

Ordered, That Mr. *Palmer* do go to the Council, and acquaint them therewith.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Conference.

So the Managers went to the Conference:

And being returned—

Mr. *Palmer* reported, that the Managers had been at the Conference, and had met the Managers on behalf of the Legislative Council, who had delivered their reasons for insisting on their amendments to the Bill; and he delivered in the reasons at the Clerk's Table, where they were again read, and are as follow:

Because the Council are not cognizant of any inaccuracies in the original Map or Plan of this Island, in the Boundary Lines of King's and Queen's Counties, which ought to induce the Legislature to suspend the operation of the Boundary Acts, so far as relates to Township Lines in those two Counties; and they are led to believe, that no difficulties do exist to prevent the ascertaining and establishing the said Township Lines in the said two Counties, from the examination of George Wright, Esquire, Deputy Surveyor General, and William Cundall, Esquire, one of the Commissioners under the said Act, taken before the Council on this matter: and if no such inaccuracies do exist, the Council are of opinion, that the suspension of the Acts, as regards those two Counties, will operate as a hardship on individuals possessing Townships, or parts or shares of Townships, in said two Counties, who may be desirous of having the Boundaries of their lands defined under the said Acts.

Ordered, That the said Reasons be now taken into consideration.

And the House proceeded accordingly to take the said reasons into consideration, and thereupon—

Resolved, That a Free Conference be desired with the Legislative Council, on the subject matter of the last Conference.

Ordered, That Mr. *Young* do go to the Council, and desire the said Conference.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this Free Conference.

Resolved, That a Committee be appointed to search the Journals of the Legislative Council, to ascertain what further proceedings have been

had on the Bill to authorize the Crown to purchase the Lands, and to regulate the Settlement of the Inhabitants of this Island, and to repeal certain Sections of an Act intituled 'An Act for levying an Assessment on all Lands in this Island.'

Ordered, That Mr. *Rae* and Mr. *Gorman* do compose the said Committee; who, returning, reported, that they had found the following entry:

LEGISLATIVE COUNCIL CHAMBER,
Saturday, 25th April, 1840.

Present:

The Hon. Mr. Attorney General, President;	
The Hon. Mr. Brecken,	Mr. Macintosh,
Mr. Goodman,	Mr. Livett,
Mr. Worrell,	Mr. Dalrymple.
Mr. Macdonald,	

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain sections of an Act intituled 'An Act for levying an Assessment on all Lands in this Island'"—and also the documents sent up from the House of Assembly, on which the said Bill was founded.

After some time, the House was resumed, and Mr. Brecken reported, that the Committee having had under their consideration the said Bill, had come to the following Resolutions, which they recommend to the adoption of the House, viz:

Resolved, That it is the opinion of this Committee, that the documents sent up from the House of Assembly, in accordance with the Message from the Council, desiring to be furnished with copies of the evidence or documents on which the Bill to authorize the Crown to purchase the lands and to regulate the settlement of the Inhabitants of this Island, and to repeal certain sections of an Act intituled 'An Act for levying an Assessment on all Lands in this Island'—and which documents, with the said Bill, have been referred for the consideration of this Committee, are wholly irrelevant to the subject matter of the said Bill, the object of which appears to this Committee to be the re-investment in the Crown, by voluntary sale, of the lands in this Colony.

Resolved, That it is the opinion of this Committee, that any equitable arrangement, by voluntary sale, on the part of the Proprietors, by which the Crown can be re-invested with the said lands, so as to enable the Crown to sell the same, at a reasonable rate, to actual occupiers, would tend greatly to increase the settlement of this Colony, and advance its prosperity, and would be considered as a boon, calling for the utmost extent of gratitude from its Inhabitants.

Resolved, That although this Committee thus far recognize the principle of the Bill, they cannot concur in its details; and, in fact, they deem any enactment on the subject, not only premature, but inexpedient and unnecessary, until the consent of the Crown and the Proprietors to the measure contemplated by the said Bill shall be first obtained.

Resolved, That although this Committee cannot recommend the House to pass the said Bill, they would, however, suggest to the House, the propriety of joining the House of Assembly in an Address to the Throne—should that House deem such a course of proceeding advisable—praying Her Majesty to take the measure contemplated by the Bill into Her favourable consideration, and to grant the means for effecting the purchase of the said lands, provided the Proprietors shall be found willing to dispose of the same.

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

Ordered, That the further consideration of the said Bill be postponed until this day three months.

Ordered, That the said Report be referred to the Committee of the whole House, to inquire into and take consideration the State of the Colony.

Mr. Fraser, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that he will be pleased to transmit to Her Majesty's Ministers, the Address to Her Majesty, on the subject of the Bill passed by this House this Session, for the regulation of the Fishery Reserves, for the purpose of being laid at the foot of the Throne, reported the delivery thereof, and that His Excellency was pleased to say, that he would transmit the said Address, as desired by the House.

Then the House adjourned for one hour.

And being met—

Ordered, That the Order of the Day, for the House in Committee, to inquire into and take into consideration the State of the Colony, be now read;

And the same being read;

The House accordingly resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Hudson took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. Hudson reported, that the Committee had come to several Resolutions, which Resolutions were again read at the Clerk's Table, and are as follow :

1. RESOLVED, That it is the opinion of this Committee, that in every British Colony where the right to Legislate by their Representatives has been attained, when the Legislative Council and the Representative body remain at issue for a series of years, on the most important subjects, such difference is most prejudicial to the Colony.

2. RESOLVED, That it is the opinion of this Committee, that on many occasions, in past times, and more especially for the last eight years, the majority of the House of Assembly, on different occasions, have represented the injustice done to the Agriculturists, by the Grantees of Townships, and that in every instance, except in 1833, their representations have been opposed by a majority of the Council.

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

4. RESOLVED, That the people of this Island can have no confidence in the Executive Government of this Colony, so long as the agents of proprietors are appointed to fill the principal offices therein, such as the Colonial Secretary, Treasurer, Surveyor General, and Attorney General (all of whom possess, besides, a large family influence in the Executive Council,) and also such as the Solicitor General—because it is well known that land agents derive the greatest personal benefit from the large proprietary grants, and, in consequence thereof, it is naturally the interest of the Executive Council, by its unfortunate construction, to misrepresent to the Home Government, and even to the absentee proprietors, the true state of this Colony, and thereby prevent an equitable settlement of the inhabitants thereon, upon just and proper principles.

5. RESOLVED, That taking into consideration the facts stated in the four previous Resolutions, and the Despatch by Lord John Russell, as to the responsibility of public officers, this Committee cannot avoid drawing the conclusion, that many of the Members of the Executive and Legislative Councils should, by the Government, be requested to vacate their seats in these Councils.

6. RESOLVED, That the original constitution of this Colony was, like that of other proprietary Colonies, radically defective, inasmuch as it planned that emigrants would cultivate the forest and establish all the ordinary requisites of civilized man, and at the same time be held

subservient, both in respect to the tenure of land, and in respect to the levying and appropriating of the Revenue raised from themselves, to a few, whose sole aim has been to make the powers given them by government over the soil, a source of emolument and of a political influence, sufficient to sway all matters in the Colony: That these conflicting interests never have been made cordially co-operative in any other proprietary Colony, and cannot here be made so to be, unless the Imperial Government will curtail both the demands and political influence of the claimants of Townships; and that unless the Imperial Government so interfere, the House of Assembly must consult their constituents as to the propriety of being annexed to one of the adjacent Colonies, as the inhabitants will never agree to submit their property and political rights to the will of the proprietors and their agents.

7. RESOLVED, That an Address be presented to Her Majesty, embodying the facts contained in the six previous Resolutions; also, an Address to His Excellency the Lieutenant Governor, requesting him to forward the same, along with a copy of the Bill passed this Session for the settlement of the Inhabitants.

And the First of the said Resolutions being again read, and the question of concurrence put thereon, it was agreed to by the House.

The Second of the said Resolutions being again read, and the question put thereon;

The House divided :

YEAS :

Mr. Macintosh,	Mr. Gorman,
Mr. Clark,	Mr. Fraser,
Mr. Macfarlane,	Mr. Rae,
Mr. Young,	Mr. D. Macdonald,
Mr. Beck,	Mr. Forbes,
Mr. W. Dingwell,	Mr. Le Lacheur.

NAYS :

Mr. Palmer,	Mr. Longworth.
Mr. Hudson,	

So it was carried in the affirmative.

The Third to the Sixth of the said Resolutions, inclusively, being again severally read, and the question being separately put thereon;

The House divided upon each :

YEAS, 12.

NAYS, 3.

And the names being called for, they were taken down, as in the last preceding division.

So they were carried in the affirmative.

The Seventh of the said Resolutions being again read ;

Mr. Palmer moved, in amendment, that the following words be added to the said Resolution—"and also a copy of the Resolutions pas-

sed by the Legislative Council on the subject of the said Bill, and reported this day to the House."

The House divided on the motion of amendment :

YEAS, 3.

NAYS, 12.

So it passed in the negative.

The question being then put on the said Resolution,

The House again divided :

YEAS, 12.

NAYS, 3.

So it was carried in the affirmative.

Mr. Rae, from the Committee appointed to prepare and report the draught of a Petition to the Honorable the Knights, Citizens and Burgesses, the Commons of Great Britain and Ireland, in Parliament assembled, conformably to a Resolution of this House on the State of the Colony, presented to the House the draught of a Petition, as prepared by the Committee.

And the said Petition being again read at the Clerk's Table ;

Mr. Palmer moved, that the Petition reported from the Special Committee be disagreed to.

The House divided on the question :

YEAS :

Mr. Palmer,	Mr. Longworth.
Mr. Hudson,	

NAYS :

Mr. Rae,	Mr. Young,
Mr. Clark,	Mr. Le Lacheur.
Mr. Fraser,	Mr. Beck,
Mr. D. Macdonald,	Mr. Macintosh,
Mr. Macfarlane,	Mr. Forbes,
Mr. W. Dingwell,	Mr. Gorman.

So it passed in the negative.

Mr. Palmer then moved, that the said draught Petition be, on Monday next, referred to a Committee of the whole House.

Mr. Clark moved, in amendment, that the words "on Monday next," in the said motion, be struck out, and the word "now" substituted—which being seconded and put, was carried in the affirmative.

The main motion, as amended, was then put and carried.

And then the House resolved itself into the said Committee.

Mr. Speaker left the Chair.

Mr. Rae took the Chair of the Committee.

Mr. Speaker resumed the Chair.

Mr. *Rae* reported, that they had gone through the Petition, reported from the Special Committee, paragraph by paragraph, had made amendments thereto, and then adopted the same; and he read the Report in his place, and delivered it in at the Clerk's Table, where it was again read, and is as followeth:

To the Right Honorable and Honorable the Knights, Citizens and Burgesses of Great Britain and Ireland, in Parliament assembled.

The Petition of the House of Assembly of Prince Edward Island; Most respectfully sheweth—

That since this Colony became a place of abode for British subjects, it has laboured under a grievance which has every year been increasing in magnitude, and results from the land having been granted to individuals in Townships of 20,000 acres. Along with many disadvantages, one principal evil flowed from the terms of these grants, and from the indulgence extended to the grantees, through their influence with men in power, and this was, that the majority of the agriculturists were kept under thralldom by the grantees and their assigns; and the chief means of their so doing was by the exaction of a rent, which bore so hard on the individual entering on the forest to clear it away, and then raise a living for his family, that he was plunged into debt, from which, in many instances, he was never able to get free, and which, at all times, was a most serious burden and discouragement.

Your Petitioners further submit, that at different times, since 1795, the Colony has applied for redress, by forwarding statements to the Colonial Department; and in 1802, a remedy was pointed out by the late Lord Hobart, viz. the establishment of a Court of Escheat; but this measure, which would have been efficient for removing the evils complained of, was defeated, through the ignorance of the mass of the people, in regard to the way in which such offer should have been made effectual, and through the misrepresentations of the grantees and their agents: That at different times since 1802, the matter has been moved in the House of Assembly; but as, since 1832, the exaction of rents has been more rigorous, the whole Colony has been in perpetual agitation, for which no remedy can be found, but the removal of the principal grievance. When your Petitioners make this statement, it behoves them to prove it; and without building on the various representations of the House of Assembly to the Colonial Department, supported by examinations, and all contained in the copies of the Journals of this House, transmitted to the Colonial Office—we crave leave to refer to an authority which, it is presumed, will not be disputed, viz:—the Report of the Right Honorable the Earl of Durham, and the evidence taken before the Commissioners who accompanied that nobleman.

Had a Court of Escheat been established then, the Grantees must have lost their claim to the land, and received a compensation for any outlay they had made; and the people of the Colony did not doubt that the Crown, when aware of the real state of the Island, would not, as landlord; have imposed on them inequitable conditions. During the past eight years, repeated applications for a Court of Escheat have been rejected by the Colonial Minister; and as a last measure for doing away with agitation, by alleviating this weighty grievance, your Petitioners have passed a Bill for purchasing, within ten years, the forfeited claims of the grantees of Townships and their representatives, at a price which is fully as high as the agriculturists, by their utmost exertions, can, within that time, make good, and higher than the average price of wilderness land in the neighbouring Colonies, and higher than the average price of such land in this Island, when valued by juries, or when exposed to public sale for non-payment of taxes, as appears from the returns in the Report by the Earl of Durham.

Your Petitioners submit, that the Surveyor General of this Island has valued the Crown Lands at 20s. per acre; but while your Petitioners cannot herein enter into all the circumstances which would prove his valuation as incorrect, they may briefly state, that it is refuted by the sales above referred to, and by the fact of his having been obliged to give to one Officer of the Army land bordering on the Town of Georgetown, at Ten Shillings per acre, as being, from its locality, double the value of the generality of Crown Lands in this Island.

As the Crown has the right to escheat all the Townships, your Petitioners most earnestly request, that you will be pleased so far to exercise your constitutional influence with Her Majesty's Ministers, that they may be led to give instructions to His Excellency the Lieutenant Governor, that it is the determination of the Crown to recommend to His Excellency the Bill, a copy of which has been forwarded to the Colonial Office, and to which your Petitioners beg to refer you; or else to compel the Grantees or their Assigns to demand only such price as the Report by the Earl of Durham shall warrant, or such rents as shall correspond thereto, at fifteen years' purchase.

Your Petitioners submit, that the above are the only real remedies for the grievance herein complained of, for the penal tax proposed by the Earl of Durham will not relieve those who are at present under rent, and who comprise three-fourths of the population.

Your Petitioners further submit, that this, like other Colonies, has suffered great disadvantages from the opposition of the Council to reforms proposed by the Assembly; but that, in this respect, we have suffered what no other Colony has suffered for the last hundred years; for the Council, composed chiefly of the heirs and representatives and agents of the Grantees, has not only opposed these reforms, but has done the country the far greater evil of

endeavouring to frustrate that amelioration, in regard to the tenure of land, which the circumstances of the country imperiously require.

May it therefore please your Honorable House to take measures for the removal of the heavy grievances affecting the agricultural interest in this Colony in regard to the tenure of land.

And your Petitioners, &c.

Resolved, That this House doth concur with the Committee in the said Petition to the Honorable the Knights, Citizens and Burgesses, the Commons of Great Britain and Ireland, in Parliament assembled.

Ordered, That two copies of the said Petition be engrossed.

Mr. *Rae* moved, that a Committee be appointed, to correspond with any two or more Members of the House of Commons.

Mr. *Palmer* moved, in amendment, that the following words be added to the said motion—"to be nominated by this House."

The House divided on the motion of amendment:

YEAS, 3.

NAYS, 12.

And the names being called for, they were taken down, as in the last preceding division.

So it passed in the negative.

The question being then put on the main motion, it was agreed to by the House.

Ordered, That Mr. *Speaker*, Mr. *Clark*, Mr. *Young*, Mr. *Rae*, Mr. *Le Lacheur*, Mr. *D. Macdonald* and Mr. *Macfarlane* do compose the said Committee.

Ordered, That the foregoing Petition to the Honorable the Knights, Citizens and Burgesses, the Commons of Great Britain and Ireland, in Parliament assembled, be twice inserted in each of the Newspapers published in Charlottetown.

Resolved, That a Committee be appointed, to prepare and report the draught of an humble Address to Her Majesty, conformably to the Resolutions reported this day from the Committee of the whole House on the State of the Colony; and also the draught of an Address to His Excellency the Lieutenant Governor, praying His Excellency will be pleased to transmit the same, together with a copy of the Resolutions on which the said Address was founded, and a copy of the Bill passed by this House this Session, to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants, to Her Majesty's Ministers. for the purpose of being laid at the foot of the Throne.

Ordered, That Mr. *Le Lacheur*, Mr. *Young* and Mr. *Clark* do compose the said Committee.

Then the House adjourned until Monday next, at Eleven o'clock.

MONDAY, April 27, 1840.

MR. *YOUNG*, from the Committee appointed to prepare and report the draught of an Address to Her Majesty, conformably to the Resolutions reported on the 25th inst., from the Committee on the State of the Colony, presented to the House the draught of an Address, as prepared by the Committee, which was again read at the Clerk's Table, and is as followeth:

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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

Most Gracious Sovereign;

We the Representatives of your Majesty's dutiful and loyal subjects of Prince Edward Island, in Colonial Parliament now assembled, humbly submit, for your Royal consideration, the copy of a Bill intituled "An Act to authorize the Crown to purchase the Lands, and to regulate the settlement of the Inhabitants of this Island, and to repeal certain sections of an Act intituled 'An Act for

levying an Assessment on all Lands in this Island'"—which Bill was passed by your Petitioners during the present Session of the House of Assembly, by a large majority, but which has been rejected by the Legislative Council of this Colony. That your Petitioners regret to aver, that the Inhabitants of this Island are most discontented with their present position, and are in a state of high excitement and agitation, owing to the oppression of those from whom they have leased their lands; and your Petitioners feel convinced that such discontent and agitation will never cease to exist, until some measure be adopted that will ameliorate the condition of the people. Your Petitioners are confident, that if such a principle as that contained in the said Bill were adopted and carried into execution, it would tend wholly to suppress discontent and agitation, and to make the Inhabitants of this Island satisfied, peaceable and happy; but your Petitioners are apprehensive that such a measure can never be adopted in this Island, while the Executive and Legislative Councils are constructed as they now are, in consequence of the preponderance therein of those persons who are deeply interested and warmly

espoused in behalf of the Grantees of Townships in this Island, or their Assigns—which Grantees, however, still hold their lands, although they have not fulfilled the conditions contained in their Original Grants. Your Petitioners have felt themselves, therefore, most reluctantly compelled to adopt and pass the Resolutions, copies of which are herewith transmitted to your Majesty—which plainly indicate, that in all questions relating to land in this Colony, your Petitioners have no confidence whatever in the upper branch of this Legislature, from its present construction.

Your Petitioners do not deem it necessary to enter into an elaborate detail of the origin and continuation of the grievances that unfortunately exist in this Island, nor of the many questions regarding land that are at issue between the Legislative Branches, as the former have frequently been brought to the notice of your Majesty's Ministers, and as the latter must necessarily exist while the Councils remain constructed as they are at present.

Your Petitioners, therefore, most humbly implore your Majesty to take the Premises, with the said Bill and Resolutions, into your favourable consideration, and to adopt such measures as will cause your Majesty's loyal but oppressed subjects to be contented and happy.

And your Petitioners respectfully and earnestly pray, that your Majesty would be graciously pleased, should your Majesty see fit, to give instructions to His Excellency the Lieutenant Governor of this Island, that, for the peace and prosperity of the Inhabitants thereof, your Majesty would recommend the adoption of such a principle, or of a similar measure as that contained in the said Bill; and that your Majesty would be further graciously pleased to direct His Excellency the Lieutenant Governor to carry out, to its fullest extent, the principles of responsibility of public officers, as contained in your Majesty's Secretary of State's (Lord John Russell's) Circular Despatch of 16th October last, as to the Executive Councillors; and also to remodel the Legislative Council, by removing some of those who are opposed to the wishes of the majority of the people, and selecting those in whom the people of this Island and their Representatives had confidence, and with whom your Petitioners could co-operate for the general good.

And as in duty bound your Petitioners will ever pray for your Majesty's sacred person.

Mr. Young moved to resolve, that this House doth concur with the Committee, in the said Address to Her Majesty.

The House divided on the question :

YEAS :

Mr. Young,	Mr. Le Lacheur,
Mr. Macintosh,	Mr. Clark,
Mr. Fraser,	Mr. Macfarlane,
Mr. Macneill,	Mr. Rae,
Mr. D. Macdonald,	Mr. W. Dingwell,
Mr. Beck,	Mr. Gorman.

NAYS :

Mr. Longworth, Mr. Hudson.
Hon. J. S. Macdonald,

So it was carried in the affirmative.

Ordered, That the said Address be engrossed.

Mr. Le Lacheur, from the Committee who prepared the above Address, presented the draught of an Address to His Excellency the Lieutenant Governor, praying that he will be pleased to transmit the same, together with the documents therein referred to, to Her Majesty's Ministers; which said draught Address was again read at the Clerk's Table, and is as followeth :

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

May it please your Excellency ;

The House of Assembly humbly request that your Excellency will be pleased to forward the Address from the House of Assembly to Her most gracious Majesty, with the accompanying documents therein referred to, so that the same may be laid at the foot of the Throne; and that your Excellency will be further pleased—(if your Excellency should deem it consistent so to do)—to recommend the prayer of the said Address to Her Majesty's most favourable consideration.

Mr. Le Lacheur moved, that the Address reported from the Committee be received, and adopted by the House.

The House divided on the question :

YEAS, 12.

NAYS, 3.

And the names being called for, they were taken down, as in the last preceding division.

So it was carried in the affirmative.

Ordered, That the said Address be engrossed.

Ordered, That the Committee who prepared the Address be a Committee to wait upon His Excellency with the same.

Ordered, That the Printers of the *Colonial Herald* be directed to insert in the same Newspaper with the Petition to the House of Commons, the Resolutions reported last Saturday from the Committee on the State of the Colony, and the Address to the Queen founded thereon; also to forward to each Member of the Committee of Correspondence ten copies of said paper.

Then the House adjourned until to-morrow, at Ten o'clock.

TUESDAY, April 28, 1840.

MR. LE LACHEUR, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that he will be pleased to transmit to Her Majesty's Ministers the Address to Her Majesty, with copies of the Bill to authorize the Crown to purchase the lands, and to regulate the settlement of the Inhabitants, and the Resolutions reported on the 25th instant, from the Committee on the State of the Colony, reported the delivery thereof, and that His Excellency was pleased to say, he would transmit the same, as desired by the House.

A Message from the Legislative Council, by Mr. Desbrisay:

Mr. Speaker,

The Legislative Council do agree to a Free Conference, as is desired by the House of Assembly, on the subject matter of the last Conference; and have appointed the same Committee who managed the last Conference a Committee to manage this Free Conference—to meet in the Committee Room instanter.

And then he withdrew.

Mr. *Rae* moved, that it be an instruction to the Committee appointed to manage the said Free Conference, that they do propose the following heads of a Bill to be substituted for the enactments and amendments at present under consideration, viz:

Whereas owing to the inaccuracy of the original Plan and description of the Island, great difficulties have lately arisen in fixing the points of commencement of the Boundary Lines of certain Townships in Prince County under the provisions of the hereinafter recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the operation of so much of the said Act, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned," as relates in any way to the fixing and establishing of any Boundary Lines, under the provisions of the said recited Act, or of any Act or Acts in amendment thereof, be, and the same are hereby suspended, so far as regards Prince County, until the end of the next Session of the General Assembly.

II. And be it further enacted, That in case any similar difficulty shall arise in regard to Queen's or King's Counties, that then, on the same being certified to the Lieuten-

ant Governor, by the Commissioners appointed under the said recited Acts, it shall and may be lawful for His Excellency, by and with the advice of the Executive Council, to suspend, for the like period, the operation of the said Act, so far as respects the Township or Townships in regard to which such difficulty may be experienced.

And the motion being seconded, and the question put thereon, the House divided:

YEAS, 12.

NAYS, 3.

So it was carried in the affirmative—and Ordered, accordingly.

And the names of the Managers being called over, they went to the Conference.

And being returned,

Mr. *Palmer* reported, that the Managers had been at the Free Conference, and had met the Managers on behalf of the Council, to whom they had communicated the instructions given them by this House.

The Hon. *J. S. Macdonald*, from the Committee appointed to examine and report on the Officers' and Contingent Accounts of this House, for the present Session, presented to the House the Report of the Committee; which Report was again read at the Clerk's Table, and is as followeth:

The Committee appointed to examine and report on the Officers' Accounts and Contingent Expenses of the present Session, report, that they have examined the same, and recommend that they be allowed as follows:

WILLIAM CULLEN,

For his services as Clerk of this House, including the Indexing of the Journals of the present Session, - - - £180 0 0

SOLOMON DESBRISAY, Sergeant at Arms,

82 days' attendance, at 9s. - - - 36 18 0

His Account for Fuel for the House of Assembly, and other articles for the use of the House, and also for incidental expenses, .92 9 11

JAMES D. HASZARD,

For Binding, Printing and Stationery, 12 6 1

HENRY W. LOBBAN, Messenger,

83 days' attendance, at 7s. 6d. - - - 31 2 6

WILLIAM BIRCH, Doorkeeper,

84 days' attendance, at 6s. 8d. - - - 28 0 0

For other expenses and services, - - - 1 8 9

JAMES B. COOPER & Co.,

For Printing Journals of the present Session, subject to any deduction or addition which may be made by the two Representatives for Charlottetown, in conformity with their Contract, on the same being completed and certified,

216 3 6

For other Printing,

24 0 6

Ordered, That the said Report be received and adopted by the House.

A Message from the Legislative Council, by Mr. Desbrisay :

Mr. Speaker,

The Legislative Council desire a further Free Conference with the House of Assembly, on the subject-matter of the last Free Conference ; and have appointed the same Committee who managed the last Conference a Committee to manage this further Free Conference—to meet in the Committee Room instanter.

And then he withdrew.

Resolved, That this House do agree to a further Free Conference, as is desired by the Legislative Council, on the subject-matter of the last Conference.

Ordered, That Mr. Palmer do go to the Council, and acquaint them therewith.

Ordered, That the same Committee who managed the last Conference be a Committee to manage this further Free Conference.

And the names of the Managers being called over, they went to the Conference :

And being returned ;

Mr. Palmer reported, that the Managers had been at the Conference, and had met the Committee of the Council, who acquainted them that the Council had agreed to the suggestions

of this House, with reference to the Bill and amendments under consideration.

Ordered, That the Hon. J. S. Macdonald do carry back the Bill intituled *An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, intituled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned,"* to the Legislative Council, and acquaint them that this House hath agreed to the same, as amended in Conference.

Ordered, That the Tenth Rule of this House, requiring twenty-four hours' previous notice of the introduction of new matter, be suspended, for the purpose of enabling a Member to make a motion. And thereupon,

Mr. Rae moved, that the House do come to a Resolution, as followeth :

Resolved, That all applications for grants of the public money in aid of erecting any particular Bridge or Hard, exceeding Fifty Pounds, must be advertised once in one of the Island Newspapers, at least six weeks before the meeting of the House of Assembly—said advertisement to state the exact site of such proposed Bridge or Hard, the sum necessary for its completion, and the amount (if any) subscribed towards its construction by private persons.

And a motion being made, that the said motion be withdrawn ;

It was carried in the affirmative.

Then the House adjourned until to-morrow, at Eleven o'clock.

WEDNESDAY, April 29, 1840.

A MESSAGE from His Excellency the Lieutenant Governor, by John Cambridge Wright, Esquire, Usher of the Black Rod :

Mr. Speaker ;

His Excellency the Lieutenant Governor commands the immediate attendance of this Honorable House in the Council Chamber.

Accordingly, Mr. Speaker and the House went up to attend His Excellency, when His Excellency was pleased, in Her Majesty's name, to assent to the several Bills following, viz :

An Act to prohibit the exportation of Oysters from this Island, for a limited period.

An Act to repeal an Act for regulating the Herring and Alewives Fisheries.

An Act to make further provision for the management of the Charlottetown Ferry.

An Act to regulate the floating of Logs, Scantling, Deals, and other kinds of Wood, down the Rivers and lesser Streams in this Island.

An Act to suspend, for a limited period, certain parts of an Act made and passed in the Fourth Year of His late Majesty's Reign, inti-

tuled "An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned."

An Act to amend the Act now in force regulating Apprentices.

An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown.

An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandise, and other things, seized as forfeited under any Revenue Law of this Colony.

An Act to prevent the bringing Persons convicted of Felonies and Misdemeanours to this Island, from the Island of Newfoundland, or elsewhere in America.

An Act to continue, for a limited period, the several Acts providing for the summary Trial of Common Assaults and Batteries.

An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks.

An Act to authorize the appointment of Coroners in King's and Prince Counties.

An Act to amend the Act relating to Merchant Seamen.

An Act to explain a certain part of an Act intituled 'An Act for levying an Assessment on all Lands in this Island.'

An Act to amend the Act enabling married Women to convey Real Estates during their Coverture.

An Act to continue the Act for regulating the manner of proceeding on Controverted Elections.

An Act to amend an Act made and passed in the First Year of Her present Majesty's Reign, intituled "An Act to alter and amend an Act passed in the Sixth Year of the Reign of His late Majesty, intituled 'An Act to consolidate and amend the Election Laws.'"

After which, Mr. Speaker spake as follows:

May it please your Excellency,

In the name and on behalf of Her Majesty's faithful Commons, I have the honor to present several Bills of aid granted this Session to Her Majesty, and to request your Excellency's assent to the same, viz:

An Act further to continue for one Year, and to further amend an Act passed in the Seventh

Year of His late Majesty's Reign, for raising a Revenue in this Island.

An Act to amend an Act intituled 'An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned.'

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

An Act to continue and amend an Act intituled 'An Act to impose a Tax on Dogs, with certain exceptions, and relating to other matters connected with them.'

An Act to continue for one year the Act intituled 'An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island.'

An Act to continue, for a limited period, an Act to prevent Hawkers and Pedlars travelling and selling in this Colony without License.

An Act to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick.

An Act to authorize the erection of a Building near Charlottetown, as an Asylum for insane persons, and other objects of charity, and to provide for the future maintenance of the same.

An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar and Clerk of the Executive Council.

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

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

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

Mr. President, and Honourable Gentlemen of the Legislative Council;
Mr. Speaker, and Gentlemen of the House of Assembly;

The business of this protracted Session having been brought to a close, I am enabled to permit you to return to your homes.

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

I thank you for the liberality with which you have voted the supplies, to enable me to carry on Her Majesty's Government in this Colony. You may rely on my applying them to the purposes for which they are appropriated.

Mr. President, and Honourable Gentlemen of the Council;

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

In relieving you from further attendance upon your Legislative duties, I have again to express my regret, that you have not been able to agree upon a satisfactory mea-

sure for the regulation of the Fishery Reserves ; but I still hope, that, before the next Session, some plan may be decided upon by which these Reserves may be made available to the public, in the manner pointed out by Her Majesty's Government.

After which, the Honorable the President of the Legislative Council said—

Gentlemen,

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

End of the Third Session.

APPENDIX

TO

THE JOURNAL

OF

THE HOUSE OF ASSEMBLY

OF

PRINCE EDWARD ISLAND,

FOR THE SESSION COMMENCING THE TWENTY-EIGHTH DAY OF JANUARY,

AND ENDING THE TWENTY-NINTH DAY OF APRIL,

IN THE YEAR OF OUR LORD

1840.



APPENDIX

(A.)

[SEE PAGE 11.]

THE Committee appointed by the House of Assembly, at the close of the last Session, to correspond with the Delegate sent to England, beg to submit, that the communications received by the Chairman, so far as transmitted to them, did not appear to render it necessary that they should meet during the recess; and that the absence of the Chairman, who had possession of the correspondence, prevented them laying the same before the House at an earlier date. That as the Committee were appointed merely to correspond with the Delegate, it would appear out of place were they to offer any strictures on this matter, the more especially as the explanations of the Delegate himself may be absolutely necessary to come to a final conclusion as to how far he has complied with his instructions; and further, as it would appear that certain Despatches are to be laid before the House by the Lieutenant Governor, some of which may have reference to those grievances, the redress whereof was the object of the delegation.

[Copies of Correspondence referred to in the above Report.]

15, Saville Place, Mile End,
September 20th, 1839.

Gentlemen;

Knowing that you will be anxious to hear from me, I send you copies of my applications to the Colonial Office, merely to show that I am at my post. The change of the Ministry has caused a delay; but an American gentleman, who has business also at the Colonial Office, thinks that we will not fare any worse by the change.

When I had the honour of an interview with the Marquis of Normanby, he said that he was glad to see me, and that I should receive an answer as soon as possible; but he could not enter on the subject with me, as anything fur-

ther that I might have to state would have to be in writing, I had sent a statement of our case, as contained in No. 4, to two influential personages, one in the House of Lords, and the other in the Commons; and, as I thought it might reach the Colonial Office, I sent it with a different preface, as it now appears, to Lord John Russell.

I shall employ Counsel, if the answer which I may receive from the Colonial Office is unsatisfactory, or requires a reply. But, as I believe the whole documents will be submitted to the Law Officers of the Crown, for their opinion, Ministers, I think, will give an answer that they can defend in Parliament. I shall not trouble you with hearsay opinions; but I know that one opponent in behalf of the proprietors did not get much encouragement; and, upon the whole, my hopes are as good as ever, but it greatly depends upon the people: if they were to change their opinions I could do nothing. I shall write as soon as I receive an answer, and, whether or not, by the first of October.

I am, Gentlemen,

Your most obedient servant,

WM. COOPER.

To

John Arbuckle,
William Clark,
John Le Lacheur,
Alexander Rae, and
Donald Macdonald, } Esquires,
the Committee of Correspondence.

[For Mr. Cooper's letters to the Marquis of Normanby and Lord John Russell, dated respectively 15th July and 9th September, 1839, and Mr. Secretary Stephens's letter to Mr. Cooper, in reply thereto, see copies of correspondence communicated to the House by the Lieutenant Governor, as contained in Appendix (B.)]

(No. 2. Copy.)

SAVILLE PLACE, MILE END,
August 10th, 1839.

My Lord ;

On the 15th July, the subscriber had the honour to deliver at the Colonial Office, the Address of the House of Assembly of P. E. Island to Her Majesty the Queen, with various documents in support of the Address, together with two Bills agreed to by the House of Assembly, for the settlement of the Colony—all of which were submitted for your Lordship's favourable consideration.

The unsettled state of the inhabitants of that Island will keep them anxious to receive a favourable report from their delegate ; and, after a lapse of almost four weeks, it will not be deemed premature in me to solicit your Lordship for an answer, and to offer my attendance at the Colonial Office, to give any explanation or information that may be required.

I have the honour to be,
My Lord,
Your Lordship's most obedient
humble servant,
WM. COOPER.

The most Noble

The Marquis of Normanby, &c. &c. &c.
Colonial Office, Downing Street.

(No. 3. Copy.)

15, SAVILLE PLACE, MILE END,
September 2nd, 1839.

My Lord ;

The subscriber had the honour to wait upon your Lordship, the 14th August, to solicit an answer to the petitions and other documents, delivered at the Colonial Office, from Prince Edward Island, praying for the settlement of that Colony ; and, having understood from your Lordship that an answer would be given in time to leave England early in September, the subscriber begs leave to express his earnest desire to receive the answer as early as convenient.

I have the honor to be,
My Lord,
Your Lordship's most obedient,
humble servant,
WM. COOPER.

The most Noble

The Marquis of Normanby, &c. &c. &c.
Downing Street.

SAVILLE PLACE, MILE END,
October 2nd, 1839.

GENTLEMEN ;

On the 20th ult. I sent you copies of my communications to the Secretary of State for the Colonies, up to that date, and I now send you copies of the correspondence which has taken place since, between the Colonial Office

and your delegate, from which you will see, that the answer to the applications of the House of Assembly is forwarded to the Governor, in the Island, and withheld from me ; and, as I can do no more here, I intend to return to the Island by the first opportunity. I have applied to Counsel for advice, on behalf of the Tenantry, which advice I hope to bring with me.

(Copy.)

SAVILLE PLACE, MILE END,
September 21st, 1839.

My Lord ;

As delegate from the House of Assembly of P. E. Island, I had the honor to deliver at the Colonial Office, on the 15th of July last, certain petitions and documents, praying for the interference of Government to settle the Inhabitants of that Colony ; and as your Lordship's appointment to the Office of Secretary of State for the Colonial Department became announced, I took the first opportunity to deliver at the Colonial Office, on the 9th inst., a copy of my first communication to the Marquis of Normanby, and a brief outline or abstract of the causes which have produced so much dissatisfaction in the Island, and pointing out two Bills, containing the opinions of the House of Assembly, for redress of those grievances by the settlement of the inhabitants—all of which were respectfully submitted for your Lordship's favourable consideration ; and, as the advancement of the season will soon impede navigation in the Gulph of St. Lawrence, I beg leave respectfully to solicit information, of any or what course the Government intends to pursue, to promote the settlement of the people of P. E. Island, and to offer my attendance at the Colonial Office, to give any further information that may be required.

I have the honor to be, my Lord,
Your Lordship's most obedient
humble servant,
WM. COOPER.

To the Right Hon.

Lord John Russell, &c. &c. &c.

(Copy.)

15, Saville Place, Mile End,
23d September, 1839.

My Lord ;

After I had sent my letter of the 21st inst., to the post, I received one from Mr. Stephen, of the Colonial Office, to say : That the subject to which my former letters refer could not be properly discussed between your Lordship and a delegate from the House of Assembly of P. E. Island, either in written or oral communication, and that the views of Her Majesty's Government respecting them will be communicated to the Lieutenant Governor, through the regular channel of official correspondence with that officer ; and that the propriety of addressing the proposed

appeal to Parliament is a question on which my constituents must exercise their own discretion.

My Lord ; I beg leave to solicit only such information in answer to my former applications, as it would be proper to grant, to enable me to see whether the views of Government will be likely to set the question at rest in Prince Edward Island, or whether it may be necessary to appeal to the Imperial Parliament ; and I respectfully submit the following as my reasons for this earnest application :—

The question at issue is a case between the proprietors of the grants of land who have not performed the conditions of their grants, and persons who have improved the Colony, and believe they are entitled to have the value of their labour secured to them.

That the evils have been growing for many years, and are still growing, without a Court of Escheat or any other tribunal in the Colony, that will take cognizance of the case.

That the Colonial Government, for many years, were interested parties, as proprietors, and, at this present time, a majority of both Councils are proprietors of grants, or persons employed as Land Agents, and, being interested parties, are unsuitable to advise the Governor in such case, if judgment is left to their decision.

It is highly necessary, that questions of such importance (for which a remedy may be found at Law) should be submitted to the decision of disinterested parties, and every facility afforded for a speedy decision, or an appeal to a superior tribunal.

That in cases of injustice in the Colonies, where the aggrieved parties perceive it possible for a Colonial Government, or a Minister, to be influenced by an interested party, to give them an undue advantage, so as to enable them to oppress and harass others, it has been the usual practice to submit such cases to the Imperial Parliament.

But, if the Government is disposed to recommend an adjustment of the matters in dispute, to settle the inhabi-

tants, it would be highly proper for all parties to unite to carry out such views of government ; but unless I had some information, I would be precluded from rendering any assistance in such adjustment, and prevented from bringing the matter before the Imperial Parliament.

I have the honor to be, my Lord,

Your Lordship's most obedient,
humble servant,
W^M. COOPER.

The Right Hon.
Lord John Russell.

(Copy.)

Downing Street, 27th September, 1839.

Sir ;

I am directed by Lord John Russell to acknowledge the receipt of your letter of the 21st inst., relative to the affairs of the Colony of Prince Edward Island.

I am, in reply, to acquaint you, that his Lordship regrets his inability to return to your application any other answer than that which was contained in the letter addressed to you, by his Lordship's desire, on the 21st inst.

I am, Sir,

Your most obedient servant,
B. VERNON SMITH.

William Cooper, Esquire.

I shall not make any comment, nor attempt to guess at the import of the communications sent to the Lieutenant Governor ; but they cannot be worse than what we have had heretofore ; but I have done every thing in my power that I thought right, and have only to add, that

I am, Gentlemen,

Your most obedient humble servant,
W^M. COOPER.

John Arbuckle,
William Clark,
John Le Lacheur,
Alexander Rae,
Donald Macdonald, } Esquires.



APPENDIX

(B.)

[SEE PAGE 12.]

List of Documents laid before the House of Assembly by the Lieutenant Governor, and ordered to be printed in the Appendix, 1st February, 1840.

- No. 1. DESPATCH from Lord John Russell, dated 17th September, 1839, containing the decision formed by his Lordship, on the subject of Mr. Cooper's Mission to England.
2. LETTER from William Cooper, Esq., the Delegate sent to England, to the Marquis of Normanby, on the subject of his Mission, dated 15th July, 1839.
3. LETTER from Mr. Cooper to Lord John Russell, on the same subject, dated 9th September, 1839.
4. LETTER from Mr. Secretary Stephen to Mr. Cooper, dated Downing Street, 20th September, 1839.
5. LIST OF ENCLOSURES alluded to in Mr. Cooper's statement.
6. DESPATCH from Lord John Russell, on the subject of the Fishery Reserves, dated 19th September, 1839.
7. DESPATCH from the Marquis of Normanby, dated 5th August, 1839, transmitting Order in Council, leaving to their operation various Acts passed in the first Session of 1839.
8. DESPATCH from Lord John Russell, transmitting an Order in Council, leaving to their operation various Acts passed in the second Session of 1839; and communicating the reasons why Her Majesty has not been advised to confirm the Bill for the Relief of the American Loyalists.
9. DESPATCH from the Marquis of Normanby, dated 7th August, 1839, in reference to the proposed Building for a Lunatic Asylum.
10. DESPATCH from the Marquis of Normanby, transmitting copies of the Surveys of Prince Edward Island, prepared under the directions of the late Mr. Holland, between the years 1764 and 1769.
11. TABULAR EXPLANATION of the Maps referred to in the last mentioned Despatch.

No. 1.

(Copy.—No. 2.)

Downing Street, 17th September, 1839.

SIR: I have to acknowledge the receipt of your Despatch, marked "confidential," of the 7th of May last, in which, with a view to prepare Her Majesty's Government for the consideration of the statements about to be submitted to them on the Prince Edward Island Land question, by Mr. Cooper, the Delegate sent home by the House of Assembly, you furnish a detailed explanation of the progress of that question, and of the present feeling entertained in the Colony.

In acknowledging the assistance which I have derived from your statement, I beg to return you my thanks for the pains you have taken to place the subject in a clear light.

Mr. Cooper having presented himself at this Office, I have to inform you of the result of the communications which have passed with that gentleman; and for this purpose I enclose a copy of the letter which he has address-

sed to this department on the subject of his delegation, and of the answer which has been returned to it. You will perceive from that answer, that with a view to prevent any misconception of the views and intentions of Her Majesty's Government, I am determined to adhere, in this instance, to the general practice of communicating to you, as Lieutenant Governor, the decision which I have formed on the subjects which he has brought under my notice.

I therefore proceed to furnish you with instructions for your guidance in these matters.

For the settlement of the Land question, four propositions have presented themselves—The first, viz: that contained in Mr. Cooper's letter, appears to be founded on the Bill which was passed by the Assembly during the last Session, but rejected by the Council.

Without entering into any analysis of the provisions of this Bill, it has appeared to me to be clearly inadmissible, as embodying the principle of Escheat, which Her Majesty's Government have already, after the fullest considera-

tion, declined to sanction. I am further of opinion, that the adoption, both by the Crown and the Colony, of the equitable proposal of a Tax on Wild Lands, has afforded an additional reason for Her Majesty's Government declining to assent to this inequitable proposal.

The three remaining propositions are—

1. The establishment of a Court of Escheat.
2. The resumption by the Crown of the rights of the proprietors, by purchasing their interest in the soil.
3. A heavy penal Tax on Wilderness Land.

The first proposal has already been stated to be inadmissible.

With regard to the second, I do not feel myself at liberty to recommend the advance of £200,000 from the Home Treasury, which is necessary to carry it into effect.

To the scheme itself I see no reason to dissent; but I much doubt whether the proprietors would be induced to part with their lands on the terms stated; and whether the outlay to be made would ever be reimbursed. I could not advise a measure which would entail a large pecuniary loss to the Crown.

With reference to the third proposal, viz.—A heavy penal Tax on wilderness Land, I should be unwilling to adopt it at the moment, so soon after the imposition of a tax of the same description, and until it had been clearly proved that no remedy was to be expected from the influence of that tax, and from the disposition of the proprietors to come to an equitable arrangement with the tenantry. I regret to find, that from the slow progress which has hitherto been made, there is so much reason to doubt the willingness of the proprietors, in regard to a conventional settlement of the question. I had hoped, from a statement contained in a letter which has been lately received from an extensive proprietor, Mr. Cunard, that the proprietary body generally participated in the earnest desire felt by that gentleman himself to meet the wishes of the Government.

I admit that, should such be found not to be the case, it may be a question for consideration, whether a penal tax, at a much higher rate than that now imposed, should not be levied; but, for the reasons I have stated, I should wish this point to be first clearly ascertained.

With this view, I propose to revert to the agreement entered into by Mr. Young, on the part of the proprietors, for the disposal and settlement of their lands—a full detail of which was furnished you in Lord Glenelg's Despatch of the 16th March, 1838. I consider these terms as fair and reasonable, and you will regard them as the basis on which Her Majesty's Government would recommend that the question should be arranged.

I have, &c.

(Signed)

J. RUSSELL.

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

No. 2.

15 SAVILLE PLACE, MILE END,

July 15th, 1839.

(Copy.)

My Lord;

The House of Assembly of Prince Edward Island having appointed the subscriber "to proceed to England to represent to Her Majesty's Government the interests and sentiments of the inhabitants of the Colony, and support the views entertained by the House, before Her Majesty's Ministers, and, if necessary, the Imperial Parliament," beg leave respectfully to submit, for your Lordship's favourable consideration, the Documents forwarded by the House of Assembly in support of their views, which are herewith inclosed, together with a copy of the instructions of the House of Assembly to their delegate, and also a letter from His Excellency the Lieutenant Governor.

The documents referred to are, first, the Address of the House of Assembly to Her Majesty the Queen, being the substance of that which is more fully detailed in various documents submitted to Lord Glenelg in the year 1838, a copy of which is also inclosed; second, a Bill, intituled "An Act to regulate the Forfeiture of Land and the Settlement of the Inhabitants of this Island;" third, a Bill intituled "An Act for the Regulation of the Fishery Reserves of this Island."

The two last mentioned Bills, if passed into a Law, would be the means of settling the Colony agreeably to the indulgence extended to the proprietors in the year 1816. The first Bill provides that proprietors who have settled their land according to the indulgence of 1816—that is, before the year 1827—shall be entitled to receive a new grant; and proprietors whose lands would be forfeited for non-settlement, if they have made any improvements upon the land, or have incurred any expense, by the introduction of emigrants for settlement, such proprietors, on the lands being forfeited, should be entitled to an equitable remuneration. A right to a settlement is also reserved to persons in occupation, who have improved the land from its wilderness state, reserving to the Crown the fee-simple value of the land in its unimproved state, to be paid by the present occupant; which would yield a considerable revenue to Government, without being burdensome to the people.

The second Bill, for the regulation of the Fishery Reserves, was brought in in accordance with the intention of the original grants, and of two despatches from Lord Glenelg to the Lieutenant Governor, bearing date from Downing Street, the 10th May and 14th September, 1838.

The first of these Bills was rejected by the Council, and they altered the construction of the latter, with amendments, a copy of which is enclosed. The amendments of the Council are, to appoint unnecessary officers, at a great expense to the Colony—to limit the Fishery to the outward sea-coast—to exclude fishermen from the

most eligible situations for carrying on the Fishery, and, consequently, to place the Reserves for the Fishery under the control of the Land Proprietors; to which amendments the House of Assembly could not consent.

There are other grievances, of minor importance, to which it may be necessary to refer, to enable Her Majesty's Government to form a just estimate of the defects in the working of the Colonial Legislature under its present construction, and hereby to frame a more perfect constitution for the future government of Colonies.

The laws now in force for the encouragement of education are beneficial only to closely inhabited districts, or to persons in affluent circumstances, while the poorer classes, or thinly inhabited districts, can derive no benefit from the sums appropriated for the encouragement of education. The law requires teachers of a high class, who are to have a certain stipulated yearly salary secured to them by the inhabitants of the district, before any bounty can be received from the Treasury; and as this salary can only be realized in districts that are closely settled, or where the inhabitants are in affluent circumstances, the rest of the inhabitants, who cannot make up the yearly salary for a schoolmaster, are without the means of education. For instance, Charlottetown, with a population of about 3000, receives as much of the money appropriated for the encouragement of education as all the rest of the Island besides, with a population which may be estimated at 35,000.

To remedy this evil, the House of Assembly passed an Act to grant a Bounty from the Treasury of Seven Pounds, currency, per annum, (without binding the inhabitants to any stipulated salary), to schoolmasters who were capable of teaching reading, writing and arithmetic, providing such schoolmasters had under their tuition fifteen pupils throughout the year; but this Bill was rejected by the Council.

That, besides the Treasury Notes of the Island, there is a large amount of Private Notes in circulation, issued by persons in New Brunswick, payable in Halifax, but without any security provided for the redemption thereof, and the circulation of such Notes is prohibited, in the Province of New Brunswick, by law, under the penalty of Five Pounds for each offence.

To prevent any evil consequences arising to the Colony from the circulation of such paper currency, the House of Assembly made a transcript of the New Brunswick Act referred to, which was unanimously agreed to by the House of Assembly, and sent up to the Council, for their concurrence, but was rejected.

The documents delivered will shew, that the grievances of the Colony are not imaginary, and the rejection by the Council of all measures proposed by the House of Assembly, for redress of those grievances, has left the people of Prince Edward Island no alternative but by AN APPEAL TO HER MAJESTY'S GOVERNMENT; and, if it is deemed necessary to bring the matter before Parliament, the necessity of the case will urge its being brought on before

the prorogation; and any further explanation or information that may be necessary, to enable Government to form a correct judgment on the case, will be supplied by one, who has the honor to be,

My Lord, your Lordship's
Most obedient humble servant,
(Signed) Wm. COOPER.

The Most Noble
The Marquis of Normanby, &c. &c. &c.
Downing Street.

No. 3.

(Copy.)

15 SAVILLE PLACE, MILE END,
September 9th, 1839.

MY LORD;

The following having appeared in the Public Papers, "that Lord John Russell and the Marquis of Normanby have interchanged with each other their respective Offices, the former taking the Colonial department"—the subscriber deems it his duty, for the information of your Lordship, to send a copy of his first communication to the Marquis of Normanby, which is herewith annexed. And as the applications from Prince Edward Island, from time to time, for the appointment of a Court of Escheat, are carried to a considerable length, and based on various grounds, to suit the ends the several applicants had in view—to enable your Lordship, without trouble, to judge of the merits of the several applications, the subscriber will endeavour to compress the matter, and shew, by a chain of circumstances, that the Proprietors of the Township Grants (or some of them) *have formed a plan, coeval with the grants, to withhold the quit rents from the Crown—to inveigle British subjects into the Island to improve the land, and then to deprive them of the value of their labour.*

By an Order in Council, of the 26th of August, 1767, the Governor of Nova Scotia was directed to grant the Lands of the Island, in 67 Grants or Townships, of about 20,000 acres to a Township, subject to the following reservations and conditions—viz: "That, in order to promote and encourage the Fishery, for which many parts of this Island are conveniently situated, there be a clause in the Grant of *each Township* that abuts upon the sea shore, containing a reservation of liberty to all His Majesty's subjects in general of carrying on a free fishery on the coast of said Township, and of erecting stages and other necessary buildings for the said fishery, within the distance of Five hundred feet from highwater mark." The reservations for the fisheries, as contemplated in the Order in Council, have been strictly followed in the Grants of only twelve Townships. In thirty-two Townships, the reservations are as follows: "And further, saving and reserving, for the disposal of His Majesty, his heirs and successors, Five hundred feet from highwater mark, on the coast of the tract of land hereby granted, to erect stages and other necessary buildings, for carrying on the

Fishery." Of the remaining twenty-three Townships, eighteen contain no reservations for a fishery; and, of five, no Grants are on record. [Conditions as contained in the Grants.] The Grantees binding themselves, their heirs and assigns, by the acceptance of the Grants, to pay an annual Quit Rent to His Majesty, his heirs and successors (varying from two shillings to six shillings, per hundred acres.) "And the said Grantees further bind and oblige themselves, their heirs and assigns, to settle the said Lot or Township hereby granted, within ten years from the date hereof, with Protestant settlers, in the proportion of one person to every two hundred acres—said Protestant settlers to be introduced from such parts of Europe as are not within His Majesty's dominions, or to be such persons as have resided within His Majesty's dominions of America two years antecedent to the date hereof; and, if the said Grantees shall not settle one-third of the said Lot or Township, in the proportion aforesaid, within four years from the date hereof, then the whole of the said Township shall become forfeited to His Majesty, his heirs and successors, and this Grant shall be void and of none effect."

Shortly after the Island was granted, it was erected into a separate Government, at the instance of a Memorial of the Grantees, engaging to defray the expense of the Colonial Civil List from their quit-rent. Two of the Grantees were appointed Governors successively, and, before the arrival of any persons to settle in the Island, the Grantees were a constituted Body, as Government, Legislature, and Landlords. There was very little of the quit-rent paid, and no attempt was made for the introduction of Foreign Protestants; but some of the Grantees or Proprietors made a lucrative trade in the transportation of British subjects; and, as emigrants could not subsist on their arrival in a thickly wooded country without fishing, the proprietors, to enhance the value of the land, claimed the fishing reserves; and as there was no Government in the Island but the proprietors, emigrants had to accept whatever terms were offered, and to promise to pay whatever was demanded, or leave the Island. The people knew that the grants were forfeited, and as many of the Townships appeared to be abandoned by the Grantees, the Tenantry, finding it impossible to pay the rent demanded, left their locations and their improvements, and went to settle upon some of the Townships for which there was no ostensible owner; but when such Townships became valuable, by the labour of the inhabitants, some person in the Island, under pretence of having bought the Township or become the land-agent, (frequently without authority) compelled the persons in occupation to attorn and pay rent, or leave the land. Under these circumstances, the tenantry did not suppose that any promise, attornment, or engagement, on their part, would prevent the Government interfering to forfeit the lands, and do them justice. And, to amuse and deceive the people, the proprietary legislature made several applications to the home Government for the appointment of a Court of Escheat

—not to settle the people who were improving the land, but that the proprietors and land-jobbers in the Island might get possession of the lands of the absentees.

In answer to such applications for the appointment of a Court of Escheat, (which were based upon the non-payment of Quit Rent,) Lord Hobart, then at the head of the Colonial Office, sent out a despatch, in the year 1802, containing a scale of five divisions, whereby proprietors were to be excused their arrears of Quit Rent, in proportion to the quantity of land they had settled, according to the conditions of the Grants. Proprietors whose lands were fully settled were to be released from their arrears of quit rent, except for four years; proprietors whose lands were more than half settled were to be excused their arrears for five years quit rent, and so forth; and his Lordship recommending his measures to be enforced, proceeds:

"In order to give full effect to the measures which have been adopted here, it will be necessary that you should be prepared to pursue, without loss of time, when circumstances shall render it advisable, the requisite and legal steps for effectually re-vesting in His Majesty all such lands as may be liable to be escheated and forfeited.

"It is highly expedient that a proper method be established, of collecting the future quit rents; I am, therefore, to signify to you his Majesty's pleasure, that you are, in the strongest manner, to recommend to the Legislature of the Island under your government, to pass an Act for these purposes.

"With respect to the measures to be adopted for the recovery of such lands as may be liable to be escheated and forfeited to the Crown, either by non-improvement, non-payment of quit rents, or non-performance of any other conditions of the Grants, the practice which has prevailed in this respect in Nova Scotia will be sufficient precedent for your guidance."

This despatch, and the proceedings which were expected to be followed up by the Colonial Government, created great joy amongst the inhabitants, who believed their emancipation was at hand. Many of the grantees that had never been in the Island could not be supposed to understand the manœuvres in the Colonial Legislature, and they disposed of their Grants for a trifling sum—some as low as Nine Pounds for 20,000 acres—to persons in the Island, amongst whom General Fanning, their Lieutenant Governor, became a great proprietor; but the yearly rent demanded of the tenantry for the same land, was from one to two shillings per acre. A Schedule was made out and sent home by the Government, to shew that Twenty-six Townships were fully settled, and Twenty other Townships were half or partially settled, when there had not been any Foreign Protestants introduced in the Island, and some of the Townships, reported to be fully settled, had not more than three or four inhabitants of any creed or country. An Act was passed at the same time concerning the quit rent, not for the recovery thereof, but

to place *the chattels of the tenant* between the Proprietors and the Crown, as a stake for the quit rent.

The proprietors had demanded a rent which the tenantry could not pay, and although the proprietors did not receive half the rent, they received all that the tenantry could possibly spare, and the Act was passed for the Government to distrain for the quit rent upon the tenantry who were in arrears of rent with their landlords. This Act received the Royal assent, but has not been put in force.

The following year, 1803, an Act was passed to regulate the proceedings of a Court of Escheat in the forfeiture of lands; and it was publicly said, *that after this Act had received the Royal assent, it was suppressed on its arrival in the Colony, and not suffered to appear in the Statute Book.*

When the excitement proceeding from the disappointed hopes of the people had subsided, a Despatch from the Home Government was proclaimed by the Governor in the Island, in the year 1818, from which the following is selected:—

“The further pleasure of His Royal Highness is, that proprietors of Township lands shall be released from the obligation imposed by their original Grants, of settling them with Foreign Protestants; provided, that within Ten years, from December, 1816, the lands shall have been settled with other persons, in the proportions specified in their original Grants.”

This Proclamation has been construed various ways, the proprietors claiming it as an indulgence equal to a new Grant, to enable them to make whatever terms they pleased with the persons who have improved the lands. But, if the conditions of the grants had imposed an obligation upon the grantees to introduce one hundred slaves from Africa, for each Township, to improve the land, which would have been a considerable expense to the grantees, it would have been very unfair to have substituted British subjects instead of slaves; and it would appear equally unfair to substitute British subjects for Foreign Protestants, who had no claim upon the British Government, and such persons could not have been introduced without an expense to the grantee; whereas British subjects had a claim on this Government, to be protected *from fraud* as well as from force, and they all, or nearly so, emigrated at their own expense, and remained *in the Colony from a confidence in the justice of their claims that Government would settle them upon the lands they have improved.*

The proprietors have said, Ministers and Governors have repeated the sayings, in Despatches and Messages, that the conditions of the grants were impracticable to be performed. Therefore, the more difficulties and expenses attending the performance of the conditions, that would reduce the value of the grants in the same proportion; and to say that the conditions of the grants were impracticable to be performed, is saying, in effect, that the

Grants were not worth any thing; and, to enhance the value of such grants by proclamation, to make them worth £20,000 a grant, and that sum to be demanded from the people who improved the land, appears very unreasonable, and more especially as the proclamation was made subsequent to the declaratory Act of 1778, which declares that Government will not tax Colonies having a Colonial Legislature, except for the regulation of Trade and Navigation. And the rent, from one shilling to two shillings per acre, as demanded by the proprietors for wilderness land, cannot be viewed in any other light than a tax of from 6 to 12 per cent. upon the value of the tenants' labour. Yet this has been the construction of the Proclamation, and the practice followed in the Island, up to this present time, under the sanction of Government.

But, as the acts of Government are to be given their most liberal construction for the rights of the subject, there is both precept and example in the Island, to give the proclamation a more liberal construction, upon which the House of Assembly have founded their claim to the forfeiture of the lands, and the settlement of the inhabitants.

In the year 1818, two of the Townships, namely, 15 and 55, were revested in the Crown by Escheat; and the inhabitants of those Townships received a grant from the Crown, in fee-simple, of one hundred acres to a settler, at an expense of about five pounds for each grant. And, as the Proclamation stipulates that one hundred persons were to be settled upon each Township of 20,000 acres, the House of Assembly are of opinion, that those persons were to be settlers in fee simple; which, allowing 100 acres to a settler, would leave 10,000 acres to the proprietors, the value of which would be enhanced to the proprietors by the settlers improving their own land. And, as the Government stipulated for the settlement of that number of persons before the year 1827, this is considered a pledge from the Government to the people that they were to be settled within the time limited, either by the proprietors or by the Crown. On these principles, the Bill delivered at the Colonial Office was agreed to by the House of Assembly, which Bill, together with another for the regulation of the Reserves for the Fisheries, would be the means, if carried into effect, of settling the inhabitants of Prince Edward Island.

When the subscriber had the honour of an interview with the Marquis of Normanby, on the 14th July, he said, that an answer would be given in time to leave England early in September. Your Lordship is aware, that the people in the Island will be anxious to hear from their Delegate; and it is difficult to reach the Island late in the season. But if Government do not see cause to grant terms that will settle the inhabitants, the subscriber is instructed to apply to Parliament; and, in that case, it would be desirable that the people in the Island should have notice in time to forward affidavits in support of any statements that may be made; not that better terms are

expected through Parliament than what the Government may previously grant, but to set the question at rest.

I have the honor to be, my Lord,

Your Lordship's most obedient

humble servant,

Wm. COOPER.

To the Right Hon.

Lord John Russell, &c. &c. &c.

Downing Street.

No. 4.

DOWNING STREET,

20th September, 1839.

SIR;

I am directed by Lord John Russell to inform you, that his Lordship has had under his consideration the letters addressed by you to this department on the 15th July last and 9th inst., on matters connected with the Colony of Prince Edward Island.

His Lordship desires me to acquaint you, in reply, that he is of opinion, the subjects to which your letters refer could not be properly discussed between his Lordship and a delegate from the House of Assembly of Prince Edward Island, either in written or oral communications, and that the views of Her Majesty's Government respecting them will be communicated to the Lieutenant Governor, through the regular channel of official correspondence with that officer.

His Lordship must, therefore, decline the proposed interview with you at this Office.

I am further to observe, that the propriety of addressing the proposed appeal to Parliament is a question on which your constituents must, of course, exercise their own discretion.

I have, &c.

(Signed)

JAMES STEPHEN.

William Cooper, Esq.

No. 5.

Enclosures referred to in Mr. Cooper's Statement, which are not sent, as it is presumed that they are already in Sir Charles Fitz Roy's possession.

1. Resolution of Assembly of 24th April, 1839, nominating Mr. Cooper their Delegate.

2. Address of Assembly to the Queen, dated 24th April, 1839.

3. Act for forfeiture of Lands and settlement of the Inhabitants, referred to in the foregoing Resolutions.

4. Act to regulate the Fishery Reserves, passed by the Assembly, 19th March, 1839.

5. Same Act, as amended by Council, with List of the Amendments.

6. Appendix (A.) to Assembly Journals, March and April, 1839.

No. 6.

DOWNING STREET,

19th September, 1839.

(Copy.)

No. 4.

SIR;

I have the honour to acknowledge the receipt of your Despatch, No. 12, of the 4th of May last, transmitting an Address which had been presented to you by the House of Assembly of Prince Edward Island, in which they pray, that notwithstanding the rejection by the Legislative Council of a Bill passed by them for the regulation of the Fishery Reserves in the Island, you would, in the exercise of your authority as Lieutenant Governor, give direction for throwing these Reserves open.

In reply, I have to instruct you not to act on the Address of the Assembly at present, but to bring the subject of these Reserves again before the Legislature.

I have the honor to be,

Your most obedient,

humble servant,

(Signed)

J. RUSSELL.

Sir Charles A. Fitz Roy,

&c. &c. &c.

No. 7.

DOWNING STREET,

5th August, 1839.

(Copy.)

No. 8.

SIR;

Various Acts, passed by the Lieutenant Governor, Council and Assembly of Prince Edward Island, and transmitted in your Despatch, No. 16, of the 8th May, having been referred by the Queen in Council to the Lords of the Committee of Privy Council for Trade and Foreign Plantations, that Committee have reported to Her Majesty in Council, their opinion, that the said Acts should be left to their operation.

I have the honor to transmit to you, herewith, an Order of Her Majesty in Council, dated the 31st ultimo, approving that report.

I have the honor to be,

Your most obedient

humble servant,

(Signed)

NORMANBY.

Lient. Governor of
Prince Edward Island. }

At the Court of Buckingham Palace,

31st July, 1839.

Present:

THE QUEEN'S MOST EXCELLENT MAJESTY,

Lord President,

Lord Privy Seal,

Lord Steward,

Marquis of Normanby,

Earl of Minto,

Viscount Palmerston,

Viscount Melbourne,

Viscount Howick,

Lord Holland,

Mr. Poulett Thomson,

Sir John Hobhouse, Bart.

WHEREAS the Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of March, 1839, pass

eight Acts, which have been transmitted, entitled as follows, viz :

No. 503.—“ An Act to continue, for a limited period, an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, intituled ‘ An Act for regulating Juries, and further declaring the qualifications of Jurors.’ ”

No. 504.—“ An Act for further continuing an Act, intituled ‘ An Act to regulate the Fisheries of this Island.’ ”

No. 505.—“ An Act to continue for a limited period, three several Acts therein mentioned.”

No. 506.—“ An Act to continue and amend the Act regulating the Public Wharf of Charlottetown.”

No. 507.—“ An Act to authorise the appointment of Coal Meters for Charlottetown.”

509.—“ An Act for the improvement of property at Georgetown, and to provide against accidents by fire.”

510.—“ An Act for the protection of Sheep against vicious Dogs.”

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

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

W. L. BATHURST.

No. 8.

DOWNING STREET
31st October, 1839.

No. 9.

Sir ;

I have to request your attention to the following observations on the Act, No. 519, for the relief of the American Loyalists.

The preamble of this Act sets forth the circumstances under which grants of land were, many years back, made to certain American Loyalists, and how it has happened that these individuals, or their heirs, are not now in the possession of the Land so granted.

The objects of the present Bill are, to establish a Commission for investigating the claims of these persons or their descendants, and to provide for the satisfaction of such claims as may be established, partly by Grants from the remaining waste Lands of the Crown, and partly by the application for that purpose of the lands of the grantees or their heirs, with whom the plan originated, in the year 1783, of alienating parts of their Estates for the benefit of that class of persons. The facts are too imperfectly explained in the preamble, to admit of any confident opinion being formed as to the merits of the questions controverted between the old proprietors and the loyalists ; indeed, it

is scarcely possible to ascertain what may have been the nature of those questions. All that appears is, that the grantees, amongst whom nearly the whole surface of the Island had been divided, were persons living in England, without the slightest intention of residing on the Lands assigned to them. The American Loyalists were at first regarded with great favour, because their settlement in the Island would increase the value of the Estates of the absentees, and, to tempt them thither, the offer was made of a surrender to them of certain parts of the wilderness, in the hope that the rest might thus become an available source of emolument. The project was defeated by misunderstandings and disputes. All this occurred fifty-six years ago. That the Loyalists may have been defrauded, disappointed and oppressed, is but too probable. That the fault may have been their own, or partly so, is no extreme improbability. But the whole rests on conjecture and surmise. Assuming, however, as the local Legislature have assumed, every thing against the proprietors, and in favour of the loyalists, I cannot allow, that even on this assumption, this Act could be justified, for—

1st. After the lapse of more than half a century of undisturbed possession, by the old proprietors, there is a presumptive title, which I must advise the Crown to respect.

2dly. The effect of this Bill would be, to transfer to the Commissioners to be appointed under it, not merely the proper functions of the tribunals, but the power of reviving questions on which these tribunals may have already adjudicated.

3dly. The Bill affords no protection to *bona fide* purchasers of these lands, from the old proprietors, who acquired them without notice of the remote and dormant claims of the Loyalists.

4thly. The Legislature here assume a right to dispose of the waste Lands of the Crown, which the Crown has never yet surrendered to their controul.

For these reasons, I should not feel myself justified in advising Her Majesty to confirm this Bill.

I have, &c.

(Signed)

RUSSELL.

Lieut. Governor

Sir Charles A. Fitz Roy.

At the Court at Windsor, 21st October, 1839.

THE QUEEN’S MOST EXCELLENT MAJESTY,

Lord Chancellor,

Marquis of Normanby,

Lord Chamberlain,

Viscount Falkland,

Viscount Palmerston,

Viscount Melbourne.

WHEREAS the Governor of Her Majesty’s Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April, 1839, pass eight Acts, which have been transmitted, entitled as follows, viz ;

No. 512.—An Act to continue for one year, and to amend an Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, for raising a Revenue in this Island.

No. 513.—An Act relating to Treasury Warrants.

No. 514.—An Act for rendering more effectual the Laws now in force for regulating the retail of Strong and Spirituous Liquors.

No. 515.—An Act to revive and continue an Act for regulating the Sale of the Interest of Leaseholders, when taken in Execution.

No. 516.—An Act for providing Buoys and Beacons for the Harbours of Charlottetown and Three Rivers.

No. 518.—An Act to revive and continue an Act therein mentioned, relating to the shutting up of old Roads.

No. 520.—An Act to amend a certain Act therein mentioned, relating to Pounds.

No. 521.—An Act for appropriating certain monies therein mentioned, for the service of the year of our Lord One thousand eight hundred and thirty-nine.

And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honourable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty that the said Acts should be left to their operation, Her Majesty was thereupon this day pleased, by and with the advice of Her Privy Council, to approve the said Report; whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's

Island of Prince Edward, and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

(Signed) W. L. BATHURST.

No. 9.

(Copy, No. 9.)

Downing Street, 7th August, 1839.

Sir;

I have received your Despatch, No. 11, of the 3d May, enclosing Plans and Estimate of the Building required as an Asylum for Insane persons, and other objects of charity, in Charlottetown, Prince Edward Island. Having communicated your Despatch to the Lords Commissioners of the Treasury, their Lordships have informed me, that they have no objection to the appropriation to this work of a sum of Fifteen hundred Pounds, out of the accruing produce of the Sales of Crown Land in the Colony—the House of Assembly making suitable provision for the future maintenance of the Building.

I have the honor to be, Sir,

Your most obedient, humble servant,

(Signed) NORMANBY.

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

APPENDIX (B.)

No. 10.

Downing Street, 18th July, 1839.

(Copy, No. 6.)

Sir;

I have received your Despatch, No. 10, of the 1st May, communicating the wish of the House of Assembly to be furnished with copies of the surveys of Prince Edward Island, prepared under the direction of the late Mr. Holland, between the years 1764 and 1769. Having obtained the Maps from the Board of Trade, with a Tabular explanation, I enclose herewith copies of them, for the information of the House of Assembly.

I have the honor to be, Sir, Your most obedient servant,
(Signed)

NORMANBY.

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

No. 11.

Explanation referring to the Townships.

No. of the Townships.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Bounded on the West	Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West				
1	23,000	By the North Point, or North Cape.	By the Division Line of No. 2, East and West 10 miles 600 feet.	By the sea, 7½ miles along the coast from the extent of the North point.	On the North West by the sea.	The lands, as well as the woods, but, mostly nothing but small spruce.	None.	The coast is steep and rugged, from 40 to 70 feet high, has several fresh Ponds of Water and Rivers. The Cod Fishery to the East is exceeding good.	
2	20,000	By the North Point, or North Cape.	By the Division Line of No. 3, East and West 12 miles.	By the sea, 2 miles 2700 feet North and South.	By the sea. Cape Crago to the North West.	The lands and woods as above.	None.	The coast as No. 1, and the same in fishery.	
3	20,000	By the Division Line of No. 2, East and West — miles 3000 feet.	By the Division Line of No. 4, East and West 11 miles.	By the sea at Cape Killare. Breadth from South to North 2 miles 2800 feet.	By the Sea.	The woods and soil as above.	None.	The Coast and Fishery as above.	
4	20,000	By the Division Line of No. 3, East and West 11 miles 3000 feet.	By the Division Line of No. 5, East and West 10 miles 4000 feet.	By Killare Creek, North & South 2 miles 4700 feet.	By Monckton Cove.	The woods and soil are better than the former.	None.	The coast to the East is marshy and low, and is convenient for fishery. The woods to the West at Monckton Cove are tolerably good.	
5	20,000	By the Division Line of No. 4, East and West 9 miles 600 feet.	By Richester Creek, Staverdale and Fox Cove, and part of Killare Bay.	By the Division Line of No. 7, 2 miles 4700 feet. From North to South, 3 miles 800 feet.	By the Division Line of No. 6, East and West 3 miles 500 feet.	The woods and soil pretty good, principally to the East.	None.	This Township is very good, as having a fine Harbour, the advantage of good Fishing, Wood and Lands, and finely watered.	
6	20,000	By the Division Line of No. 5, East and West 9 miles 600 feet.	By the Division Line of No. 9 and 10, East and West 7 miles 4000 feet.	By Forley River and Cove, and Holland Har- bour.	By the Division Line of No. 7, 3 miles, 4000 feet.	The woods and soil are very good.	Houses, 4; cleared land, 50 acres.	This Township is good, but not equal to the former. Nothing but small craft can come up Forley River; the cleared land makes it near equal to the former.	

APPENDIX (B.)

No. of the Townships.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
7	20,000	By the sea.	By the Division Line of No. 8, East and West 7 miles.	By the Division Line of Nos. 5 & 6, North and South 6 miles 2400 feet.	By Wolfe Cape and the sea.	None.	This Township hath indifferent Lands and Woods, and no Fishery, and the sea coast steep and rocky.	
8	20,000	By the Division Line of No. 7, East and West 7 miles.	By Wolfe Marsh and Inlet, & a long sandy point.	By the Division Line, five miles.	By the West Point and the sea.	None.	This Township is good for agriculture, and the Marshes on Wolfe's Inlet will make fine meadows.	
9	20,000	By the Division Line of No. 6, 4 miles 3100 feet, East and West.	By the Sand Cove and the sea, towards Percival Point.	By the Division Line of No. 10, South and North 8 miles 200 feet.	By the Division Line of No. 8, South and North 9 miles.	None.	The Lands on the South, marshy, and fit for meadows at Sandy Cove.	
10	20,000	By the Division Line of No. 6, part of Fox-Cove, East and West 3 miles 3600 feet.	By Percival and Enmore Rivers.	By the Division Line of No. 12, South and North 9 miles.	By the Division Line of No. 9, South and North 8 miles 2000 feet.	None.	The Lands fit for meadows and agriculture, but marshy along the Percival and Enmore Rivers.	
11	20,000	By Holland Bay and Stephen Cove.	By the Division Line of No. 12, East and West 6 miles 3000 feet.	By Cavendish Channel and Frederick Creek.	By the Division Line of No. 10, South and North 4 miles 4400 feet.	Houses, 4; cleared Lands, 120 acres.	This Township has the same advantages as No. 6. The marshes along Cavendish Channel can make fine meadows, but this channel is only navigable for canoes.	
12	20,000	By the Division Line of No. 11, East and West 6 miles 3000 feet.	By the Division Line of No. 13, East and West 6 miles.	By Lennox Channel, Goodwood River and Conway Cove.	By the Division Line of Nos. 9 and 3, 4 miles 1200 feet.	None.	This Township is well situated for Fishery, and lands fine for agriculture. Shallops can come up Goodwood River.	
13	20,000	By the Division Line of No. 12, East and West 6 miles.	By the Division Line of No. 14, East and West 10 miles 4000 feet.	By Goodwood River, Richmond Bay and Village Cove.	By Enmore River & part of the first Division Line No. 15, North and South 3 miles 1000 feet.	One Church, 24 Houses and Barns; cleared Lands, 750 acres.	This is one of the best Townships on the Island, as well for its situation in Fishery as for the cleared lands, and crossing the Island at Enmore River.	
14	20,000	By the Division Line of No. 13, East and West 10 miles 4000 feet.	By the Division Line of No. 16, East and West five miles 3000 feet.	By Richmond Bay and Ellis River.	By the Division Line of No. 15, 3 miles 3300 feet.	12 Houses and Barns; cleared Lands, 350 acres.	This Township is nearly as good as the above, having Ellis River, which is navigable for Ships of any burthen, and has fine land, but has no communication with the West.	

APPENDIX (B.)

No. of the Townships.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
15	20,000	By Enmore Head & the Division Line of No. 16, East and West 3 miles 1300 feet.	By the sea from Capo Egnont towards Sandy Cove.	By the Division Line of No. 17, South and North 3 miles 1100 feet.	By the sea, Haldiman's River and Red Head and Egnont Capo.	The lands and woods indifferently good.	Cleared Lands, 10 acres.	This Township, having a great extent along the sea, might turn out to great advantage in agriculture.
16	20,000	By the Division Line of No. 14, East and West 5 miles 3000 feet, and Ellis River.	By the Division Lines of Nos. 15 and 17, East and West 9 miles and Bentinck Cove.	By Richmond Bay and Bentinck Point.	By the Division Line of No. 15, North and South 2 miles 4700 feet.	The woods and lands are very good.	None.	This Township, having the advantage of Ellis River and Richmond Bay, may turn out to advantage for the Fishery and agriculture.
17	20,000	By the Division Line of No. 16, East and West 5 miles 3500 feet.	By Sandbury, Segwick and Wilmot Coves.	By No. 19 line, South and North 3 miles 3000 feet.	By Division Line of No. 15, South and North 3 miles 1100 feet.	The woods and lands are good.	None.	This Township, being situated on the neck of land between Richmond and Halifax Bays, with the advantage of good lands on both sides, it must turn out to advantage.
18	20,000	By Prince County Town Lot, and Marsh Water and sea.	By the Division of No. 19, East and West 6 miles 2400 feet.	By the Division Line of No. 20, South and North 6 miles long.	By Darnley Basin and Princetown Lot, Chichester Cove and Richmond Bay.	Good.	None.	This Township, surrounding the County Town, is conveniently situated for Fishery; with the advantage of good lands, must, in time, become of great value.
19	20,000	By the Division Line of No. 15, East and West 6 miles 2400 feet, and Webber Cove.	By the Line of No. 25, East and West 9 miles, and Wilmot Creek.	By the Division Line of No. 20, South and North 3 miles 2300 feet.	By the Division Line of No. 17, North and South 3 miles 5000 feet.	Good.	2 Houses, 1 Saw Mill, 20 acres of cleared lands.	This Township, having water communication with Richmond and Halifax Bays, and the carrying place by land, which is a good road, makes it of value.
20	20,000	By the sea.	By the Division Line of the inland Lot, East and West 3 miles 400 feet.	By the Division Line of No. 21, North and South 5 miles 300 feet.	By the Division Line of Nos. 18 & 19, with part of 25, North and South 10 miles 4000 feet.	Indifferent.	None.	This Township will be of little value until the neighbouring Townships are once settled.
21	21,000	By the Sea, Grenville Bay and Sandy River.	By the Division Line of the inland tract, East and West 2 miles 4700 feet.	By the Division Line of No. 22, North and South 7 miles.	By the Division Line of No. 20, and the inland tract, North & South 12 miles 3700 feet.	Better than the former.	None.	This Township is well situated for Fishery, but Grenville Bay is only fit for small craft.
22	21,000	By Grenville Bay.	By the Division Line of No. 31, East and West 2 miles, 3500 feet.	By the Division Line of No. 23, West and South 13 miles.	By the Division Line of No. 21, North and South 10 miles 4000 feet.	The lands and woods are something better than the former.	None.	This Township has the same advantage as the former.

APPENDIX (B.)

No. of the Townships.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
23	21,000	By the sea.	By the Division Lines of No. 31, East and West 2 miles 2400 feet.	By the Division Lines of Nos. 24 and 25, 12 miles.	By the Division Line of No. 22, North and South 13 miles.	None.	The part of the Township where Hunter River with its small branches intersects it, is very good.	
24	20,000	By the sea at Cape Turner and Harris Bay.	By the Division Lines of No. 32, East and West 3 miles 2400 feet.	By the Division Line of No. 33, North and South 4 miles 4000 feet.	By the Division Line of No. 23, North and South 12 miles.	None but some winter cabins; 60 acres cleared land.	This Township is one of the best on the Island, as well for its Fishery as lands. The woods, being very good, will pay for the clearing it.	
25	20,000	By the Division Line, No. 19, East and West 9 miles, and Wilmot Creek.	By the Division Line of No. 26, East and West 6 miles 4500 feet.	By the Division Line of No. 20, the inland tract, North & South, 3 miles 2500 feet.	By Dunk River and Wilmot Creek.	Houses and Barns, 8; cleared land, 235 acres.	This Township is one of the best for agriculture, and has good water communication to Halifax Bay.	
26	20,000	By the Division Line of No. 25, East and West 6 miles 4500 feet, and Dunk River.	By the Division Line of No. 27, East and West 9 miles 2500 feet.	By the Division Line of the inland tract, North and South 2 miles 3500 feet.	By the Salvation Point, Graham's Head and Indian Point.	560 acres; 10 Houses.	This Township is good for Agriculture and woods, and has the advantage of Dunk River and Halifax Bay.	
27	20,000	By the Division Line of No. 26, East and West 9 miles 2500 feet.	By the Division Line of No. 23, East and West 8 miles 1500 feet.	By the Division Line of the inland tract, 3 miles 3700 feet.	By Boquet, Gordon and Carleton Coves.	None.	This Township, in time, may become of value for agriculture.	
28	20,000	By the Division Line of No. 27, East and West 8 miles 1500 feet.	By Augustine, Cumberland and Tyyon Coves.	By the Division Line of No. 20, North and South 5 miles 4000 feet.	By Guy, Amherst and Provost Coves, and Cape Traverse.	450 acres, 20 Houses and Barns.	For agriculture this Township is good. The wood, along the coast are mostly spruce and indifferent, but later the country good. From Cape Traverse is the shortest cut to the continent.	
29	20,000	By the Inland Tract, East and West three miles 4800 feet.	By Brocklesby and Rice Coves, and by Brocklesby and Marlehead.	By the Division Line of No. 30, North and South 9 miles 3000 feet.	By the Division Line of Nos. 23 and 27, North and South 6 miles 500 feet.	Cleared Lands, 100 acres; Houses and Barns, 4.	This Township is near as good as the former, but not so much communication with the sea coast.	
30	20,000	By the Inland Tract, East and West three miles 4800 feet.	By the Sea and Allen's Cove.	By the Division Line of No. 65, North and South 11 miles 2800 feet.	By the Division Line of No. 20, North and South 9 miles 3000 feet.	None.	This Township, having neither Cove or Rivers, and the sea coast is steep, can be of but little value in the beginning of the settling of the Island.	

APPENDIX (B.)

No. of the Townships.	BOUNDARIES AND EXTENT.				Quantity of Acres.	Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
	Bounded on the North.	Bounded on the South.	Bounded on the East.	Bounded on the West.				
31	By Nos. 22 and 23; breadth, East and West, 4 miles.	By Elliot River.	By No. 32, length, North and South, 9 miles.	By No. 30, length, North and South, 6 miles, 4200 feet.	21,000	The lands and woods are both good.	Cleared lands, 200 acres; 7 houses.	Well situated for agriculture, as it has an immediate and short communication with the intended metropolis, by means of Elliot River, but is not convenient for Fishery.
32	By the Division Line of Nos. 23 and 21, breadth, from East to West, 4 miles 1000 feet.	By Elliot River and part of the chief Town Lot.	By the Division Line of No. 33, in length 4 miles 2500 feet, & York River.	By No. 31, length, North and South, 9 miles.	20,000	Lands and Woods the same as in No. 31.	Cleared lands, 150 acres; 7 houses.	The situation rather more convenient than No. 31, as it has a communication with the Chief Town by means of both York and Elliot Rivers.
33	By Harris and Harrington Bays.	By the Division Line of the chief Town Lot, East and West, 3 miles 1800 feet.	By the Division Line of No. 34, North and South, 8 miles 3900 feet.	By the Division Line of Nos. 34 and 32, 9 miles 1700 feet.	20,000	Woods good, and tolerably good soil.	No cleared lands or houses.	Good fishing upon the North Shore of this Township, and it has also a safe harbour for shallops.
34	By the sea and Stanhope Cove, 3 miles 2750 feet.	By Hillsborough River.	By the Division Line of No. 35, 7 miles 4500 feet.	By the Division Lines of No. 33, and the Chief Town Lot, 10 miles 4300 feet.	20,000	Woods very good, & extreme fertile soil, particularly on the North side.	Cleared lands, 300 acres; 10 houses.	A pretty good place for fishing, but not advantageously situated for farming. It has also an excellent communication with the interior part of the Island.
35	By the sea, and Bedford Bay.	By No. 48, East and West, 3 miles 2600 feet.	By No. 36, length, 7 miles 4720 feet.	By Nos. 34 and 48, length, 11 miles 4500 feet.	20,000	Very good lands and good woods, where it has not been destroyed by the fire.	600 acres, 16 houses, 2 Water Mills, one Windmill, and a decayed French Battery on the river of Hillsborough.	Extremely well situated for fishing and farming; Hillsborough River running through the Township, makes an easy communication to the Fort and St. Peter's. It also abounds with game; plenty, particularly about Johnston's River and the Frenchfort.
36	By the sea, and part of Bedford Bay.	By No. 48, East and West, 3 miles 1200 feet.	By the Division Line of No. 37, North and South, 10 miles 3400 feet.	By the Division of No. 37, 7 miles 4720 feet.	20,000	Tolerable good ground and timber. On the South part indifferent; on the North coast almost entirely destroyed by fire.	250 acres, 8 houses, and a ruined mill.	For fishing and communication to the other parts of the Island, the same as No. 35.
37	By the sea, East and West, 12 miles 4000 feet.	By No. 49.	By the Division Line of 38 and Savage Harbour, 11 miles 2400 feet.	By the Division Line of No. 36, North and South, 11 miles 4700 feet.	20,000	The North part is burned woods. Near Hillsborough River they are very good, & upon the above & Hill River the soil is excellent.	1000 acres, 30 houses.	Pretty well situated for tillage and pasture; as also for fishing, inferior to none upon the Island. There is also plenty of game and fish.
38	By the sea, and Savage Harbour.	By the inland tract and No. 57, East and West, 3 miles.	By Nos. 39 and 57, North and South, 10 miles 4400 feet.	By No. 37, North and South 11 miles 2400 feet.	20,000	North part burned. Soil and Wood to the Southward much the same as No. 37.	700 acres, 14 houses and 2 mills.	For fishery, the same as No. 37. For agriculture, not quite so good.

APPENDIX (B.)

No. of the Townships.	BOUNDARIES AND EXTENT.				Quantity of Acres.	REMARKS.
	Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West		
39	By the sea and St. Peter's Bay.	By No. 51 and 52, 3 miles 2300 feet.	By the Division Line of No. 40, 8 miles 4530 feet, measured across St. Peter's Bay.	By the Division Line of No. 38, 9 miles.	1600 acres, part of which only is cultivated; 31 houses and barns, one mill.	This Township seems to have the advantage of the whole Island, being well situated for fishing and agriculture, and abounds also with fish and plenty of game; the harbour can receive into it vessels of 200 tons, but the entrance is narrow and hazardous.
40	By the sea, 3 miles 4900 feet.	By the sea and No. 53, with part of the Nos. 52 and 54.	By the line of No. 41, 8 miles 4300 feet.	By the Division Line of No. 37, 8 miles 4530 feet.	400 acres, only part of which is cultivated; 18 houses.	Enjoys the advantage of fishing at St. Peter's, as well as game and fishing. In Morel River is also taken Salmon, though hitherto but few, all of which are killed with a harpoon. In Morel is good wintering for shallops, &c.
41	By the sea, East and West, 3 miles 4900 feet.	By the sea, 54 & 55.	By the Division Line of No. 42, North and South 6 miles 3500 feet.	By the Division Line of No. 40, 8 miles 3400 feet.	No cleared lands or houses.	Is not very convenient for a fishery, as there is no good creek for fishing vessels, and is at too great a distance to go out and come in St. Peter's Bay; it, however, enjoys the advantage of a carrying place from the Bay of Fortune to St. Peter's going through the Township.
42	By the sea, East and West, 4 miles 4750 feet.	By Nos. 55 and 56.	By the Division Line of No. 43, length, North and South, 5 miles 1400 feet.	By the Division Line of No. 41, North and South 6 miles 3800 feet.	100 acres of cleared land, only part were cultivated; 5 houses.	Its advantages in agriculture rather better than No. 41, and its situation for fishery or communication, not so convenient.
43	By the sea, East and West 2 miles 3210 feet.	By the sea coast from Howe to Rollo Bay including the Bay of Fortune.	By the Division Line of 44, North & South 8 miles 4800 feet.	By the Division Line of 42 and 56, North and South 12 miles.	800 acres, though not all cultivated, 12 houses and 2 mills.	Its advantage of situation for fishing is good, by its having the coast. About the Bay of Fortune there is plenty of Trout, Eels and Oysters, though no harbour but for shallops.
44	By the sea, East and West 3 miles 1800 feet.	By the sea and Rollo Bay.	By the Division Line of No. 45, North and South 8 miles 508 feet.	By the Line of No. 43, and Colville Bay, North and South 8 miles 4800 feet.	No cleared lands or houses.	Nothing so good for agriculture or fishery as No. 43.
45	By the sea, East and West 3 miles 2005 feet.	On the sea and Colville Bay.	By the Division Line of No. 46, North and South 9 miles.	By the Division Line of No. 44, North and South 8 miles 508 feet.	No cleared lands or houses.	For fishing or farming, much the same as in No. 44.
46	By the sea, East and West 9 miles 3600 feet.	By the sea.	By the Division Line of 47, North and South from Sylvester Point, 8 miles.	By the Division Line of No. 45, length, North and South, 9 miles.	No cleared lands or houses.	Much better situated for fishing than the former Nos. 44 and 45, as it has a convenient Cove on the South side, where small vessels may be sheltered from Northerly winds.

APPENDIX (B.)

No. of the Townships.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
47	20,000	By the sea, East and West.	By the sea, along the coast from the East Point, 8 miles 2500 feet.	By the East Point.	By the Division Line of No. 46, 8 miles long from Sylvester Point, North & South.	Burned woods and brush, with sandy barren lands.	40 acres, 5 houses.	Conveniently situated for fishing, but has not a good harbour for vessels, Surveyor's Creek being the best, and that not able to receive a Shallop but at highwater.
48	22,630	Hillsborough River and Nos. 35 and 36.	By No. 49, East and West, 12 miles 2300 feet.	By No. 37, and part of No. 49.	By Hillsborough River and the Harbour of Fort Joy, breadth irregular.	Soil and Woods very good.	100 acres, 4 houses and a mill.	Convenient for farming, but ill situated for fishing.
49	22,000	By Nos. 48 and 37, East and West, 15 miles.	By No. 50, 8 miles East and West, and Great Bay of Hillsborough.	By the inland tract North and South.	By Hillsborough Bay.	Good land and woods.	600 acres, 40 houses.	A good Township for farming Settlements, but for fishing as indifferent as No. 48.
50	20,000	By No. 49, East and West 8 miles.	By No. 57 and Orwell Bay.	By the inland tract, North and South 3 miles 3300 feet.	By Fownal Bay.	Pretty good soil and woods.	400 acres, 32 houses.	Its situation and convenience exactly the same as the two preceding numbers.
51	20,000	By Nos. 38 and 39, East and West 2 miles 3700 feet.	By No. 59.	By No. 52, length 11 miles 4800 feet.	By the inland tract, and No. 38.	Soil and woods pretty good.	No cleared lands or houses.	As this Township has not any communication with the sea, or any river, except the top of Montague River, it is of little value.
52	20,000	By Nos. 39 and 40, East and West 2 miles 3500 feet.	By the top of Montague River.	By No. 53, length 11 miles.	By No. 57, length, North and South, 11 miles.	Soil and woods as in No. 51.	No cleared lands or houses.	In point of situation, very little superior to No. 51.
53	20,000	By No. 40, East and West 3 miles 500 feet.	By the North side of Montague River.	By No. 54, length 8 miles 2,000 feet, and by Georgetown Lot, 1 mile 4,300 feet.	By No. 52, length, North and South, 11 miles.	Soil and woods very good.	No cleared lands or houses.	Its situation more convenient than either of the two last Townships, as it has a good communication with Georgetown by the Three Rivers of Cardigan, Brudenell and Montague.
54	20,000	By Nos. 40 and 41, East and West 3 miles 1900 feet.	By Cardigan River.	By No. 55, North and South 8 miles 200 feet.	By No. 53, North and South 8 miles 2000 feet.	Soil and woods as in No. 53.	4 acres, 2 houses.	This Township is good for agriculture and fishing, having the convenience of Cardigan River, up which vessels of any burthen may go. It also lies contiguous to Georgetown Lot.

APPENDIX (B.)

No. of the Townships.	BOUNDARIES AND EXTENT.				Quantity of Acres.	Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
	Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West				
55	By Nos. 41 and 42, breadth, East and West, 2 miles 3500 feet.	The North shore of Cardigan Bay.	By No. 56 and Boughton Bay. Division Line of No. 56 is 8 miles 2000 feet.	By No. 54, North and South, 10 miles 3300 feet.	20,000	Soil and Woods very good.	50 acres, 4 houses.	Good, both in its situation for farming and fishing. Boughton River being very shallow, will not admit any vessel into it but small craft, and that not without difficulty.
56	By No. 42, East and West, 3 miles 2400 feet.	By Boughton River and Bay, and Spry Cove.	By the Division Line of No. 43, length, 12 miles 1310 feet.	By the Division Line of No. 55, length, North and South, 8 miles 2000 feet.	20,000	About the River of Fortune and the carrying place, mostly burned woods. In other places pretty good, and very fertile soil.	150 acres, 7 houses.	Very convenient for fishing and cultivation; and the carrying place from the Bay of Fortune to St. Peter's Bay going through the Township, is a very great advantage to the communication inland.
57	By No. 50 Division Line, 3 miles 4000 feet, and Orwell River.	By 58, East and West upon this line, 15 miles 4000 feet.	By the inland tract of No. 59, North and South, 4 miles.	By Orwell Bay and the great Bay of Hillsborough.	20,000	Very good land and woods.	450 acres, 12 houses and a church.	A very good Township for farming settlements, but ill situated for fishing.
58	By the Division Line of No. 57, length, East and West, 10 miles.	By the Division Line of No. 59, East and West, 10 miles.	By the Line of 59 and 61, North and South, 2 miles 4300 feet.	By the sea and Jenyn's Point.	20,000	Very good land and large Timber.	300 acres, 23 houses.	An excellent Township for tillage or pasture, but Jenyn's River, unluckily, is shallow at the entrance, which makes it capable of receiving nothing but small shallops.
59	By the inland tract, and No. 57, length of both which, East and West, is 5 miles, and Montague River.	By the Division Line of No. 61, length, East and West, 9 miles 4700 feet.	By Saint Andrew's Town and Livingstone Bay.	By Nos. 57 and 58, North and South, 2 miles 2800 feet.	20,000	The lands but indifferent, the woods very good.	40 acres and the Fishery, 6 or 7 houses, and a fish stage.	A very good place for building small vessels, and at present an established Fishery.
60	By No. 59, length, East and West, 10 miles.	By No. 62, length 9 miles.	By Nos. 61 and 63, North and South, 3 miles 1700 feet.	By the sea and Gascoigne Cove.	20,000	The lands and woods very bad.	Neither cleared lands or houses.	A Township of very little value; neither good for fishery or agriculture.
61	By No. 59, East and West, 9 miles 4700 feet.	By No. 63, 19 miles 3000 feet.	By the sea coast, Sturgeon and Saint Mary's Bays.	By Nos. 58 and 60, North and South 2 miles 5000 feet.	20,000	The lands, something better than No. 60, the woods very good.	No cleared lands or houses.	Inconvenient in situation, as the coast is very shallow. Its being contiguous to Georgetown is its greatest advantage.
62	By No. 60, length, East and West, 9 miles.	By the Sea coast and Wood Islands.	By Nos. 63 and 64, breadth, 5 miles 700 feet.	By the sea coast.	20,000	The soil in most places bad, the woods in general very good.	Cleared lands, 10 acres; 2 houses.	There are some good marshes, which would do very well for pasture, or produce a good deal of hay. It is too far from the fishing ground to have any advantage in that respect.

APPENDIX (B.)

No. of the Townships.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
63	20,000	By No. 61 length, East and West, 12 miles 300 feet.	By Murray Harbour.	By the Sea Coast.	By the Division Lines of Nos. 60 and 62, 2 miles 20,000 feet.	Good soil and timber.	300 acres, 7 houses.	Well situated, both for agriculture and fishing, great quantities of fish being off Bear Cape in the beginning of the season.
64	22,000	By Murray Harbour and River.	By the Sea Coast.	By the Sea Coast.	By No. 62, North and South, 4 miles 2000 feet.	Same as No. 63.	No cleared lands or houses.	Conveniences as No. 63.
65	21,000	By Elliot River and Division Line of 22, East and West, 2300 feet.	By the sea coast from the West point of Fort Joy to Allen Cove.	By the harbour of Port Joy and the Line of No. 31, North and South, 6 miles 4200 feet.	By No. 30, North and South, 11 miles 2800 feet.	Soil and timber very good.	400 acres, 8 houses, including the house of the Surveyor General, built at Observation Cove.	Well situated for agriculture, as it has a fine communication by Elliot River; but at present most of the cleared lands are about the Fort, and taken up for the Fort Lot, which has 1000 yards South and North, East and West, from the centre of the Fort, and contains 520 acres.

Explanation of the County Town Lots.

County Towns.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Land and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
CHARLOTTETOWN.	7,300	By Nos. 63 and 33, East and West, 4 miles 2550 feet.	By Hillsborough River.	By No. 34, North and South, 2 miles 600 feet.	On the West, by York River.	A fine soil and good wood.	No cleared lands or houses.	It is the most advantageously situated of any place on this side the Island, having an immediate communication with the Harbour of Port Joy, and the three rivers of Hillsborough, York and Elliot; the ground is no where commanded, and the Creek on the South side of the Township is capable of being made a secure place for small Vessels—and to this, there is a very proper depth of water for shipping to tide near the Tower, in good ground.

APPENDIX (B.)

County Towns.	Quantity of Acres.	BOUNDARIES AND EXTENT.				Quality of the Lands and Woods.	Cleared Lands and Houses.	REMARKS.
		Bounded on the North	Bounded on the South	Bounded on the East	Bounded on the West			
GEORGETOWN.	4000	By Cardigan River.	On the South, by Brudenell and Montague Rivers.	Cardigan River.	By Cardigan River, on the West; by the Division Line of No. 53, North and South, 1 mile 4000 feet.	Very good Land and Woods.	Scarce any cleared lands; 2 houses.	This County Town Lot has great advantages from its situation, as having the inland communication, by Montague, Cardigan, and Brudenell Rivers, and is surrounded by water, except by the Division Line of No. 53. In respect to trade and shipping, no place can be more convenient. The entrance into the Rivers, with the help of two or three Buoys being fixed, will be fair and open, with water for the largest Ships to enter and to ride with great safety in Albion Bay, in Montague River, and in the bay formed by Sandy Hook, in Cardigan River. The entrance into the Rivers may be effectually secured by good Batteries on each side of the Town.
PRINCETOWN.	4000	By Richmond Bay and Darnley Basin.	By Marsh Water and No. 18, East and West, 2 miles.	On the East, by No. 18, which sub-division line is 1 mile 4400 feet.	On the West, by Marsh Water and Richmond Bay.	Soil & Timber good.	No cleared land or houses.	This County Town Lot, for a Fish Trade, is superior to any other place upon the Island; being near the entrance of Richmond Bay, makes it peculiarly convenient for fishing vessels, as they lose very little time in going to the fishing ground. There is also water enough for large ships; and Great part of the Township being included within a Peninsula, may be securely fortified at a small expence. There is a very convenient harbour for small vessels in Darnley Basin.

APPENDIX

(C.)

REPORT From WILLIAM COOPER, Esquire, Relative to his Delegation to England:

SUBMITTED TO THE HOUSE OF ASSEMBLY, FEBRUARY 3, 1840.

WILLIAM COOPER, the Delegate appointed by the House of Assembly, at the last Session of the Legislature, to proceed to England with the Address to Her Majesty, of the 24th of April last, and negotiating with Her Majesty's Government on various matters of great importance to the Inhabitants of this Island, informs the House that he has attended to that duty, and, in addition to the information already contained in the Report of the Committee of Correspondence, and in the Despatches and Communications laid before the House by his Excellency the Lieutenant Governor, begs leave most respectfully to submit the following statement of his proceedings:—

FROM the opinions I had entertained for the settlement of the Land Question, that a settlement could not be made without the sanction of the British or Colonial Legislature; and as Ministers were not inclined to submit the question to the Imperial Parliament, nor to give any answer to a Delegate from the House of Assembly of Prince Edward Island, it appeared to me that the views of Her Majesty's Government, communicated to the Lieutenant Governor "through the regular channel of official correspondence with that officer," would, in all probability, convey sufficient instruction to enable the House of Assembly to legislate for the settlement of the people, with some confidence that their measures would meet the views of the other branches of the Legislature; and, as it was not likely that I would receive any further instruction from the House of Assembly until the end of the Session, I therefore deemed it proper to return to the Island.

Before I left London, I applied to Counsel for advice on behalf of the Tenantry, on the plea of the forfeiture of Grants and Reserves for the Fishery; but the Counsel declined to give an opinion, as I had not the Laws of the Island with me, to enable him to see whether or not any of the Colonial Statutes went to confirm the Grants, or the purchase of them by other persons.

I also applied to Joseph Hume, Esq. M. P., to enter into arrangements with that Gentleman for bringing the grievances of the Colony before Parliament, and delivered to him copies of the correspondence that had passed between me and the Colonial Office: and he, on the perusal of the correspondence, frankly declared his willingness to do all that laid in his power for the settlement of the Colony, and was pleased to add, by way of advice and instruction—it appeared to him, the oppression of Tenantry, by persons who had not performed any of the conditions of the Grants, was a question at Law, which would ultimately be given in favour of the Tenantry; if not in the Island, it would, if the suits were carried to the Courts in England, as he could not see how the Crown, who was the Trustee for the people, and the judge sworn to administer impartial justice between subject and subject, could refuse to put the law in force against the proprietors, to forfeit the land, and deliver the tenantry from a bondage which originated from a neglect of the Crown Officers to perform their duty—that for the Courts of the Island to take advantage of such neglect, which compelled British subjects to submit to bondage, and then by law to compel them to perform any obligations the proprietors had exacted, appeared a case of such iniquity, that he (Mr. Hume) had not heard of the like being sanctioned by the British Government.

I stated that the tenantry were too poor to go to law with the proprietors—that it was equally as impossible for the tenantry to obtain justice by law as it was for them to pay the rent. Mr. Hume said, "then your House of Assembly should address your Governor, and inquire for the Instructions the Minister has sent; and if they will not afford redress, inquire whether any Court in the Island will take cognizance of the non-performance of the conditions of the Grants, to forfeit the land and relieve the tenantry; and, if you do not obtain a satisfactory answer from your Governor, the House of Assembly should examine the officers of

your Courts of Justice (if you have any), and inquire by what authority they are prevented from enforcing the forfeiture of the Grants against the proprietors; and, if they are prevented, inquire, in like manner, by what law or authority they can reconcile it with justice to compel the tenantry to submit to the demands and exactions of the proprietors; and if you find, upon such examination, that your Courts will not afford relief to the tenantry, and that your Council will not agree to an Act for the settlement of the people, it would be proper for your House of Assembly to examine several of the proprietors, as to whether they are the grantees, or hold their right by purchase or inheritance—the terms on which the tenantry hold of them—the rents received, and in arrears; and also examine a portion of the tenantry, as to the treatment they have received.

“ A Report of such examinations as your House of Assembly may think necessary, in support of the charges they intend to prefer, and a list of the Documents forwarded to the Colonial Office, from the earliest periods, for redress of those grievances; and also, a list of the Despatches in answer to such applications, together with a Petition to

the British Parliament, will be sufficient for me to bring the matter before Parliament.”

In case the House of Assembly should not be disposed to follow the foregoing recommendations, or, if it is followed, and, through any untoward event, prove unsuccessful, there has been another plan suggested to me for redress of our Grievances.

Several Gentlemen, with whom I have conversed on the subject, are of opinion, that the delay of Ministers to redress our grievances, has for its object to induce the people of this Island to seek for annexation to Nova Scotia; and the Delegates from that Province, whom I met in London, and several influential gentlemen of their House of Assembly, whom I afterwards met in Halifax, declared, that if the people of the Island were inclined to be annexed to Nova Scotia, they would do every thing in their power to have the inhabitants comfortably settled, and that the Island would be allowed a full share of Representation, in proportion to the extent of Territory and Population—all which is respectfully submitted.

WILLIAM COOPER.

APPENDIX

(D.)

[SEE PAGE 36.]

(Copy.—Circular.)

DOWNING STREET, 4th May, 1839.

SIR ;

WITH reference to my Predecessor's Circular Despatch, of 24th October last, I have the honour to transmit herewith, for your information, an extract of a letter from the Secretary to the Lords Commissioners of the Treasury, stating the arrangements which have been made by their Lordships, for establishing Steam communication between Great Britain and British North America.

I have the honor to be,

Sir, your most obedient servant,

(Signed)

NORMANBY.

Lt. Governor

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

(Copy.)

EXTRACT OF TREASURY LETTER, dated 29th April, 1839.

With reference to your letter, of the 3d instant, and its enclosure, from Sir John Harvey, urging the importance of establishing a Steam communication between this country and British North America, at the earliest possible moment, and to the correspondence which has previously taken place on the subject of Steam communication with Halifax, I have it in command from the Lords Commissioners of Her Majesty's Treasury to request you will state to the Marquis of Normanby, that my Lords have not failed to use their earnest efforts to carry the views expressed in their former communications into effect.

In furtherance of this object, the Lords of the Admiralty, in communication with this Board, advertised for Tenders, but no offer was made on conditions which answered the advertisement on which my Lords considered it would be satisfactory to accept.

Subsequently, however, my Lords have been able to

conclude an arrangement, by which a communication by Steam twice every month will be effected; and they have every reason to believe this arrangement will be carried into effect in June, 1840.

With reference to this point, my Lords herewith transmit copy of a letter, dated 12th instant, from the Board of Admiralty, which will furnish Lord Normanby with the detailed information.

Their Lordships would further add, that they have directed a considerable reduction to be made in the Packet rate of postage on letters from and to the British Colonies in North America, which has already come into operation.

(Copy.)

ADMIRALTY, 12th April, 1839.

SIR ; With reference to your letter of the 27th February last, respecting the conveyance of the mails in Steam Vessels, by contract, between this country and the North American Colonies, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that my Lords have concluded an agreement with Mr. Cunard, for the conveyance of the mails, &c. twice in each Calendar Month, between Liverpool and Halifax, Nova Scotia, and between the latter place and Boston, United States; and also between Pictou, New Brunswick and Québec, as long as the St. Lawrence is open, for the sum sanctioned by the Lords of the Treasury, viz. £55,000, in Vessels of not less than 300 horses power, for the transatlantic passage, and not less than 150 horses power, for the other passages—the service to commence 1st June, 1840, or sooner, if possible.

I am, &c. &c.

(Signed)

JOHN BARROW.

F. Baring, Esq., &c. &c. &c.

APPENDIX

(E.)

[SEE PAGE 36.]

(Copy.—No. 8.)

DOWNING STREET, 20th October, 1839.

SIR ;

I HAVE to acknowledge the receipt of your Despatch, No. 14, of the 6th May, submitting the wish of the Legislature of Prince Edward Island to be furnished with certain works, published by the Record Commission, which are required to complete the set presented to them by Her Majesty's Government.

I beg to acquaint you, in answer, that the Lords Commissioners of the Treasury have instructed the Queen's Printers to forward to the Colony copies of the Records for which the Council and Assembly have applied, so far as the number of copies in store may permit.

I have the honor to be,

Sir, your most obedient servant,

(Signed)

J. RUSSELL.

Lt. Governor

Sir Charles A. Fitz Roy, K. H.

APPENDIX

(F.)

(SEE PAGE 36.)

No. 1.

No. 10.

DOWNING STREET, 25th November, 1839.

SIR,

With reference to my Despatch, No. 9, of the 31st ultimo, I have now the honor to inform you, that the Inspectors of Prisons, to whom the Act No. 517, as well as the former Act, had been referred, have reported that several important clauses in the Gaol Acts which are in force in this Country, should be embodied in the Colonial Law.

I enclose a Memorandum of the clauses to which they refer.

I consider it indispensable for the good government of Prisons, that there should be a regular and permanent appointment of a Chaplain; and also of a Matron in every Gaol to which female prisoners are committed.

You will endeavour to obtain a further amendment of the original Act, in conformity with these suggestions, and in the mean time no decision will be taken upon either of them by Her Majesty in Council.

I have the honor to be, Sir,

Your obedient servant,

(Signed)

J. RUSSELL.

Governor of Prince Edward Island.

No. 2.

Clauses in the Acts for the regulation of Prisons in England and Wales, which are recommended to be inserted in an amended Act for the government of the Prisons in Prince Edward Island:

Fourth Geo. 4, sec. 10, rule 1. The Keeper of every Prison shall reside therein.

Keeper to reside in the Prison.

Second and 3d Vic. cap. 56, sec. 6, rule 1. No Keeper, nor officer of a Prison, nor any person in trust for or employed by him, shall let or have any benefit or advantage from the loan or letting of any article, or any dealing whatsoever, to or with any Prisoner.

Keeper not to loan or let any article.

Second and 3d Vic. cap. 56, sec. 6, rule 2. In every Prison in which the Keeper shall not visit every ward, and see every prisoner, and inspect every cell once at least in every twenty-four hours, the keeper shall state the cause of omission in his journal.

Keeper, when he does not visit the wards, to insert the cause thereof in his journal.

Fourth Geo. 4th, cap. 64, sec. 10, rule 4. The Keeper shall keep a journal, in which he shall record all punishments inflicted by his authority, or by that of the Visiting Justices, and the day when such punishments shall have taken place. Note—Although by the Act No. 456, the Keeper is required to keep a journal of every occurrence of importance within the Prison, he is not directed specifically to record the punishment.

Keeper to record all punishments.

A Matron shall be appointed.

Fourth Geo. 4th, cap. 64, sec. 10, rule 2. A Matron shall be appointed in every Prison in which female prisoners shall be confined, who shall reside in the prison. Note—The Act No. 495, merely requires the Sheriff of any County to appoint a Matron, on the recommendation of the Visiting Magistrates, “when and as often as such a person shall be required.” The appointment of a Matron where female prisoners are confined, should be a permanent one, and should not be discretionary, but compulsory. The permanent appointment of a Matron is the more obligatory in consequence of the very loose terms in which the First section of the Act No. 517 is drawn up.

Female Prisoners to be in all cases attended by female officers.

Fourth Geo. 4th, cap. 64, sec. 10, rule 7. “Female Prisoners shall in all cases be attended by Female officers.” Note—We do not think that either of the clauses on this subject to which we have referred, supersedes the necessity of this plain and direct regulation.

The appointment of a Chaplain compulsory.

Fourth Geo. 4th, cap. 64, sec. 28—2d and 3d Vic. cap. 56, sec. 15. By these Statutes the appointment of a Clergyman of the Church of England, is compulsory in every County and Borough Gaol. The last clause in the Colonial Act, No. 517, merely empowers the “Justices to procure the services of any Clergyman professing the faith of “any prisoner or prisoners.”

Prayers to be read daily.

Fourth Geo. 4th, cap. 64, sec. 10, rule 9. Prayers to be selected from the Liturgy of the Church of England, by the Chaplain; and shall be read at least every morning by the Chaplain, the Keeper, or some other person, as by the Rules and Regulations shall be directed; and portions of Scripture shall be read to the Prisoners when assembled for instruction, by the Chaplain, or by such other person as he may appoint or authorize.

Provision for the instruction of the prisoners.

Fourth Geo. 4th, cap. 64, sec. 10, rule 10. “Provision shall be made in all Prisons “for the instruction of Prisoners of both sexes in reading and writing; and that instruction shall be afforded under such rules and regulations, and to such extent, and to such “prisoners, as to the Visiting Justices may seem expedient.”

Duties of Chaplain.

Fourth Geo. 4th, cap. 64, sec. 30. And be it further enacted, That every such Chaplain shall, on every Sunday, and on Christmas day and Good Friday, perform the appointed Morning and Evening services of the Church of England, and preach at each time or times between the hours of nine and five in the day, as shall be required by the rules and regulations to be made as directed by this Act; and shall catechize and instruct such Prisoners as may be willing to receive instruction; and shall likewise visit the prison on such other days, and perform such other duties as shall be required by the rules and regulations to be made as directed by this Act; and shall administer the Holy Sacrament of the Lord's Supper to such Prisoners as shall be desirous, and as such Chaplain may deem to be in a proper frame of mind to receive the same; and such Chaplain shall also frequently visit every room and cell in the prison occupied by prisoners, and shall direct such Books to be distributed and read, and such lessons to be taught in such prison as he may deem proper for the religious and moral instruction of the prisoners therein, and he shall visit those who are in solitary confinement; and it shall be his particular duty to afford his spiritual assistance to all persons under warrant or order for execution; and he shall have free access to all persons convicted of murder, any Law, Statute or usage to the contrary notwithstanding, except to such persons as shall be of a religious persuasion different from that of the Established Church, who shall have made a request that a Minister of such persuasion shall be allowed to visit them; and every such Chaplain shall communicate from time to time to the Visiting Magistrates any abuse or impropriety which may have come to his knowledge; and he shall further keep a journal, in which he shall enter the times of his attendance on the performance of his duty, with any observations which may occur to him in the execution thereof, and such journal shall be kept in the prison, but shall regularly be laid before the Justices for their inspection at every Quarter Sessions, and shall be signed by the Chairman of the Sessions in proof of the same having been there produced; and if it shall appear to the Justices in General or Quarter Sessions assembled, that any Chaplain is incompetent to the due performance of his duties, or is unfit to be continued in his office, or shall have refused or wilfully neglected to perform the duties required of him by the rules and regulations to be made as directed by this Act, they are hereby empowered to remove him from such office.

Ministers allowed to visit Prisoners not

Fourth Geo. 4th, cap. 64, sec. 31. And be it further enacted, That if any Prisoner shall be of a religious persuasion differing from that of the Established Church, a Minister

of such persuasion, at the special request of such prisoner, shall be allowed to visit him or her at proper and reasonable times, under such restrictions imposed by the Visiting Justices, as shall guard against the introduction of improper persons, and shall prevent improper communication. of the established Church.

Fourth Geo. 4, cap. 64, sec. 34. And be it further enacted, That from and after the commencement of this Act, there shall be kept in every prison to which this Act shall extend, a Book, in which the Chaplain, and every other Officer of the said prisons, not residing within such prisons, but attending on or required to attend on such prison, shall regularly insert the date of every visit made by such Chaplain or other such officer respectively, and every such entry shall be signed with the name, and in the proper handwriting of such Chaplain, or other officer respectively, and shall contain such remarks as may be thought necessary on the occasion of any such visit; and every keeper of every such prison shall be responsible for the safe custody of such book, whole, unmutilated and unaltered, and shall at all times, when required so to do, produce such book for inspection to the Justices at every General or Quarter Sessions, and to the Visiting Justices, or to any Justice of the Peace for the County, Riding, Division, District, City, Town, or place wherein such prison shall be situate; and the Chaplain shall on every Michaelmas Quarter Session deliver to the Justices a statement of the condition of the Prisoners, and his observations thereupon. Book to be kept in which visits of Prisoners may be entered.

Fourth Geo. 4th, cap. 64, sec. 17. Provided always, and be it enacted, that it shall be lawful for any Justice of the Peace for any County, Riding or Division, District, City, Town or Place, at his own free will and pleasure, and without being appointed a Visitor, to enter into and examine any Prison of such County, Riding, Division, District, City, Town or Place, at such time or times, and so often as he shall see fit; and if he shall discover any abuse or abuses therein, he is hereby required to report them in writing at the next General or Quarter Sessions of the Peace, or adjourned Sessions, which shall be holden for such County, Riding or Division, District, City, Town or Place; and then and so often as a report of any abuse or abuses in any such prison shall be made by the Visiting Justices, or either of them, or by any other Justice of the Peace for such County, Riding or Division, District, City, Town or Place, the abuse or abuses so reported shall be taken into immediate consideration by the Justices of the Peace for such County, Riding or Division, District, City, Town or Place, at the General or Quarter Sessions at which such Report shall be made; and they are hereby required to adopt the most effectual measures for enquiring into and rectifying such abuse or abuses as soon as the nature of the case will allow. Any Justice may visit the Prison, and report abuses to the Sessions.

Fourth Geo. 4th, cap. 64, sec. 10, rule 13. Every prisoner maintained at the expense of any County, Riding, Division, City, Town or Place, shall be allowed a sufficient quantity of plain and wholesome Food, to be regulated by the Justices in General or Quarter Sessions assembled, regard being had, as far as may relate to convicted prisoners, to the nature of the labour required from or performed by such prisoners, so that the allowance of Food may be duly apportioned thereto. And it shall be lawful for the Justices to order for such prisoners of every description as are not able to work, or being able cannot procure employment sufficient to sustain themselves by their industry, or who may not be otherwise provided for, such allowance of food as the said Justices shall from time to time think necessary for the support of health. Prisoners under the care of the Surgeon, shall be allowed such diet as he may direct. Care shall be taken that all provisions supplied to the prisoners be of proper quality and weight. Scales, and legal weights and measures, shall be provided, open to the use of any prisoners, under such restrictions as shall be made by the regulations of each prison. Food.

Fifth Geo. 4th, cap. 85, sec. 17. Prisoners who are committed to prison for trial, shall be allowed such food as may be sufficient for the support of health, without being obliged to perform any kind of work or labour as the condition of such allowance. Food.

Fifth Geo. 4th, cap. 85, sec. 16. Prisoners committed for trial may be employed with their own consent; but the consent of every such prisoner shall be freely given, and shall not be extorted or obtained by deprivation, or threat of deprivation, of any prison or other allowance; and no prisoner before conviction, shall, under any pretence, be employed on the tread-wheel, either with or without his consent. Employment of prisoners committed for trial.

Hard labour for prisoners sentenced thereto.

Fourth Geo. 4th, cap. 64, sec. 10, rule 5. Due provision shall be made in every case for the enforcement of Hard Labour, in the cases of such prisoners as may be sentenced thereto, and for the employment of other prisoners. The means of hard labour shall be provided; and the materials requisite for the employment of Prisoners shall be purchased under such regulations as may be made for that purpose by the Justices in General or Quarter Sessions assembled. If the work to be performed by the prisoners be of such a nature as to require previous instruction, proper persons shall be appointed to afford the same.

Fourth Geo. 4th, cap. 64, sec. 10, rule 8. Every prisoner sentenced to Hard Labour, shall, unless prevented by sickness, be employed so many hours in every day, not exceeding ten, exclusive of the time allowed for meals, as shall be directed by the rules and regulations to be made under this Act, except on Sundays, Christmas Day, and Good Friday, and on any days appointed by Public Authority for fasting or thanksgiving.

Employment of convicted prisoners, not sentenced to hard labour.

Fourth Geo. 4th, cap. 64, sec. 38. And whereas persons convicted of offences are frequently sentenced to imprisonment, without being sentenced to hard labour; be it therefore enacted; that it shall be lawful for two or more Visiting Justices of any Prison, to order that all such persons confined in such prison in pursuance of any sentence or conviction, except such prisoners as shall maintain themselves, shall be set to some work or labour not severe. And it is hereby declared that no such prisoner who shall be of ability to earn, and who shall have the means of earning, or of otherwise providing for his own subsistence, shall have any claim to be supported at the expense of the County, Riding, or Division, or by the Sheriff, or by the Keeper of the Prison; provided that when such ability shall cease by reason of sickness, infirmity, the want of sufficient work, or from any other cause, every such person shall, during the continuance of his inability, receive such provision and support as shall be directed for other convicted prisoners in the same prison.

Convicted prisoners to have no share of their earnings.

Second and 3d Vic. cap. 56, sec. 8. The Keeper is not to account to any convicted prisoner for the net profits which such prisoner shall have earned by his or her own work, labour or employment in the prison, or any part thereof, or for any allowance for the work and labour done by such prisoner. No officer of any prison shall be allowed any wages or profits in money or otherwise, in respect of the work performed by any prisoner. The allowances which the Visiting Justices shall grant out of his or her earnings to any prisoner committed for trial, shall be such as under all the circumstances attending the case of such prisoner, shall appear to them fit and reasonable, and shall not be given to such prisoner until he or she shall be discharged from prison.

Wearing apparel to be fumigated, if requisite.

Fourth Geo. 4th, cap. 64, sec. 10, rule 17. The wearing apparel of every prisoner shall be fumigated and purified, if required, after which the same shall be returned to him or her; or in case of the insufficiency of such clothing, then other sufficient clothing shall be furnished.

Wards, Cells of Female Prisoners to have distinct locks from those of Male Prisoners.

Second and 3d Vic. cap. 56, sec. 6, rule 3. The Wards, Cells and Yards allotted to Female Prisoners, shall be locked by keys in the custody of the Matron, and secured by locks different from those securing the wards, cells and yards allotted to male prisoners.

Second and 3d Vic. cap. 56, rule 6, sec. 4. No Prisoner shall be employed as Turnkey, Assistant Turnkey, Wardsman, Yardsman, Overseer, Monitor or Schoolmaster, or in the discipline of the prison, or in the service of any Officer thereof, or in the service or instruction of any other prisoner; but this rule shall not be taken to prevent the employment of any Debtor in that part of the Prison in which he or she may be lawfully confined, in any manner in which he or she shall be willing to be employed, and which is consistent with his or her safe custody.

Order of Surgeon as to Spirits or Tobacco, to be in writing.

Second and 3d Vic. cap. 56, sec. 6, rule 5. Every order of the Surgeon for the admission of Spirituous Liquors or Tobacco into the Prison, shall be in Writing, and shall be entered by him in his journal; and no Tobacco in any shape shall be admitted for the use of any Prisoner, except in such quantities, in such manner, and in such times, as shall be ordered by the Surgeon; and the Surgeon shall enter in the English language, day by day, in a journal which shall be kept in the Prison, an account of the state of every sick Prisoner, the name of his or her disease, and a description of the medicines and diet, and any other treatment which he may order for such Prisoner.

Second and 3d Vic. cap. 56, sec. 6, rule 6. No Prisoner shall be kept in Irons for more than twenty-four hours, without an order in writing from a Visiting Justice, specifying the cause thereof, and the time during which the Prisoner is to be kept in Irons, which order shall be preserved by the Keeper as his warrant.

Restriction as to keeping Prisoners in Irons.

Second and 3d Vic. cap. 56, sec. 6, rule 7. No money, food, perquisite, or gratuity of any kind, under the name of garnish, or under any name or pretence whatever, shall be taken or received from any Prisoner on his or her entrance into the prison, or from any person on his or her account, or at any other time; but the Keeper of every prison, or such other person as shall be directed by the rules of the prison, shall take charge of the monies and effects of every prisoner, for safe custody only, and for the purpose of being restored to such prisoner, or to some person on his or her behalf, under such regulations as may be made for that purpose.

No money to be taken under the name of garnish, or any other name.

Second and 3d Vic. cap. 56, sec. 6, rule 8. No books or printed papers shall be admitted into any Prison, but those which shall be chosen by the Chaplain for the use of Prisoners belonging to the Established Church, and by the Visiting Justices, for the use of all other Prisoners; and the Keeper shall keep a Catalogue of all books and printed papers allowed to be admitted into the Prison.

Restriction or admission of books or printed papers.

It is only provided by the Act that a Surgeon, when necessary, shall be called in. We are of opinion that the authorities should be required to appoint a Surgeon, who should be required to visit every Prison to which he should be so appointed twice at least in every week, and oftener if necessary, and to see every Prisoner confined therein, whether criminal or debtor, and to report to the proper authorities the condition of the prison, and the state of health of the Prisoners under his care, and to examine every Prisoner who shall be brought into the prison, before he or she shall be passed into their proper ward.

(Signed)

WM. CRAWFORD,
W. RUSSELL,
Inspectors of Prisons.

Raymond Buildings, 7th November, 1839.

APPENDIX

(G.)

[SEE PAGE 51.]

(Copy.)

CHARLOTTETOWN, PRINCE EDWARD ISLAND,
October 10th, 1839.

SIR;

WE, the undersigned Commissioners, appointed by His Excellency the Lieutenant Governor in Council, under Act 2d Vict. cap. 5, hereby announce that we have complied with the terms of the said Act, and that Plans of the Harbours of Charlottetown and Georgetown, Three Rivers, are completed for publication; and that the necessary Buoys and Beacons have been already placed for the safe navigation of the former Harbour and the Channel leading thereunto, a description of which is herewith transmitted.

The Buoys for the Harbour of Georgetown will not be ready for laying down until the Spring of 1840; but a Beacon will be erected in the course of a few days, as a leading mark, the description of which will be duly announced.

We beg you to submit this account of our proceedings to His Excellency the Lieutenant Governor, for his information; and

We have the honor to remain,

Sir,

Your most obedient humble servants,

(Signed) { GEORGE WRIGHT,
Surveyor General.
GEORGE PEACOCK, Master
of H. M. Ship Andromache.

J. P. Collins, Esquire,
Colonial Secretary, &c. &c. &c.

(Copy.)

SURVEYOR GENERAL'S OFFICE,
Charlottetown, Prince Edward Island,
October 10th, 1839.

A black Buoy, with a Ball and Staff, has been placed on the South side of the Fitz Roy Rock, lying off Governor's Island, in $4\frac{1}{2}$ fathoms low water, with the following marks and bearings, viz:—A remarkable gap or notch in

the trees on the distant land on with the Blockhouse, bearing N. 4° E., and the North Point of Governor's Island on with Pownal Point, E. by N. $\frac{1}{4}$ N. The least water on this rock is 21 feet, and the proper deep water channel is on its larboard side going in, but it may be passed on its East side at the distance of a cable's length, if required.

A red Buoy has been placed on the elbow of St. Peter's Bar, in 23 feet, low water, with the following marks and bearings, viz:—The remarkable gap open a ship's length to the Eastward of the Blockhouse; the Presbyterian Church tower open to the left of the trees on Battery Point; the North Point of St. Peter's Island, W. $\frac{1}{4}$ S. and the S. W. point of Governor's Island, S. E. $\frac{1}{4}$ S. This Buoy must be left on the larboard hand going in; and, after rounding it from the westward, do not haul up for the Blockhouse until Government House comes on with Battery Point, which is the starboard inner point of the entrance, unless in a vessel of easy draft, as a direct course from the Buoy, N. $\frac{1}{4}$ E. leads over the eastern edge of the shoal ground in 15 feet low water; you may, however, with a scant wind, choose your water from $2\frac{1}{2}$ to 14 fathoms, which latter depth will be found in mid-channel and carried up to the entrance, with Government House just seen left of the trees on Battery Point, bearing N. $\frac{1}{2}$ E. nearly. Beating in with a heavy vessel, tack on each side of the channel in 4 fathoms—the Fitz Roy Buoy bears from the Elbow Buoy nearly S. by W. 1 6-10 mile.

A black Buoy has been placed off the extremity of the spit stretching out from Battery Point, in five fathoms low water, with the following marks and bearings, viz:—The east end of Governor's Island shut in with Sea-Trout Point, which forms the outer point of entrance, and Rosebank Point, a ship's length open to the left of Battery Point, bearing N. E. by E. This Buoy must be left on the starboard hand going in, and after passing it, steer N. N. E. with the red Beacon on with the tower of the Presbyterian Church, until the white Beacon comes on with M'Kinnon's log house, bearing S. W. $\frac{1}{2}$ W. with which mark proceed up towards the pier, where you may

choose your berth at pleasure in 9 or 10 fathoms. The best berth for men of war is with the Government House N. W. by N., the Blockhouse on with Battery Point, and M'Kinnon's log house open twice its breadth to the northward of the white Beacon in 9 or 10 fathoms—capital holding ground.

N. B.—The Presbyterian Church tower is white, and of a square form, without a spire.

Proceeding outwards, reverse the above directions; and do not open the Government House on Battery Point until the red Buoy comes on with the South Point of St. Peter's Island; then you may haul to the westward as close to the Buoy as you please, choosing your water by the lead. On rounding Point Prim, do not steer for the channel until the entrance of the Harbour bears N. by E., or the Presbyterian Church tower kept midway between the points of entrance will lead up to the Buoy of the Fitz Roy.

(Signed) { GEORGE WRIGHT,
Surveyor General;
GEORGE PEACOCK, Master
H. M. S. Andromache.

(Extract.)

H. M. S. ANDROMACHE,
Charlottetown, Sept. 20, 1839.

SIR;

Having been employed during the last summer in Her Majesty's Ship Andromache, under my command, in protecting the Fisheries in the Gulf of St. Lawrence, I have given some attention to those in the immediate neighbourhood of Prince Edward Island.

From the observations I have been enabled to make, and from the information I have received during various cruises about the Island, it does appear to me to be a mat-

ter of deep regret that the Fishery should be so entirely neglected as it is by the Inhabitants.

I feel convinced that a most profitable and extensive Fishery might be carried on from the Three Rivers to the North Cape; the coast offers every advantage, numerous and good harbours, and bait in abundance to be procured in most of them.

At present the Americans and a few Nova Scotia schooners are the only vessels which fish there. The harbours are commonly filled by the former, who go in (under various pretences) for the purpose of procuring fresh bait, during which time, I have little doubt, but a great deal of illicit traffic, on a small scale, is carried on.

For the better protection of the Revenue, and the more effectual prosecution of any infringement of the Treaty under which the Americans are allowed to fish, I should strongly recommend that a small Schooner of about 50 tons be fitted out by the Island during the Summer, to search all the creeks and small harbours frequented by the American schooners, which a large vessel cannot approach without danger.

If this expense should be found too great, perhaps the vessel stationed for the protection of the Fisheries might be enabled to lend a few men to man her during the Summer—should it meet (on a suggestion being made) the approbation of Vice Admiral Sir Thomas Harvey, the Commander-in-Chief, I have no hesitation in saying, I think the Revenue would be benefited by it.

I have the honor to be,

&c. &c. &c.

(Signed) H. CAMB. BAYNES,
Captain.

To His Excellency
Sir Charles A. Fitz Roy, K. H.
Lieutenant Governor, Prince Edward Island.

APPENDIX

(H.)

[SEE PAGE 52.]

PORT OF PRINCE EDWARD ISLAND.

An Account of the number of Vessels launched and registered at this Port in the Year ended 31st December, 1839.

NAMES OF VESSELS.				OWNERS' NAMES.	Tons,	
					OLD.	NEW.
William	-	-	-	David Anderson & Geo. Dingwell	90	66
Armada	-	-	-	Messrs. Mackenzie & Co.	40	24
Amendment	-	-	-	Thomas Pillman & David Campbell	45	27
Providence	-	-	-	Simon Deagle	43	29
Regulator	-	-	-	Messrs. Hayley & Praught	65	48
Comus	-	-	-	John Davis	74	50
Defiance	-	-	-	Alexander M'Rac	35	28
Ann	-	-	-	Messrs. Saunderson	129	98
Relief	-	-	-	Messrs. Graham	39	22
George	-	-	-	Joseph Wightman	83	72
Sally	-	-	-	Angus Gillis	27	22
Catherine	-	-	-	Messrs. Auld	113	—
Brothers	-	-	-	Messrs. Brown	57	39
Britannia	-	-	-	William W. Lord	188	172
Hero	-	-	-	James Peake	163	147
Maid of the Valley	-	-	-	Messrs. Macdonald	134	98
Alice	-	-	-	James Peake	231	227
Charlotte	-	-	-	Messrs. Simpson	121	105
Eagle	-	-	-	Messrs. Dingwell	135	106
Speculation	-	-	-	Theophilus Wood	70	58
Louisa	-	-	-	Benj. Davies	116	105
Margaret	-	-	-	James Sharp	59	37
Angeline	-	-	-	Daniel Brenan	150	141
Active	-	-	-	Messrs. Webster & Coffin	96	73
John	-	-	-	Daniel Brenan	175	175
Gertrude	-	-	-	Andrew Duncan	180	165
Dove	-	-	-	Peter Macnutt	53	33
Heroine	-	-	-	R. & F. Longworth	136	125
Emma	-	-	-	James Peake	188	170
Herald	-	-	-	J. W. James	192	188
Don	-	-	-	T. B. Tremain	174	164
James	-	-	-	James Peake	106	96
Emily	-	-	-	T. B. Tremain	183	171
Ann	-	-	-	Messrs. Simpson	153	130
Sultana	-	-	-	Alexander Davidson	201	199

NAMES OF VESSELS.	OWNERS' NAMES.	TONS.	
		OLD.	NEW.
Ann	Daniel Brennan	183	174
Ballina Lass	Andrew Duncan	140	112
Eliza & Ann	Andrew Duncan	185	171
Helen Stewart	Andrew Duncan	281	258
Moy	Andrew Duncan	145	119
Lewis	James Peake	110	99
Inverness	John Walsh	93	71
Rosa	John Richards	61	57
Jessie	John Richards	153	145
Edward	Samuel Cunard	388	438
Ambassador	Messrs. Longworth	299	323
Margaret	Samuel Cunard	440	536
First	William Bayfield	122	111
Eliza	Joseph Pope	209	194
Clytha	Richard Pearse	204	198
Glen Roy	Joseph Macdonald	176	162
Dopson	Nicholas Jenkins	88	61
Joseph Albino	Daniel Brennan	154	142
Æneas	Messrs. Mackinnon	125	99
George Henry Harrison	Joseph Dingwell	159	133
Jessie	William Johnston & Co.	159	146
Mars	Samuel Nelson	148	106
Robert	James Peake	182	161
Regina	Charles Worrell	151	132
Eagle	T. B. Tremain	163	142
Elizabeth	T. B. Tremain	164	149
Llantarnm Abbey	Richard Pearse	397	431
Julia	George Hooper	104	77
Cambridge	Samuel Cunard	447	494
Topaz	Hugh J. Ferneaux	132	102
British Queen	Messrs. Yeo	431	488
Ann	James Duncan	192	174
Agno	Thomas and William Perkins	151	139
Souris	William Mackay	176	180

69 Vessels.

TOTAL, 10,756 9,934

Custom House, 5th January, 1840.

G. R. GOODMAN, Collector.

PORT OF PRINCE EDWARD ISLAND.

An Account of Vessels for which Certificates have been granted at this Port, previous to their being Registered, in the year ended 31st December, 1839.

NAMES OF VESSELS.	OWNERS' NAMES.	TONS.	
		New.	Old.
Richmond	Joseph Cunard	172	185
Restless	Thomas B. Chanter,	63	82
Mary Elizabeth	John How	180	198
Lawrence Foristal	Lawrence Foristal	201	213
Total, Tons,		616	678

Custom House, 5th January, 1840.

G. R. GOODMAN, Collector.

PORT OF CHARLOTTETOWN, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS IMPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES IMPORTED.	Great Britain.			British West Indies.			British North American Colonies.			Foreign Countries.			TOTAL. British Sterling.		
	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.	£.	s.	d.
BRANDY,	59	10	2	.	.	.	796	3	5	.	.	.	855	13	7
CORDAGE,	203	1	3	.	.	.	671	12	4	.	.	.	3606	13	7
DRY GOODS,	9478	0	0½	.	.	.	31580	7	7	.	.	.	41058	7	7½
NAILS,	1366	8	0	.	.	.	621	14	11	.	.	.	1988	2	11
MOLASSES,	1043	3	2½	.	.	.	2586	8	0	.	.	.	2630	8	0
SAIL CLOTH,	153	4	0	12	14	0	705	17	2	.	.	.	1740	0	4½
SALT,	47	3	10	.	.	.	207	14	5	.	.	.	373	12	5
STATIONERY,	247	8	1	.	.	.	433	13	9	.	.	.	480	17	7
SOAP,	66	4	6	.	.	.	817	4	7½	.	.	.	1084	12	8
SUGAR,	508	4	0	.	.	.	3240	4	0	.	.	.	3315	9	0
RUIN,	.	.	.	.	.	.	7005	5	1	.	.	.	7005	5	1
TEA,	.	.	.	.	.	.	5501	19	4	.	.	.	6010	3	4
TOBACCO,	216	6	8	.	.	.	2157	8	2	40	14	0	2109	2	3
WINE,	2082	4	9	.	.	.	1251	0	0	.	.	.	1467	7	2
IRON,	8709	10	1	25	0	0	1052	5	0	.	.	.	3134	10	3
SUNDRIES,	£ 26092	8	9	37	14	0	7363	8	0½	221	9	9	23701	8	1
TOTAL,				37	14	0	7363	8	0½	202	3	0	101225	14	6½

Custom House, 5th January, 1840.

G. R. GOODMAN, Collector.

PORT OF CHARLOTTETOWN, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS EXPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES EXPORTED.	Great Britain.		British West Indies		British North American Colonies.		Foreign Countries.		TOTAL.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
OATS,					6398	10 0			6398	10 0
BARLEY,					2247	12 0			2247	12 0
WHEAT,					74	10 0			74	10 0
FLOUR,					239	0 0			239	0 0
OATMEAL,					4222	10 0			4222	10 0
BEEF,					1333	11 6			1333	11 6
PORK,					2432	12 0			2432	12 0
Dry Fish,					705	10 0			705	10 0
PICKLED FISH,					840	0 0			840	0 0
TUNNERS,					30	10 0			30	10 0
3630 tons,					184	17 6			184	17 6
LATHWOOD,					166	10 0			166	10 0
207 cords,										
412										
SPARS,										
4000										
SCANTLING,										
3000 feet and 80 tons,										
BOARDS & PLANK,										
233,000 feet,										
SHINGLES,										
233,000										
CATTLE,										
173 head,										
52										
SHEEP,										
1207 bushels,										
TURNSIPS,										
95,950 bushels,										
POTATOES,										
SUNDRIES,										
					4136	8 0			4136	8 0
TOTAL,					£	8176	11 0		20	0 0
									37033	11 0

Custom House, 5th January, 1840.

G. R. GOODMAN, Collector.

OUT PORT OF MALPEQUE, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS IMPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES IMPORTED.	Great Britain.		British West Indies.		British North American Colonies.		Foreign Countries.		TOTAL.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
CORDAGE,	180	0 0	.	.	100	18 5	.	.	280	18 5
DRY GOODS,	1106	5 0	.	.	2102	18 7	.	.	3208	3 7
NAILS,	38	10 0	.	.	97	5 0	.	.	135	15 0
SAIL CLOTH,	93	0 0	.	.	136	1 3	.	.	136	1 3
SALT,			.	.	264	12 6	.	.	264	12 6
SOAP,			.	.	32	5 6	.	.	32	5 6
SUGAR,	18	8 9	.	.	193	2 2	.	.	211	10 11
IRON,	11	5 0	.	.	595	0 2	.	.	606	5 2
MOLASSES,	37	10 0	.	.	761	0 0	.	.	798	10 0
SUNDRIES,	233	16 0	.	.	449	11 5	.	.	682	27 5
	571	11 10	.	.	108	5 10	.	.	679	16 10
TOTAL,	£ 2380	6 7	.	.	8244	1 1	.	.	10624	7 8

Custom House, 5th January, 1840.

CHARLES MACNUTT, Sub-Collector.

OUT PORT OF MALPEQUE, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS EXPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES EXPORTED.	Great Britain.		British West Indies.		British North American Colonies.		Foreign Countries.		Total.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
BARLEY, 1952 bushels,					208	7 0			208	7 0
PEARL BARLEY, 217 barrels, 6 tons and 4½ cwt.					422	10 0			422	10 0
FLOUR, 197 barrels and 4 cwt.					400	0 0			400	0 0
OATMEAL, 47 tons, 19 cwt. and 487 barrels,					1449	10 0			1449	10 0
BEAN, 38 barrels and 1950 lb.					247	19 2			247	19 2
PORK, 59 barrels and 4300 lb.					402	10 0			402	10 0
DRY FISH, 1701 quintals,					780	6 0			780	6 0
PICKLED FISH, 549 barrels,					340	5 0			340	5 0
TIMBER, 1026 tons,	770	15 0							770	15 0
LATHWOOD, 46 cords,	46	0 0							46	0 0
SPARS, 158,	8	8 0							8	8 0
BOARDS & PLANK, 45,991 feet,	334	0 0							334	0 0
CATTLE, 91 head,					611	0 0			611	0 0
SHEEP, 135,					107	5 0			107	5 0
Pigs, 53,					52	8 0			52	8 0
TURNIPS, 122 bushels,					9	6 0			9	6 0
POTATOES, 12,200 bushels,					1251	17 4			1251	17 4
OATS, 29,303 bushels,					2830	6 0			2830	6 0
SUNDRIES,					2288	19 6			2288	19 6
TOTAL,	£	1159 18 0			£	11500 15 0			£	12660 13 0

Custom House, 5th January, 1840.

CHARLES MACNUTT, Sub-Collector.

OUT PORT OF BEDEQUE, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS IMPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES IMPORTED.	Great Britain.		British West Indies.		British North American Colonies.		Foreign Countries.		TOTAL.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
BRANDY,										
CORDAGE,										
Dry Goods,	9	18 0			4	1 0			13	19 0
FLOUR & MEAL,	55	0 0			33	5 10½			88	3 10½
HARDWARE,	458	9 5½			2628	18 3			3087	7 8½
IRON,	72	3 5			3	16 0			3	16 0
NAILS,					208	6 4½			208	6 9½
MOLASSES,					125	11 2½			125	11 2½
SAIL CLOTH,					143	13 8½			143	13 8½
STATIONERY,	0	15 0			108	7 7½			108	7 7½
SOAP,					40	15 0			40	15 0
SALT,					17	15 0			17	15 0
SUGAR,					32	15 8½			32	15 8½
RUM,					68	18 0			68	18 0
TEA,	9	12 0			105	10 0			105	10 0
TOBACCO,					523	15 8½			523	15 8½
SUNDRIES,					534	10 10½			534	10 10½
	0	69 13 7			207	3 8½			207	3 8½
TOTAL,	£	1275 11 5½			5787	3 1½			7062	14 0

Custom House, 5th January, 1840.

JOSEPH POPE, Sub-Collector.

OUT PORT OF THREE RIVERS, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS IMPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES IMPORTED.	Great Britain.		British West Indies.		British North American Colonies.		Foreign Countries.		TOTAL.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
BRANDY,					140	13 6			140	13 6
CORDAGE,					278	0 8			278	0 8
DRY GOODS,	485	0 0			3700	14 10			4185	14 10
GIN,	550	0 0			116	1 0			666	1 0
MOLASSES,					339	10 4			339	10 4
NAILS,					138	2 0			138	2 0
SALT,					176	5 0			176	5 0
SOAP,					97	10 0			97	10 0
SUGAR,					200	17 6			200	17 6
RUM,					1448	10 6			1448	10 6
TEA,					733	18 0			733	18 0
TOBACCO,					281	0 0			281	0 0
WINE,	171	0 0			120	0 0			291	0 0
IRON,	1278	5 6			168	10 0			1446	5 6
SUNDRIES,					3750	8 0			3750	8 0
TOTAL,	£	2484 5 6			11740 10 7				£	14233 16 1

Custom House, 5th January, 1840.

HUGH MACDONALD, Sub-Collector.

OUT PORT OF THREE RIVERS, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS EXPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES EXPORTED.	Great Britain.			British West Indies.			British North American Colonies.			Foreign Countries.			TOTAL.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
BARLEY,	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
DRY FISH,	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.
DEALS & BOARDS, 10,563 deals and 351,762 feet,	1292	8	4	.	.	.	1087	8	4	.	.	.	1087	8	4
HERRINGS,	.	.	.	.	.	.	1549	8	3	.	.	.	1549	8	3
LATHWOOD,	.	.	.	.	.	.	1207	10	0	.	.	.	1207	10	0
TIMBER, (PINE) 1007 tons and 122 pieces,	81	0	0	.	.	.	426	12	0	.	.	.	426	12	0
Do., (HARDWOOD) 539 tons and 128 pieces,	797	0	2	.	.	.	.	.	.	.	.	.	81	0	0
OATMEAL,	465	12	4	.	.	.	93	14	0	.	.	.	891	0	2
OATS,	.	.	.	.	.	.	60	0	0	.	.	.	525	12	4
POTATOES,	.	.	.	.	.	.	473	0	0	.	.	.	473	0	0
PORK,	.	.	.	.	.	.	2444	12	0	.	.	.	2444	12	0
SHINGLES,	.	.	.	.	.	.	1051	5	0	.	.	.	1051	5	0
SUNDRIES,	.	.	.	.	.	.	380	0	0	.	.	.	380	0	0
	69	16	0	.	.	.	113	0	0	.	.	.	113	0	0
Total,	£	2096	2 10	.	.	.	10409	5 1	.	.	.	.	13105	7 10	.

Custom House, 5th January, 1840.

HUGH MACDONALD, Sub-Collector.

OUT PORT OF COLVILLE BAY, PRINCE EDWARD ISLAND.

AN ACCOUNT OF GOODS IMPORTED IN THE YEAR ENDED 5th JANUARY, 1840.

ARTICLES IMPORTED.	Great Britain.		British West Indies.		British North American Colonies.		Foreign Countries.		TOTAL. British Sterling.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
BRANDY,	-	-	-	-	23	10 0	-	-	23	10 0
CORDAGE,	-	-	-	-	110	1 9	-	-	110	1 9
DRY GOODS,	-	-	-	-	909	12 0	-	-	909	12 0
NAILS,	-	-	-	-	24	8 0	-	-	24	8 0
MOLASSES,	-	-	-	-	51	10 7	-	-	51	10 7
SOAP,	-	-	-	-	17	0 0	-	-	17	0 0
SUGAR,	-	-	-	-	47	7 10	-	-	47	7 10
RUM,	-	-	-	-	610	16 0	-	-	610	16 0
TEA,	-	-	-	-	330	1 9	-	-	330	1 9
TOBACCO,	-	-	-	-	225	16 10	-	-	225	16 10
WINE,	-	-	-	-	2	10 0	-	-	2	10 0
IRON,	-	-	-	-	84	16 0	-	-	84	16 0
SUNDRIES,	-	-	-	-	626	13 11	-	-	626	13 11
TOTAL,	£	-	£	-	3063	10 8	£	-	3063	10 8

Custom House, 5th January, 1840.

WILLIAM S. MACGOWAN, Sub-Collector.

PORT OF PRINCE EDWARD ISLAND.

AN ACCOUNT SHEWING THE TOTAL VALUE OF GOODS IMPORTED, DISTINGUISHING EACH PORT, FOR THE YEAR ENDED 5th JANUARY, 1840.

PORTS.	Great Britain.			British West Indies.			British North American Colonies.			Foreign Countries.			TOTAL. British Sterling.		
	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.	£	s.	d.
CHARLOTTETOWN,	20902	8	0	37	14	0	73933	8	0½	262	3	0	101225	14	6½
MALPEQUE,	2380	0	7	.	.	.	8244	1	1	.	.	.	10624	7	8
BEDIQUE,	1275	11	5	.	.	.	5787	3	1	.	.	.	7062	14	0
THREE RIVERS,	2484	5	0	.	.	.	11740	10	7	.	.	.	14233	10	1
COLVILLE BAY,	.	.	.	.	.	.	3063	10	8	.	.	.	3063	10	8
Total,	£ 33,132	12	3	37	14	0	102,777	13	5½	262	3	0	136,210	3	5½

Custom House, 5th January, 1840.

G. R. GOODMAN, Collector.

PORT OF PRINCE EDWARD ISLAND.

AN ACCOUNT SHEWING THE TOTAL VALUE OF GOODS EXPORTED, DISTINGUISHING EACH PORT, FOR THE YEAR ENDED 5th JANUARY, 1840.

PORTS.	Great Britain.		British West Indies		British North American Colonies.		Foreign Countries.		TOTAL.	
	£	s. d.	£	s. d.	£	s. d.	£	s. d.	£	s. d.
CHARLOTTETOWN,	8176	11 6	.	.	20431	0 0	26	0 0	37633	11 6
MALBEQUE,	1159	18 0	.	.	11500	15 0	.	.	12660	13 0
BEBEQUE,	651	8 0½	.	.	5956	19 2	83	14 0	6692	1 2½
THREE RIVERS,	2696	2 10	.	.	10409	5 1	.	.	13105	7 11
COLVILLE BAY,	.	.	.	.	3009	4 6	.	.	3009	4 0
	Total, £ 12,684 0 4½		.	.	60,307	3 9	109	14 0	73,100	19 14

Custom House, 5th January, 1840.

G. R. GOODMAN, Collector.

APPENDIX

(I.)

[SEE PAGE 53.]

ACCOUNT SALES of LIVE STOCK imported by the Central Agricultural Society, in conformity to a vote of the Honourable the House of Assembly, and Sold at Auction, in Charlottetown, on the 22d June, 1839.

Dr.	£ s. d.	Cr.	£ s. d.
June. To amount of Professor Low's		By Horse <i>Columbus</i> —Alexander M'Gregor,	160 0 0
Invoice, - - - - -	152 8 0	Bull—W. W. Irving, - - - - -	25 0 0
Freight to Miramichi, - - - - -	50 7 0	Do.—James Mutch, - - - - -	18 0 0
Sterling, - - - - -	202 15 0	Heifer—Sir C. A. Fitz Roy, - - - - -	21 0 0
Add prem. & diff. Exchange, - - - - -	90 2 3	Do.—James Miller, - - - - -	19 0 0
	292 17 3		243 0 0
Expenses at Miramichi—passage per <i>Cape</i>		By Legislative grant (1838), for the purpose,	150 0 0
<i>Breton</i> , - - - - -	8 13 6		
Keep at Charlottetown, - - - - -	8 18 0		
Paid Mr. Walkinshaw, - - - - -	25 0 0		
Expenses of Horse at Mr. Cross's, - - - - -	2 16 11		
Auctioneer's commission, - - - - -	6 1 6		
Printing, 7s. 6d.—Sundries, 4s. 6d. - - - - -	0 12 0		
	344 19 2		
Profit, allowing credit for the grant,	48 0 10		
	£393 0 0		£393 0 0

Charlottetown, 31st December, 1839.

PETER MACGOWAN,
Secretary & Treasurer,
Central Agricultural Society.

APPENDIX

(J.)

[SEE PAGE 57.]

ESTIMATE of the EXPENDITURE of the Government of Prince Edward Island, for the year 1840.

SALARIES AND ALLOWANCES PER STATUTE.			
Treasurer, - - - - -	£500 0 0	Sheriffs' expenses for Jails in the three Counties,	200 0 0
Travelling allowance to Chief Justice,	100 0 0	Fuel and Bread for do. - - - - -	100 0 0
Collector of Impost at Charlottetown, - - - - -	260 0 0	Commissioners for issuing Treasury Notes,	30 0 0
Four Sub-Collectors of Customs, - - - - -	160 0 0	Colonial Secretary's fees, - - - - -	130 0 0
Two Masters of Central Academy, - - - - -	300 0 0	Clerk of the Council's do. - - - - -	130 0 0
District Schools, including salary of Visiter of Schools and Secretary of Board of Edu- cation, allowance to St. Andrew's College and to Acadian Teachers, - - - - -	1000 0 0	Crown Prosecutions, including fees of Crown Officers, &c. - - - - -	450 0 0
Steam Boat, under 6th Will. 4, cap. 11,	500 0 0	Crown Officer's fees for other services,	50 0 0
Adjutant General of Militia, &c. - - - - -	75 0 0	Winter Mails, - - - - -	150 0 0
Wharfinger at Charlottetown, - - - - -	30 0 0	Inland Mails, - - - - -	220 0 0
Allowances to protectors of Fishery, - - - - -	36 0 0	Public Printing and Stationery, &c. - - - - -	250 0 0
Sixteen Road Commissioners, £10 each,	160 0 0	Lunatics and Indigent Persons, - - - - -	90 0 0
		Interest on Warrants, - - - - -	400 0 0
		Plans and Estimates for public works,	20 0 0
		Contingencies, - - - - -	250 0 0
		Legislative Council, - - - - -	
		House of Assembly, - - - - -	
SALARIES AND ALLOWANCES NOT FIXED BY STATUTE.		MISCELLANEOUS EXPENDITURE.	
Three High Sheriffs, - - - - -	60 0 0	Balance on Contract for Mount Stewart Bridge,	677 0 0
Master of National School, - - - - -	25 0 0	Assessment on Government Pews in St. Paul's Church, - - - - -	8 0 0
Market Clerk, - - - - -	40 0 0	Excess of Expenditure on Government House and premises, - - - - -	
Messenger of Executive Council, Crier of Supreme Court, &c. - - - - -	40 0 0	A sum sufficient to defray the unavoidable expenditure in and about Government House and premises, for the current year, - - - - -	300 0 0
Jailer of Queen's County, - - - - -	40 0 0	A sum sufficient to pay compensation and expenses of Sheriff and Juries in altering old lines and in forming new lines of Road,	
Do. of King's County, - - - - -	30 0 0	A sum necessary to open Road from Hill's Mills to Lot One, - - - - -	
Do. of Prince County, - - - - -	30 0 0	A sum necessary to open Line Road between Lots 7 and 8, - - - - -	
Assayer of Weights & Measures, Queen's County,	10 0 0	A sum sufficient to defray the expense of engra- ving Charts of the Harbours of Charlotte- town and Three Rivers, - - - - -	
Medical Attendant at Charlottetown Jail,	10 0 0		
Matron, do. - - - - -	15 0 0		
Postmistress, for management of Inland Mails, Correspondent with Road Commissioners,			
CONTINGENT EXPENSES OF GOVERNMENT.			
Roads and Bridges, - - - - -			
Incidental repairs of do. - - - - -			
Premiums for killing Bears and Loupcerviers,	40 0 0		

APPENDIX

(K.)

[SEE PAGE 65.]

REPORT of the Special Committee appointed last Session, to acquire information during the Recess, touching such amendments as it may be expedient to make to the Act for the encouragement and support of District and other Schools.

THE Committee submit, that the Act should authorize the assessment of persons not subscribing to any school within three miles of their residence, and having a child or children betwixt the ages of six and eighteen. This assessment to be imposed by the Trustees of any School distant not more than one mile and one quarter from such non-subscribers; and in no case to exceed thirty shillings per scholar, nor to be imposed for more than three children in the same family. An affidavit by any individual so assessed, that he or she is in such indigent circumstances as to be unable to pay for the education of their children, or a Certificate by any two Magistrates or Commissioners of Small Debts to the same effect, to exempt him from such assessment for that year.

In regard to assessment, your Committee beg further to remark, that this should not be allowed to apply to any children who have been three entire years at school—that where there is only child in the family, the assessment should only apply to one half of the year; and that where the children are under ten years of age, and reside one mile from the school-house, the same rule should be observed.

The Committee further submit, that it would appear advisable to appoint Commissioners in every County, on the same plan as is laid down in the Act of Nova Scotia, or of Trustees subordinate to the Quarter Sessions, as in the Act of New Brunswick, of March, 1833—the former of which, with the exception of a few clauses, and the addition of one or two others, the Committee think, in all that regards District Schools, is still more applicable to this Colony than the latter; but that either of them is more adapted to this country than the School Act at present in force.

In regard, however, to the Grammar Schools, the Committee submit, that in the present state of the Revenue, and of the mass of the people, this Colony cannot afford to maintain by legislative aid seminaries more expensive than Schools for the ordinary branches of Education—

that when these are settled on an efficient and solid system throughout the country, then, should the public funds admit of any additional expenditure, the Legislature may make an appropriation for such seminaries; but that at all times the expense of instructing youth in the higher branches must, in the counties, chiefly devolve on the parents whose children are expected to be enabled thereby to reap in after years emolument and honour—and that in the meantime the whole of the public money that can be spared from the Treasury for educational purposes, (with the exception of a higher allowance to one master in Charlottetown,) should be devoted to the establishment of common schools.

The Committee further submit, that should the House decline to adopt the plan followed either in Nova Scotia or New Brunswick, yet certain changes in the present Act are imperatively called for.

1st. That as to Schools having on an average fifteen scholars, and where (including board, lodging and washing, at £15 a year,) £30 is raised for the payment of the Teacher, and he has by the Board, or by two Justices of the Peace, been found qualified to teach Reading, Writing and Arithmetic, and to be of decent character, the Teacher should get £7 10s. annually from the Treasury. All teachers of schools, where the salary and number of pupils exceed the above, to get £12 a year—and no other seminary or educational institution (with the exception of one in Charlottetown) to get more, till there shall be established, for every thirty-six families, one school belonging to either of the above classes.

2d. Rescinding the tedious and expensive routine in drawing the Treasury money, which the present Act imposes on the teachers; that it should be drawn on the certificate of the Trustees, and the two highest Justices of the Peace, or Commissioners of Small Debts.

3d. That all Teachers who have once passed the Board, or have been found qualified as aforesaid, shall stand qualified as passed during life and good behaviour.

4th. The examinations to be held quarterly by the Trustees, and the Justice of the Peace, or Commissioner of Small Debts, nearest resident (if not distant more than six miles,) on whom it should be obligatory to attend twice in every year, on such days as they may appoint, giving intimation to any one of the Trustees ten days previous. The certificate of a majority of the Trustees and Visitors, that they believe the teacher has done his duty, should, on transmission to the Colonial Secretary, be laid before the Governor in Council, in order to the warrant being issued to the teacher, or any person to whom he may endorse the same. If the majority of the Visitors think the teacher has not done his duty, they are to transmit to the Colonial Secretary a certificate to that effect, stating their objections to the teacher's conduct; and it should then be in the power of the Governor in Council, on perusal of any defence the teacher may offer, to grant a part or the whole of the Government aid, or entirely to withhold it.

5th. The Committee submit, that there should be in every year three weeks' vacation, to be at such time or times as may be agreed on by the Trustees and the teacher—failing which agreement, to be the last ten days in May, and the last eleven days in October. No other vacations, except one Saturday in the fortnight, Christmas and Good Friday.

In case of dispute between the subscribers and the teacher, the same should be referred to any two Justices of the Peace, or Commissioners of Small Debts, one to be chosen by the subscribers, the other by the teacher, with power to these to call a third, as umpire. If these would not hear, or hearing, declined to decide, then let the law be open to both parties; but in every instance the teacher should be paid up to the date of the complaint being laid before the Teacher by the Trustees.

If these referees should not in one month communicate to the Trustees and the Teacher, their decision in writing, their power in that matter should cease, and the teacher ought to have liberty to quit the school, or to continue for the remainder of his engagement, and take means for recovering by law the salary corresponding thereto. If, however, the complaint against the teacher be, that he has deserted the School, and will not continue till the termination of his engagement, this should not apply, unless he can prove that the school-house is not kept in a habitable condition. But in every instance where the subscribers complain of anything else but desertion, they ought to be bound to pay him up to the date of lodging the complaint.

6th. The Committee submit that no Clergyman should be a Trustee of a school, unless he send his child or children to such school; and in regard to religious catechisms, it appears to many of the Committee, that the insisting on the teacher giving lessons therein, is intruding on him a duty more incumbent on the parent; but your Committee are unanimously of opinion, that when

children of individuals, of different persuasions, attend the same school, then every pupil ought to be taught the Catechism his parents may furnish; if other subscribers object to that, then the teacher should not teach any religious Catechism.

Your Committee have received a letter from the Secretary of the Society of Schoolmasters, containing a detail of the obstacles to the satisfactory progress of Education, and also of the inconveniences to which Teachers are liable in the prosecution of their calling.

In reference to which, they submit, that the Association appear to have drawn a parallel between their own situation and that of Teachers in Great Britain; that your Committee have to remark, that not only in this Colony, but throughout British North America, the teachers are on a far less stable footing than in the mother country. That this instability is shared in part with many other professions, and that it arises in some measure from causes which do not admit in many instances of a present remedy. The population frequently is not so dense as to afford a constant supply of young people requiring tuition, in such numbers as to be adequate to the maintenance of a teacher; and the circumstance of the subscribers having it entirely in their power to discharge a teacher, at the termination of an engagement, which scarcely ever exceeds one year—and this without alleging, far less proving, any misconduct on his part—and of immediately engaging another, too often gives room to pique or prejudice to operate. In this way, as it were, by a sort of caprice, it has happened that teachers have been repeatedly discharged, others have been engaged in their places; and, after an interval of a year or two, these last have been displaced, to make way for the former. It also frequently happens, that a teacher chooses to change with a view to an increase of his salary, or some other personal advantage. In regard to this, your Committee have to remark, that if the people choose to discharge a teacher without proving that he has done wrong, any other teacher they might engage should for two years receive no aid from the Treasury; and it appears equally necessary, that if a teacher remove without the consent of the subscribers, he should not, as teacher in any other settlement, receive any allowance from the Treasury for the same period of two years; for it is undeniable, that the same diligence bestowed on pupils with whose dispositions and capacities he is acquainted, should be productive of far more advantage to those under his tuition, than in a school where the teacher and pupils are strangers.

Your Committee also take leave to remark, that if by the reduction of expenditure on other branches, double the amount could be afforded by the Legislature for educational purposes, still, in order to afford a fair remuneration, the larger proportion of the salary must be drawn from the subscribers, and that the probable continuance of the same salary for a term of years, and a

well grounded confidence that the subscribers will judge his conduct with liberality, and will perform their engagements to him equitably, ought to be, and probably will be found to be, the most powerful stimulants to produce uniform diligence and good conduct on the part of the teacher; and that when he performs his duty in school, and preserves a decent character, no difference in religious persuasion ought to mark him as deserving censure or removal.

One further observation seems necessary, as to the taking measures for one uniform system of school books being provided for all schools under the regulation of the Act. The £100 left with the Secretary of the Board of Education appears to have been of very little service, and should be refunded; and it would appear advisable

to ascertain the prices at which Murray's school books, Gray's and Walkinghame's Arithmetics, could be procured from Britain, providing the order went to the extent of £200, which would enable the House to determine, as to whether such purchase should be made from the public funds, and the books purchased deposited with any individual in Charlottetown, to be sold out at such per centage as would cover costs and charges; or if the Legislature should merely prescribe a certain system of books, and should leave the same to be procured by the parents, in the same way as any other article of trade is procured, when there is a steady demand for it.

ALEXANDER RAE, Chairman.

Committee Room, 14th March, 1840.

No.	February 7.	£ s. d.	No.	March 20.	£ s. d.
74.	Roderick M'Kinnon, being a sum allowed by Statute for conducting the Ellis River Ferry.	5 0 0		being the amount awarded to be due on his account for executing a Writ under Compensation Act, through Townships Nos. 5, 4, 3, 2 and 1.	
75.	Pierre Haliarre, Acadian Teacher, being for services as such at Tignish, for year ending November, 1833.	5 0 0	88.	John Ramsay, High Sheriff of Prince County,	55 16 2
76.	J. P. Collins, being in aid of Roads and Bridges for last year.	20 0 0		being the amount awarded to be due to him by a Committee of Council on his account for executing a Writ under Road Compensation Act, through Townships Nos. 7, 8 and 6.	
	13th.			April 10.	
77.	J. P. Collins, being in aid of Roads and Bridges.	45 0 0	89.	The Chief Justice, being his quarter's travelling expenses.	25 0 0
	23d.		90.	T. H. Haviland, Treasurer, being his quarter's salary.	125 0 0
78.	D. M'Leod, J. M'Donald, and A. & D. Martin, being the amount of their contract on Anderson's Road, and part of £130 for that purpose.	9 2 0	91.	J. Spencer Smith, Collector of Excise, being his quarter's salary.	65 0 0
	March, 20.		92.	Joseph Pope, Sub-Collector of Customs, being his quarter's salary.	10 0 0
79.	Robert Robertson, 1st Class Teacher, being for duties as such at Lot 34, for year, ending January 2d, 1839.	12 0 0	93.	Charles M'Nutt, do. being his quarter's salary.	10 0 0
80.	Archibald M'Kinnon, do. being for duties as such at Sable, for year, ending February 6, 1839.	12 0 0	94.	Hugh M'Donald, do. being his quarter's salary.	10 0 0
81.	Donald M'Aulay, being amount of his Account for sup- plying Georgetown Jail with Fuel.	20 0 0	95.	William S. Macgowan, do. being his quarter's salary.	10 0 0
82.	William M'Neill, being his annual allowance as Com- missioner of Statute Labour.	10 0 0	96.	A. Lane, Adj. General, &c. of Militia, being his quarter's salary.	18 15 0
83.	Representative of the late John Stewart of Mount Stewart, being a sum assessed to be due to him under a Writ for laying out a Highway through Township No. 37, in October, 1837, as compensation for damage sustained by said Road being through that part of his property marked in the plan—Division No. 2.	11 0 0	97.	Rev. James Waddell, Master of Central Academy, being his quarter's salary.	37 10 0
84.	James M'Donald, being the amount allowed by Statute as protector of Herring and Alewives' Fishery at Tracadie Harbour and Joggings.	6 0 0	98.	Alexander Brown, do. being his quarter's salary.	37 10 0
85.	Malcolm M'Donald, being the sum allowed by Statute as protector of Herring Fishery at North Lake, Lot 47.	6 0 0	99.	Alexander Brown, Secretary to Board of Education, being his yearly salary.	15 0 0
86.	Clement M'Eachern, being the sum allowed by Statute as protector of Herring Fishery at Hills- borough River.	6 0 0	100.	John M'Neill, Visiter of Schools, being his quarter's salary.	25 0 0
87.	John Ramsay, High Sheriff of Prince County,	55 9 4	101.	James Breeding, Master of the National School, being his quarter's salary.	6 5 0
			102.	James Moore, Wharfinger, being his quarter's salary.	10 0 0
			103.	Clear Lallow, Market Clerk, being his quarter's salary.	10 0 0
			104.	John Rider, Messenger, &c. being his quarter's salary.	10 0 0
			105.	Robert Hutchinson, Jailer at Queen's County Jail, being his quarter's salary.	10 0 0
			106.	Donald M'Phee, do. King's County, being his quarter's salary.	7 10 0
			107.	Richard Wood, do. Prince County, being his quarter's salary.	7 10 0
			108.	C. Nicholson, being a quarter's allowance for support of his Brother, a lunatic.	5 0 0

No.	April 10.	£ s. d.	No.	May 2.	£ s. d.
109.	J. P. Collins, Colonial Secretary, being his quarterly account, including £3 1s. 4d. Lieutenant Governor's fees.	68 18 4	125.	James Yeo, Member of the House of Assembly, being voted for his services, including travelling allowance.	28 4 6
110.	J. P. Collins, C. C. being his quarterly account.	31 0 0	126.	Allan Fraser, do. being as above.	33 4 0
111.	Edward Thornton, Deputy Clerk of the Crown in King's County, being his Bill for Crown prosecutions.	6 9 8	127.	Alexander Rae, do. being as above.	32 13 4
112.	Edward Thornton, do. being amount of his disbursements in Crown prosecutions.	7 11 1	128.	Donald Montgomery, do. being as above.	30 18 10
113.	Miss Chappell, Postmistress, being to pay the account of the Three River Mail Carriers.	15 12 0	129.	William Clark, do. being as above.	31 1 6
114.	Miss Chappell, do. being to pay the account of the Wes- tern Mail Carriers.	18 4 0	130.	Joseph Pope, do. being as above.	31 2 6
115.	Miss Chappell, do. being to pay the account of the Eastern Mail Carriers.	14 5 5½	131.	Richard Hudson, do. being as above.	30 1 5½
116.	Gouldrup & Lang, being for seven trips with the foreign Mails.	42 0 0	132.	Malcolm Forbes, do. being as above.	30 9 4
117.	James Watts, being the amount of his account for supplying the Jail with 132½ cords of Firewood, according to contract.	56 6 3	133.	Charles M'Neill, do. being as above.	31 5 4
118.	Frederick Cameron, being the amount of his account for 22 cords of Firewood supplied the Jail at St. Eleanor's.	7 3 0	134.	Mungo Macfarlane, do. being as above.	30 6 8
119.	J. D. Cantelo, being amount of his account for travel- ling 540 miles with notifications to members of the Council.	12 0 0	135.	J. W. Le Lacheur, do. being as above.	32 17 4
120.	Archibald M'Kenzie, 1st class Teacher, being for duties as such at Murray Harbour, for a year, ending February 20, 1839.	12 0 0	136.	John Arbuckle, do. being as above.	31 16 11½
121.	Daniel Scott, do. being for duties as such at Savage Harbour, for a year ending March 12th, 1839.	12 0 0	137.	John S. M'Donald, do. being as above.	29 16 7
122.	Charles M'Eachern, do. being for duties as such at Belfast, for a year, ending February 1, 1839.	12 0 0	138.	Francis Longworth, do. being as above.	30 0 0
	May 2.		139.	John Dalziel, do. being as above.	32 4 7
123.	William Cooper, Speaker of the House of Assembly, being voted for his services as such, including travelling allowance.	63 6 8	140.	Vere Beck, do. being as above.	33 0 0
124.	Thomas Gorman, Member of the House of Assembly, being voted for his services, including travelling allowance.	33 8 4	141.	John Thomson, do. being as above.	31 0 0
			142.	Joseph Dingwell, do. being as above.	32 10 2½
			143.	William Dingwell, do. being as above.	31 14 10
			144.	John Macintosh, do. being as above.	32 18 8
			145.	Donald M'Donald, being as above.	33 4 0
			146.	William Cullen, Clerk of House of Assembly, being for his services as such, for the two late sessions.	180 0 0
			147.	Solomon Desbrisay, Sergeant at Arms to House of Assembly, being as above.	33 15 0
			148.	Solomon Desbrisay, do. being amount of his disbursements, as above.	66 13 4

No.	May 2.	£ s. d.	No.	May 2.	£ s. d.
149.	Henry W. Lobban, Messenger to House of Assembly, being for his services as such for the two late sessions.	28 17 6	165.	Elizabeth Chappell, Postmistress, being a sum voted to her for her trouble in conducting the business of the Inland Mails for the past year.	20 0 0
150.	William Birch, Doorkeeper to House of Assembly, being as above.	27 19 6	166.	T. H. Haviland, Treasurer, being to defray part of the expenditure incurred in and about Government House, during the past year, and advanced by him on account thereof.	195 8 0
151.	J. D. Haszard, being allowed him by House of Assembly for printing.	25 0 4	167.	William Smallwood, being granted to him as a bounty for his improvement on a horse-power Machine.	10 0 0
152.	Rev. L. C. Jenkins, Chaplain to Legislative Council, being allowed to him as such for the two last sessions.	30 0 0	168.	Lauchlan M'Leod, being a sum granted to him as compensation, in consequence of the new line of the Princetown Road running through his farm.	4 0 0
153.	J. P. Collins, Clerk to Legislative Council, being for his services as such for two last sessions, including Stationary.	152 10 1	169.	J. B. Cooper & Co. being the amount of Colonial Duties paid by them on importation of a new Printing Press and materials, from the United States.	10 0 0
154.	John C. Wright, Usher of Black Rod, and Sergeant at Arms of Legislative Council, being allowed to him for his services as such for two late sessions.	38 10 0	170.	Treasurer of the Auxiliary Bible Society, being a remission of Impost Duty on Bibles and Testaments imported by that Society last year.	4 11 3½
155.	John Rider, Messenger to do. being as above, including disbursements.	40 5 0	171.	Hannah Bullpitt, a sum granted for conducting a preparatory School in Charlottetown, for past year.	7 0 0
156.	Moses Hayes, Doorkeeper to Legislative Council, being as above.	26 6 6	172.	John Arbuckle, being a sum granted to him for his services as a Teacher, up to April 8th, 1838.	12 0 0
157.	Daniel Hodgson, Coroner, being for holding two Inquests.	10 0 2	173.	Church Wardens of Episcopal Church, being a sum granted to pay the Assessment on the government pews.	6 19 6
158.	John M'Keown, Surgeon, being for professional attendance on persons in Georgetown Jail.	2 10 3	174.	Elizabeth Le Page, Lot 49, being a sum granted towards support of her husband, a lunatic.	10 0 0
159.	A. Lane, Town Major, being expenses incurred by him in fitting up the Telegraph.	5 6 4	175.	Amable Bernard, being granted to him as an aged and infirm pauper.	5 0 0
160.	Ralph Brecken, late Sheriff, being the amount of his annual expenditure as such.	86 2 9½	176.	Charles Young, being a sum granted to him for his professional services to Committee of Grievances of House of Assembly.	15 0 0
161.	Secretary and Treasurer of Saint Andrew's College, being the annual sum voted in aid of the funds of that Institution.	50 0 0	177.	John Dulziel, being a sum granted towards support of John Griffin and his Sister, of Lot 61.	7 0 0
162.	Secretary and Treasurer of Central Agricultural Society, being a sum voted in aid of the funds of that Institution.	25 0 0	178.	Jesse De Roche, of Lot 17, being a sum granted towards support of William and Margaret Holmes, two aged and infirm paupers.	10 0 0
163.	J. B. Cooper & Co. Printers to the House of Assembly, being a sum allowed to them for Printing, &c. for House of Assembly.	25 0 0			
164.	Thomas Barrett, being a sum voted to him for landing the materials of the old Mount Stewart Bridge.	2 0 0			

No.	May 2.	£ s. d.	No.	May 2.	£ s. d.
179.	Hercules Freeze, of New London, a blind person, in indigent circumstances, being a sum granted to him.	5 0 0	198.	Rev. John Macdonald, being a sum granted towards support of Thomas Devereaux.	4 0 0
180.	William Macneill, a blind person in Prince County; being a sum granted to him.	5 0 0	199.	Rev. John Macdonald, being a sum granted towards support of Elizabeth Brow.	2 10 0
181.	James Simpson, of New London, being a sum granted towards support of John Joseph Artman Batture.	5 0 0	200.	Rev. John Macdonald, being a sum granted towards the support of the daughter of Angus Mackellock.	3 0 0
182.	James Simpson, of New London, being a sum granted towards support of three persons named Mackay.	12 0 0	201.	William Cooper, being a sum granted towards support of William Johnston, of Grand River.	5 0 0
183.	James Arthur, of New Glasgow, being a sum granted towards support of Robert Winter, an insane person.	5 0 0	202.	Thomas Owen, being a sum granted towards support of a lunatic son of Margaret Campbell.	5 0 0
184.	Elizabeth Crew, of Crapaud, an aged person, in indigent circumstances, being a sum granted to her.	3 0 0	203.	Peter Stewart MacNutt, being a sum granted towards support of Daniel Quigley.	5 0 0
185.	John Masters, being a sum granted towards support of his son, an idiot.	5 0 0	204.	Peter Stewart MacNutt, being a sum granted towards support of Mary Hickey.	3 0 0
186.	Robert Hancock, Lot 15, an aged and infirm person, being a sum granted to him.	3 0 0	205.	Peter Stewart M'Nutt, being a sum voted towards support of James Inglis.	3 0 0
187.	The Ladies' Benevolent Society, being a sum granted towards support of John Macnamara.	10 0 0	206.	Peter Stewart M'Nutt, being a sum granted towards support of Ann Truegard.	5 0 0
188.	Ladies' Benevolent Society, being a sum granted towards support of James Conway.	6 0 0	207.	Charles Russell, being a sum granted to him, an aged and infirm teacher.	5 0 0
189.	Ladies' Benevolent Society, being a sum granted towards support of William Purcell.	10 0 0	208.	Archibald M'Nevin, of Lot 30, being a sum granted towards support of two of his sons, in a state of idiocy.	5 0 0
190.	Ladies' Benevolent Society, being a sum granted towards support of Elizabeth Patience.	3 0 0	209.	Francis Longworth, sen. being a sum granted towards support of Joanna Redmond.	5 0 0
191.	Rev. John M'Lennan, being a sum granted towards support of James Maddox.	8 0 0	210.	John Ready, a blind person, being a sum granted to him.	5 0 0
192.	Rev. John M'Lennan, being a sum granted towards relief of an idiot son of Widow Macaulay's.	10 0 0	211.	Malcolm M'Leod, of Lot 67, a destitute and afflicted person, being a sum granted to him.	10 0 0
193.	Rev. John M'Lennan, being a sum granted towards support of Alexander Finlayson, an idiot.	8 0 0	212.	Donald Macdonald, being a sum granted towards support of Mary M'Leod.	3 0 0
194.	Rev. John M'Lennan, being a sum granted towards support of Christiana M'Phee.	3 0 0	213.	Donald Macdonald, being a sum granted towards support of husband of Rosanna Mitchell.	2 10 0
195.	Rev. John M'Lennan, being a sum granted towards support of Ann Macdonald.	3 0 0	214.	Nancy Kelly, being a sum granted towards support of her husband in his present distressed situation.	3 0 0
196.	Rev. Robert Douglas, being a sum granted towards support and relief of John Smith.	3 0 0	215.	Ladies' Benevolent Society, being a sum granted in aid of the funds of that institution.	15 0 0
197.	Rev. Robert Douglas, being a sum granted towards support of Christiana M'Eachern.	3 0 0			

No.	May 2.	£ s. d.	No.	June 6.	£ s. d.
216.	Ralph Brecken, late Sheriff of Queen's County, being a sum granted for his services last year.	20 0 0	237.	Edward Palmer, being a sum voted for his services as a Member of the House of Assembly for the last sessions.	29 1 0
217.	William S. Macgowan, late Sheriff of King's County, being as above.	20 0 0	238.	Thomas Bambrick, 1st class Teacher, being for duties as such at Morel, for a year, ending May 14, 1839.	12 0 0
218.	Representatives of the late John Ramsay, being for his services as Sheriff of Prince County, for past year.	20 0 0	239.	Donald Livingston, do. being for duties as such at Lot 23, for a year, ending May 11, 1839.	12 0 0
219.	Thomas Barrett, being according to agreement for keeping the ice clear of Mount Stewart Bridge, during the past winter.	5 0 0	240.	J. D. Haszard, Queen's Printer, being the amount of his account for quarter ending March 31st.	50 8 9
220.	William Cooper, Speaker of House of Assembly, being part of the vote of £300 for a Delegation to England.	100 0 0	241.	J. B. Cooper & Co. Printers, being the amount of their account for printing, &c.	8 16 6
221.	William Cooper, do. being as above.	100 0 0	242.	St. Eleanor's Agricultural Society, being a sum voted by the Legislature in aid of the funds.	12 10 0
222.	William Cooper, do. being as above.	100 0 0	243.	Western Agricultural Society, being as above.	12 10 0
223.	Smiths & Wright, being the amount of their account for work in and about Government House during past year, and part of £250 voted for that purpose.	48 15 0	244.	Bedeque Agricultural Society, being as above.	12 10 0
224.	Alexander Davidson, being as above.	8 2 6	245.	St. Margaret's Agricultural Society, being as above.	25 0 0
225.	Samuel Nelson, being as above.	2 13 0	246.	John Mutart, being a sum voted to him as compensation for a road through his farm at Cape Travers.	15 0 0
226.	James Millner, being as above.	18 9 4	247.	Widow Praught, being a sum voted to her as compensation for a road through her farm, the Proprietor of the land having paid a like sum.	7 10 0
227.	James Peake, being as above.	16 3 9	248.	Smiths & Wright, being amount of their account for repairing the new Block of the Wharf.	14 8 6½
228.	Hobs & Nicholson, being as above.	4 14 0	249.	Rev. John M'Lennan, being a sum allowed to him towards support of four pauper idiots at Belfast, named Ewen M'Leod, Donald Munn, John Campbell, and Angus M'Phee.	10 0 0
229.	Purdie & Co. being as above.	15 2 6	250.	Eastern Agricultural Society, being a sum voted by the Legislature in aid of the funds.	25 0 0
230.	David Wilson, being as above.	14 10 9	251.	John Clark, being a sum voted to him as a compensation for a road running through his farm, at Cape Travers.	35 0 0
231.	Daniel Boughton, being as above.	5 5 0		19th.	
232.	J. P. Collins, being in aid of Roads and Bridges.	10 0 0	252.	Office-bearers of the Charlottetown Mechanics' Institute, being a sum voted by the Legislature in aid of their funds.	20 0 0
233.	J. P. Collins, being in aid of Roads of Bridges.	10 0 0			
234.	J. P. Collins, being in aid of Roads and Bridges.	10 0 0			
235.	J. P. Collins, being in aid of Roads and Bridges.	12 0 0			
	23d.				
236.	J. P. Collins, being in aid of Roads and Bridges.	50 0 0			

No.	July 4.	£ s. d.	No.	July 4.	£ s. d.
253.	E. J. Jarvis, Chief Justice, being one quarter's allowance for tra- velling the Circuit.	25 0 0	276.	J. P. Collins, Colonial Secretary and Registrar, being his quarterly account, including £5 11s. 1½d. Lieut. Governor's fees.	52 3 3
254.	T. H. Haviland, Treasurer, being his quarter's salary.	125 0 0	277.	J. P. Collins, Clerk of Executive Council, being his quarterly account.	53 8 2
255.	J. Spencer Smith, Collector of Impost, being his quarter's salary.	65 0 0	278.	Robert Hodgson, Attorney General, being his Bill for Crown Prosecutions in King's County.	19 2 0
256.	Charles M'Nutt, Sub-Collector of Customs, being his quarter's salary.	19 0 0	279.	J. H. Peters, Solicitor General, being his Bill for Crown Prosecutions in King's County.	2 6 8
257.	Joseph Pope, do. being his quarter's salary.	10 0 0	280.	Robert Hodgson, Attorney General, being his Bill for sundry services.	33 19 8
258.	Hugh Macdonald, do. being his quarter's salary.	10 0 0	281.	William Coats, Deputy Clerk of the Crown, Prince County, being his Bill for costs in Crown Pro- secutions.	13 7 10
259.	William S. Macgowan, do. being his quarter's salary.	10 0 0	282.	William Coats, do. being his disbursements in Crown Prosecutions in Prince County.	16 13 1
260.	A. Lane, Adj't. General, &c. of Militia, being his quarter's salary.	18 15 0	283.	Miss Chappell, Postmistress, being to pay £33 10s. Halifax Cur- rency, the expense of the Carrier con- veying the Mails last winter between Cape Torment and Fort Lawrence; and to pay Mr. Roche, of Fort Law- rence, for his trouble taking charge of Mails and conveying them to and from Amherst.	38 10 6
261.	Rev. James Waddell, Master of Central Academy, being his quarter's salary.	37 10 0	284.	Gouldrup & Lang, being for the last six trips with Winter Mails, at £6.	36 0 0
262.	Alexander Brown, do. being his quarter's salary.	37 10 0	285.	J. H. White, being for conveying the Mail once to Pictou and back, in May last, before the arrival of the Cape Breton Steamer.	10 0 0
263.	John Macneill, Visiter of Schools, being his quarter's salary.	25 0 0	286.	Miss Chappell, Postmistress, being to pay the Mail Carriers on the Eastern route, for 13 trips.	14 5 ½
264.	James Breeding, Master of the National School, being his quarter's salary.	6 5 0	287.	Miss E. Chappell, Postmistress, being to pay the Mail Carriers on the Western route, for 13 trips.	18 4 0
265.	James Moore, Wharfinger, being his quarter's salary.	7 10 0	288.	Miss E. Chappell, do. being to pay the Mail Carriers on the Three Rivers route, for 13 trips.	15 12 0
266.	Clear Lallow, Market Clerk, being his quarter's salary.	10 0 0	289.	George Tanton, late Deputy Sheriff of Prince County, being the amount of his account for expenses incurred during past year for Jail and Court House at St. Eleanor's.	20 12 2
267.	John Rider, Messenger, &c. being his quarter's salary.	10 0 0	290.	William S. Macgowan, late Sheriff of King's County, being as above.	48 8 3
268.	Robert Hutchinson, Jailer, Queen's County, being his quarter's salary.	10 0 0			
269.	Richard Wood, do. Prince County, being his quarter's salary.	7 10 0			
270.	Donald M'Phee, do. King's County, being his salary from 1st April to 7th May last, at £33 per annum.	3 1 8			
271.	Susan Hutchinson, Matron of Char- lottetown Jail, being her half year's salary.	7 10 0			
272.	B. De St. Croix, Medical Attendant at Jail of Charlottetown, being his half year's salary.	5 0 0			
273.	Solomon Desbrisay, Assayer of Weights and Measures, Charlottetown, being his half year's salary.	5 0 0			
274.	C. Nicholson, being one quarter's allowance for support of his brother, a lunatic.	5 0 0			
275.	J. D. Hazzard, Queen's Printer, being his quarterly account for printing.	138 6 0			

No.	July 4.	£ s. d.	No.	July 18.	£ s. d.
291.	John Fitzpatrick, being his account for carting 21 cords of Wood from Fuel Yard to Governor's Guard, at 3s. per cord.	3 3 0	308.	J. P. Collins, being in aid of Roads and Bridges.	10 0 0
292.	Theophilus Chappell, being the amount of his Bill for going to Mount Stewart, and preparing a plan and specification and estimate of an intended Bridge across the Hillsbo- rough, at the ferry.	3 12 6	309.	J. P. Collins, being in aid of Roads and Bridges.	15 0 0
293.	Donald Murchinson, 1st class Teacher, being for duties as such at Point Prim, for year ending 1st May, 1839.	12 0 0	310.	J. P. Collins, being in aid of Roads and Bridges.	20 0 0
294.	John Macneill, do. being for duties as such at Bay of Fortune, for year ending June 18th, 1839.	12 0 0	311.	J. P. Collins, being in aid of Roads and Bridges.	22 17 0
295.	Representatives of the late Thomas Collins, 1st class Teacher, being for duties as such at Lot 19, for year ending May 27, 1839.	12 0 0	312.	J. P. Collins, being as above.	10 0 0
296.	Joseph Ball, being for exploring and ascertaining the best line of a road between the Scotch Settlement, Lot 67, and Lots 28 and 29, and furnishing a plan thereof.	13 5 6	313.	John Hickey, being on account of his contract for building Princetown Wharf, and part of the £240 voted in appropriate Acts of 1836, 1837 and 1838.	117 0 0
297.	J. P. Collins, being in aid of Roads and Bridges.	10 0 0	314.	J. P. Collins, being in aid of Roads and Bridges.	10 0 0
298.	J. P. Collins, being as above.	15 0 0	315.	J. P. Collins, being in aid of Roads and Bridges.	16 0 0
299.	J. P. Collins, being as above.	20 0 0	316.	J. P. Collins, being in aid of Roads and Bridges.	10 0 0
300.	John Butler, 1st class Teacher, being for duties as such at Lot 48, ending 18th June, 1839.	12 0 0	317.	J. P. Collins, being as above.	60 0 0
301.	J. P. Collins, being in aid of Roads and Bridges.	45 0 0	318.	J. P. Collins, being as above.	20 5 0
302.	J. P. Collins, being in aid of Roads and Bridges.	30 0 0	319.	J. P. Collins, being as above.	11 9 0
303.	J. P. Collins, being in aid of Roads and Bridges. 18th.	9 5 4	320.	J. P. Collins, being as above.	12 0 0
304.	Francis Buote, Acadian Teacher, being for his services as Teacher at Tignish, for year ending July 1, 1839.	5 0 0	321.	J. P. Collins, being as above.	20 0 0
305.	President and Committee of the Inde- pendent Agricultural Society, being a sum voted to that Society.	25 0 0	322.	J. P. Collins, being as above.	9 10 0
306.	William Mackie, being a sum voted to compensate him for a right of way through his farm at Elliot River.	20 0 0	323.	J. P. Collins, being as above.	20 0 0
307.	James Bell, being amount of his contract for saving materials and repairing Hope River Bridge, part of the £15 voted for that purpose.	14 18 0	August 1.		
			324.	Donald Lamont, 1st class Teacher, being for his services as Teacher at Elliot River, for year ending July 20, 1839.	12 0 0
			325.	Dubois Smith, do. being for duties as such at Grand River, for year ending July 8, 1839.	12 0 0
			326.	John Stewart, do. being for duties as such at New Bide- ford, for year ending 10th July, 1839.	12 0 0
			327.	Donald Graham, do. being as above, at Orwell, for year ending 20th July, 1839.	12 0 0
			328.	Jane Cameron, do. being for duties as such at Charlotte- town, for year ending July 16, 1839.	12 0 0
			329.	Robert Hodgson, Attorney General, being the amount of his Bill for con- ducting Crown prosecutions last Tri- nity Term.	21 7 9

No.	August 1.	£ s. d.	No.	August 1.	£ s. d.
330.	Daniel Hodgson, Clerk of the Crown, being the amount of his Bill for fees in Crown prosecutions.	19 6 10	349.	J. P. Collins, being in aid of Roads and Bridges.	15 0 0
331.	Daniel Hodgson, do. being his disbursements in Crown prosecutions.	52 2 2	350.	J. P. Collins, being as above.	115 0 0
332.	James Pidgeon and John Cousins, being for putting Buoys in the Harbour of New London, as certified by D. Montgomery, Esq., who was appointed by the Lieut. Governor to superintend the same.	8 0 0		September 5.	
333.	J. H. White, being a sum allowed to him by Resolution of House of Assembly, for printing a certain number of copies of the Journals of the House, during the past sessions.	32 12 0	351.	Thomas Welsh, 1st class Teacher, being for duties as such at Pisquid, for year ending August 3, 1839.	12 0 0
334.	J. H. White, being a sum allowed by the Legislature, to reimburse him for expenses in defending an action brought against him by Commissioners appointed to superintend reprinting of the Laws.	125 0 0	352.	S. Davidson, do. being for duties as such at Princetown, for year ending August 20, 1839.	12 0 0
335.	Michael D. Leary, being the amount of compensation awarded to him for damage sustained by road through Lots 7 and 8, passing through his farm.	8 4 6	353.	Malcolm Darrach, do. being for duties as such at Dog River, for year ending 1st August, 1839.	12 0 0
336.	J. P. Collins, being in aid of Roads and Bridges for the present year.	80 0 0	354.	John Ronayne, do. being for duties as such at Grand River, for a year ending July 27, 1839.	12 0 0
337.	J. P. Collins, being as above.	11 6 0	355.	John Mackinnon, do. being for duties as such at Lot 16, for year ending 22d July, 1839.	12 0 0
338.	J. P. Collins, being as above.	10 0 0	356.	E. S. Blanchard, 2d class do. being for duties as such at New Glasgow, for year ending July 25, 1839.	20 0 0
339.	J. P. Collins, being as above.	10 0 0	357.	James Watts, being for supplying the Jail of Charlottetown with 1239 lbs. Biscuit, according to his contract.	20 13 0
340.	J. P. Collins, being as above.	10 0 0	358.	Daniel Hodgson, Coroner, being his Bill for holding three Inquests.	11 4 9
341.	J. P. Collins, being as above.	50 0 0	359.	Lemuel Cambridge, being the expense of providing and fixing two Buoys in Cascampeque Harbour.	8 7 0
342.	J. P. Collins, being as above.	10 0 0	360.	James Welsh, being for repairing the Hard at the Ferry, Lot 48, according to contract.	10 0 0
343.	J. P. Collins, being as above.	25 0 0	361.	Thomas Large, being for 28 weeks board and lodging of Lydia Murray, a lunatic, at 8s. per week.	11 4 0
344.	J. P. Collins, being as above.	35 0 0	362.	Charles Desbrisay, being for preparing an Index to Journals of the Legislative Council for two last sessions, pursuant to Resolution of that House.	7 10 0
345.	J. P. Collins, being as above.	11 10 0	363.	Joint Committee of Council and Assembly, in charge of Government House, being the sum voted last session for the estimated expenses of certain repairs and additions to out buildings on Government Farm, and for a Breast Work.	150 16 0
346.	J. P. Collins, being as above.	50 0 0	364.	J. P. Collins, being in aid of Roads and Bridges.	50 0 0
347.	J. P. Collins, being as above.	150 0 0			
348.	J. P. Collins, being as above.	30 0 0			

No.	September 5.	£ s. d.	No.	October 3.	£ s. d.
365.	J. P. Collins, being in aid of Roads and Bridges.	23 10 0		ing Journals of Legislative Council for two last sessions, and for binding 70 copies.	
366.	J. P. Collins, being as above.	25 0 0	388.	Miss E. Chappell, Postmistress, being the expense of the Eastern Mail, from the 3d July last.	15 7 11
	October 3.		389.	Miss E. Chappell, do. being to pay expense of Western Mail, from 3d July last.	20 13 0
367.	The Chief Justice, being one quarter's travelling allowance.	25 0 0	390.	Miss E. Chappell, do. being to pay the expense of the Three Rivers Mail, from the 3d of July last.	15 12 0
368.	T. H. Haviland, Treasurer, being his quarter's salary.	125 0 0	391.	Neil Mackinnon, 1st class Teacher, being for duties as such at Brackley Point Road, for year ending 1st Octo- ber, 1839.	12 0 0
369.	J. Spencer Smith, Collector of Excise, being his quarter's salary.	65 0 0	392.	John Hickey, being the balance of his contract for building a Wharf at Princetown, and part of the £240 voted in 1836, 37 & 38.	117 0 0
370.	Joseph Pope, Sub-Collector of Customs, being his quarter's salary.	10 0 0	393.	John Hickey, being for extra work done to the old part of the above wharf.	9 0 0
371.	Charles M'Nutt, do. being his quarter's salary.	10 0 0	394.	Benjamin Thompson, being for placing a Buoy at the en- trance of Richmond Bay Harbour.	12 18 0
372.	Hugh Macdonald, do. being his quarter's salary.	10 0 0	395.	David Anderson, being for erecting two Beacons at St. Peter's Bay.	8 0 0
373.	William S. Macgowan, do. being his quarter's salary.	10 0 0	396.	Thomas Owen, being the reward allowed by 50 Geo. 3, cap. 3, for apprehending a deserter from H. M. S. Andromache.	5 0 0
374.	John Macneill, Visiter of Schools, being his quarter's salary.	25 0 0	397.	George Peacock, H. M. S. Andromache, being to remunerate him for his services in making a Nautical Survey of the Harbours of Charlottetown and Three Rivers, protracting Charts of the same, and laying down Buoys.	50 0 0
375.	A. Lane, Adj. General of Militia, &c. being his quarter's salary.	18 15 0	398.	J. P. Collins, being in aid of Roads and Bridges, for the present year.	30 0 0
376.	Rev. James Waddell, Master of Central Academy, being his quarter's salary.	37 10 0	399.	J. P. Collins, being as above.	25 0 0
377.	Alexander Brown, do. being his quarter's salary.	37 10 0	400.	J. P. Collins, being as above.	50 0 0
378.	James Breeding, Master of the National School, being his quarter's salary.	6 5 0	401.	J. P. Collins, being as above.	52 0 0
379.	James Moore, Wharfinger, being his quarter's salary.	7 10 0	402.	Alexander Macdonald, being for erecting Beacons at Grand River, in King's County.	7 12 0
380.	Clear Lallow, Market Clerk, being his quarter's salary.	10 0 0	403.	J. P. Collins, being in aid of Roads and Bridges.	60 0 0
381.	Robert Hutchinson, Jailer, Queen's County, being his quarter's salary.	10 0 0	404.	J. P. Collins, being in aid of Roads and Bridges.	34 0 0
382.	Richard Wood, do. Prince County, being his quarter's salary.	7 10 0			
383.	Hugh Logan, do. King's County, being his salary from the 7th May last to the 30th September.	11 18 4			
384.	C. Nicholson, being one quarter's allowance for support of his brother, a lunatic.	5 0 0			
385.	J. P. Collins, Colonial Secretary, being his quarterly account, including 50s. sterling, Lieutenant Governor's fees.	14 18 3½			
386.	J. P. Collins, C. C. being his quarterly account, including £20 15s. due to him from the previous quarter.	54 19 1			
387.	J. D. Haszard, Queen's Printer, being amount of his account for print-	101 10 0			

No.	October 3.	£ s. d.	No.	November 7.	£ s. d.
405.	John Rider, Messenger, being his quarter's salary up to 1st inst.	10 0 0		of House of Assembly, as certified by the Members for Charlottetown.	
406.	J. P. Collins, being in aid of Roads and Bridges.	100 0 0	424.	Church Wardens of St. Paul's Church, being the assessment on the govern- ment pews, up to Whitsuntide, 1840.	8 15 0
407.	J. P. Collins, being in aid of Roads and Bridges.	25 0 0	425.	George Wright, Surveyor General, being amount of his account for his services as Commissioner, and expen- ses and disbursements incurred, under the Act, 2 Vic. cap. 5, for a Nautical Survey of the Harbours of Charlotte- town and Three Rivers, and to provide Buoys and Beacons—to be paid out of the moneys arising from the Act, 1st Vic. cap. 8.	123 16 0
408.	J. P. Collins, being in aid of Roads and Bridges.	94 8 0			
	November 7.				
409.	Roderick Campbell, 1st class Teacher, being for duties as such at Georgetown, for year ending October 25, 1839.	12 0 0	426.	James Peake, being for Chain Cables, &c. supplied for Buoys for Charlottetown Harbour —to be paid as above.	41 3 6
410.	Neil Arbuckle, do. being for duties as such at Lot 67, Anderson's Road, for year ending October 1, 1839.	12 0 0	427.	Alexander Davidson, for the Mining Association, being for Anchors supplied for moor- ing the Buoys—to be paid as above.	23 12 0
411.	Pierre Ryan, do. being for duties as such at Guernsey Cove, for year ending 1st October, 1839.	12 0 0	428.	C. C. Davison, being for Blacksmith work and pro- curing Iron for the Buoys—to be paid as above.	45 15 8
412.	Thomas Keys, do. being for duties as such at Frederick Cove, Lot 11, for year ending October 14, 1839.	12 0 0	429.	J. P. Collins, being in aid of Roads and Bridges, for the present year.	20 0 0
413.	John Mackinnon, do. being for duties as such at Flat River, for year ending September 10, 1839.	12 0 0	430.	J. P. Collins, being in aid of Roads and Bridges, for the present year.	33 15 0
414.	Antoine Perry, Acadian Teacher, being for duties as such at Mascouche, for year ending October 15, 1839.	5 0 0		December 2.	
415.	Charles Lafrance, do. being for duties as such at Rustico, for year ending July 15th, 1839.	5 0 0	431.	T. H. Haviland, being in aid of Roads and Bridges, for the present year.	50 0 0
416.	James Warburton, Commissioner of Statute Labour, being his annual allowance.	10 0 0		5th.	
417.	Archibald Campbell, do. being his annual allowance.	10 0 0	432.	Thomas Crabb, 1st class Teacher, being for duties as such, to 5th Nov.	12 0 0
418.	Thomas Tod, do. being his annual allowance.	10 0 0	433.	Nathaniel Maclaren, do. being as above.	12 0 0
419.	Allan Macdougall, do. being his annual allowance.	10 0 0	434.	Edmund Shea, do. being as above.	12 0 0
420.	William Coates, Deputy Clerk of the Crown, Prince County, being his fees in Crown prosecutions.	5 11 3	435.	W. H. Nelis, do. being as above.	12 0 0
421.	William Coates, do. being amount of his disbursements in Crown prosecutions.	8 11 6	436.	J. H. White, being for conveyance of the Mail to Pictou and back.	10 0 0
	November 7.		437.	John C. Heartz, being the amount of his account for sundry repairs at the Court House.	10 0 3
422.	Thomas Hunt, Sheriff of Prince County, being amount of expenses incurred in running a contemplated line of road from Darby's Portage, to Hillson's, Lot 17.	24 5 0	438.	S. Desbrisay, Commissioner of Roads, being amount of account for repairs to Wright's Bridge, by order of His Excellency the Lieutenant Governor.	16 18 9
423.	J. B. Cooper & Co. Printers, being for printing and binding Journals	168 6 3			

No.	December 5.	£ s. d.	No.	January 2, 1840.	£ s. d.
439.	Benjamin Bears, being the bounty allowed by the 2d Vic. cap. 6, as fitter out of the schooner Olive Branch, 41 tons burthen, for the fishery.	10 5 0	1.	The Chief Justice, being his travelling allowance for one quarter.	25 0 0
440.	William M'Kay & Co. being as above, for the schooner Sarah Ann, 51 tons burthen.	12 15 0	2.	T. H. Haviland, late Treasurer, being his salary to November 29th.	83 6 8
441.	William M'Kay & Co. being as above, for the schooner Trial, 52 tons burthen.	13 0 0	3.	John Brecken, Acting Treasurer, from November 29th.	41 13 4
442.	Alexander Macdonald, being for making one mile of the road from Cardigan to Mount Stewart Bridge.	49 15 0	4.	J. Spencer Smith, Collector of Impost, being his quarter's salary.	65 0 0
443.	Angus Macaulay, being as above, for half a mile of above named road.	18 15 0	5.	Charles M'Nutt, Sub-Collector of Customs, being his quarter's salary.	10 0 0
444.	John Welsh, being as above, for one mile.	47 0 0	6.	Joseph Pope, do. being his quarter's salary.	10 0 0
445.	Thomas Pendergrast, being as above, for half a mile.	16 0 0	7.	Hugh Macdonald, do. being his quarter's salary.	10 0 0
446.	Thomas H. Haviland, being on account of Roads and Bridges, for the present year.	100 0 0	8.	William S. Macgowan, do. being his quarter's salary.	10 0 0
447.	John Macdonald, being for making a quarter of a mile of the road from Cardigan River to Mount Stewart Bridge.	9 17 6	9.	A. Lane, Adj. General of Militia, being his quarter's salary.	18 15 0
448.	Alexander Macdonald, being for opening, stumping and level- ling half a mile of the road from Cardigan to Picquid.	17 15 0	10.	Rev. James Waddell, Master of Central Academy, being his quarter's salary.	37 10 0
	14th.		11.	Alexander Brown, do. being his quarter's salary.	37 10 0
449.	Thomas H. Haviland, being on account of Roads and Bridges, for the current year.	100 0 0	12.	James Breading, Master of the National School, being his quarter's salary.	6 5 0
	17th.		13.	James Breading, being the sum allowed by Statute, 7 Will. 4, cap. 20.	12 0 0
450.	Nathaniel Strang, being on account of his contract for building a Block and space to the Wharf at Green's Shore, Bedeque, being part of £100 appropriated in 1838.	20 0 0	14.	John Macneill, Visiter of Schools, being his quarter's salary.	25 0 0
451.	Jamas Sharp, do. do.	30 0 0	15.	James Moore, Wharfinger at Charlotte- town, being his quarter's salary.	7 10 0
	19th.		16.	John Rider, Messenger of Council, being his quarter's salary.	10 0 0
452.	James Welsh, being for cleansing out the public Well at the Ferry-house opposite Charlotte- town, walling the same with stone, and placing a sufficient Pump therein —appropriation of 1838.	5 0 0	17.	Clear Lallow, Market Clerk, being his quarter's salary.	10 0 0
	20th.		18.	Robert Hutchinson, Jailer, Queen's County, being his quarter's salary.	10 0 0
453.	Thomas H. Haviland, being on account of Roads and Bridges.	115 0 0	19.	Richard Wood, do. Prince County, being his quarter's salary.	7 10 0
			20.	Hugh Logan, do. King's County, being his quarter's salary.	7 10 0
			21.	Susan Hutchinson, Matron of Char- lottetown Jail, being her half year's salary.	7 10 0
			22.	B. De St. Croix, Medical Attendent of Charlottetown or Queen's County Jail, being his half year's salary.	5 0 0
			23.	Solomon Desbrisay, Assayer of Weights and Measures, being his half year's salary.	5 0 0

No.	January 2.	£ s. d.	No.	January 2.	£ s. d.
24.	Charles Nicholson, being one quarter's allowance for support of his brother, a lunatic.	5 0 0	44.	Samuel Lane, being his contract for carrying the Three River Mails for the last quarter.	18 0 0
25.	David Higgins, Road Commissioner, being his annual allowance as such.	10 0 0	45.	James Fehan, being the amount of his contract for carrying the Eastern Mails, for the quarter ending 31st December.	15 12 0
26.	John R. Bourke, do. being his annual allowance as such.	10 0 0	46.	Thomas Crabb, being the amount of his contract for carrying the Western Mails, for the quarter ending 31st December.	41 15 7
27.	John Jardine, do. being his annual allowance as such.	10 0 0	47.	David Laing, being for 5 trips with the Mail be- tween Cape Traverse and Cape Tor- mentine.	18 10 0
28.	John Macgowan, do. being his annual allowance as such.	10 0 0	48.	David Higgins, Road Commissioner, being for expense incurred in repairing Auld's Bridge, Lot 34.	5 19 0
29.	Thomas Owen, do. being his annual allowance as such.	10 0 0	49.	Solomon Desbrisay, Road Commissioner, being his annual allowance as such.	10 0 0
30.	Joseph Pope, do. being his annual allowance as such.	10 0 0	50.	Isaac Smith, being his account for Plans of public Buildings, &c.	12 0 0
31.	Rev. John Maclellan, 2d class Teacher, being for duties as such at Belfast, for the year ending January 1, 1840.	20 0 0	51.	Secretary and Treasurer of Princetown Agricultural Society, being a sum voted by the Legislature in aid of its funds.	12 10 0
32.	John Le Page, 1st class Teacher, being for duties as such at Lot 49, for the year ending December 8th, 1839.	12 0 0	52.	George Wright, Surveyor General, being his account for services as Com- missioner, and expenses and disburse- ments incurred by him under the Act of 2d Vic. cap. 5, for making a Nautical Survey of the Harbours of Charlottetown and Three Rivers, and to provide Buoys and Beacons—to be paid out of the moneys arising from the Act, 1st Vic. cap. 8.	58 18 9
33.	Donald Macleod, do. being for duties as such at Fullerton's Marsh, for the year ending December 6th, 1839.	12 0 0	53.	Charles C. Davison, being his account for taking up and securing Buoys in Charlottetown Har- bour.	8 12 2
34.	James D. Haszard, Queen's Printer, being for his account as such to 31st December.	73 12 0	54.	Charles C. Davison, being a sum omitted in his account passed 7th November, for iron procured and Blacksmith work performed in preparing Buoys for Charlottetown Harbour.	5 0 0
35.	Samuel Cunard, being the amount of his contract for the Steamer Cape Breton, for the past season.	500 0 0	55.	A. Lane, Town Major, being his account for disbursements as such for the past year.	11 12 1½
36.	Daniel Hodgson, Coroner, being his quarterly account.	11 6 5½	56.	James Warburton, Road Commissioner, being his account for mileage and other charges in travelling to let a part of the Western Road.	7 7 0
37.	James Jackson, being a sum voted by the Legislature.	5 0 0	57.	Juliana Collins, Administratrix of J. P. Collins, being the amount of her late husband's	21 14 3
38.	James H. Down and James Pollard, being the amount of their contract for erecting a Fence round Queen's Coun- ty Jail, together with £15 17s. for extras.	95 16 6			
39.	Robert Hodgson, Attorney General, being his account for Crown prosecu- tions.	19 6 5½			
40.	James H. Peters, Solicitor General, being his account for Crown prosecu- tions.	10 6 8			
41.	Robert Hodgson, Attorney General, being his account for sundry services.	14 11 2			
42.	George Wright, Surveyor General, being his quarterly account.	2 10 0			
43.	George Wright, jun., Deputy Surveyor General, being his account for public Surveys.	27 7 6			

No.	January 2.	£	s.	d.	No.	January 2.	£	s.	d.
	account, as Colonial Secretary, to 29th November.				63.	Angus and John Macdonald, being the first instalment of contract for building Mount Stewart Bridge.	120	0	0
58.	Juliana Collins, do. being the amount of her late husband's account as Clerk of the Council, to 29th November.	30	10	3	64.	John Brecken, Acting Treasurer, being the amount of his small disbursement account for the past year.	30	17	4
59.	Juliana Collins, do. being the annual sum voted by the Legislature to the Road Correspondent.	30	0	0	65.	Thomas H. Haviland, being on account of Roads and Bridges for the past year.	100	0	0
60.	T. H. Haviland, Acting Clerk of the Council, being the amount of his account as such from 29th November to 31st December.	19	6	0		21st.			
61.	Walker & Macdonald, being the bounty allowed by 2d Vic. cap. 6, as fitters out of the Schooner Success, burthen 45 tons, for the fisheries.	11	5	0	66.	George Aitken, being a sum granted by the Legislature, for building a Slip opposite Georgetown.	15	0	0
62.	Robert Hutchinson, being his account for the diet of Mary Peck, a lunatic.	12	5	0	67.	Thomas H. Haviland, being on account of Roads and Bridges for the past year.	20	0	0
						23d.			
					68.	Thomas H. Haviland, being as above.	40	0	0

A true Copy.

T. H. HAVILAND, A. C. C.

DETAILED ACCOUNTS.

[SEE PAGE 72.]

Schedule of Accounts ordered by the House of Assembly to be Printed.

No.		No.
1.	Colonial Secretary's Account, April 9, 1839.	19. Solicitor General's Account, for Crown Prosecutions at Hilary Term, Charlottetown.
2.	Do. do. do. July 4, "	20. Clerk of the Crown's Account, Hilary Term, 1839.
3.	Do. do. do. October 3, "	21. — ditto, Disbursements, said Term.
4.	Do. do. do. Nov. 18, "	22. — Account, Trinity Term.
5.	Clerk of Executive Council's Account, March 1, 1839.	23. — Disbursements, said Term.
6.	Do. do. do. August 1, "	24. Deputy Clerk of Crown's Account for Fees and Disbursements, King's County, March Term, 1839.
7.	Do. do. do. October 3, "	25. Deputy Clerk of Crown, Prince County, Account for Fees and Disbursements, June Term.
8.	Do. do. do. November 7, "	26. — — Ditto, October Term.
9.	Acting do. do. do. December 5, "	27. Coroner's Accounts.
10.	Clerk of Legislative Council's Account, First Session, 1839.	28. Sheriff of Prince County's Account of expenses under Road Compensation Act.
11.	Do. do. do. Second Session, 1839.	29. Accounts of expense of Nautical Survey of Hillsborough Bay, and the Harbours of Charlottetown and Three Rivers, and for providing and placing Buoys and Beacons for said harbours.
12.	Printer of Legislative Council's Account, 2 Sessions.	30. Government House and Premises—Statement of Accounts for work done at.
13.	Attorney General's Account for Crown Prosecutions, at Hilary Term, Charlottetown, 1839.	— — Smiths & Wright's Account for work done at.
14.	— — Account for Crown Prosecutions at March Term, Georgetown,	31. Queen's Printer's Accounts, for 1839.
15.	— — Do. for Crown Prosecutions, at Trinity Term, Charlottetown.	32. J. B. Cooper & Co.'s Accounts, for sundry advertisements, &c.
16.	— — Do. for Crown Prosecutions, October Term, St. Eleanor's.	33. Acting Treasurer's Small Disbursements' Account.
17.	— — Do. for miscellaneous services, up to June, 1839.	
18.	— — Do. for miscellaneous services, to December 31, 1839.	

No. 1.

THE GOVERNMENT

TO THE COLONIAL SECRETARY, Dr.

1839.		£	s.	d.
January 19.	Preparing and taking bond of Allan Forsyth, Collector of Excise,	0	6	8
	Preparing Commission to Allan Forsyth,	0	10	0
	Seal, 9s.; registering do. 6s. 7½d.	0	15	7½
	Lieutenant Governor's fee,	0	10	0
20.	Copy (for Gazette) of Order in Council, making Georgetown a free port,	0	7	6
	Copy (for Gazette) of Order in Council, allowing various Acts passed in 1838,	0	5	6
23.	Recording above Order, &c.	0	6	6
	22 Militia Commissions, at 2s. 6d.	2	15	0
27.	Copy for Legislative Council and House of Assembly of Despatch in reply to Joint Address of congratulation to Her Majesty,	0	5	6

		Brought forward, £
1839.	Copy for do. of five Despatches, with Orders in Council on various Acts, each copy 5000 words,	5 0 0
January 28.	Copy for do. of Despatch, &c. conveying Her Majesty's decision on disposal of fund arising from Glebes, &c., each copy 10,260 words,	10 5 0
29.	Copy for Legislative Council and House of Assembly of Correspondence relative to Fishery Reserves, each copy 2970 words.	2 19 6
31.	Copy for House of Assembly of Despatch in reply to Address relative to fund arising from sale of Crown Lands, towards building Lunatic Asylum,	0 2 6
February 2.	Copy for Legislative Council and House of Assembly of Despatches and Returns on Prison Discipline, each copy 3514 words,	3 10 0
4.	Copy for House of Assembly of Despatch relative to Fisheries, &c.	0 7 6
	Copy for Legislative Council and House of Assembly of Despatch relative to Steam communication with England, each copy 430 words,	0 9 6
10.	Copy of such parts of Royal Instructions, &c. as relate to Georgetown, in reply to an Address of the House of Assembly,	0 10 6
12.	Commission to E. Thornton, Road Commissioner, Seal, 9s., registering do. 6s. 7d.	0 10 0
	Lieutenant Governor's fee,	0 15 7½
	Lieutenant Governor's fee,	0 10 0
25.	Copy for Gazette of Orders in Council allowing two Acts,	0 5 0
March 1.	Recording do.	0 7 0
	Copy of do. for Legislative Council and House of Assembly,	0 10 0
	Copy for House of Assembly of Correspondence with Mr. G. R. Young on Quit Rents, 8970 words,	4 9 6
4.	Preparing Special Proclamation, appointing new Members of Council, Seal, 9s.; Lieutenant Governor's fee, 10s.; Copy for Gazette, 10s.	0 10 0
	Lieutenant Governor's fee, 10s.; Copy for Gazette, 10s.	1 9 0
5.	Recording Commission to Sir John Colborne, as Governor General, Commission appointing provisional Members of Executive Council, Seal, 9s.; registering do. 15s. 6d.; Lieutenant Governor's fee, 10s.	2 5 0
	Commission appointing provisional Members of Executive Council, Seal, 9s.; registering do. 15s. 6d.; Lieutenant Governor's fee, 10s.	0 10 0
	Commission, as above, for Legislative Council, Seal, 9s.; registering do. 15s. 6d.	1 14 6
	Lieutenant Governor's fee,	0 10 0
	Lieutenant Governor's fee,	1 4 6
	Lieutenant Governor's fee,	0 10 0
7.	Warrant to lay off road on Lot 19, 2s. 6d.; Lieutenant Governor's fee, 5s.	0 7 6
21.	Copy of part of Royal Instructions relative to Loyalists, for Grievance Committee of House of Assembly,	0 15 0
26.	Three copies of an Original Grant, for Legislative Council, Do. of Order of Her Majesty in Council, reserving 500 feet for Fisheries, for Legislative Council,	1 10 0
	Do. of Order of Her Majesty in Council, reserving 500 feet for Fisheries, for Legislative Council,	0 7 6
30.	Copy for Committee of House of Assembly of Steam Boat Contract and Bond, Engrossing two copies each of the following Acts passed last Session—	0 15 6
	No. 1. Act continuing Jury Act, 360 words.	
	2. " " Fishery Act, 360	
	3. " " Three several Acts, 700	
	4. " " Public Wharf Act, 360	
	5. Authorising appointment of Coal Meters, 710	
	6. For granting bounties to vessels engaged in fisheries, 1080	
	7. For improvement of property in Georgetown, 3600	
	8. For protection of Sheep, 750	
	9. To prevent running at large of Hogs, 810	
	8730	
	Second copy, 8730	
	17,460, at 1s. per 100 words, 8 14 9	
	9 Great Seals to do. at 9s.	4 1 0
April 1.	Preparing Bond and Contract for supplying Jail with Fuel,	0 6 8
	Carried forward,	

1839.		Brought forward, £	
April 1.	Preparing Bond and Contract for supplying Jail with Bread,		0 6 8
		Sterling, £62	0 6
		Exchange, 1-9,	6 17 10
			£68 18 4

J. P. COLLINS, Colonial Secretary.

No. 2.

THE GOVERNMENT,

TO THE COLONIAL SECRETARY,

		Dr.	
		£	s. d.
1839.			
March 21.	Preparing Warrant, reprieving Tom Williams, an Indian,	0	5 0
	Registering do.	0	2 6
	Lieutenant Governor's fee,	0	5 0
" 26.	Preparing Warrant, as above, 5s., Registering do., 2s. 6d.	0	7 6
	Lieutenant Governor's fee,	0	5 0
April 10.	Warrant of Survey, to lay off Road through Mount Stewart Farm,	0	5 0
	Lieutenant Governor's fee,	0	5 0
" 22.	Copying for House of Assembly, Sir C. Campbell's Despatch and Enclosure, relative to Collection of Light Duty,	0	2 6
	Warrant of Survey, to lay off Roads in Georgetown Royalty,	0	5 0
	Lieutenant Governor's fee,	0	5 0
May 2.	Preparing Bonds for High Sheriffs, 6s. 8d.	1	0 0
	Commissions to do. 10s.	1	10 0
	Seals to do., 9s. Registering do., 6s. 7½d.	2	6 10½
	Lieutenant Governor's fees,	1	10 0
" 13.	Commission to Chief Justice to sit in lieu of Lieut. Governor, in Court of Divorce, 10s.		
	Seal, 9s.	0	19 0
	Registering do.,	0	6 7½
	Lieutenant Governor's fee,	0	10 0
	Two Warrants of Survey, to lay off Glebes on Lots 47 and 66, at 5s.	0	10 0
	Lieutenant Governor's fee, at 5s.	0	10 0
" 14.	Preparing Bond for Samuel E. Dawson, as Collector of Impost,	0	6 8
	Commission to do.	0	10 0
	Seal, 9s. Registering do., 6s. 7½d.	0	15 7½
	Lieutenant Governor's fee,	0	10 0
" 22.	Warrant, reprieving Tom Williams,	0	5 0
	Registering do.	0	2 6
	Lieutenant Governor's fee,	0	5 0
" 29.	Two Militia Commissions, at 2s. 6d.	0	5 0
	Parchment for do.	0	2 0
June 15.	Preparing Bond for repairs, &c. to Jail Fences,	0	6 8
" 23.	Warrant, reprieving Tom Williams,	0	5 0
	Registering do.	0	2 6
	Lieutenant Governor's fee,	0	5 0
	Proclamation proroguing Assembly,	0	19 0
	Lieutenant Governor's fee,	0	10 0
" 24.	Engrossing two copies of the following Acts, of the 2d Session of the Legislature, viz :—		
	No. 1. Revenue Act,		520 words.
	2. Act relating to Treasury Warrants,		540
	3. Act regulating sale of Spirituous Liquors,		1040
	4. Act relating to sale of Interest of Leaseholders, &c. 400		
	Carried forward,		

	Brought forward,		
	5. Act to provide for Buoys and Beacons,	1030 words.	
	6. Act to amend Prison Discipline Act,	2310	
	7. Act to continue Act relating to shutting up of roads,	300	
	8. Act for relief of American Loyalists,	7140	
	9. Act relating to Pounds,	2040	
	10. Appropriation Act,	5610	
		<u>20,930</u>	
	Second copy,	20,930	
		<u>41,860</u> , at 1s. per 100 words,	20 18 6
	10 Great Seals to Acts, at 9s.	-	4 10 0
June 29.	29 Militia Commissions, at 2s. 6d.	-	3 12 6
			<u>£46 0 11½</u>
	Exchange, 1-9,		5 2 3½
			<u>£52 3 3</u>

J. P. COLLINS, Secretary & Registrar.

No. 3.

THE GOVERNMENT,

TO THE COLONIAL SECRETARY & REGISTRAR.

		£	s.	d.
1839.				
July 18.	Preparing Bond and Indentures for the conveyance of the Inland Mails, at 6s. 8d.	1	0	0
	Preparing Pardon for Tom Williams, an Indian,	0	6	8
	Great Seal, do.	0	9	0
	Registering do.	0	5	0
	Lieutenant Governor's fee,	0	10	0
" 19.	Warrant of Survey to lay off 63 acres of Glebe on Lot 32,	0	2	6
	Lieutenant Governor's fee,	0	5	0
August 1.	Warrant of Survey to lay off Road from Darby's Portage to Bedeque,	0	5	0
	Lieutenant Governor's fee,	0	5	0
" 10.	Proclamation proroguing Assembly,	0	19	0
	Lieutenant Governor's fee,	0	5	0
" 16.	Commission to Joseph Wightman, Harbour Master of Three Rivers,	0	10	0
	Great Seal,	0	9	0
	Registering do.	0	6	7½
	Lieutenant Governor's fee,	0	10	0
	Preparing Bond for Ellis River Ferryman,	0	6	8
August 28.	40 Militia Commissions, according to return of Adjutant General, at 2s. 6d.	5	0	0
Sept. 26.	Proclamation proroguing Assembly,	0	19	0
	Lieutenant Governor's fee,	0	10	0
		<u>£13 8 5½</u>		
	Exchange, 1-9,	1	9	10
		<u>£14 18 3½</u>		

J. P. COLLINS.

No. 4.

PRINCE EDWARD ISLAND.

GOVERNMENT,

TO THE ADMINISTRATRIX OF LATE J. P. COLLINS, COLONIAL SECRETARY.

		£	s.	d.
1839.				
October 10.	Copy of Order in Council, for Gazette, allowing Acts passed, 1839,	-	0	6 6
	Recording Ditto,	-	0	6 6
" 11.	Copy for Gazette, of Report of Commissioners, under 2 Vict. cap. 5,	-	0	6 0
Nov. 1.	Proclamation for proroguing General Assembly,	0 19	0,	Stg.
	Lieutenant Governor's fees,	0 10	0	
	Exchange,	0 2 3	—	1 11 3
	Copy for Gazette,	-	0	3 0
" 6.	Registering Commission of C. P. Thompson, Governor General, and of Sir C. A. Fitz Roy, Lieutenant Governor of P. E. Island,	-	2	10 0
" 18.	331 Searches on Record, by order of Secretary of State, for House of Commons, of Lands granted from 1824 to 1837,	-	16	11 0
				£21 14 3

No. 5.

THE GOVERNMENT,

TO THE CLERK OF THE EXECUTIVE COUNCIL.

		DR.
		£ s. d.
1839.		
March 1.	Copy of two Minutes of Council, directing Surveyor to resume sale of Crown Lands, To the issue of Warrants, from No. 1 to No. 88, both inclusive, being 88 Warrants, at 6s. 7½d. each,	0 5 0
		27 13 0
		£27 18 0
	Exchange,	3 2 0
		£31 0 0
J. P. COLLINS, C. C.		

No. 6.

THE GOVERNMENT,

TO THE CLERK OF THE EXECUTIVE COUNCIL.

		DR.
		£ s. d.
1839.		
April 10.	Three Orders in Council this day, relating to private persons, at 3s. 4½d.	0 10 1½
	Copy of Order of this day, to notify Mr. Compton of his appointment as a Commissioner of Small Debts, 1 side,	0 1 0
	Copies of Order of this, to notify 2 Coal Meters of their appointment, 2 sides,	0 2 0
	Copy of Order of this day (for Gazette), directing all persons having accounts against Government to render them in duplicate by the 1st of every month,	0 1 0
May 2.	79 Orders in Council this day, relating to private persons, at 3s. 4½d.	13 4 7½
	Reading 39 sides, relating to private persons, on which the above Orders were made, at 1s.	1 19 0
	Copy of Order this day, to notify Mr. R. Brecken of his appointment as a Magistrate,	0 1 0
	Copy of Order this Day, to notify Mr. W. B. Wellner of his appointments as a Justice of the Peace and a Commissioner of Small Debts,	0 1 0
	Copy as above, for Mr. Fairbairn,	0 1 0

1839.		Brought forward, £	
	Copy as above, for J. H. Peters, appointed to be a Member of the Board of Education,	0	1 0
	Copy as above, for J. M. Holl, appointed a Member of the Board of Education,	0	1 0
June 6.	17 Orders in Council this day, relating to private persons, at 3s. 4½d.	2	17 4½
	Reading 16 sides, on which the above Orders were made,	0	16 0
" 30.	Copy of Minutes for past six months, by command of His Excellency, to send to Secretary of State, 18,719 words, at 1s. per 100 words,	9	7 0
	Duplicate Copy,	9	7 0
	To the issue of Warrants, from No. 89 to 122, both inclusive, 34 Warrants (being previous to passing of 2 Vict. cap. 2.,) at 6s. 9½d.	11	5 3
		£49	16 4½
		Exchange, 1-9,	5 10 11
		£55	7 3½
	To the issue of Warrants, from No. 128 to 252, both inclusive, 130 Warrants, at 3s. currency, being subsequent to passing of 2d Vict. cap. 2,	19	10 0
		£74	18 3½
August 1.	Deduct by Order in Council of this day,	21	10 1½
		£53	8 5

J. P. COLLINS, C. C.

The undersigned, to whom was referred the above account of the Clerk of the Executive Council, as containing items not heretofore charged against the Government, have investigated the same, together with the opinions of the Attorney and Solicitor General, produced by the Clerk of the Council in support of those charges, and report as their opinion; that the Clerk of the Council is authorized by law to charge the Government with the fee payable upon the copy of an Order in Council appointing an individual to a public office or employment, or for a copy of an Order relating to any other public matter, but that he is not authorized by law to charge the Government with the fee payable on reading any account or other matter in Council, relating to a private person, nor to the fee payable by Law on any Order made thereon.

T. H. HAVILAND,
JOHN BRECKEN,
GEO. R. GOODMAN.

July 11th, 1839.

No. 7.

THE GOVERNMENT,

TO THE CLERK OF THE EXECUTIVE COUNCIL.

1839.		£	s.	d.
May 2.	79 Orders in Council this day, relating to private persons, at 3s. 4½d.	18	4	7½
	Reading 39 sides, on which some of the above Orders were made, at 1s.	1	19	0
June 6.	17 Orders in Council this day, relating to private persons,	2	17	4½
	Reading 13 sides, on which some of the above Orders were made,	0	13	0
July 4.	41 Orders in Council this Day, relating to private persons, at 3s. 4½d.	6	18	4½
	Reading 26 sides, on which some of the above Orders were made, at 1s.	1	6	0
	Copy of Order in Council, for Gazette, appointing J. C. Sims a Justice of the Peace,			
	1 side,	0	1	0
	Ditto to furnish to J. C. Sims,	0	1	0
	Copy of Order in Council, for Gazette, appointing R. Boyle Coal Meter,	0	1	0
	Ditto, to furnish to R. Boyle,	0	1	0
" 18.	5 Orders in Council this day, relating to private persons, at 3s. 4½d.	0	16	10½
	Reading 5 sides, on which above Orders were made,	0	5	0
August 1.	13 Orders in Council, relating to private persons, at 3s. 4½d.	2	3	10½
	Reading 11 sides, on which some of the above Orders were made,	0	11	0
		Carried forward,		

1839.	Brought forward, £			
Copy of Order in Council, for Gazette, appointing James Kelly a Coal Meter,	-	0	1	0
Ditto, to furnish to Mr. Kelly,	-	0	1	0
September 5. 14 Orders in Council this day, relating to private persons, at 3s. 4½d.	-	2	7	3
Reading 13 sides, on which some of the above Orders were made,	-	0	13	0
		£34	1	4½
		Exchange, 1-9,	3	15
		-	8	½
		£37	17	1
To the issue of 114 Warrants, from No. 253 to No. 366, both inclusive, during last quarter, at 3s.	-	17	2	0
		Currency,	£54	19
		-	1	-

J. P. COLLINS, C. C.

The Clerk of the Council would beg leave to remark, that the items charged in May and June, in the above account, amounting to £20 15s. currency, do not belong to this quarter, but were deducted from the quarter's account ending 30th June last, in consequence of the Order of the Board of 1st August—the amount therefore of the present quarterly account is only £34 3s. 7d. currency. He would also beg to call the attention of your Excellency and the Board to the great reduction in the emoluments of the Clerk of the Council, arising from the present mode of paying him, as compared with the former system—his loss on this quarter alone is £7 5s. 8d. currency, at the rate of £29 2s. 8d., though it will amount to considerably more at the end of the year. The Clerk of the Council would also beg to state, that had his pay been confined to the 3s. currency, on each Warrant, including all the other duties performed by him, it would amount this quarter to £17 2s. currency, or £58 8s. per annum, an amount evidently too small for the duties and responsibility of the situation, and which he feels satisfied never could have been the intention in passing the Act 2d Vict. cap. 2.

Passed in Council, October 3d, 1839.

J. P. COLLINS.

J. P. COLLINS.

No. 8.

GOVERNMENT,

TO THE ADMINISTRATRIX OF J. P. COLLINS, LATE CLERK OF THE COUNCIL.

1839.		£	s.	d.
October 3. 34 Orders in Council this day, relating to private persons, at 3s. 4½d.		5	14	9
Reading 20 sides, on which the above orders were made,	-	1	0	0
November 7. 20 Orders in Council this day, relating to private persons, at 3s. 4½d.	-	3	7	6
Reading 14 sides, on which the above orders were made,	-	0	14	0
Stationery, allowance for, £8 stg.	-	8	0	0
		18	16	3
		Exchange,	2	2
		-	0	-
		20	18	3
To the issue of 64 Warrants, from No. 367 to 430, both inclusive, to November 28, 1839, at 3s. currency,	-	9	12	0
		£30	10	3

No. 9.

GOVERNMENT,

TO ACTING CLERK OF THE COUNCIL.

		DR.
		£ s. d.
1839.		
December 5.	17 Orders in Council this day, relating to private persons, at 3s. 4½d. sterling,	2 17 4½
	Reading 17 sides, on which the above orders were made, at 1s. stg.	0 17 0
	Copy of Order for closing Road at Grand Rustico and Cavendish, for Gazette,	0 1 0
	Copy of Minutes for last six months, for Secretary of State, and duplicate,	
	21,000 words,	10 10 0
		<hr/>
		14 5 4½
	Exchange,	1 11 8
		<hr/>
		15 17 0½
	To the issuing of 23 Warrants, from No. 431 to 453 inclusive, at 3s. currency,	3 9 0
		<hr/>
		£19 6 0

No. 10.

HER MAJESTY'S GOVERNMENT,

TO THE CLERK OF THE LEGISLATIVE COUNCIL,

(FIRST SESSION.)

		Dr.
		£ s. d.
1839.		
January 22.	Copy of Lieutenant Governor's Speech, for printer, 400 words,	0 4 0
	Engrossing two copies of Address in answer to His Excellency's Speech, 540	
	words each,	0 10 10
	Copy for printer,	0 5 5
	Messages to House of Assembly, 600 words,	0 8 0
	Amendments to Bill for the protection of Sheep, 200 words,	0 2 0
	Three copies of the Journals, containing 92,400 words in the whole, including	
	Appendix,	46 4 0
	36 days' attendance, at 7s. 6d.	13 10 0
		<hr/>
	Sterling,	61 4 3
	Exchange,	6 16 0
		<hr/>
	Currency,	68 0 3
		<hr/>
	Stationery, as per Bills—	
	James D. Haszard,	£8 15 0½
	Henry Stamper,	3 6 0
		<hr/>
		12 1 0½
		<hr/>
		£80 1 4½

Certified,

E. J. JARVIS,

President of Council.

No. 11.

HER MAJESTY'S GOVERNMENT,

TO THE CLERK OF THE LEGISLATIVE COUNCIL.

DR.

(SECOND SESSION.)

1839.		£	s.	d.
March 12.	Copy of Lieutenant Governor's Speech, for printer, 280 words,	-	0	2 9
	Copy of Address in answer to His Excellency's Speech, for printer, 300 words,	-	0	3 0
	Engrossing 2 copies for Lieutenant Governor, each 300 words,	-	0	6 0
	Engrossing Standing Rules and Orders, 1808 words,	-	0	18 9
	Engrossing Prison Discipline Bill, 1260 words,	-	0	12 7
	Engrossing Queries to be submitted to the Attorney General, &c. 3 copies, each 590 words,	-	0	17 6
	Messages to House of Assembly, 1500 words,	-	0	15 0
	Three copies of the Journals, containing 78,400 words, in the whole, including Appendix,	-	39	4 0
	41 days' attendance, at 7s. 6d. per diem,	-	15	7 6
	Engrossing Amendments to Fishery Reserve Bill, 4800 words,	-	2	8 0
	Engrossing Amendments to Loyalist Bill, 1800 words,	-	0	18 0
			61	13 1
			Exchange,	6 17 1
			Currency,	68 10 2
	Stationery, as per Bills, as follows—			
	Henry Stamper,	£2	9	1½
	Daniel Brennan,	1	9	6
				3 18 7½
				£72 8 9½

Certified,

T. H. HAVILAND, President.

Council Chamber, April 25th, 1839.

No. 12.

H. M. GOVERNMENT, PRINCE EDWARD ISLAND,

TO JAMES D. HASZARD,

1839.		£	s.	d.
	Printing Journals of the Legislative Council the two Sessions of 1839—48 sheets, at 35s.		84	0 0
	Binding 70 copies do. at 5s.		17	10 0
				£101 10 0

Charlottetown, October 1st, 1839.

JAMES D. HASZARD.

Certified, according to written Return,

J. P. COLLINS, C. L. C.

No. 13.

GOVERNMENT OF PRINCE EDWARD ISLAND,

To ROBERT HODGSON, Attorney General,

Dr.

1839. Hilary Term at Charlottetown.

The Queen vrs. Matilda Mackenzie.

		Sterling.
Larceny.	Fee, perusing depositions, and instructing Clerk of the Crown to	
Prisoner submitted.	draw Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Drawing Brief for Trial, - - -	0 13 4
	Fee therewith to Attorney General, - - -	2 2 0
		4 6 10

The Queen vrs. Joseph Stone.

Larceny.	Fee, perusing depositions, and instructing Clerk of the Crown to	
Prisoner submitted.	draw Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Drawing Brief for Trial, - - -	0 13 4
	Fee therewith to Attorney General, - - -	2 2 0
		4 6 10

The Queen vrs. Robert Brown.

Aggravated assault on Constable in execution of his duty; presented by Grand Jury. Trial put off on motion of Traverser.	Fee, perusing presentment, and instructing Clerk of the Crown to	
	draw Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Motion that Traverser enter into Recognisance to appear for Trial next Trinity Term, - - -	0 10 0
		2 1 6

The Queen vrs. Jane Stewart.

Larceny. Presented by Grand Jury, party absconding.	Fee, perusing presentment, and instructing Clerk of the Crown to	
	draw Indictment - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Motion for Bench Warrant, - - -	0 10 0
		2 1 6

The Queen vrs. Michael Trayner.

Nuisance on Highway; presented by Grand Jury. Trial put off, on motion of Traverser.	Fee, perusing presentment, and instructing Clerk of the Crown to	
	drawn Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Motion that party enter into recognisance to appear for Trial next Trinity Term, - - -	0 10 0
		2 1 6

The Queen vrs. John O'Brien.

Nuisance on Highway; presented by Grand Jury—submission.	Fee, perusing presentment, and instructing Clerk of the Crown to	
	draw Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Drawing Brief, - - -	0 13 4
	Fee therewith to Attorney General, - - -	2 2 0
		4 6 10

The Queen vrs. James Macgregor.

Nuisance, on complaint of Thomas Tod, Road Commissioner—Bill not found.	Fee, examining several witnesses, and instructing Clerk of the Crown to draw long and special Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
		1 11 6

Carried forward,

1839.	Brought forward, £
Aggravated Assault and rescue from Bailiffs: stood over from Trinity Term 1838—submission.	
<i>The Queen vrs. Alexander Macdonald and Roderick Macleod.</i>	
Drawing Brief, - - -	0 13 4
Fee therewith to Attorney General, - - -	2 2 0
	2 15 4
	Sterling, 23 11 10
	Exchange, 1-9, 2 12 5
	£26 4 3
Examined and passed, E. J. JARVIS. T. H. HAVILAND.	

No. 14.

GOVERNMENT OF PRINCE EDWARD ISLAND,
TO THE ATTORNEY GENERAL, Dr.

1839. *March Term at Georgetown.*

Murder.	<i>The Queen vrs. Thomas Williams, alias Tom Williams, an Indian.</i>	
Conviction.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0
	Fee perusing and signing same, - - -	0 10 6
	Drawing Brief, - - -	0 13 4
	Copy of Brief for Solicitor General, - - -	0 6 8
	Fee on trial to Attorney General, - - -	3 3 0
		5 14 6

May Term at Charlottetown, 1839.

Motion to continue Bench Warrant against Jane Stewart for Larceny,	0 10 0
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June Term at St. Eleanor's, 1839.

	<i>The Queen vrs. Martin Connick and John Connick.</i>	
Aggravated assault, presented by Grand Jury last term—parties convicted.	Drawing Brief, - - -	0 13 4
	Fee on trial to Attorney General, - - -	2 2 0
		2 15 4

The Queen vrs. James Murphy and Thomas Thompson.

Larceny.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0
Parties convicted.	Fee perusing and signing same, - - -	0 10 6
	Drawing Brief, - - -	0 6 8
	Fee on trial to Attorney General, - - -	2 2 0
		4 0 2

The Queen vrs. Catherine Macdonald, Monica Macdonald and Angus Macdonald.

Larceny.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0
Angus Macdonald convicted.	Fee perusing and signing same, - - -	0 10 6
	Drawing Brief, - - -	0 13 4
	Fee on trial to Attorney General, - - -	2 2 0
		4 6 10

Sterling, £17 6 10

Certified.

E. J. JARVIS, Chief Justice.
T. H. HAVILAND, A. J.

July 5, 1839.

No. 15.

GOVERNMENT OF PRINCE EDWARD ISLAND,

To ROBERT HODGSON, Attorney General, Dr.

1839. Trinity Term at Charlottetown.

The Queen vrs. Norbet Macintyre.

Assault. Party submitted.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Fee perusing and signing same, - - -	0 10 6	
	Drawing Brief, - - -	0 13 4	
		<u> </u>	2 4 10

The Queen vrs. Murdoch Bell and Duncan ———

Assault on John Shaw, very aggravated; sent up from Petty Sessions—parties submitted.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Fee perusing and signing same, - - -	0 10 6	
	Drawing Brief, - - -	0 13 4	
		<u> </u>	2 4 10

The Queen vrs. Samuel Clow.

Larceny. Bill not found.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Fee perusing and signing same, - - -	0 10 6	
		<u> </u>	1 11 6

The Queen vrs. Robert Broten, Esq.

Aggravated assault, presented by Grand Jury in Hilary Term, 1839—conviction.	Fee to Attorney General, on trial, - - -		2 2 0
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The Queen vrs. Stephen Butler.

Larceny. Prosecutor did not appear.	Fee, examining depositions, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Fee perusing and signing same, - - -	0 10 6	
		<u> </u>	1 11 6

The Queen vrs. John Woodman and Thomas Woodman.

Assault on Pump & Well Collector, sent up from petty Assault Court—stands over.	Fee, perusing papers, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Fee perusing and signing same, - - -	0 10 6	
	Drawing Brief, - - -	0 13 4	
		<u> </u>	2 4 10

The Queen vrs. Jane Stewart.

Larceny. Bill found in Hilary Term, 1839—pleaded guilty.	Motion for extension of Bench Warrant against this party, - - -	0 10 6	
	Drawing Brief, - - -	0 13 4	
		<u> </u>	1 3 10

The Queen vrs. Michael May and John May.

Aggravated assault on a Constable, in the execution of his office—parties absconded.	Fee, perusing papers, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Fee, perusing and signing same, - - -	0 10 6	
	Motion for Bench Warrant, - - -	0 10 6	
	Motion to extend do. - - -	0 10 6	
		<u> </u>	2 12 6

Carried forward, £

The Queen vrs. Robert Byers.

This party returned to the Colony after conditional pardon granted. Court take time to consider.	Drawing Affidavits of J. C. Sims, and J. C. Binns to ground motion for Warrant, - - -	0 16 8	
	Motion for Bench Warrant, - - -	0 10 6	
	Fee to Attorney General on hearing, - - -	2 2 0	
		3 9 2	
			Sterling, £19 5 0
			Exchange, 1-9, 2 2 9
			£21 7 9

Certified.

E. J. JARVIS, Chief Justice.

T. H. HAVILAND.

No. 16.

GOVERNMENT OF PRINCE EDWARD ISLAND,

TO THE ATTORNEY GENERAL,

Dr.
£ s. d.

1839. October Term at St. Eleanor's.	<i>The Queen, at the prosecution of John Ramsay, vrs. James Campbell.</i>		
	Perusing Affidavits, and instructing Clerk of the Crown to draw		Sterling.
	Indictment, - - -	1 1 0	
Larceny.	Settling and signing Indictment, - - -	0 10 6	
Sheep stealing— party acquitted.	Drawing Brief, - - -	0 13 4	
	Attorney General's fee, on trial, - - -	2 2 0	
		4 6 10	
	Motion for renewal of Bench Warrant against an Indian, indicted for an attempt to commit a rape, - - -		0 10 6
	<i>The Queen, at the prosecution of John Townshend, vrs. James Campbell.</i>		
Larceny. Horse stealing.	Consulting with Grand Jury, and instructing Clerk of the Crown to draw Indictment, - - -	1 1 0	
	Perusing and signing Indictment, - - -	0 10 6	
	Drawing Brief, - - -	0 13 4	
	Motion for Bench Warrant, - - -	0 10 6	
		2 15 4	
	The Grand Jury requiring several witnesses to be subpoenaed in a charge of Burglary made before them, in a case wherein James Heron Conroy was prosecutor—		
	Drawing two Precipes, and instructing Sheriff to serve Subpœnas, Attorney General's fee, on arguing points reserved in case the Queen vrs. Robert Brown, - - -		0 6 8
Trinity Term and Michaelmas Term at Charlottetown.	Do. on arguing motion in arrest of judgment in same case,		2 2 0
	Fee on argument in case the Queen vrs. Robert Byers,		2 2 0
	Fee on argument to discharge Rule Nisi, obtained by Traverser, Robert Brown,		2 2 0
	Fee on motion to estreat recognizance of Robert Brown,		0 10 6
			Sterling, £17 7 10
			Exchange, 1 18 7½
			£19 6 5¼

Certified,

(Signed) E. J. JARVIS, Chief Justice.
T. H. HAVILAND.

No. 17.

GOVERNMENT OF PRINCE EDWARD ISLAND,

TO THE ATTORNEY GENERAL,

		Dr.
		£ s. d.
1838. Omitted in former Accounts.	Drafting and engrossing, in duplicate, two lengthy Affidavits of Master and Mate of Barque "Sir Archibald Campbell," relative to robbing of that vessel by the Crew of an American Fishing Vessel, by order of the Lieutenant Governor,	1 16 8
	Writing to R. Hyndman, Esq. J. P. twice, and instructing him to take other Affidavits on same subject, by order of the Lieutenant Governor,	0 16 8
1839.	Reporting separately on 19 Acts passed by the Legislature in the Session of 1839, as to whether there was any legal objections to the Lieutenant Governor giving his assent to either of them, at 6s. 8d. each,	5 18 0
	Report and opinion on Georgetown Assessment Act, by order of Lieutenant Governor,	1 3 4
	Abstracting said Acts, and putting marginal Notes thereto, occupied several days,	9 13 4
	Reporting, in triplicate, reasons for passing said Acts, for Colonial Office,	6 16 8
	Perusing and comparing Proof sheet of each Act as it came from the press,	4 13 4
	Drafting Warrant for execution of Tom Williams, convicted of murder, and also Warrant respecting execution,	0 16 8
	Drafting Commission to Commissioners of Sewers,	0 16 8
	Drafting Commission to Chief Justice to preside in Divorce Court,	0 16 8
	Drafting Hawkers and Pedlars' license,	0 11 8
Currency,		£33 19 8

No. 18.

GOVERNMENT OF PRINCE EDWARD ISLAND,

TO THE ATTORNEY GENERAL,

		Dr.	
		£ s. d.	
1839. Fees under Road Compensation Act.	Retainer to Attorney General, on Writ to lay off road on Lot 17,	2 6 8	
	Instructions and Precipe for Writ,	0 6 8	
	Issuing Writ of Subpœna,	0 2 6	
	2 copies of do.	0 2 0	
	Drafting Licence to Clergymen to solemnize Marriage, under Marriage Act, by order of Lieutenant Governor,	0 16 8	
	Drafting and engrossing Contract and Bond, for erection of Bridge at Mount Stewart,	2 16 8	
	Drafting and engrossing Contract and Bond for carriage of Mails by Cape Traverse,	3 16 8	
	To opinion on Memorial of Hon. Joseph Pope,	2 6 8	
	Currency,		£12 14 6

R. HODGSON.

31st December, 1839.

Omitted—Drawing and engrossing Bond from Hon. John Brecken, Acting Treasurer, and his Sureties,	1 16 8
Currency,	£14 11 2

No. 19.

GOVERNMENT OF PRINCE EDWARD ISLAND,

TO JAMES H. PETERS, Solicitor General.

Dr.

Hilary Term, 1839, at Charlottetown.

		£	s.	d.
Larceny.	The Queen <i>vs.</i> Matilda Mackenzie.—Fee, with Brief, to Solicitor General,	1	1	0
Larceny.	The Queen <i>vs.</i> Joseph Stone.—Fee, with Brief, to Solicitor General,	1	1	0
Nuisance.	The Queen <i>vs.</i> John O'Brien.—Fee, with Brief, to Solicitor General,	1	1	0
Assault and rescue from Bailiffs.	The Queen <i>vs.</i> Alexander Macdonald and Roderick Macdonald—Fee, with Brief, to Solicitor General,	1	1	0
		4	4	0
	Exchange, 1-9,	0	9	0
		<hr/>		
		£4	13	4

JAMES H. PETERS, Solicitor General.

Examined and passed.

E. J. JARVIS,
T. H. HAVILAND.

No. 20.

HER MAJESTY'S GOVERNMENT,

TO DANIEL HODGSON,

Dr.

Clerk of the Crown.

		£	s.	d.
The Queen <i>vs.</i> Alexander Macdonald and another.—Clerk of the Crown's fees, as per Bill annexed,		1	8	0
The Queen <i>vs.</i> Jane Stewart.—Clerk of the Crown's fees, as per Bill,		1	14	0
The Queen <i>vs.</i> John O'Brien.	ditto ditto	3	9	2
The Queen <i>vs.</i> Michael Trayner.	ditto ditto	2	18	9
The Queen <i>vs.</i> Robert Brown.	ditto ditto	1	18	5
The Queen <i>vs.</i> Joseph Stone.	ditto ditto	3	2	10
The Queen <i>vs.</i> James Macgregor.	ditto ditto	2	17	4
The Queen <i>vs.</i> Matilda Mackenzie.	ditto ditto	2	7	6
Clerk of the Crown's fees for services, per Bill,		3	12	1
		<hr/>		
	Sterling,	23	8	9
	Exchange,	2	12	1
		<hr/>		
	Currency,	£26	0	10

DANIEL HODGSON, C. C.

Charlottetown, 25th January, 1839.

No. 21.

HER MAJESTY'S GOVERNMENT,

TO DANIEL HODGSON, Clerk of Crown,

Dr.

For disbursements in the following Crown Prosecutions.—Hilary Term, 1839.

The Queen <i>vs.</i> Joseph Stone.—Paid Joshua Murch, a witness,		0	3	4
“ Hugh Logan, do.		0	2	2½
“ Neil Mackay, do.		0	3	4
“ William Macgill, do.		0	3	4
		<hr/>		
		0	12	2½
	Carried forward,			

		Brought forward, £	
The Queen <i>vs.</i> Robert Brown.—Paid Angus Macisaac, a witness,	-	0 16 8	
" James Kelly, do.	-	0 15 0	
		<u> </u>	1 11 8
The Queen <i>vs.</i> John O'Brien.—Paid Francis Kelly, a witness,	-	0 14 5	
" Patrick Collins, do.	-	0 10 6	
" Daniel Hickey, do.	-	0 16 1	
" David Higgins, do.	-	0 8 5	
		<u> </u>	2 9 5
The Queen <i>vs.</i> Alexander Macdonald, and another.—Paid Robert Bell, a witness,		0 17 4	
" George Farmer, do.		0 12 9	
		<u> </u>	1 10 1
The Queen <i>vs.</i> James Macgregor.—Paid Henry Hobs, a witness,	-	0 5 0	
" William Wilson, do.	-	0 5 0	
" Thomas Tod, do.	-	0 12 9	
" William Dockendorff, do.	-	0 2 9	
" John Hyde, do.	-	0 4 5	
" Thomas Walsh, do.	-	0 2 9	
" John Simpson, do.	-	0 0 0	
		<u> </u>	1 12 8
The Queen <i>vs.</i> Matilda Mackenzie.—Paid Doctor Cumming, a witness—(Bill not yet sent in.)			
Paid Sheriff for serving Subpœnas and executing Bench Warrants in the foregoing causes,			10 5 8
		<u> </u>	£18 18½

No. 22.

HER MAJESTY'S GOVERNMENT,

To DANIEL HODGSON, Clerk of Crown,

Dr.

1839.—Trinity Term.

		£	s.	d.
The Queen <i>vs.</i> Norbet Macintyre.—Clerk of the Crown's fees in this cause, as per Bill,		2	19	0
The Queen <i>vs.</i> Murdoch Bell, and another.—Clerk of Crown's fees in this cause,	-	2	3	3
The Queen <i>vs.</i> Samuel Clough.—Clerk of Crown's fees in this cause,	-	1	15	10
The Queen <i>vs.</i> Robert Brown.—Clerk of Crown's fees in this cause,	-	1	11	2
The Queen <i>vs.</i> Stephen Butler.—Clerk of Crown's fees in this cause,	-	0	14	0
The Queen <i>vs.</i> John Woodman and Thomas Woodman.—Clerk of Crown's fees in this cause,		0	16	8
The Queen <i>vs.</i> Jane Stewart.—Clerk of Crown's fees in this cause,	-	2	2	11
The Queen <i>vs.</i> Michael Trayner.—Clerk of Crown's fees in this cause,	-	1	3	9
The Queen <i>vs.</i> Michael May and another.—Clerk of Crown's fees in this cause,	-	1	14	2
The Queen <i>vs.</i> Robert Byers.—Clerk of Crown's fees in this cause,	-	1	5	10
		<u> </u>	<u> </u>	<u> </u>
			£16	6 7

No. 23.

HER MAJESTY'S GOVERNMENT,

To DANIEL HODGSON, Clerk of the Crown,

Dr.

For Disbursements in the following Crown Prosecutions, Trinity Term.

		£	s.	d.
1839.				
The Queen <i>vs.</i> Robert Brown.—Paid Sheriff, as per Bill,	-	2	5	2
" Angus Macisaac, a witness,	-	0	13	4
" Thomas Ryan, do.	-	0	15	6
" James Kelly, do.	-	0	13	4
" Allan Macisaac, do.	-	0	12	9
" William Haszard, do.	-	0	7	2
" David Keiffe and Catherine Keiffe, do.	-	1	10	0
" Lawrence Tremain, do.	-	0	5	0
		<u> </u>	<u> </u>	<u> </u>
			7	2 3
		Carried forward,	£	

	Brought forward,	£	
The Queen <i>vs.</i> Michael Trayner.—Paid Sheriff, serving subpoenas,	-	4 14 0 $\frac{3}{4}$	
“ James Callaghan, a witness,	-	0 13 4	
“ Edward Reilly, do.	-	0 12 9	
“ Patrick Collins, do.	-	0 12 2	
“ Neil Macconnell, do.	-	0 15 0	
“ Edward Thornton, do.	-	1 2 2	
“ David Higgins, do.	-	0 10 0	
“ Francis Kelly, do.	-	0 13 4	
		<hr/>	9 12 9 $\frac{3}{4}$
The Queen <i>vs.</i> Duncan Bell, and another.—Paid Sheriff, as per Bill,	-	1 3 4	
“ Constables, as per do.	-	2 4 5	
“ Sarah Macdonald, a witness,	-	1 6 8	
“ John Shaw, do.	-	0 15 0	
“ Donald Curry, do.	-	1 6 8	
“ Alexander Macdonald, do.	-	1 6 8	
		<hr/>	8 2 9
The Queen <i>vs.</i> Jane Stewart.—Paid Sheriff, executing Bench Warrant and serving subpoenas	-	2 4 10 $\frac{1}{2}$	
“ William P. Kelly, a Witness,	-	1 0 0	
“ Donald Macdonald, do.	-	0 3 4	
		<hr/>	3 8 2 $\frac{1}{2}$
The Queen <i>vs.</i> Michael May, and another.—Paid Sheriff, executing Bench Warrant and serving subpoenas,	-	2 18 4	
“ Peter Connick, a witness,	-	1 0 0	
“ John Coughlan, do.	-	1 8 4	
“ Richard Bagnall, do.	-	0 12 9	
		<hr/>	5 19 5
The Queen <i>vs.</i> Norbet Macintyre.—Paid Sheriff, executing Bench Warrant and serving subpoenas,	-	1 18 5 $\frac{1}{2}$	
The Queen <i>vs.</i> Samuel Clough.—Paid Sheriff, and serving subpoenas,	-	0 10 0	
“ A Witness, as per Bill annexed,	-	0 6 8	
		<hr/>	0 16 8
The Queen <i>vs.</i> Robert Byers.—Paid Sheriff, executing Bench Warrant,	-	0 7 8	
The Queen <i>vs.</i> Hugh Macleod, and Wife.—Serving notices on Constables, by order of the Court, Sheriff's Bill, executing Warrant,	-	1 0 0 $\frac{1}{2}$	
		<hr/>	12 7 11 $\frac{1}{2}$
		<hr/>	50 16 2 $\frac{1}{4}$
The Queen <i>vs.</i> James Macgregor.—Paid John Simpson, a witness,	-	0 3 10	
		<hr/>	51 0 0 $\frac{1}{4}$
The Queen <i>vs.</i> Duncan Bell, and another.—Paid Neil Stewart, as per Bill,	-	1 2 2	
		<hr/>	£52 2 2 $\frac{1}{4}$

DANIEL HODGSON, C. C.

No. 24.

GOVERNMENT,

TO E. THORNTON,

Dr.

	For Disbursements in the following Crown Prosecution.	£	s.	d.
The Queen <i>vs.</i> Thomas Williams.—Paid John Mackieson, a witness, as per Bill annexed,		0	18	10
“ Peter Louis, witness, per do.	-	0	15	6
“ Job Creed, do. per do.	-	0	5	6
“ Sarah Creed, do. per do.	-	0	3	10 $\frac{1}{2}$
“ Francis Beatle, do. per do.	-	0	6	8
“ Edward Stiggins, constable,	-	0	15	0
“ James Ferguson, constable,	-	0	15	0
“ Sheriff, serving subpoenas, as per Bill,	-	3	11	6 $\frac{1}{2}$

Currency, £7 11 11

Georgetown, 27th March, 1839.

E. THORNTON, D. C. C.

GOVERNMENT,

To E. THORNTON,

Dr.

For Fees in the following Crown Prosecution.

The Queen <i>vrs.</i> Thomas Williams.—Deputy Clerk of Crown's fees, as per Bill annexed,	-	3 15 6
Deputy Clerk of Crown's fees, for other services, as per Bill,		2 1 4
		<hr/>
	Sterling,	5 16 10
	Exchange,	0 12 10
		<hr/>
	Currency,	£6 9 8

Georgetown, 27th March, 1839.

E. THORNTON, D. C. C.

No. 25.

GOVERNMENT,

To WILLIAM COATES, D. C. C.

Dr.

For Fees in the following Crown Prosecutions.

The Queen <i>vrs.</i> Martin Connick and John Connick.—Deputy Clerk of the Crown's fees, per account annexed,	-	2 12 9
The Queen <i>vrs.</i> Catherine Macdonald, Monica Macdonald and Angus Macdonald—Deputy Clerk of the Crown's fees, per account annexed,	-	2 19 10
The Queen <i>vrs.</i> James Murphy and Thomas Thompson—Deputy Clerk of the Crown's fees, per account annexed,	-	3 16 4
The Queen <i>vrs.</i> John Duggan.—Deputy Clerk of the Crown's fees, per account annexed,	-	1 7 4
The Queen <i>vrs.</i> Gilbert Palmer.—Do. per do.	-	1 0 6
		<hr/>
	Sterling	11 16 9
	Exchange,	1 6 3
		<hr/>
		13 3 0
		0 4 10
		<hr/>
	Currency,	£13 7 10

HER MAJESTY'S GOVERNMENT,

To WILLIAM COATES, Deputy Clerk of Crown,

Dr.

For disbursements in the following Crown Prosecutions.—June Term, 1839.

The Queen <i>vrs.</i> Catherine Macdonald and others.—Paid Sheriff for serving subpoenas, as per Bill,	-	1 1 7
Paid John Wright, a witness, as per Bill,		0 16 8
“ Richard Costin, do. do.		0 16 8
“ James Brien, do. do.		0 17 2
“ Edward Brien, do. do.		0 17 2
“ John Hayes, do. do.	-	0 17 2
“ John Wright and Richard Costin,		1 1 1
		<hr/>
		6 7 6
The Queen <i>vrs.</i> James Murphy and another.—Paid Sheriff, serving subpoenas, as per Bill,		0 18 5
“ William Schurman, a witness, as per Bill,		0 4 5
“ Elijah Schurman, do. do.		0 2 9
“ Elizabeth Duggan, do. do.		0 6 8
“ James Connors, do. do.		0 6 8
“ Daniel Connors, do. do.		0 6 8
		<hr/>
		2 5 7
	Carried forward,	

	Brought forward,	£	
The Queen <i>vs.</i> John Connick and Martin Connick.—			
Paid Thomas Barrett, a witness, as per Bill,	0	8	4
" James Barrett, do. do.	0	8	4
" Under Sheriff, executing Bench Warrant,	0	10	7
" John Small, as per Bill,	0	18	4
			2 5 7
The Queen <i>vs.</i> John Duggan.—Paid Sheriff, serving subpoenas, as per Bill,	0	12	5
" George Rix, a witness, as per Bill,	0	7	2
" James Cameron, do. do.	0	7	2
			1 6 9
Paid the following Witnesses, for their mileage and attendance to give evidence before Grand Inquest—			
John Macinnis, as per Bill,	0	10	0
Allan Macinnis, do. do.	0	12	2
Mary Macinnis, do. do.	0	5	0
Mary Connors, do. do.	0	5	0
			1 12 2
Paid Charles Cameron, and others, for sundry services, as per Bill,			1 15 6
			15 13 1
		Currency,	1 0 0
J. Sharp, attending 4 days as Crier to the Court, at 5s.			1 0 0
			£16 13 1

No. 26.

HER MAJESTY'S GOVERNMENT,

To WILLIAM COATES, Deputy Clerk of the Crown,

Dr.

For Fees in the following Crown Prosecutions.

£ s. d.

The Queen, at the prosecution of John Ramsay, <i>vs.</i> James Campbell—Clerk of Crown's fees in this case, as per Bill,	2	15	6
The Queen, at the prosecution of John Townshend, <i>vs.</i> James Campbell—Deputy Clerk of the Crown's fees, as per Bill,	1	15	4
Do. do. for sundry services,	0	9	4
			5 0 2
		Sterling,	0 11 1
		Exchange,	£5 11 3
		Currency,	

HER MAJESTY'S GOVERNMENT,

To WILLIAM COATES, Deputy Clerk of Crown,

Dr.

For Disbursements in the following Crown Prosecutions.

£ s. d.

1839.—October.			
The Queen <i>vs.</i> James Campbell.—Paid John Ramsay, sen. as per Bill,	0	4	8
" John Ramsay, jun. do.	0	11	8
" Catherine Gain, do.	0	11	8
" Dougald Campbell, a witness,	0	11	1
" John Campbell, do.	0	3	4
" John Sharp, Constable, as per Bill,	2	1	6
" Patrick Murphy, as per Bill,	0	10	3
" Thomas Hunt, Esq. Sheriff,	1	7	7
			6 8 9
Paid Thomas and John Sobie, witnesses subpoenaed to give evidence before Grand Jury, as per Bill,	1	4	5
			£
	Carried forward,		

		Brought forward, £	
The Queen, at the prosecution of John Townshend, <i>vers.</i> James Campbell.—			
	Paid John Townshend, a witness, as per Bill,	-	0 1 8
	“ James Yeo, a witness,	-	0 1 8
			<u>0 3 4</u>
		Currency,	7 16 6
	Paid John Sharp, Crier, 3 days, at 5s.		0 15 0
			<u>£8 11 6</u>

No. 27.

HER MAJESTY'S GOVERNMENT,

TO DANIEL HODGSON, Coroner,

Dr.

		Inquest on the Body of John Fitzgerald, at Three Rivers.—Verdict, “ Accidental Death.”	
1839.			£ s. d.
March 29.	Coroner's fee, 9s.; Travelling 27 miles, 18s; Precept for Jury, 4s. 6d.	1 11 6	
	2 Oaths, 2s.; 2 Examinations, each 2s. 6d.	-	0 7 0
			<u>1 18 6</u>
	Paid 12—Jurors 1 at 2s. 3d. and 11 at 2s.	-	1 4 3
	1 Juror 3 miles; 3 Jurors 2½ miles,	-	0 5 3
	Constable, summoning Jury,	-	0 4 6
			<u>1 14 0</u>
		Sterling,	3 12 6
		Exchange, 1-9,	0 8 0
			<u>4 0 6</u>
	Paid Messenger with intelligence to Coroner,	-	0 18 0
			<u>£4 18 6</u>

The deceased had no effects.

DANIEL HODGSON, Coroner.

HER MAJESTY'S GOVERNMENT,

TO DANIEL HODGSON, Coroner,

Dr.

		Inquest on the body of Thomas Nevan, (Indian) who perished on the Ice, near Governor's Island.	
		Verdict, “ Excessive Drinking and Cold.”	
1839.			£ s. d.
April 15.	Coroner's fee, 9s.; travelling 4 miles, at 8d. 2s. 8d.; Precept for Jury, 4s. 6d.	0 16 2	
	2 Examinations, each 2s. 6d.; 2 Oaths, 2s.;	-	0 7 0
			<u>1 3 2</u>
	Paid 12 Jurors,	-	1 4 3
	“ Constable, summoning Jury	-	0 4 6
			<u>1 8 9</u>
		Sterling,	2 11 11
		Exchange,	0 5 9
			<u>£2 17 8</u>
	Paid Peter Murphy, as per Bill annexed,	-	0 13 0
	“ Michael Harney's Bill, annexed,	-	1 5 0
	“ Messenger with intelligence to Coroner, 9 miles,	-	0 6 0
			<u>2 4 0</u>
			<u>£5 1 8</u>

The deceased had no effects.

DANIEL HODGSON, Coroner.

HER MAJESTY'S GOVERNMENT,

TO DANIEL HODGSON, Coroner,

Dr.

For the following Inquests.

1839.	Inquest on the Body of John Barrett, drowned at Lot 49.—Verdict, "Accidental death."			
May 23.	Coroner's fee, 9s.; travelling 6 miles, at 8d., 4s.;	-	-	0 13 0
	Precept for Jury, 4s. 6d.; 2 Oaths, 2s.; 1 Examination, 2s. 6d.			0 9 0
	12 Jurors—1 at 2s. 3d. and 11 at 2s.	-	-	1 4 3
	Constable, summoning Jury,	-	-	0 4 6
	Paid Messenger, notifying Coroner,	-	-	0 4 1
				2 14 10
August 13.	Inquest on the Body of Philip Stanton.—Verdict, "Drowned."			
	Coroner's fee, 9s.; travelling 29 miles, at 8d., 19s. 3d.	-	-	1 8 3
	Precept for Jury, 4s. 6d.; 1 Oath, 1s.; 1 Examination, 2s. 6d.			0 8 0
	13 Jurors—1 at 2s. 3d. and 12 at 2s.	-	-	1 6 3
	Paid 7 Jurors, travelling 3 miles each,	-	-	0 5 3
	Constable, summoning Jury,	-	-	0 4 6
	Paid Patrick Green, a witness,	-	-	0 1 6
				3 13 9
August 13.	Inquest on the Body of William Hennesy.—Verdict, "Died by excessive drinking."			
	Coroner's fee, 9s.; Precept for Jury, 4s. 6d.	-	-	0 13 6
	3 Oaths, 3s.; 3 Examinations. at 2s. 6d.	-	-	0 10 6
	12 Jurors—1 at 2s. 3d. and 11 at 2s.	-	-	1 4 3
	Constable, summoning Jury,	-	-	0 4 6
	Doctor Tremain, a witness,	-	-	1 1 0
				3 13 9
				Sterling, 10 2 4
				Exchange, 1-9, 1 2 5
				Currency, £11 4 9

The above named deceased persons left no effects.

DANIEL HODGSON, Coroner.

No. 23.

THE GOVERNMENT,

TO THOMAS HUNT,

Dr.

In the matter of laying off an Highway through Township No. Seventeen.

Summoning 12 Jurors, at 2s. 6d.	-	-	-	1 10 0
Mileage, to summon Jury, 102 miles, at 4d.	-	-	-	1 14 0
Service of subpoena on the Hon. Joseph Pope,	-	-	-	0 2 0
Mileage on same, to Tryon, 64 miles, at 4d.	-	-	-	1 1 4
Posting Notices in different places in district, 10s; travelling 44 miles on that service, 14s. 8d.				1 4 8
Service of subpoena on Mr. James Clark, 2s.; travelling 40 miles at 4d. 13s. 4d.				0 15 4
Holding inquiry, preparing and filing inquisition,	-	-	-	1 3 4
Mileage, to hold inquiry, 45 miles,	-	-	-	0 15 0
Travelling to Charlottetown to make return of Writ and Inquisition, 76 miles,	-	-	-	1 5 4
To George Beairsto, foreman, 10s.; mileage, 44 miles at 6d., 22s.	-	-	-	1 12 0
Thomas MacNutt, 5s.; mileage, 44 miles, 22s.	-	-	-	1 7 0
Donald Ramsay, 5s. " 44 " 22s.	-	-	-	1 7 0
Thomas Barrett, 5s. " 26 " 13s.	-	-	-	0 18 0
Archibald Montgomery, 5s. " 34 " 17s.	-	-	-	1 2 0
Peter Macgregor, 5s. " 20 " 10s.	-	-	-	0 15 0
				Carried forward, £

				Brought forward,	£			
To John Wright,	5s.	mileage,	40 miles, 20s.	-	-	1	5	0
John Craig,	5s.	"	36 " 18s.	-	-	1	3	0
William Murray,	5s.	"	26 " 13s.	-	-	0	18	0
John Morris,	5s.	"	20 " 10s.	-	-	0	15	0
Angus Macdonald,	5s.	"	26 " 13s.	-	-	0	18	0
Nathaniel Wright,	5s.	"	34 " 17s.	-	-	1	2	0
The Hon. Joseph Pope, Commissioner,	15s.;	mileage,	34 miles, at 6d., 17s.	-	-	1	12	0
						£24	5	0

St. Eleanor's, 7th October, 1839.

THOMAS HUNT,

Sheriff of Prince County.

Certified.

T. H. HAVILAND,
JOHN BRECKEN.

9th November, 1839.

No. 29.

GOVERNMENT OF PRINCE EDWARD ISLAND,

TO GEORGE WRIGHT,

Commissioner appointed under the Act 2 Vic. cap. 5.

To 34 days engaged on a Nautical Survey of Hillsborough Bay and the Harbour of Charlottetown,						£	s.	d.
at 30s. per day,						51	0	0
To paid Dugald Macneil, for 23 days employed in a boat on the above service, at 5s per day,						5	15	0
Do. William Wilson, 23 days, at 5s.						5	15	0
Do. Neil Bell, 20 days, at 5s.						5	0	0
Do. Theophilus M'Ewen, 7 days, at 5s.						1	15	0
Do. James Taylor, 4 days, at 5s.						1	0	0
Do. Lemuel Wright, 7 days, at 4s.						1	8	0
Do. James Campbell, 3 days, at 5s.						0	15	0
Do. Nep Stowe, 3 days, at 5s.						0	15	0
Do. W. Wriston, 4 days, at 5s.						1	0	0
Paid for Boat hire, 30 days, at 4s.						6	0	0
Protracting and finishing a Chart of Hillsborough Bay and the Harbour of Charlottetown,						10	0	0
Paid Mr. Stamper, for two sheets drawing paper,						0	12	0
Paid George Axworthy, for caulking two Buoys,						2	0	0
Paid Thomas Collins, for caulking and additional work at a large Buoy,						2	0	0
Andrew Duncan's account for Plank for three Buoys,						2	10	7
Alfred Kindred's account for making three Buoys and two Beacons,						17	7	1
Cash paid George Peacock, Esq. by direction of His Excellency the Lieutenant Governor, for the purpose of distributing to the Boat's Crew of H. M. S. Andromache, who were employed in laying down the Buoys at the entrance of the Harbour,						6	0	0
Paid for picking up Buoys, and bringing same to Charlottetown,						2	3	4
Cash paid for assistance in erecting a Beacon at Canso Point, and one at Charlottetown,						1	0	0
						£123	16	0

GEORGE WRIGHT, Commissioner.

GOVERNMENT OF P. E. ISLAND,

TO ALEXANDER DAVIDSON,

Agent for the General Mining Association.

1839.				£	s.	d.
June 27.	3	Cast Iron Anchors, to pattern, 9 cwt. 3 qrs., at 18s. 8d.		9	2	0
September 12.	3	Do. do. do.		9	2	0
	1	Do. do. per order of Hon. J. Pope,		3	0	8
				£21	4	8

Carried forward,

Freight,	Brought forward,	£ 21 4 8
		1 5 0
	Halifax currency,	22 9 8
	Less,	3 0 8
		19 9 0
	Exchange,	2 18 6
		22 7 6
	Duty,	1 4 6
		£33 12 0

HER MAJESTY'S GOVERNMENT,

To C. C. DAVISON,

Dr.

1839.	To paid the Hon. J. Peake for the following Iron, received at sundries:		£ s. d.
	1205½ lbs. at 3d., 15l 1s. 4d. 422½ do. at 3½d., 6l 3s. 3d. 16½ do. sheet do. at 4d., 5s. 5d.		21 10 0
	To working 1507¾ lbs. of the above Iron into Hoops, Plates and Anchor Stocks for		
	Harbour Buoys, at 3d.	18 16 11	
	120 lbs. do. into Shackles and Screws, at 8d.	4 0 0	
	To making Ball for Fitz Roy's Buoys,	0 10 0	
	300 lbs. Pig Iron, to ballast do. at ¾d.	0 18 9	
			24 5 8
			£45 15 8

Charlottetown; P. E. I. November 1st, 1839.

Approved.

GEORGE WRIGHT, Commissioner.

GOVERNMENT,

To C. C. DAVISON,

Dr.

1839. September.	To 200 lbs. Iron Work, omitted per former account,		£5 0 0
	Charlottetown, 26th Dec. 1839.		

GOVERNMENT OF P. E. ISLAND,

To GEORGE WRIGHT,

Commissioner appointed under the Act 2d Vic. cap. 5.

1839.			
August	To 20 days on a Survey of the Harbour of Three Rivers, at 30s.		30 0 0
&	Paid Lemuel Wright, 8 days assisting, at 5s.		2 0 0
October.	Joseph Wightman's Account for labour, Boat hire, and for erecting a Beacon, as annexed,		16 18 9
	Protracting and finishing a Chart of the Harbour of Three Rivers.		10 0 0
			£58 18 9

Surveyor General's Office, 31st December, 1839.

GEORGE WRIGHT, Commissioner.

THE GOVERNMENT,

To JOSEPH WIGHTMAN,

Dr.

For advances made to the Honourable George Wright, while Surveying the Harbour of Three Rivers.

1839.	(Included in Mr. Wright's Account.)		
August 6.	Paid Joseph Wightman, for 3 days, at 5s.		0 15 0
	James Young, for 4 do. at 5s.		1 0 0
			£
	Carried forward,		

		Brought forward,	£	
	Frederick Dauncey, do. 4 do. at 5s.	-		1 0 0
	Boat hire, do. 4 do. at 5s.	-		1 0 0
October 21.	James Young, do. 6 do. at 5s.	-		1 10 0
	Frederick Dauncey, do. 5 do. at 5s., 1l. 5s. James Creed, do. 7 do. at 5s., 1l. 15s.	-		3 0 0
	Boat hire, 5 do. at 5s., 1l. 5s.; 12½ lbs. Rope, at 1s. 3d., 15s. 7½d.	-		2 0 7½
	Matthew Young, for the Spar for Beacon at St. Andrew's Point, and for painting and digging the place for fixing it,	-		3 10 0
	5 lbs. Spikes, at 6d.	-		0 2 6
	Carpenter and Blacksmith's Bill,	-		2 13 2
				<hr/>
				16 11 3½
	Cash paid for assisting to raise the Beacon,	-		0 7 6
				<hr/>
				£16 18 9½

Three Rivers, October 21, 1839.

Certified.

GEORGE WRIGHT, Commissioner.

No. 30.

ACCOUNTS OF GOVERNMENT HOUSE TO FEBRUARY, 1840.

Smiths & Wright's, (Farm Yard, &c.)	No. 1	-	£63 6 0
Scott's, for Breast Work,	2	-	41 8 0
Smiths & Wright's, (Farm Yard, &c.)	3	-	65 16 3½
Do. do. (House.)	4	-	37 3 2
Chudleigh's, (old account)	5	-	3 1 6
Do. to February, 1840	6	-	14 7 11
James Millner's,	7	-	24 0 0
Elias Bishop,	8	-	4 1 0
S. Desbrisay,	9	-	7 8 0
Hobs & Nicholson,	10	-	1 10 7
Well in Garden,	11	-	6 17 6
Labor—filling in Breastwork with earth, brush, &c.	12	-	22 2 9
Paper for Bed Boom,	13	-	4 10 0
Sweeping Chimneys,	14	-	1 8 0
Mr. Dalrymple—Chloride of Lime,	15	-	0 10 0
William Birch—Fencing, &c.	16	-	18 18 0
Paid for scrubbing and cleaning Walls for Painters, &c.	17	-	1 2 9
Cleaning Double Windows,		-	0 9 0
			<hr/>
			318 0 4½
	Cr.		
By Warrant to Committee,		-	150 16 0
			<hr/>
			£167 4 4½

HER MAJESTY'S GOVERNMENT,

To SMITHS & WRIGHT,

Dr.

1839.	For work at Government House and Premises.	
January	To 1 large Box for holding firewood, for the Waiting room, and painting do.	£0 15 0
30.	1 man 2¾ days repairing Forcing Pump, when the brass barrel had burst in the severe frost about this time,	0 19 6
	2 Screw hoops for do. (from O'Toole,)	0 7 6
	1½ lb. Lead for do. Gād.—1½lb. white paint, 1s. 3d.	0 1 9½
		<hr/>
	Carried forward,	£

		Brought forward,	£
1839.	Leather for the joints for new valve,	-	0 1 9
	Soldering the brass barrel, by Millner,	-	0 8 6
February 9.	1 Man half a day repairing Coalhouse door, and stopping places by the stoves with putty	-	0 3 3
	Putty 4d., Nails 3d., Hasp 6d.	-	0 1 1
25.	Amount paid O'Toole for repairing Drawing Room Lock, and Stove in Saloon,	-	0 8 7
	Iron Work by C. C. Davison, viz :—2 large hooks for gate, and a ketch,	0 1 9	
	3 Bars for a fire place, 5s. 6d.; repairing stove in Drawing Room, 4s. 6d.	0 10 0	
	5 Screw bolts for Kitchen Range,	0 3 9	
	1 Hasp and Staples,	0 1 0	
		<hr/>	0 16 6
April 6.	1 Man part of a day's work,	-	0 2 0
	Nails, 6d.—large Door and frame, and place cutting out and fixing in the Coal house,	-	0 12 6
	2 Men, part of a day, repairing Coal house,	-	0 4 0
	Nails, 1s. 3d.—large Hinges and Nails for do. 4s. 6d.,	-	0 5 9
April 16.	Repairing Forcing Pump again (having been injured by sucking up coals from the bottom),	-	0 9 3
	viz. 1 man part of 2 days, and leather for a joint and valve,	-	-
	16 lbs. white paint, at 10d.	0 13 4	
	6 lbs. yellow paint, at 1s. 1d.	0 6 6	
	1 do. black paint, 1s.—4 pints boiled oil at 1s., 4s.	0 5 0	
	6 pints Turpentine, at 1s. 1d.	0 6 6	
	2 Men 2 days, and 1 man 1 day, painting large spare Bedroom, 2 coats,	1 12 6	
		<hr/>	3 3 10
17.	2 Men part of a day taking out some double Windows, and boarding a place in Coalhouse,	-	0 4 6
	2 lbs. Nails for do.	-	0 1 6
	2 Men, 2½ days each, preparing and fixing a partition with door and frame, &c.	-	-
	in the room over front entrance,	-	1 12 9
	54 feet of Board for do.	-	0 4 6
	3 lbs. Nails, 2s. 3d.—54 yards tape, 2s. 3d.	-	0 4 6
	20 yards of wide Osnaburg, at 1s. 3d.	-	1 5 0
	Hinges and Screws, 1s. 4d.—Lock, 2s.	-	0 3 4
	Paper hanging in two Rooms—21 pieces, at 3s., 63s.—16 lbs. American flour, for size, 6s. 8d.	-	3 9 8
	Repairing a Mortice Lock,	-	0 2 6
27.	3 Window Rollers, and fixing,	-	0 7 6
	7½ yards wide Calico, for blinds,	-	0 11 3
	2 Pulley racks and screws, at 1s. 2d.	-	0 2 4
	7 yards Brown Holland, for blinds,	-	0 15 9
	New binding, and preparing and fixing, for 2 sets Venetian blinds,	-	0 7 6
	1 pane 15 x 11 Glass, and putty and glazing,	-	0 3 0
	1 Man, part of 2 days at sundry small jobs,	-	0 7 0
May 2.	Making 2 Blinds, 1s. 6d.—2 Window Rollers, 4s. 6d.	-	0 6 0
	1 Pulley rack, 1s. 2d.—30 yards cord, at 2d., 5s.	-	0 6 2
11.	2 Men nearly one day, and 2 Men part of a day, taking out and cleaning double windows,	-	0 14 0
	Cash paid for cleaning double windows,	-	1 4 0
	50 feet of Board for a floor over ash pit house,	-	0 4 2
	2 Men, 1 day each, repairing gates, ice-house, &c.	-	0 13 0
	1 Latch, 1s. 3d.—4lbs. Nails, 2s. 8d.	-	0 3 11
	3 lbs. Oakum, for sluice in the bridge,	-	0 1 6
June 4.	42 feet Scantling for Well frame,	-	0 5 6
	Nails, 9d.—28 feet of Board, 2s. 4d.	-	0 3 1
	2 Men 1½ day at do.	-	0 16 3
12.	Rope for Well, 9s.—Bucket, 5s. 6d.	-	0 14 6
	Iron work for Roller, &c.	-	0 10 6
	Employing Labourers, and directing and superintending the opening of the drain and cess-pool and the extending the drain out,	-	0 10 0
		<hr/>	<hr/>
		Carried forward,	£

		Brought forward,	£	
July 1.	Repairing Office-door Lock,	-	-	0 2 6
13.	Repairing Locks of Dining Room, Bed Room, &c., 5s.—1 brass Bolt and fixing, 2s. 6d.	-	-	0 7 6
August 3.	2 Men, part of a day, at sundry small repairs, 3s.—2lbs. Nails, at 8d., 1s. 4d.	-	-	0 4 4
24.	Repairing a lock,	-	-	0 2 0
	Binding and cord for 2 Blinds, and fixing,	-	-	0 5 6
	Altering shelves in Pantry, and repairing steps, &c.	-	-	0 3 3
	24 feet of prime Boards,	-	-	0 2 6
	1 lb. Nails, 8d.—repairing a Lock, 1s. 6d.	-	-	0 2 2
	4 Panes of Glass in the Library, and putty and glazing,	-	-	0 6 0
September 19.	Repairing Forcing Pump,	-	-	0 7 0
	Amount paid R. Boyle, for 18 loads of stone for drain,	-	-	2 8 0
	1 Pane 15 x 11 Glass, for Servants' Hall, 3s.—4 do. 12 x 10, for Wings, 5s. 4d. and 3 10 x 8 do., 3s.	-	-	0 11 4
	Glazing, 7 panes 15 x 11, and putty,	-	-	0 3 4
October 26.	1 Pane 15 x 11 Glass, 1 do. 12 x 10, putty, &c.	-	-	0 4 3
	Hauling Grates to the Steamer, and from Mr. Davidson's when returned from Pictou, repaired,	-	-	0 3 0
November 20.	Repairing Forcing Pump twice, and new leather for one valve,	-	-	0 8 3
	1 Man 1 day, and 2 men 3½ days, removing garden fence,	-	-	2 0 0
	10 lbs. Spikes, used for garden fence, 4s. 2d.—1 lb. Nails for do. 8d.,	-	-	0 4 10
23.	2 Men, half a day each, putting in windows,	-	-	0 6 6
	Cutting and glazing 12 panes of Glass,	-	-	0 3 9
25.	3 Men, 1 day each, fixing and repairing double windows,	-	-	0 19 6
	1 Pane 16 x 12 Glass (front door), 2 do. 12 x 10, and putty for do.	-	-	0 6 0
December 7.	Repairing Wood Box, and painting do.	-	-	0 4 6
	Repairing Forcing Pump, 3s.—21st, repairing Windows, 2s.	-	-	0 5 0
31.	Putting in a pane of large glass, and putty for do.,	-	-	0 0 9
	1 pair large Hinges, omitted,	-	-	0 6 0
	Paid Elias Bishop for new crane hook, 4 staples and hasps, repairing handle of door, repairing damper for a stove—in all,	-	-	0 5 6
Charlottetown, 31st December, 1839.				<u>£37 3 2</u>

HER MAJESTY'S GOVERNMENT,

TO SMITHS & WRIGHT,

Dr.

1839.		For work done at Farm Yard, &c.		
To shingling small Building in the yard, over ash pit, including materials,	-	-	-	3 0 0
Painting long new Shed, roof of Piggery, Groom's Cottage, Gates, &c. viz.—	-	-	-	
11½ gallons boiled Oil, at 7s. 6d., 4l. 8s. 1½d.—63 lbs. white lead, at 9d., 2l. 5s.,	-	-	-	6 13 1½
14 lbs. black paint, at 1s., 14s.—38 lbs. red paint, at 1s., 1l. 18s.,	-	-	-	2 12 0
Painting the above gates, 21s.—do. buildings, 70s.,	-	-	-	4 11 0
Lining inside of Stable, 5½ squares; including boards, nails, &c., at 18s.	-	-	-	4 14 6
2 Circular Racks, with seed boxes, including hinges, &c., and 2 mangers,	-	-	-	1 12 6
Laying a rough floor above the single box stables, 2½ squares, at 10s., including boards and nails,	-	-	-	1 5 0
Privy, behind farm yard, including all materials, pit, &c.	-	-	-	3 15 0
2 Racks, and 2 rough Bins, in the cattle shed, and materials,	-	-	-	0 17 6
Shed for Wheelbarrow, and materials,	-	-	-	0 15 0
1 Gate in back yard, and Posts and fixing, also hinges and latch,	-	-	-	1 12 6
2 Boarded Gates for Stable yard, and two pair hinges, 1 hasp bolt and padlock, and 1 common bolt,	-	-	-	1 5 6
Shingling the walls of Stable and Cow-house in front and end, and part of back, 9 squares, at 18s. including materials,	-	-	-	8 2 0
Repairing Farm House—2 men, 2 days each,	-	1 6 0	-	
2 men 1½ day, repairing Dairy, 16s. 3d.—2 doz. screws, 9d.—hinges, 9d.	-	0 17 9	-	
Brads, 7d.—Latch, 1s. 6d.—Nails, 4s. 5d.—Boards for do., 11s. 9d.,	-	0 18 3	-	
				<u>3 2 0</u>
				Carried forward, £

	Brought forward,	£	
15 Loads of Building Stone, for paving stables,	-		2 0 0
Horse and Cart, 5 days, hauling clay for stables and yard, &c.	-		2 5 0
Paving Stables (Pavior, 6 days)	-		1 16 0
Repairing Stable door,	-		0 1 9
49 feet of Scantling, for farm yard, (per Burch),	-		0 4 5
Repairing old loose box stable, and nails,	-		0 2 0
6 Panes 8 x 10 Glass, and putty and glazing,	-		0 12 0
1 Man half a day repairing gates, stable, &c.	-		0 3 3
Stock lock and screws, for old stable,	-		0 5 9
Repairing floor of Cow-house,	-		0 6 0
5 Panes 8 x 12 Glass, for Stable, and putty and glazing,	-		0 5 4
7½ M. Shingles, for Stable, at 11s. 6d., including hauling, &c.	-		4 10 1½
31½ lbs. Shingle Nails (wrought), at 11d.	-		1 8 10½
2 lbs. Nails, at 8d.	-		0 1 4
1 new Door at back of Barn, and hanging, nails for do. &c.	-		0 11 6
Shingling Stable, 7½ squares, at 6s.	-		2 5 0
4½ M. Shingles, for Cow-house, at 12s.	-		2 14 0
2 Men, 1 day, raising roof of Cow-house,	-		0 13 0
23 lbs. wrought Shingle Nails, at 11d.	-		1 1 1
6 lbs. Nails, for roof, at 8d.	-		0 4 0
2 Men, two-thirds of a day each, repairing Sheep-house and Barn,	-		0 8 3
			£65 16 3½

Charlottetown, 31st December, 1839.

HER MAJESTY'S GOVERNMENT,

TO SMITHS & WRIGHT,

Dr.

	£	s.	d.
1839.			
July. To building a Shed for cattle, and two loose Box Stables, and a Cow-house in one Building, at the back of the Farm yard at Government House, exclusive of paving and finishing Stables inside, and shingling the walls, as per estimate,	50	16	0
Building a House in the court yard at Government House, for holding stoves, double windows, &c. as per estimate,	12	10	0
	£63	6	0

Charlottetown, 3d Sept. 1839.

Received payment.
SMITHS & WRIGHT.

No. 31.

JAMES D. HASZARD'S (Queen's Printer) Quarterly Account, for the Quarter commencing January 1st, and ending March 30th, 1839, for services performed for the Government of Prince Edward Island.

	£	s.	d.
1839.			
FOR COLONIAL SECRETARY'S OFFICE:			
January 2. Printing 25 Cards,—“ Free Scholars' Ticket,”	0	3	6
Do. 25 do. larger, with addition,	0	4	0
1 Gross Dean's Steel Pens,	1	7	0
Paid, binding vol. Laws, years 1835 to 1838, ½ calf, for Council Chamber,	0	3	6
S. Advertising Tenders for Fuel and Bread for Jail,	0	5	0
Continuing do. twice,	0	2	6
22. Advertising Despatch from Lord Glenelg, signifying royal assent to several Acts,	0	17	6
Advertising Order in Council, &c. declaring Georgetown Free Port,	0	15	0
24. Printing His Excellency's Speech at opening General Assembly, 22d Jan.	0	13	0

Carried forward,

		Brought forward,	£
29.	Printing His Excellency Speech, the Addresses of the Legislative Council and House Assembly, and His Excellency's Replies thereto,	-	1 3 0
	50 Militia Commissions,	-	0 12 0
	50 Deeds for Crown Lands,	-	1 2 0
February 12.	Advertising notice of removing restriction from sale of Crown Lands,	-	0 5 0
	Continuing do. 3 times,	-	0 3 9
	Advertising appointment of E. Thornton, Esq. Road Commissioner, and continuing do. twice,	-	0 7 6
	Advertising appointment of Hon. J. S. Macdonald, Hon. J. Pope and W. Dingwell, Trustees for Academy,	-	0 5 0
	Continuing do. twice,	-	0 2 6
26.	Advertising H. M. Order in Council, signifying royal assent to Act for levying assessment on land,	-	0 10 0
	Advertising H. M. Order in Council, signifying royal assent to several Acts,	-	0 10 0
	Advertising Order in Council, respecting Georgetown Lots held under licence of Occupation,	-	0 5 0
	Continuing do. twice,	-	0 2 6
March 15.	Advertising proclamation appointing Executive and Legislative Councils,	-	1 0 0
	Continuing do. once,	-	0 5 0
	Handbills, do., 50 copies,	-	0 17 0
	Advertising appointment of Officers to Legislative Council,	-	0 5 0
	Continuing do. twice,	-	0 2 6
	Advertising Order, former Members of Council to retain their rank,	-	0 5 0
	Continuing do. once,	-	0 1 3
March 12.	Publishing in Gazette, Acts of the first session of the General Assembly, 6 1-3 col.	-	6 10 0
26.	Advertising appointment of D. Montgomery Esq. Commissioner of Small Debts,	-	0 5 0
	Continuing do. twice,	-	0 2 6
18.	Printing His Excellency's Speech, Addresses of the Legislative Council and House of Assembly, and His Excellency's Replies thereto, on 12th March, 1839,	-	0 18 6
	60 Blank Grants,	-	0 19 0
30.	400 Returns for Overseers of Roads, at 5s. 6d. per quire,	-	4 13 6
	400 Copies Road Acts, 15 pages,	-	5 0 0
	1200 do. Notices to commute labour,	-	2 14 0
	1200 do. Notices for Overseers to post,	-	2 14 0
	60 do. Ram Act,	-	0 17 6
	3 quires Treasury Warrants, at 7s.	-	1 1 0
			£37 16 6

Certified.

(Signed) J. P. COLLINS.

JUSTICES FOR ADVERTISING CONVICTIONS :

March 5.	William Howlen, for harbouring Soldiers,	-	£0 3 4
12.	James Macdonald, before B. De St. Croix, trespass,	-	0 3 4
19.	Convictions before Assault and Battery Court—Queen's County,	-	0 5 0
26.	Do. before Assault and Battery Court, Prince County,	-	0 3 4
			0 15 0

FOR BOARD OF EDUCATION :

January 1.	Advertising quarterly Meeting,	-	0 5 0
	Continuing do. 4 times,	-	0 5 0
February 5.	Advertising list of Teachers passed Board,	-	0 5 0
12.	Publishing School Visiter's Reports, first and second, 1838,	-	4 10 0
			5 5 0

(Signed)

ALEXANDER BROWN, Secretary.

Carried forward, £

1839.		Carried forward,	£	
	FOR TREASURER'S OFFICE :			
January 1.	Advertising List of Licensed Retailers,	-	0 15 0	
	Continuing do. twice,	-	0 7 6	
	Handbills, do., 100 copies,	-	0 15 0	
	Advertising Notice of Warrants payable,	-	0 5 0	
	Continuing do. once,	-	0 1 3	
			2 3 9	
	(Signed)			
	T. H. HAVILAND, Treasurer.			
	FOR CLERK OF THE COURT :			
January 22.	Advertising list of Constables and Fence Viewers,	-	0 17 6	
	Handbills, do.	-	0 10 0	
	Advertising Report of Grand Jury, on state of Jails,	-	0 7 6	
29.	Advertising list of Special Constables,	-	0 7 6	
	Continuing do. twice,	-	0 3 6	
March 26.	Advertising list of Constables and Fence Viewers, for King's County,	-	0 15 0	
	Handbills, do.	-	0 10 0	
			3 11 0	
	(Signed)			
	CHARLES DESBRISAY, D. C. C.			
	FOR MILITIA ADJUTANT GENERAL :			
January 8.	Advertising General Order—promotions and appointments,	-	0 10 0	
	Continuing do. once,	-	0 2 6	
March 12.	Advertising General Order—promotions,	-	0 5 0	
			0 17 6	
	(Signed) A. LANE,			
	Lt. Col. & Adj. Gen. of Militia.			
			£50 8 9	

JAMES D. HASZARD'S (Queen's Printer) Quarterly Account, for services performed for the Government of Prince Edward Island, from 1st April to 1st July, 1839.

1839.		£	s.	d.
April 9.	Advertising appointment of Commissioners for Colonial Building,	-	0	5 0
	Continuing do. twice,	-	0	2 6
	Advertising appointment of Thomas C. Compton, Esq. Commissioner of Small Debts— and Coal Meters, 5s.—continuing do. once, 1s. 3d.,	-	0	6 3
	Advertising order for Petitions, &c. to be left on 1st of every month,	-	0	5 0
	Continuing do. once,	-	0	1 3
	Advertising Court of Divorce, 5s.—continuing do. 3 times, 3s.,	-	0	8 0
15.	2 Quires fine Imperial Cartridge Paper, for envelopes,	-	0	6 0
27.	14 Parchment Labels for Despatch Bag,	-	0	5 6
	Publishing in Royal Gazette, Acts of second Session of 15th General Assembly—15 col.	-	15	0 0
May 7.	Advertising appointment of Sheriffs, 5s.—continuing do. twice, 2s. 6d.,	-	0	7 6
	Advertising several appointments, 5s.—continuing do. twice, 2s. 6d.	-	0	7 6
14.	Advertising Tenders received for making addition to Jail,	-	0	5 0
	Continuing do. twice,	-	0	2 0
	Advertising Tenders received for Inland Mails, 5s.—continuing do. 6 times, 7s. 6d.	-	0	12 6
21.	Advertising appointment of S. Dawson, Esq. Collector of Impost for Crapaud,	-	0	5 0
	Advertising Levée, Her Majesty's Birth day,	-	0	5 0
	Large and small Wafers, 1s. 8d.—Cartridge Paper, 1s. 6d.	-	0	3 2
	Printing 15 copies of His Excellency's Speech on closing last session,	-	0	8 6
June 10.	5 Quires Foolscap, 10s.—5 do. do. best, at 2s. 6d., 12s. 6d.— $\frac{1}{4}$ hundred Quills, 2s. 6d.	-	1	5 0
	Advertising Proclamation proroguing General Assembly to 15th August,	-	0	7 6
			£	
	Carried forward,			

	Brought forward,	£	
1839.	Continuing do. twice, 4s.—Handbills, and posting, 12s. 6d.	-	0 16 6
June 27.	2 Quires Militia Commissions, at 8s.	-	0 16 0
30.	Printing Acts of two last Sessions of General Assembly, 68 pages, or 8½ sheets, at 55s.	-	23 7 6
	Paid Binding do., 130 copies, at 1s.	-	6 10 0

£52 19 2

ADVERTISING CONVICTIONS FOR OFFENCES:

April 9.	Donald Beaton, for selling Liquors without Licence—P. M'Callum, Esq. J. P.	0 3 4	
May 7.	W. Matthewson, for do.—A. M'Dougall, Esq. J. P.	0 3 4	
21.	Convictions before D. Macdonald, Esq.,	0 3 4	
	Do. before W. Cundall, Esq.,	0 3 4	
28.	Do. before D. Macdonald, Esq.,	0 3 4	
June 18.	Advertising do. before Assault and Battery Court,	0 5 0	

1 1 8

FOR HON. THE LEGISLATIVE COUNCIL:

April 30.	Advertising in Royal Gazette Fishery Reserve Bill, as amended,	5 0 0	
May 2.	Printing 200 copies Fishery Reserve Bill, as amended,	3 0 0	

8 0 0

FOR ROADS AND BRIDGES:

May.	12 Blank Bonds, 2s., and 12 Blank Indentures, for Joseph Higgins, Esq.	0 4 0	
	10 do. do. for Archibald Campbell, Esq.,	0 3 4	
	6 do. do. for J. Warburton, Esq., 2s.—10 do. do. for Hon. J. Pope, 3s. 4d.	0 5 4	
	10 do. do, David Higgins, Esq., 3s. 4d.—12 do. do., Mr. J. R. Bourke, 4s.	0 7 4	
	6 do. do., Allan M'Dougall, Esq., 2s.—8 do. do., Thomas Owen, Esq. 2s. 8d.	0 4 3	
	6 do. do., Hon. J. Macgowan, 2s.—6 do. do. Edward Thornton, Esq. 2s.	0 4 0	
April 23.	Advertising Contract, putting covering on Wright's Bridge,	0 3 4	
	Continuing do. 4 times, 4s.—Handbills, do. 5s.	0 9 0	
30.	Advertising Contracts, District No. 2,	0 7 6	
	Continuing do. 5 times, 7s. 6d.—Handbills do., 7s. 6d.	0 15 0	
	Advertising Contracts, District No. 8,	0 7 6	
	Continuing do. 3 times, 4s. 6d.—Handbills, do. 6s. 6d.	0 11 0	
May 7.	Advertising Contracts, District No. 10,	0 5 0	
	Continuing do. 3 times, 3s. 9d.—Handbills, do. 5s.	0 8 9	
	Advertising Contracts, District No. 13,	0 8 6	
	Continuing do. 5 times, 10s.—Handbills do. 7s. 6d.	0 17 6	
14.	Advertising Contracts, District No. 1,	0 5 0	
	Continuing do. 4 times, 5s.—Handbills, do. 5s.	0 10 0	
	Advertising Contracts, District No. 4,	0 7 6	
	Continuing do. 4 times, 6s.—Handbills do. 5s.	0 11 0	
	Advertising Contracts, District No. 6,	0 5 0	
	Continuing do. 4 times, 5s.—Handbills, do. 5s.	0 10 0	
	Advertising Contracts, District No. 7,	0 5 0	
	Continuing do. 4 times, 5s.—Handbills, do. 5s.	0 10 0	
	Advertising Contracts, District No. 9,	0 6 3	
	Continuing do. twice, 3s.—Handbills, do. 6s.	0 9 0	
	Advertising Contracts, District No. 12,	0 7 6	
	Continuing do. 4 times, 7s.—Handbills, do. 6s. 6d.	0 13 6	
	Advertising Contracts, District No. 15,	0 5 0	
	Continuing do. 5 times, 6s. 3d.—Handbills, do. 5s.	0 11 3	
	Advertising Contracts, District No. 11,	0 5 0	
	Continuing do. 3 times, 3s. 9d.—Handbills, do. 6s. 6d.	0 10 3	
May 21.	Advertising Contracts, District No. 1, Southern Division,	0 5 0	
	Continuing do. once, 1s. 3d.—Handbills, do. 5s.	0 6 3	
	Advertising Contracts, District No. 14,	0 7 6	
	Continuing do. 3 times, 4s. 6d.—Handbills, do. 6s. 6d.	0 11 0	

Carried forward,

		Brought forward,	£	
1839.	Advertising letting work from Cardigan to Pisquid,	-	0 5 0	
	Continuing do. 4 times, 5s.—Handbills, do. 5s.	-	0 10 0	
June 4.	Advertising Road from Monaghan Settlement to Georgetown, &c.	-	0 5 0	
	Continuing do. 3 times, 3s. 9d.—Handbills, do. 5s.	-	0 8 9	
	Advertising Contracts, District No. 5,	-	0 5 0	
	Continuing do twice, 2s. 6d.—Handbills, do. 5s.	-	0 7 6	
11.	Advertising Contract, District No. 3,	-	0 7 6	
	Continuing do. 3 times, 5s. 3d.—Handbills, do. 7s. 6d.	-	0 12 9	
	Advertising Contract for Hard, at John Peter's Shore, Three Rivers,	-	0 5 0	
	Continuing do. twice, 2s. 6d.—Handbills, do. 5s.	-	0 7 6	
			17 16 9	
FOR MILITIA ADJUTANT GENERAL :				
June 17.	2 Quires best Foolscap,	-	0 5 0	
	1 Quire Letter Paper, 2s. 3d.—3 sticks Wax, 2s.	-	0 4 3	
	Paper for envelopes, 2s.—2 pieces Red Tape, 1s.— $\frac{1}{2}$ hundred best Quills, 2s. 9d.	-	0 5 9	
18.	Advertising Annual Inspections, 10s.—continuing do. 6 times, 12s.	-	1 2 0	
	Printing 150 Returns, for Officers to fill up,	-	1 4 0	
25.	Advertising General Order—promotions and appointments,	-	0 15 0	
	48 copies Notice to Officers of being attached to Companies,	-	0 5 6	
			4 1 6	
(Signed) A. LANE, Adj. Gen. of Militia.				
FOR POST OFFICE :				
May 14.	Advertising Mail Routes for summer, 5s.—continuing do. twice, 2s. 6d.	-	0 7 6	
			Certified,	
			(Signed) E. CHAPPELL.	
FOR BOARD OF EDUCATION :				
April 3.	Advertising quarterly Meeting of Board, 5s.—continuing do. twice, 2s. 6d.	-	0 7 6	
30.	Advertising list of Candidates passed,	-	0 5 0	
			0 12 6	
Certified. (Signed) ALEXANDER BROWN.				
FOR SURVEYOR GENERAL'S OFFICE :				
February 26.	Advertising Sale of Lots in Georgetown,	-	0 5 0	
	Continuing do. 15 times,	-	0 18 9	
April 23.	Advertising Sale of Lots in Princetown Royalty,	-	0 5 0	
	Continuing do. 8 times,	-	0 8 0	
			1 16 9	
Certified. (Signed) GEO. WRIGHT, Surveyor General.				
LAND ASSESSMENT :				
March 5.	Advertising Notices to Proprietors of Land to pay Assessment before 26th Aug.	-	0 10 0	
	Continuing do. to 1st July, 16 times, 1l. 12s.—Handbills, do., 50 copies, 10s.	-	2 2 0	
	Advertising names of persons as Deputy Receivers,	-	0 5 0	
	Continuing do. 16 times, 16s.—Handbills, do., 50 copies, 8s.	-	1 4 0	
12.	Publishing in Gazette, Act for levying an Assessment upon all Lands in this Island, $4\frac{1}{2}$ columns,	-	4 10 0	
May	Printing and Binding 4-quire Book, Township Receipts, for Hon. Joseph Pope,	-	1 1 0	
	Do. do. for James Yeo, Esq., 1l. 1s.—do. do. for Thomas C. Compton, Esq. 1l. 1s.	-	2 2 0	
	Do. do. for J. Jardine, Esq. 1l. 1s.—do. do. for Alexander Macdonald, Esq. 1l. 1s.	-	2 2 0	
	Do. do. for Thomas Fairbairn, Esq. 1l. 1s.—do. do. for James Pigeon, Esq. 1l. 1s.	-	2 2 0	
	Do. do. for Allan Macdougall, Esq.	-	1 1 0	
	Printing and Binding 4-quire Book Receipts for Pasture Lots in Charlottetown, for S. Desbrisay, Esq.,	-	1 1 0	
			Carried forward,	£

		Brought forward,	£	
	Do. do. 4-quire Book, Town Lots in do.	-	1 1 0	
	Do. do. 4-quire Book, Georgetown and Princetown Receipts,	-	1 1 0	
	Do. do. 4-quire Book, Georgetown and Princetown Royalty Receipts,	-	1 1 0	
	Do. do. 4-quire Book Township Receipts, for Hon. T. H. Haviland,	-	1 1 0	
	Do. do. 4-quire Book for Towns, 1 <i>l.</i> Is.—do. do. 4-quire Book for Royalties, 1 <i>l.</i> Is.	-	2 2 0	
	Do. do. 4-quire Book for Thomas M'Nutt, Esq., for Princetown,	-	1 1 0	
	Do. do. 4-quire do. do., Princetown Royalty,	-	1 1 0	
	Do. do. 4-quire do., for Townships,	-	1 1 0	
	Do. do. 4-quire do. for Hugh Macdonald, Esq., Georgetown Receipts,	-	1 1 0	
	Do. do. 4-quire do. Georgetown Royalty do.,	-	1 1 0	
	Do. do. 4-quire do. Township Receipts,	-	1 1 0	
	6 Quires Town and Royalty Receipts, sent to Receivers in Townships, at 4 <i>s.</i> 6 <i>d.</i>	-	1 6 0	
	Printing 13 quires Township Returns, at 5 <i>s.</i>	-	3 5 0	
	Do. 8 quires Town and Water Lots, at 5 <i>s.</i>	-	2 0 0	
	Do. 8 do. Common and Pasture, at 5 <i>s.</i>	-	2 0 0	
	Do. 1 do. Reserved Lands,	-	0 5 0	
	Binding do. in 14 Books, for Receivers, at 3 <i>s.</i> 4 <i>d.</i>	-	2 6 8	
			41 14 8	
Certified.				
(Signed) T. H. HAVILAND, Treasurer.				
1839. FOR COLLECTORS OF IMPOST:				
January 1.	(Charlottetown.)—12 Blank Accounts,	-	0 6 0	
May 9.	12 do. 6 <i>s.</i> —14 <i>th.</i> 1 quire Bonds, Es.	-	0 14 0	
16.	4 quires short Permits,	-	1 4 0	
June 5.	4-quire Book, for Entries, bound and ruled—Medium size,	-	2 6 0	
			4 10 0	
(Signed) J. SPENCER SMITH.				
(Country.)—For W. S. Macgowan, Esq.—				
Apr. 18.	1 quire Bonds, Recognizances, &c.	-	0 8 0	
	Allan Forsyth, Esq.—9 Blank Impost Accounts,	-	0 4 6	
	Hugh Macdonald, Esq.—Blank Book for Light Receipts,	-	0 5 6	
March.	Hon. Joseph Pope—Book for Entries,	-	0 12 6	
May.	9 Blank Accounts, 4 <i>s.</i> 6 <i>d.</i> —1 quire Importers' Oaths, 5 <i>s.</i>	-	0 9 6	
	50 Light Receipts,	-	0 4 0	
May 27.	Samuel Dawson, Esq.— $\frac{1}{2}$ quire Bonds,	-	0 4 0	
	3 Impost Accounts, 1 <i>s.</i> 6 <i>d.</i> —1 quire Importers' Oaths, 5 <i>s.</i>	-	0 6 6	
	1 quire Permits, 6 <i>s.</i> —1 do. Blanks, assorted, 6 <i>s.</i>	-	0 12 0	
June 18.	Book for Entries,	-	0 12 6	
	Charles MacNutt, Esq.—			
June 14.	1 quire Bonds, Recognizances, &c.	-	0 8 0	
18.	Book for Entries,	-	0 12 6	
	J. L. Hurdis, Esq.—100 Light Receipts,	-	0 6 0	
			5 5 6	
			£147 11 3	

JAMES D. HASZARD'S (Queen's Printer) Accounts, for two Quarters, commencing 1st July, and ending 31st December, 1839, for services performed for the Government of Prince Edward Island.

1839. FOR COLONIAL SECRETARY'S OFFICE:		£	s.	d.
July 3.	Steel Pens, 2 <i>s.</i> 10 <i>d.</i> —Wafers, 1 <i>s.</i> 6 <i>d.</i> —Wax Candle, 5 <i>d.</i>	-	0	4 9
	Advertising Ellis or Grand River Ferry, 5 <i>s.</i> —continuing do. 3 times, 3 <i>s.</i> 9 <i>d.</i>	-	0	8 9
	Handbills, do.	-	0	5 0
	Copy Pilot Act, for Hon. G. R. Goodman,	-	0	2 6
Carried forward,		£		

1839.		Carried forward,	£
July 9.	Advertising appointment of J. C. Sims, Esq., Justice of Peace, &c.	-	0 5 0
	Continuing do. twice,	-	0 2 6
	Advertising appointment of J. Kelly, Coal Meter,	-	0 5 0
13.	2 Quires Marriage Licences, 16s.—2 do. do. for Magistrates, 16s.	-	1 12 0
	Paid binding Report of Commissioners in Canada,	-	0 6 0
	Do. Laws of Island, 2d vol. for Colonial Secretary's Office, $\frac{1}{2}$ calf,	-	0 4 0
	Do. do. for His Excellency the Lieutenant Governor,	-	0 4 0
	Do. do. for S. Desbrisay, Esq., half sheep,	-	0 3 6
	Do. do. for High Sheriff of Queen's County,	-	0 3 6
	Do. do. for Hon. T. H. Haviland,	-	0 3 6
	Do. do. for Supreme Court, Queen's County,	-	0 3 6
	Do. do. for Attorney General,	-	0 3 6
16.	2 Quires Treasury Warrants,	-	0 16 0
August 15.	Advertising Proclamation, proroguing General Assembly to 26th September,	-	0 7 6
	Continuing do. twice, 4s.—Handbills, do. posting, &c. 12s. 6d.	-	0 16 6
20.	Advertising appointment of Joseph Wightman, Esq. Harbour and Ballast Master,	-	0 5 0
	Continuing do. twice,	-	0 2 6
	Advertising appointment of J. R. Bourke, Esq. Justice of Peace,	-	0 5 0
	Continuing do. twice,	-	0 2 6
27.	Advertising appointment of R. Hyndman, Esq. Justice for Assault and Battery Court.	-	0 5 0
	Continuing do. twice,	-	0 2 6
	4 Quires Treasury Warrants,	-	1 8 0
30.	2 Do. Militia Commissions,	-	0 16 0
Sept. 10.	Advertising Notice, Hon. A. Lane sworn in Executive Councillor, &c.	-	0 5 0
	Continuing do.	-	0 1 3
17.	Advertising Ferry, Mill River, Cascumpeque,	-	0 5 0
	Continuing do. once, 1s. 3d.—Handbills, do. 7s. 6d.,	-	0 8 9
18.	1 Quire Grants, for Royalties, 8s.—1 do. do. for Towns, 8s.	-	0 16 0
24.	Advertising H. M. Order in Council, signifying royal assent to sundry Bills,	-	0 12 6
	Advertising Proclamation, proroguing General Assembly to 7th November,	-	0 7 6
	Continuing do. twice, 4s.—Handbills do., posting, &c. 12s. 6d.	-	0 16 6
October 8.	Advertising Tenders received for conveying Winter Mails,	-	0 5 0
	Continuing do. 3 times,	-	0 3 9
	Advertising Contract for building Bridge over Hillsborough River,	-	0 5 0
	Continuing do. 3 times,	-	0 3 9
15.	Advertising Report of Commissioners, and sailing directions for Charlottetown Harbour,	-	1 0 0
	Continuing do. 5 times,	-	1 5 0
	12 Copies Gazette, containing Report, forwarded to George Peacock, H. M. S. Andromache,	-	0 6 0
October 21.	16 $\frac{1}{2}$ Quires super Foolscap Paper, at 2s. 6d.	-	2 9 0
	Ink Powder, 9d.—Wafers, 1s.—Pencils, 1s. 3d.	-	0 3 0
	1 Quire fine Cartridge Paper,	-	0 2 9
November 5.	Advertising Proclamation, proroguing General Assembly to 19th December,	-	0 7 6
	Continuing do. twice, 4s.—Handbills do., posting, &c. 12s. 6d.	-	0 16 6
7	2 Quires Treasury Warrants,	-	0 14 0
	Advertising Tenders received for Firewood for Georgetown Jail,	-	0 5 0
	Continuing do. once, 1s. 3d.—Handbills, do. 5s.	-	0 6 3
Nov. 19.	Card Steel Pens, 2s.— $\frac{1}{2}$ hundred Quills, 4s. 6d.	-	0 6 6
24.	Card Steel Pens, 1s. 4d.—Bottle Ink, 9d.	-	0 2 1
28.	1 Quire best Foolscap, 3s.—2 boxes Steel Pens, 8s. 6d.	-	0 11 6
	1 Do. best Letter Paper, 2s. 3d.—paper Pounce, 1s.—Wax Taper, 1s. 8d.	-	0 4 11
	1 doz. pieces Office Tape,	-	0 4 0
	Publishing in Royal Gazette Despatches on the subjects connected with Mr. Cooper's delegation to England,	-	1 7 6
		Carried forward,	£

1839.	Brought forward,	£
December 3. Advertising appointment Hon. T. H. Haviland, Secretary, and Hon. J. Brecken, Treasurer, 5s.—continuing do. 2s. 6d.	-	0 7 6
7. 1 Roll Crown Wafers,	-	0 1 9
Black Lead Pencils, 1s. 3d.—box Wafers, 6d.	-	0 1 9
12. 2 Quires Store Licenses,	-	0 16 0
17. Advertising Proclamation, convening General Assembly on 23th January, Continuing do. 5 times,	-	0 7 6
Handbills, do.	-	0 10 0
Advertising Notice to persons having demands against Government, to send in before 31st December,	-	0 12 6
Continuing do. twice,	-	0 5 0
Advertising removal of Secretary and Treasurer's Offices,	-	0 2 6
Continuing do. twice,	-	0 3 4
21. Advertising Order in Council, signifying H. M. Royal assent to sundry Acts, Copy Land Assessment Act for the Attorney General,	-	0 2 0
Almanack for 1840, interleaved,	-	0 12 6
Subscription to Royal Gazette, from 1st January, 1839, to 1st January, 1840, for Colonial Secretary's Office,	-	0 2 6
Do. do. forwarded to Secretary of State, England,	-	0 1 6
		0 15 0
		0 15 0
		<u>£31 1 4</u>

Certified, to 3d December, 1839.

(Signed) G. THRESHER, Deputy Registrar.

Certified, from 3d December to 24th.

(Signed) T. H. HAVILAND, Acting Secretary.

LAND ASSESSMENT:

July 1. Printing 1200 Returns, for Town and Water Lots,	-	2 12 0
Do. 1200 for Common and Pasture Lots,	-	2 12 0
Do. 100 for Reserved Lands,	-	0 3 6
Do. 400 for Townships,	-	0 14 0
3. Book of Township Receipts, for James Richards, Esq.—4 quires, bound, Advertising Notice to pay Assessment since account rendered, 1st July, 1839, 8 times, at 2s.	-	1 1 0
Advertising Notice, list of Deputies, since account rendered, 8 times,	-	0 16 0
August 3. Book of Receipts, for Allan Forsyth, Esq.—4 quires, bound, Printing Forms for a Ledger, 7 quires, viz:— Town Lots in Charlottetown—do. in Georgetown—Pasture Lots in Georgetown—Pasture Lots in Charlottetown—Do. do. in Princetown— Common Lots in Charlotteown—Water Lots in do.—Reserved Lands in Georgetown—Township Lands—	-	0 8 0
Binding do. in calf, lettered back and sides,	-	1 1 0
17. Handbills, 100 copies, Notice of Office being closed for Land Assessment, 26th August,	-	4 4 0
		1 5 0
		0 7 6
		<u>14 4 0</u>
	(Signed)	T. H. HAVILAND.

FOR BOARD OF EDUCATION:

July 29. 3 Quires District Schoolmasters' Certificates,	-	0 15 0
Advertising Meeting of Board, 5s.—continuing do. 3 times, 3s.	-	0 8 0
30. Advertising list of Candidates passed,	-	0 5 0
October 1. Advertising quarterly Meeting of Board, 5s.—continuing do. 3 times, 3s.	-	0 8 0
		<u>0 16 0</u>

Carried forward,

1839.		Carried forward,	£	
	FOR CENTRAL ACADEMY :			
July 9.	Advertising examination of pupils,	-	0 3 4	
August 13.	Advertising commencement of term, &c.	-	0 3 4	
December 17.	Advertising semi-annual examination,	-	0 3 4	
			0 10 0	
	I certify this account to be correct.			
	(Signed) JAMES H. PETERS, Secretary.			
	FOR POST OFFICE :			
August 13.	Advertising time of closing Winter Mails,	-	0 5 0	
November 19.	Advertising Winter Route of Mails,	-	0 5 0	
	Continuing do. twice,	-	0 2 6	
			0 12 6	
	Certified,			
	(Signed) E. CHAPPELL, P. M.			
	FOR COLLECTORS OF IMPOST :			
July 3.	(Charlottetown.)—3 quires Bonds, Recognizances, &c.	-	1 4 0	
	12 Blank Accounts,	-	0 6 0	
8.	12 Blank Accounts,	-	0 6 0	
September 21.	1 quire Bonds, Recognizances, &c.	-	0 8 0	
	12 Blank Accounts,	-	0 6 0	
October 4.	3 Blank Accounts,	-	0 1 6	
	2 quires short Permits,	-	0 12 0	
5.	3 quires Bonds, Recognizances, &c.	-	1 4 0	
November 18.	1 quire short Permits,	-	0 6 0	
27.	1 do. Bonds, Recognizances, &c.	-	0 8 0	
December 2.	1 do. short Permits,	-	0 6 0	
	1 quire Book, ruled and bound, for Entries,	-	0 12 6	
23.	20 Blank Accounts,	-	0 10 0	
			0 10 0	
	Certified.			
	(Signed) J. SPENCER SMITH.			
October 9.	(Country.)—For W. S. Macgowan, Esq.—3 Impost Accounts,	-	0 1 6	
July 21.	Charles MacNutt, Esq.—6 Blank Impost Accounts,	-	0 3 0	
July 1.	Hugh Macdonald, Esq.—16 Blank Accounts,	-	0 8 0	
July	Hon. Joseph Pope—6 Blank Accounts,	-	0 3 0	
	1 quire Importers' Oaths,	-	0 6 0	
	1 do. long Permits,	-	0 6 0	
October	1-quire Book, printed, ruled and bound, for Entries,	-	0 12 6	
	½ quire Bonds, Recognizances, &c.	-	0 4 0	
	6 doz. Light Receipts,	-	0 6 0	
	Allan Forsyth, Esq.—6 Blank Accounts,	-	0 3 0	
	George Campbell, Esq.—			
July 15.	9 Blank Accounts,	-	0 4 6	
December 17.	6 Blank Accounts,	-	0 3 0	
	John Jardine, Esq.—			
	½ quire Bonds, Recognizances, &c.	-	0 4 0	
	3 Blank Accounts,	-	0 1 6	
	J. L. Hurdis, Esq.—200 Light Receipts,	-	0 12 0	
			0 18 0	
	FOR ROADS AND BRIDGES, &c.			
July 2.	Advertising notice of letting Road at Auction under Road Compensation Act,			
	District No. 1, Southern Division,	-	0 5 0	
	Continuing do. twice, 2s. 6d.—Handbills, do. 5s.	-	0 7 6	
			0 12 6	
	Carried forward,		£	

1839.	Brought forward,	£	
Advertising letting Road on Lot 6, towards West Cape, District No. 1, North Division,	-	0 5 0	
Continuing do. 3 times, 3s. 9d.—Handbills, do. 5s.	-	0 8 9	
Advertising sale, Winter Boat, at auction,	-	0 3 4	
Handbills, do.	-	0 5 0	
9. Advertising Tenders received for Mount Stewart Bridge,	-	0 3 4	
Continuing do. 3 times, 3s.—Handbills, do. 5s.	-	0 8 0	
Advertising Tenders received for repairing Ferry Slip,	-	0 3 4	
Continuing do. once 1s.—Handbills, do. 5s.	-	0 6 0	
30. Advertising letting Roads in Georgetown Royalty,	-	0 5 0	
Continuing do. once,	-	0 1 3	
September 24. Advertising Repairs Wilmot Creek Bridge,	-	0 5 0	
October 8. Advertising Contract for keeping Roads clear of Windfalls,	-	0 5 0	
Continuing do. once,	-	0 1 3	
Advertising reletting Roads in 1st District, North Division,	-	0 5 0	
Continuing do. 3 times,	-	0 3 9	
Advertising re-letting Roads in 1st District, Southern Division,	-	0 5 0	
		<hr/>	4 6 6
FOR TREASURER'S OFFICE :			
July 16. Advertising List of Licensed Retailers,	-	0 10 0	
23. Advertising do. do. with additions,	-	0 7 6	
30. Advertising do. do. with additions,	-	0 7 6	
August 6. Advertising Warrants payable to No. 156,	-	0 5 0	
November 12. Advertising notice respecting payment of Bonds,	-	0 5 0	
Continuing do. 6 times,	-	0 6 0	
December 12. Blank Memorandum Book,	-	0 2 9	
		<hr/>	2 3 9
Certified, to Nov. 12th, (Signed) T. H. HAVILAND,			
Certified, (Signed) JOHN BRECKEN, Acting Treasurer.			
FOR TOWN MAJOR AND ADJUTANT GENERAL :			
July 23. Advertising two Deserters from 37th Regt.	-	0 5 0	
Continuing do. once,	-	0 1 3	
August 27. Advertising Militia promotions and appointments,	-	0 15 0	
December 17. Advertising General Order, appointing Hon. J. S. Smith Provincial Aide-de-Camp,	-	0 5 0	
Advertising description of three Deserters from 37th Regt.	-	0 7 6	
Continuing do. twice,	-	0 3 6	
		<hr/>	1 17 3
(Signed) A. LANE, Adj. Gen. Militia & Town Major.			
FOR CLERK OF THE COURT :			
October 22. Advertising list of Constables and Fence Viewers, for Prince County,	-	0 15 0	
Handbills, do.	-	0 7 6	
		<hr/>	1 2 6
Correct. (Signed) DANIEL HODGSON.			
COMMISSIONERS FOR COLONIAL BUILDING :			
August 20. Advertising Plans wanted for Building,	-	0 15 0	
Continuing do. 17 times, at 3s.	-	2 11 0	
Handbills, do., 50 copies,	-	0 12 6	
		<hr/>	3 18 6
Certified. (Signed.) JOHN BRECKEN.			
Carried forward,			<hr/>
			£

		Brought forward, £	
JUSTICES FOR ADVERTISING CONVICTIONS FOR OFFENCES :			
July 16.	Advertising James Campbell, selling Liquor without Licence,	0 3 4	
30.	Advertising Lawrence Farrell, for do.	0 3 4	
September 10.	Advertising Thomas Logan, for do.,	0 3 4	
17.	Advertising Convictions, Assault and Battery Court, Queen's County,	0 5 0	
	Advertising conviction—Samuel Martin, selling liquor without Licence,	0 3 4	
October 1.	Advertising Assault and Battery Court, Prince County,	0 5 0	
	Advertising James M'Adam, for peddling without Licence,	0 3 4	
December 17.	Advertising Convictions, Assault and Battery Court, Prince County,	0 5 0	
		1 11 8	
		£73 12 0	

No. 32.

GOVERNMENT.

To JAMES B. COOPER & Co.

		£	s.	d.
1838.	To 1 copy Journals of the House of Assembly, for His Excellency the Lieutenant Governor, on his going to Canada,	0	7	6
	To 1 do. for the Hon. T. H. Haviland, on do.	0	7	6
1839.	March 9. To advertising Lieutenant Governor's Proclamation, relative to new Council, &c., 6 squares,	1	10	0
	To advertising notice of appointment of Officers for the Legislative Council,	0	5	0
	To do. do. relative to the omission of the names of certain Members of Council, in the list of new Councillors,	0	5	0
		£2	15	0

Charlottetown, 1st May, 1839.

Certified.

J. P. COLLINS.

THE LEGISLATIVE COUNCIL,

To JAMES B. COOPER & Co.

1839.	April 27. To advertising in Colonial Herald the Bill for the regulation of the Fishery Reserves in this Island, as amended by the Legislative Council—5 cols. at 20s.	£5	0	0
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Charlottetown, 1st May, 1839.

Certified.

T. H. HAVILAND, President.

THE HON. A. LANE, TOWN Major, &c. &c. &c.

To JAMES B. COOPER & Co.

1838.	October 27. To advertising in Colonial Herald, deserters from the 93d Regiment, (2½ squares,) Continuing do. 3 times,	0	12	6
		0	9	0
		£1	1	6

Charlottetown, 1st May, 1839.

A. LANE, Town Major.

No. 33.

THE GOVERNMENT OF PRINCE EDWARD ISLAND,

To JOHN BRECKEN, Acting Treasurer,

		Dr.		
		£	s.	d.
1839.				
January 5.	To paid James H. Down, repairs to wharf,	-	-	0 19 0½
	Wm. Byers, for sweeping Government House Chimneys,	-	-	0 9 0
	O'Neil, for sundry work,	-	-	0 15 9
12.	Josiah Hallam, per Order in Council, January 3,	-	-	2 6 0
15.	Clear Lallow, do.	-	-	1 4 10
February 7.	Elizabeth Chappell, for public postage,	-	-	1 3 2
9.	James Banks, per Order of Lieutenant Governor,	-	-	0 11 6
March 13.	Gregory Higgins, per Order in Council,	-	-	0 11 6
	John Macpherson, do. do.	-	-	0 10 0
14.	David O'Neill, per Order of Lieutenant Governor,	-	-	0 9 0
April 16.	John Murray, per Order in Council, of 7th February,	-	-	1 6 0
May 6.	Miss Chappell—public postage,	-	-	1 14 6
7.	David Keefe, per Order in Council, 7th Sept.	-	-	0 11 3
July 10.	Angus Macphee, per Order in Council,	-	-	0 10 0
	Wm. Wriston, do. do.	-	-	0 10 0
	Shore & Taylor, per order of Lieutenant Governor,	-	-	1 12 0
	Shore & Taylor, do. do.	-	-	3 16 0
	Alexander Leslie, per Order in Council,	-	-	0 11 6
17.	John Rider, do. do.	-	-	1 2 6
24.	Elizabeth Chappell—public postage,	-	-	2 8 7½
26.	Clear Lallow, per order in Council, 10th April,	-	-	1 4 6
	Clear Lallow, do. do., 4th July,	-	-	0 9 6
August 7.	Wm. B. Davison, per order of Lieut. Governor,	-	-	1 5 0
October 21.	John Rider, per order in Council,	-	-	0 7 6
November 5.	S. Desbrisay, per order of Lieutenant Governor, of 4th May, 1838,	-	-	0 10 0
	Joseph Ball, per order in Council, 15th June, 1838,	-	-	1 3 4
8.	E. Chappell, public postage,	-	-	1 18 1
December 31.	Clear Lallow, per order in Council, of 3d October,	-	-	0 17 3
		<hr/>		
		£30	17	4

31st December, 1839.

JOHN BRECKEN, Acting Treasurer.

No. 4.

Return of Cultivated and Uncultivated Lands in the several Townships for which Assessment has been paid.

No. of Townships.	No. of Acres cultivated	No. of Acres uncultivated.	Proclaimed.	Short.	No. of Townships.	No. of Acres cultivated.	No. of Acres uncultivated.	Proclaimed.	Short.
1	7000	16000			35	11010	3238	3052	
2	3000	17000			36	11019	5261	3720	
3	4930	15070			37	10821	6550	2729	
4	3000	17000			38	5095	3864	5041	
5	3500	16500			39	3598	16402		
6	2000	18000			40	5151	14849		
7	3614	16386			41	3250	16750		
8	3050	7350	9600		42	3100	16900		
9	650	19350			43	6013	13987		
10	530	19470			44	5763	14136		101
11	3612	16388			45	12132	7868		
12	1713	18287			46	6180	13820		
13	6000	14000			47	15278	4722		
14	7263	12737			48	7388	15612		
15	9868	1200	1000	7152	49	8540	6961	6499	
16	1650	18350			50	13771	6229		
17	17560	1100		1340	51	6168	13832		
18	10305	2095	7600		52	5495	7590	6915	
19	17635	2365			53	5900	14100		
20	9809	10191			54	3830	16170		
21	8798	12202			55	10876	5650	1000	2474
22	2080	18920			56	5326	14674		
23	13274	8726			57	11272	8728		
24	18000	2000			58	5572	14428		
25	10358	8915		727	59	4190	15810		
26	10667	9333			60	3352	16648		
27	8321	11679			61	2918	17082		
28	16734	2425		841	62	3596	16404		
29	11957	8043			63	3110	16890		
30	3900	16100			64	7902	12098		
31	10927	9073			65	17293	3707		
32	12940	7060			66	1654	4346		
33	17956	2044			67	7612	20388		
34	19830	170							

Treasurer's Office, 20th January, 1840.

JOHN BRECKEN,
Acting Treasurer.

APPENDIX

(M.)

[SEE PAGE 78.]

(Copy—No. 6.)

Downing Street, 16th October, 1839.

Sir ;

I AM desirous of directing your attention to the tenure on which public Offices, in the gift of the Crown, appear to be held throughout the British Colonies. I find that the Governor himself, and every person serving under him, are appointed during the Royal pleasure, but with this important difference—the Governor's commission is, in fact, revoked whenever the interests of the public service are supposed to require such a change in the administration of local affairs. But the commissions of all other public Officers are very rarely indeed recalled, except for positive misconduct. I cannot learn, that during the present or the two last reigns, a single instance has occurred of a change in the subordinate Colonial Officers, except in case of death or resignation, incapacity or misconduct. This system of converting a tenure at pleasure into a tenure for life originated, probably, in the practice which formerly prevailed, of selecting all the higher class of Colonial functionaries from persons who, at the time of their appointment, were resident in this country; and amongst other motives which afforded such persons a virtual security for the continued possession of their places, it was not the least inconsiderable that, except on those terms, they were unwilling to incur the risk and expense of transferring their residence to remote and often to unhealthy climates. But the habit which has obtained of late years, of preferring as far as possible for places of trust in the Colonies persons resident there, has taken away the strongest motive which could thus be alleged in favour of a practice to which there are many objections of the greatest weight. It is time, therefore, that a different course should be followed, and the object of my present communication is to announce to you the rules which will be hereafter observed on this subject in the Island of Prince Edward.

You will understand, and cause it to be made generally known, that hereafter the tenure of Colonial officers held during her Majesty's pleasure, will not be regarded as equivalent to a tenure during good behaviour, but that not only such Officers will be called upon to retire from the public service as often as any sufficient motives of public policy may suggest the expediency of that measure,

but that a change in the person of the Governor will be considered as a sufficient reason for any alterations which his successors may deem it expedient to make in the list of public functionaries; subject, of course, to the future confirmation of the Sovereign.

These remarks do not extend to judicial Offices, nor are they meant to apply to places which are altogether ministerial, and which do not devolve upon the holders of them duties in the right discharge of which the character and policy of the government are directly involved. They are intended to apply rather to the heads of departments than to persons serving as Clerks or in similar capacities under them; neither do they extend to Officers in the service of the Lords Commissioners of the Treasury. The functionaries who will be chiefly, though not exclusively affected by them, are the Colonial Secretary, the Treasurer or Receiver General, the Surveyor General, the Attorney and Solicitor General, the Sheriff or Provost Marshal, and other Officers, who, under different designations from these, are entrusted with the same or similar duties. To this list must also be added the members of the Council, especially in those Colonies in which the Legislative and Executive Councils are distinct bodies.

The application of these Rules to Officers to be hereafter appointed will be attended with no practical difficulty. It may not be equally easy to enforce them in the case of existing Officers, and especially of those who may have left this Country for the express purpose of accepting the Offices they at present fill. Every reasonable indulgence must be shewn for the expectations which such persons have been encouraged to form. But even in these instances it will be necessary that the right of enforcing these regulations should be distinctly maintained in practice as well as in theory as often as the public good may clearly demand the enforcement of them. It may not be unadvisable to compensate any such Officers for their disappointment even by pecuniary grants, when it may appear unjust to dispense with their services without such an indemnity.

I have the honour to be,

Sir,

your most obedient humble servant,

(Signed) J. RUSSELL.

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

APPENDIX

(N.)

[SEE PAGE 110.]

Correspondence on the subject of the Indians and Lennox Island.

No. 11.

Downing Street, 9th December, 1839.

Sir;

WITH reference to your Despatch, No. 37, of the 8th October, 1838, relative to the Indians in Prince Edward Island, I inclose, for your information, a copy of a correspondence which has passed with Mr. David Stewart, on the subject of your proposition, that some arrangement should be made for securing Lennox Island, of which he is the proprietor, for the use of the Indians.

You will perceive that Mr. Stewart is willing to dispose of the Island, which is stated by him to contain 1400 acres, for the sum of £1500, "being the rate at which Government are now selling land in Prince Edward Island." I am not sufficiently informed on the subject to be enabled to determine whether this is a fair estimate of the value of the property, but from the description you have given of Lennox Island, as containing land "not of a superior quality," I should be disposed to think that too high a price has been asked—of this you will be the best judge. I have no reason to doubt that Mr. Stewart, who expresses great anxiety to benefit the Indians, would be willing to sell the property at a fair valuation.

I anticipate more difficulty from the want of funds to effect the purchase. The home Treasury cannot provide money for such a purpose; and, unless some local provision can be made for it, I fear that the attempt to locate these unfortunate people will prove ineffectual. Considerable delay would necessarily occur in accumulating from the sale of Crown Lands a sufficient sum for the purpose, and that delay would be fatal to the object in view. The House of Assembly is, therefore, the only source from which assistance can be looked for; and I should hope that, sensible as that body must be of the helpless state of these poor people, it will lend its aid in furtherance of this plan for alleviating their condition.

I have, therefore, to instruct you to bring the subject under the consideration of the House of Assembly, explaining to them what has been already done, and proposing to

2f

them that the purchase money, whatever it may be finally fixed at, should be paid out of the Colonial Revenues, Her Majesty's Government undertaking that, from time to time, as occasion may offer, repayment shall be made to the Colony, by the sale of Crown Lands.

I have the honor to be, Sir,

your most obedient servant,

J. RUSSELL.

Lt. Governor

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

FROM LORD GLENELG AND SIR C. A. FITZ ROY.

No. 48.

No. 60.

Copy of a Despatch from Lord Glenelg to Sir C. A. Fitz Roy.

Downing Street, 2d August, 1838.

Sir; I transmit to you herewith the copy of a Petition to Her Majesty, from a Chief of the Micmac Tribe of Indians resident in Prince Edward Island, which has been placed in my hands by Mr. Cooper. Without fuller information than I possess on this subject, it is impossible for me to advise Her Majesty as to the answer to be returned to this Petition. I have therefore to request that you will furnish me with a full and detailed report on the state of the Indians who may be resident in Prince Edward Island, pointing out the measures which, in your opinion, would most conduce to their well being, and to the improvement of their moral and social condition.

I have, &c.

(Signed) GLENELG.

Sir C. A. Fitz Roy.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

May it please your Majesty;

The Petition of the undersigned, a Chieftain of the Micmac Tribe of the Indian Inhabitants of Prince Edward Island, in British North America,

Most respectfully sheweth—

That in former times our fathers were the owners of this Island, and fully enjoyed their acquired resources thereof, until they were visited by people of the French nation, who taught them Religion and the duties of civilized life; after which, by a treaty entered into by that nation with your Majesty's Government, our people became British subjects; since which, our tribe has been deprived of their hunting grounds, without receiving any remuneration for the loss they sustained; by which, privation and want have reduced our once numerous tribe in this Island to a skeleton of five hundred individuals, who, collectively, are not inferior to any other denomination of your Majesty's subjects, in a strict adherence to moral honesty, or in an invincible attachment to your Majesty's person and government.

That our people duly value the benefits resulting from a steady application to farming pursuits, and a settled mode of life; thereby have made frequent applications to the House of Assembly of this Island, to obtain a grant of land on which our people could permanently reside, without fear of molestation—a favour, though earnestly sought, which is yet denied us; thereby our people are still compelled to wander in the forest as an unprotected neglected race of the human species, unworthy to enjoy the patronage and favour of those vested with authority.

Therefore your petitioner humbly beseeches your Majesty to be graciously pleased to instruct your Majesty's Representative in this Colony to procure for our people a permanent location on a tract of land in this our native Island, on which we may reside and cultivate without fear of removal or molestation; for which, as in duty bound, your Majesty's petitioner and people shall ever pray.

OLIVER THOMAS LE BONE,
his ✕ mark.

Prince Edward Island, May, 1838.

Signed in our presence, { C. LITTLE,
J. ARBUCKLE,
EDWARD DUNN.

No. 49.

No. 37.

*Copy of a Despatch from Sir C. A. Fitz Roy to
Lord Glenelg.*

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

My Lord;

In compliance with the desire expressed in your Lordship's letter, of the 2d August, No. 69, that I should furnish your Lordship with a full and detailed Report of the state of the Indians resident in this Island, pointing out the measures, which, in my opinion, would most conduce to their well being, and to the improvement of their moral and social condition, I have the honour to inform your Lordship, that the Indians who reside on this Island form a very small portion of the once numerous Micmac Tribe, the aboriginal inhabitants of that part of British North

America out of which these lower Provinces have been formed, and of which tribe the remnant is now scattered over the Colonies of New Brunswick, Nova Scotia, Prince Edward Island, and the Island of Cape Breton. From the best information within my reach, I do not believe that the number on this Island exceeds 200 individuals; although it is difficult to ascertain this with any precision, as well on account of the roaming disposition of this people, as that their numbers fluctuate from their constant intercourse with the main land. From their habits of intemperance, and other causes, their numbers are rapidly decreasing, and, with few exceptions, they are sunk to the most abject and degraded state to which I should conceive it possible for human beings to arrive.

Although this tribe was, many years ago, converted to the Roman Catholic Religion, which faith is professed by the portion which inhabits this Island, I cannot ascertain that much effort has been made to reclaim them from their wandering habits, or to induce them to fix themselves at any one spot; the utmost advance which they have made towards settlement or tillage being confined to the cultivation of a few potatoes, by the small number who remained stationary during the summer months; the remainder subsist by hunting, fishing, making baskets and toys of birch bark, and begging in Charlottetown and among the settlements. No provision appears to have been made, when the Island was so improvidently granted away, for the reservation of any lands for the use of these poor people, nor has any application been made in their behalf since I arrived in the Colony; but humanity demands that some steps should be taken, in order that when the Island becomes fully settled, and when they will be of necessity precluded from rambling to and fro, as they are now suffered to do, unmolested, throughout the Island, they may have some spot secured to them, where the small number which will, in all probability, then remain, may be enabled to subsist. It would be useless to endeavour to settle them on any of the ungranted lands of the Colony. The quantity remaining at the disposal of the Crown does not amount to more than 12,000 acres, and these of an inferior description; and it is dispersed in various situations in small allotments, so that a sufficient quantity could not be found in one place, which could be rendered available for the purpose, even if there were no other objections; but there is a small Island, situated on the North-west coast of Prince Edward Island, lying between Richmond and Goodwood Bays, called "Lennox Island," the property of Mr. David Stewart, which the Indians have long considered as their own, and on which they have built a chapel, and where they have, from a very early period, buried their dead. I believe, if they could have this Island secured to them, either by a voluntary grant from the proprietor, or by the government purchasing it for their use, it would not only meet their utmost wishes, and render them perfectly contented, but, by offering them an inducement to remain stationary, afford a fair opportunity for any efforts at improving their moral and social condi-

tion. Any attempt of this nature, in their present state, I am convinced, would be wholly thrown away. Mr. Stewart has, I understand, always expressed a desire, that the Indians may not be disturbed on Lennox Island; but a future proprietor may have different views, and I therefore think it very desirable, that they should feel themselves secured in the possession of it as their own property. I am convinced they would prefer it to any other spot that could be selected for them; and I believe it would even now be very difficult to induce them to leave it, or to give it up, except by force. Should Mr. Stewart object to making over this Island to the Indians gratuitously, I should apprehend he might be induced to part with it at a fair valuation, which, as the Island is of no great extent, and the land not of a superior quality, could not amount to more than an inconsiderable sum.

In corroboration of my views on this subject, I beg to transmit to your Lordship a copy of a letter which I have received from the Roman Catholic Bishop of Charlottetown, to whom, wishing to give your Lordship the best information in my power, I had applied for his opinion.

I have the honor, &c.

(Signed) CHARLES A. FITZ ROY,
Lieut. Governor.

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

To His Excellency Sir Charles A. Fitz Roy, &c. &c. &c.
Rustico, 5th October, 1838.

Sir; I have the honour to acknowledge the receipt of your Excellency's letter of the 1st instant, accompanied with a copy of a Petition to Her Majesty from the Chief of the Indians resident in this Island, in which letter your Excellency is pleased to desire me to give my opinion of the prayer of said Petition, and also to suggest any plan which I thought might possibly improve the condition of the petitioners. In order to comply with your Excellency's request, I beg first to state that the Indians of this Island have often complained that they have been more unfavourably dealt with than their brothers in the neighbouring provinces, inasmuch as they have never, like them, received grants of land whereon to settle themselves, and which those among them at least so inclined, might cultivate and live by.

This grievance they, from time to time, ineffectually represented to Her Majesty's Representatives. They applied, some years since, to the House of Assembly, with similar complaints; the then House seemed to take their case into favourable consideration, and made some steps towards making a purchase of Lennox Island, for their use and benefit, but afterwards lost sight of it, for what, I do not at this moment recollect.

That some place of rest should be provided for the Indian tribe of this Island is, in my opinion, no more than what justice to the original owners of the soil imperatively dictates; and nothing, also, in my opinion, could tend more effectually, in course of time, to redeem the Indians

from their wandering life, than to locate them on lands, to the culture of which necessity will compel them to have recourse for their subsistence, as the means heretofore used by them are now failing.

What quantity of land should be given to them, I cannot take upon myself to say; but as to its situation, an isolated one would be, for many reasons, the most preferable; and though I never set much value on the purchasing of Lennox Island for their use, on account of its having, comparatively, little good land, yet I am aware that the Indians could not, without great difficulty, be induced to part with it, from the circumstances of their living on it for many years past, and their having also there their Church and Burying Ground.

Hoping that your Excellency will be pleased to excuse me in this long, imperfect, and hurried communication.

I have, &c.

(Signed) B. D. MACDONALD.

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

No. 50.

Copy of a Letter from Sir G. Grey to D. Stewart, Esq.

Downing Street, 22d December, 1838.

Sir;

I am directed by Lord Glenelg to transmit to you herewith, the copy of a Despatch from Sir C. A. Fitz Roy, on the subject of the present state of the Indians in Prince Edward Island. Before taking any further steps respecting these people, his Lordship desires me to inquire whether you are disposed to make any proposition, with a view to the attainment of the object contemplated by Sir C. Fitz Roy.

I have, &c.

(Signed) G. GREY.

D. Stewart, Esq.
94, Great Russell Street.

No. 51.

Copy of a Letter from the Right Honourable Henry Labouchere to D. Stewart, Esq.

Downing Street, 15th March, 1839.

Sir; On the 22d of December last, Sir George Grey, by the direction of Lord Glenelg, addressed to you a letter, enclosing a Despatch from Sir C. Fitz Roy, on the subject of the Indians in Prince Edward Island, and requested to be informed whether you were disposed to make any proposition to Her Majesty's Government, with a view to the well-being of those individuals. On the 22d December a reply was received from your son, Mr. R. B. Stewart, stating, that in your absence he was unable to take any step in the matter. I am directed by the Marquis of Normanby to recall the subject to your recollection, and to

request you to inform me whether you propose to make any communication to his Lordship on this subject.

I have, &c.

H. LABOUCHERE.

94, *Great Russell Street*, 18th March, 1839.

My Lord;

In answer to Mr. Labouchere's letter of the 15th inst. I beg to state, that my father, Mr. David Stewart, is still absent in Ireland: we are in daily expectation of his return; but in his absence, I can add nothing to my letter to Lord Glenelg in answer to a communication similar in purport to that now made by Mr. Labouchere.

I have, &c.

R. B. STEWART.

The most noble

the Marquis of Normanby,

&c. &c. &c.

LENNOX ISLAND.

(Copy.)

94, *Great Russell Street*,

3d August, 1839.

My Lord;

In reference to Mr. Labouchere's letter of the 15th March last, on the subject of Lennox Island, my son has informed you, as he had previously informed Lord Glenelg, that I was not in a position to make any proposition at that time owing to the want of title—for though I purchased the property in the year 1831, and have had nominal possession since 1833, when the purchase money was lodged in the British Linen Company's Bank at Edinburgh, yet, for reasons with which it is unnecessary to trouble your Lordship, it has not been until last week that the conveyance to me was completed; nor was the conveyance delivered to me until the evening of the 31st July, which will, I trust, account satisfactorily to your Lordship for the delay in complying with your Lordship's wishes, as expressed in Mr. Labouchere's letter.

Having learned, in 1831, when I was in Prince Edward Island, that the poor, harmless Indians were much harassed and annoyed by persons trespassing upon Lennox Island, which then was for sale, I agreed to purchase it, chiefly with a view to their protection, and left with my agent the most positive instructions, which have since been often repeated by letters, not to allow the Indians to be disturbed in any way, nor under any pretence—neither have they been disturbed in so far as it was in my power to prevent it; tho' I regret to learn that they have been disturbed by persons who had no right nor pretence to go upon Lennox Island, and who have thereby acted not less against my wishes, than against those of Her Majesty's Government.

I certainly have no wish to part with Lennox Island—yet if Her Majesty's Government think they can better provide for the security and comfort of the Indians by purchasing the Island for their use, I have no disposition to

oppose their views, and accordingly beg to refer your Lordship to the house of Messrs. Farrer & Parkinson, to treat for the purchase. Should the Government decline to purchase the Island, I shall feel most happy to meet your Lordship's wishes, by doing every thing in my power to promote the comfort and happiness of the Indians, not only in Lennox Island, but in every part of Prince Edward Island which belongs to me. We are not only ready, but most anxious to promote the comfort, happiness, and security of every class of persons upon that beautiful Island, to the utmost of our power, as far as that can be done consistently with common justice to ourselves; and if Her Majesty's Government could put down, and keep down, the agitation which has been raised and kept up for the last seven or eight years, by parties whose objects seem to be to render all property insecure, and consequently to put an end to peaceable and industrious pursuits and habits, Prince Edward Island would soon become one of the most interesting and happy Colonies belonging to the Crown; but at present, I am sorry to say, that by means of perpetual agitation, under the most unfounded pretences, the Island is kept in such a state as to render it impossible for the inhabitants to attend to those pursuits and acquire those habits which are absolutely necessary to the prosperity of any agricultural country. Should your Lordship wish to see me, I shall have pleasure in waiting upon you, at any time you may please to honour me with an interview.

I have, &c.,

(Signed)

D. STEWART.

The Marquis of Normanby,

&c. &c. &c.

Downing Street, 16th Sept. 1839.

Gentlemen;

Mr. D. Stewart having expressed his readiness to sell to the Government his interest in Lennox Island, for the benefit of the Indians in Prince Edward Island, and having referred to you as his agent in the transaction, I am directed by Lord John Russell to request that you will state the terms on which Mr. Stewart is prepared to part with that property.

I have &c.

(Signed)

JAS. STEPHEN.

Messrs Farrer & Parkinson,
Lincoln's Inn Fields.

(Copy)

66, *Lincoln's Inn Fields*,

19th October, 1839

Sir; We beg to acknowledge the receipt of your letter of the 16th of last month, as to Mr. David Stewart's property in Lennox Island, and to acquaint you that we have not had an opportunity till now of seeing Mr. Stewart on the subject. We have received his directions to offer his 1400 acres in that Island to the Government for £1500, being about the same rate at which the Government are selling land there.

We have, &c.

(Signed)

FARRER & Co.

James Stephen, Esq.

APPENDIX

(O.)

[SEE PAGE 122.]

List of Documents contained in Appendix (O).

- No. 1.—Copy of a Despatch from Sir Colin Campbell to Sir Charles A. Fitz Roy, dated 8th April, 1840.
No. 2.—Copy of a Resolution of the House of Assembly of Nova Scotia, declining to make any provision in aid of the intercourse by means of Steam navigation, between Pictou, Charlottetown and Miramichi.
No. 3.—Despatch from Sir John Harvey, Lieutenant Governor of New Brunswick, to Sir Charles A. Fitz Roy, dated 31st March, 1840.
No. 4.—Resolution of the House of Assembly of New Brunswick, granting the sum of £350 annually, for five years, for the purpose of encouraging a weekly Steam communication between that Province, Nova Scotia and this Island.
No. 5.—Resolution of the House of Assembly of New Brunswick, granting a sum of money towards the exploration and survey of a line for a Canal or Railroad, to connect the waters of the Bay of Fundy with the Gulf of Saint Lawrence.
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No. 1.

*Government House,
Halifax, 8th April, 1840.*

Sir;

HAVING brought under the consideration of the House of Assembly of this Province your Excellency's Despatch of the 29th February last, enclosing an Address of the House of Assembly of Prince Edward Island, relating to a proposed communication by steam, twice a week, between Charlottetown and Pictou, and once a week between those ports and Miramichi—I have now the honour to transmit to your Excellency a copy of the Assembly's answer to my message on this subject, and to express my regret, that it has not been deemed expedient to sanction any additional expenditure in aid of that object.

I have the honour to be,

Sir,

your most obedient humble servant,

C. CAMPBELL.

His Excellency

Sir Charles A. Fitz Roy,
Charlottetown.

No. 2.

NOVA SCOTIA.

Extract of the Answer to the several Messages sent by the Lieutenant Governor to the House of Assembly, in the Session of 1840.

“ With respect to the Despatch of the Lieutenant Governor of Prince Edward Island, accompanied by the Address of the House of Assembly of that Island, also recommended by His Excellency the Lieutenant Governor, this House having, in the present Session, made liberal provision for the internal communication of the Province, and the extension of Steam Boats, have not deemed it advisable, by a further expenditure, to incur any additional expense in aid of the intercourse between Pictou, Charlottetown and Miramichi.”

No. 3.

*Government House,
Fredericton, New Brunswick,
31st March, 1840.*

Sir; I have the honour to transmit two Resolutions of the House of Assembly of this Province—one [March 23,

1840] appropriating £350 annually for five years, for the purpose of encouraging a weekly communication between this Province, Nova Scotia and Prince Edward Island—the other [March 26, 1840] granting £1000 for an exploration and survey of a line for a Canal, to connect the Bay of Fundy with the Gulf of Saint Lawrence; to which I beg leave to solicit your Excellency's attention, and to request that you will bring the subject matter under the consideration of the Legislature of the Province under your government.

I have the honour to be,
your Excellency's most obedient
humble servant,

J. HARVEY.

His Excellency

Sir Charles A. Fitz Roy, K. H.

Lieutenant Governor, &c. &c. &c.

—
No. 4.

NEW BRUNSWICK.

House of Assembly,

March 23d, 1840.

Resolved, That there be granted to His Excellency the Lieutenant Governor, or Commander in Chief for the time being, the sum of Three hundred and fifty Pounds, annually, for the next five years, from the 10th day of May, 1841, for the purpose of encouraging a weekly Steam communication between Miramichi, New Brunswick, Charlottetown, Prince Edward Island, and Pictou, Nova Scotia; provided that a good and efficient Boat, of not less than Eighty Horse Power, be by the period above named put upon that line, and that the same do run regularly not less than once a week between the above mentioned places, between the 10th May and the 20th November, each year during the

same term, (going and returning within the week,) and proceeding up the river Miramichi as high as the town of Newcastle, each trip, both on the arrival and departure of the said Boat, to discharge and receive freight and passengers, touching at Douglastown for the same purpose, both on her arrival and departure, and stopping at each of those places each time not less than half an hour—which sum shall be paid annually to such person or persons as may run such Boat, by Warrant, under the hand and seal of His Excellency the Lieutenant Governor, only on its being certified to him, by Commissioners to be by His Excellency appointed to superintend such Steam Navigation in this Province, that a good and efficient Boat of the power aforesaid, has been put on said line, and that the conditions of this grant have been, for the year for which the grant is applied to be paid, in all respects complied with.

CHARLES P. WETMORE,
Clerk.

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No. 5.

NEW BRUNSWICK.

House of Assembly, March 26, 1840.

Resolved, That there be granted to His Excellency the Lieutenant Governor, or Commander in Chief, a sum not exceeding One thousand Pounds, towards defraying the expenses of a new survey, exploration and estimate of a line of Canal, to connect the Bay of Fundy with the Gulph of Saint Lawrence; and also, to report an opinion as to the propriety of substituting a Rail Road for the proposed Canal—provided that the neighbouring Provinces contribute a fair proportion of the expense of such survey.

CHARLES P. WETMORE,
Clerk.

APPENDIX

(P.)

(SEE PAGE 130.)

COMMITTEE ROOM, Session 1840.

JOHN W. LE LACHEUR, Esq. in the Chair.

PETER MACCALLUM, Esq. *High Sheriff* of King's County, called in and examined.

Q. Were you acting as Sheriff, at the sale of the property of James Douglas?

A. Yes.

Q. At whose suit was the property seized?

A. At the suit of Flora Townshend.

Q. Did you sell it?

A. No.

Q. Did you remain there after?

A. I did, for a short period; but I should think not an hour.

Q. On what account did you remain?

A. I wanted to take possession of my own property, by virtue of the execution.

Q. Did you state to any one in town any thing as to the conduct of those present at said sale?

A. To be sure I did, by affidavit lodged in the Supreme Court.

Q. Did you strike any one there?

A. I know I struck one, and I would have struck you, had you acted as he did.

Q. Why? What did he do?

A. To the best of my belief, he struck me with a stone or a stick, or a lump of frozen dung.

Q. How far was the individual from you—that is the individual you struck—when you saw him?

A. He was not nigh enough to strike me with a stick, but quite nigh enough to injure me by throwing at me?

Q. Was he behind you?

A. Rather so, but more to one side.

Q. Was there lying beside you a stick or stone when you looked round after receiving the blow?

A. I did not look for it. There was a whip in my hand, with a good brass knob at the end of it; and as my life had been threatened before that, I made my best to get at the fellow who I thought struck me.

Q. Are you sure that the person you struck was the person who struck you?

A. I saw him drawing down his arm, and putting his hand in his pocket, and indeed his countenance convicted him, and, to the best of my knowledge, he was the person who struck me, and I think I ought to be fully borne out in striking him.

Q. What part of you was struck by that person?

A. The side of my head. I endeavoured to give him a blow on the head. I don't know the man by name. I got no severe blow during the sale, but got some severe blows afterwards. The Douglasses, or some of the individuals holding the cattle, proposed to put the cattle into the barn, and I said I had no objections. I meant to drive them away that night.

Q. What time did the sale terminate?

A. About two, or later. I intended to drive the cattle away that night. The cattle were then put in, with my consent; but when I wanted to get them to drive them away, the barn was locked, and I could not get them, and was threatened; and the people stood in the doors or opposite them to prevent me breaking them up to get at my property. When I wanted to get the cattle, Mr. Douglas, the principal, told me to take them if I could—that they were in the barn, which was locked—and his son, who was one of the sureties, said I might take them if I dared. I said to him (the son,) will you hinder me from taking them? He replied, "if I don't, there are plenty who will;" and immediately I was pelted with stones, sticks, dung, &c. from all directions; several of the missiles missed me. Several of the people held sticks in their hands. The only one who took my part, James Macgie, was severely struck by a stick being thrown. I think it was aimed at me, but struck him.

Q. Did you see the party who threw the stick?

A. No; I saw Macgie throw a stick again. I think he was a little to the left of me.

Q. Could you have had any chance of resisting the people if the majority had attacked you?

A. No, of course; not the least chance; three men could not have resisted one hundred—the three were M'Ewen, Cutler, and myself.

- Q.** Did you call for any assistance?
- A.** No—I considered it useless.
- Q.** Had you not a right to call on any one to assist you?
- A.** Undoubtedly. I heard two or three persons who spoke in my behalf were threatened to be served in the same manner if they took my part. I explained to the people the impropriety of their conduct towards me, who was only doing my duty as Sheriff; and if I had outstepped my duty the law was open for them, and that they were then, by their conduct, preventing me from doing my duty—which I would be under the necessity of reporting to the proper quarter.
- Q.** What kind of a stick did Macgie throw at the man; was it a walking stick, or was it a stick which he picked up?
- A.** I can't say; it was a good stout stick; it was a stick fit to kill any man if he got a good blow from it. It might have killed Thomas Wallam, if it had struck him.
- Q.** Do you think Macgie was drunk or sober?
- A.** I can't say; I am not particularly acquainted with him. Mr. Douglas told me he was drunk, and not to take his bid.
- Q.** Where does Macgie reside?
- A.** I can't say.
- Q.** Has he ever been employed by you as a Constable?
- A.** No; neither then nor at any other time.
- Q.** Did Macgie fall when he was struck?
- A.** No.
- Q.** Did he fall down when he threw the stick from him?
- A.** No; not that I think or recollect.
- Q.** You stated before that you saw Macgie struck, and that you saw him throw a stick—If he had then fallen down, must you not have seen him fall?
- A.** He might have fallen down; it was a matter of indifference to me. Whether he fell or stood I do not know.
- Q.** You stated before that you were struck with either a stick or a stone, or a frozen piece of dung—that you did not look round to see if there was a stick or a stone, or any frozen dung by your side. Was the part struck made wet by the blow?
- A.** No; it was made to swell, and the effects remained for ten days or a fortnight, and a little of it to this day.
- Q.** Was it easy to procure stones on that day about the premises?
- A.** No, it was not, for the ground was well covered with snow, and I think it was a very fortunate circumstance for me that it was so.
- Q.** Were there any nigh enough you to strike you at the time you struck with the whip?
- A.** No; I don't think any man in King's County has an arm several yards long.
- Q.** Did you strike any boy, or person evidently under age?
- A.** No; I struck only one person. I got several blows when I was on Mr. Douglas's premises. Edward Burke, John Macgie and John Macdonald warned me to be off, as it would be dangerous to remain—it was as a caution they spoke, not a threat.
- Q.** When you came did you talk with Mr. Douglas?
- A.** Yes; we talked as to the Execution, but could not agree in opinion. I think James Howlet also spoke with me. I said that I could say nothing as to that; that if I had been arbitrator I might have acted differently, but as Sheriff I must do my duty.
- Q.** Did you ever, within the bounds of King's County, say, that you considered the demands made by the proprietors on the tenantry were unjust?
- A.** I might have said so, but don't recollect. I have no doubt but I might have said that some of the proprietors were exorbitant in their demands; do not think they are all alike.
- Q.** Did you ever express to the Lieutenant Governor, Sir Charles Fitz Roy, that you thought the demands of the proprietors were exorbitant, and that the people would not be quiet 'till these were abated?
- A.** Never—I might have said that the demands of the proprietors were exorbitant, but I don't remember saying that the people could not be expected to be quiet.
- Q.** Were you examined by the House of Assembly touching such conversation?
- A.** I explained, in my place in the House of Assembly, what then took place, to prevent misrepresentation.
- Q.** Did you ever break open James Douglas's barn door?
- A.** Yes; yesterday morning.
- Q.** Did you ever break open that door before?
- A.** Yes; I don't remember the day, but it was since the sale. I asked them to open the door, but they refused, so I took means to break in.
- Q.** Did you take a son of James Douglas prisoner, and why?
- A.** I did not take him; the Constables took him, on a Warrant; John Jardine, Esq. issued the Warrant. The Warrant was issued for resistance to me, when engaged in a lawful process.
- Q.** When did he resist you?
- A.** At the sale.
- Q.** How did he resist you?
- A.** I don't know; I saw him lifting things, but did not see him throw; but I applied for a Warrant, and I, along with two others, made affidavit. We caught him in his father's barn; he spoke insolently, and I told them to take him in charge. He asked for the Warrant—I said they were known officers and Constables, and might keep their Warrant or show it, as they liked. He knew me to be Sheriff of King's County—I told them to take him, and I am only sorry that more had not been taken up for their misconduct, and brought to justice. The Warrant was in Macewen's possession. The Warrant was, at one time, in my possession; I gave it to Macewen.
- Q.** Have you not attended meetings at which the unanimous resolution was, that the rent demanded was exorbitant?

A. I attended a meeting in Charlottetown, but don't remember any of the resolutions.

Q. Did not you preside at one such meeting?

A. Yes.

Q. Where was it held?

A. In Charlottetown, on or about the last of June, 1836.

Q. Were there any Magistrates at such meeting?

A. Mr. Longworth was present.

Q. Any Members of Assembly, besides yourself?

A. Yes—Mr. Speaker Dalrymple, and Messrs. Cooper, Le Lacheur, Macintosh and Clark, all members.

Q. Have you heard the late Governor, Sir John Harvey, say, that the rent demanded by the proprietors was too high?

A. No.

Q. Did he say what sum, or what rent per acre, he thought was the utmost the proprietors could demand?

A. Not that I heard.

Q. Or ought to demand?

A. Not that I heard.

Q. Have you read the Governor's Circular?

A. As to Sir Charles Fitz Roy's Circular, I don't hesitate to say, that it was a pity it was ever published. I have Sir John Harvey's letter to me, with extracts from a letter from him to the Colonial Minister, and also to the proprietors.

Q. Do you find the people resist the recovery of any debt except the rent?

A. No, not more than common.

Q. In regard to any debt but rent?

A. Not more than common.

Q. You must, in your capacity of Sheriff, have levied for other debts besides rent—have they, in regard to any such other debts, resisted you?

A. Not more than common—some debtors will always try to evade.

Q. Did any one ever threaten you in regard to such other debts?

A. No.

Q. How long have you been Sheriff?

A. Since last May.

Q. What are the names of the Deputies you employ?

A. Johnston Aitken is the only one in constant employment.

Q. Is the country in a very troubled state?

A. I think so.

Q. How long have you been resident in King's County?

A. Since 1827.

Q. How long were you a Member of Assembly?

A. Four years—since 1835.

Q. Was the county in the same troubled state when you stood your election?

A. There was a good deal of excitement, but not so much as now.

Q. Was there any promise sought from the candidates as to getting the demands of the proprietors abated?

A. Yes; I think Mr. Le Lacheur made a promise.

Q. Did any others of the candidates?

A. I did not—I merely rebutted some reports as to my being bought by the proprietors.

Q. Did you swear against any one that he threatened you?

A. Yes: I was threatened by Alexander Douglas (James's son).

Q. Who did you take as security for the property?

A. I took him, Alexander Douglas, and Richard Bourke.

Q. Has he since insulted you?

A. Yes; he insulted me before and since, and assaulted me too; and last Saturday I met him on my way to Souris from East Point, driving a mare that I had levied upon, and I demanded the property, and took the beast by the bridle. He denied her being my property, or the property on which I levied, and on my endeavouring to unharness her, he came up to me and said he was as good a man as I, and would not let me have her, at the same time putting up the handle of his whip to me. I was then under the necessity to draw my pistol, and tell the consequence if he resisted me from taking the property, and, through the persuasion of his sister, who began to cry, and both begging me, for God's sake, to let them have the mare until they would return home, I let him have her, and he promised to deliver her to me the next Monday, on his word and honour, and gave me his hand that he would deliver her to me, at my house, on that same day. I then told him that I treated him like a gentleman from the commencement, but I received nothing but ingratitude, and permitted them to proceed on their journey with the mare; but when he got off a few yards, he said to me, "You may take her now, and be d—d to you; she is as far off you as ever."

Q. Did you take any one prisoner for insulting you?

A. Yes; I took James Douglas, for insulting me and threatening my life.

Q. When did he threaten you?

A. Yesterday morning. There were seven or eight men with me.

Q. Did he insult any other person?

A. I don't know—he took up a stick, a rock-maple stick, I think—and threatened to knock my brains out, which forced me to grapple him to prevent my receiving the blow, by laying hold of him—the men who were with me let him go.

Q. Did you hear any Proprietor or Agent advise or request the Governor to send Soldiers, in order to make the inhabitants pay rent?

A. No, I never did.

Q. Did you say that nothing but Soldiers would settle the country?

A. I dare say I might, in regard to King's County.

- Q. Did you take a person (named John Coffin) prisoner yesterday morning?
- A. The Constables took him.
- Q. What did they take him for?
- A. Under a Warrant.
- Q. What was his offence?
- A. For resisting legal process the day of sale.
- Q. On whose affidavit was the Warrant issued?
- A. On the same affidavit on which Warrant was issued against William Douglas.
- Q. Did you, yesterday afternoon, see anything of James Douglas at Mr. Sutherland's, at the head of St. Peter's Bay?
- A. Yes, I did.
- Q. State what transpired there?
- A. A person came and informed me that there was a person at Mr. Sutherland's who was threatening one of the men who was with me at Mr. Douglas's place, and that he was going to injure him.
- Q. When you came there, what passed?
- A. I spoke to him (James Douglas), and told him that he was prisoner this morning, and if he did not desist from insulting a person who was with me in the execution of my duty, I would certainly take him and put him to jail for his misconduct this morning—but he challenged me to fight.
- Q. Did you lay hold of him?
- A. Yes, I did lay hold of him, and said if he did not let this person alone, I would commit him to jail.
- Q. Did he seem to make an apology when you laid hold of him?
- A. No.
- Q. Did you call him a scoundrel?
- A. I might, but don't recollect.
- Q. Did you hear him appeal to Mr. Sutherland about what had transpired before you came in?
- A. Yes.
- Q. What did Sutherland say?
- A. I do not recollect. I was told that what passed was outside, which Sutherland could not have any knowledge of.
- Q. When you took James Douglas, was he your prisoner still at Mr. Sutherland's?
- A. No?
- Q. Had Mr. Douglas to give security when you liberated him?
- A. No.
- Q. Had you a Warrant to take James Douglas?
- A. No; I did not require one; I took him for an assault and breach of the peace against myself in the execution of my duty.
- Q. Since the day you met Alexander Douglas between Souris and East Point, driving a mare—on which you say you had levied—have you taken or got hold of such mare?
- A. Yes, I got possession of said mare within two or three days thereafter.
- Q. Have you sold her since?
- A. Yes.
- Q. Did you sell the mare at public or private sale?
- A. At public sale.
- Q. What day and what place?
- A. I don't recollect what day, but it was at Carey's I sold the mare.
- Q. What induced you to bring the mare to Carey's, at St. Andrew's, instead of selling her at Bay Fortune, or nigh your own place, at the head of St. Peter's Bay, or at the Constable's?
- A. I had good reasons of my own, which I don't choose to disclose to the Committee.
- Q. Was the mare advertised at Carey's, previous to the sale?
- [Refused to answer.]
- Q. Did you or the Constable sell the mare?
- A. I sold her myself.
- Q. Were there many people at the sale?
- A. Yes, there were a good many people—Douglas's own family—the greater part were Douglas's connections. I understood the person who bought her was from George Douglas.
- Q. Did you advertise the mare for sale at Georgetown?
- A. I did not advertise her.
- Q. Did you cause any advertisement to be put there; or was there any advertisement put up there by any one acting under your authority?
- A. There might have been.
- Q. Did you hear that there had been?
- A. I don't recollect; I looked upon it as a subject of no importance to me.

—

JAMES DOUGLAS called in and examined.

- Q. Where do you reside?
- A. At Bay of Fortune.
- Q. On what Township?
- A. Lot 43.
- Q. Who claims said Township?
- A. At present Mr. Wiggins—formerly the Townshends—that is, Widow Townshend.
- Q. How long have your family resided there?
- A. I have been on the farm 31 years.
- Q. Was it cleared when you entered?
- A. No; a former settler had cut down a little, for which I paid £16.
- Q. Was the land cultivated when you entered on it?
- A. No, it was not—as I said before.
- Q. How many years' rent have you paid?
- A. I think I have paid 24 years' rent.
- Q. How much a year?
- A. £7 10s. currency.
- Q. How much per acre was demanded?
- A. One shilling, currency.
- Q. How much land is there on the farm?
- A. One hundred and two acres.

Q. Then you have paid for more land than you had in possession?

A. Yes.

Q. For how much more?

A. About forty-eight acres more.

Q. Have you your lease here?

A. The two leases are in Mr. Binns's office.

Q. Have you a plan of your farm here?

A. No.

Q. Have you the certificate of survey?

A. No; it was attached to the Bill I filed in Chancery.

Q. Who surveyed your farm?

A. Henry Lodge surveyed mine and John Aitken's, when we could not get the proprietor's Widow or Heirs so to do.

Q. Did you refuse to pay for what land the farm actually contained?

A. No.

Q. Did you refuse to pay for more than the farm actually admeasured?

A. I did.

Q. Did you endeavour to defend yourself at law, against paying for more land than the farm contained?

A. Yes.

Q. What procedure was had thereon?

A. Entered in the Supreme Court, as Replevin. They transferred the claim for rent to one Wiggins, who is married to a Townshend. Wiggins served two Ejectments on me—I was obliged to throw the whole matter into Chancery. What was there done I can't say, but my lawyer can.

Q. Have you a boat?

A. Yes.

Q. For what purpose?

A. For traversing, by water, to other parts of the Island, and for fishing.

Q. State to the Committee whether the tide water touches your farm, and to what extent?

A. The tide water rises at both ends on a width of 15 chains at each end.

Q. Did you ever launch a vessel from the water boundary of your farm?

A. No, I did not; but Mr. James Aitken did, about 50 tons—they could be launched of 150 tons.

Q. Does the measurement of your farm take in all the land to high water mark?

A. Yes it does.

Q. Then these 102 acres include the Fishery Reserves?

A. Yes, what I would consider must be Fishery Reserves.

Q. State to the Committee the particulars of your transaction with the Townshends from first to last?

[Here the witness went, at considerable length, into the detail thereof, and concluded, by stating that the same would be found in the Bill he had filed in Chancery.]

Q. For what amount were your cattle taken?

A. The Writ was for £19.

Q. Did you surrender the cattle for sale?

A. I did.

Q. Were they sold?

A. They were, but would fetch only very low prices?

Q. What was then done?

A. The Sheriff refused to knock them down—although the bidders claimed right to have them. He put them back into my stable, and asked me to keep them for him. I told him I would keep them for my own use and not for his—that he must take care of them if he wished to have them.

Q. Did he read the articles of sale, and what were they?

A. I don't know if there were articles in writing, but the terms were cash on delivery, and to be knocked down to the highest bidder.

Q. Have you seen, or has the Sheriff, Mr. McCallum, been on your premises since the day of sale?

A. Yes; he was there this day fortnight.

Q. What did he do?

A. I was not present, but my son, who is here, can tell what occurred then.

Q. Have you seen him since?

A. Yes, yesterday morning—at my own house.

Q. Please state what occurred then?

A. He came there in the morning, and about eight or nine persons with him. When first I saw them, they were at my barn, and the Sheriff took a stake and broke the lock of the stable, (which is the second lock he broke in my barn) and took out the mare. I went then up to the barn, and took a stake in my hand, when a number of pistols were presented to me, and some of his men had three pistols with them. They then came down to my house and searched it, and took a young man named John Coffin prisoner.

Q. Did you see Mr. Coffin do anything amiss toward the Sheriff or any of his party, at this or any other occasion.

A. No.

Q. When this young man was taken, did he ask what was his offence, or what authority they had for taking him?

A. He did; but they would give him no satisfaction, and carried him off.

Q. Where did they take him to?

A. To Dr. Jardine's, where he had to give bail to appear at Georgetown Court.

Q. Did you see the Sheriff since?

A. Yes; I have seen him at the store of Mr. Sutherland, at the head of St. Peter's Bay, where he came into the house, accompanied by a person named Cutler, and took hold of me by the collar, and asked me why did I insult some of his men. I told him I did no such thing. I then took hold of him, and he tried to throw me, but after several struggles I told him that although I was an old man I was more of a man than to let him misuse me;

and that if he would reason the matter I would convince him that he was in the wrong thus to attack and insult me—for which I appealed to Sutherland, in whose store this took place. He then let go his hold.

JAMES DOUGLAS recalled and examined.

Q. Have you complained to any member of this Committee, that you have been molested by legal proceedings while in attendance as a Witness, in obedience to the Summons of this Committee, served upon you at your own house in King's County?

A. I have.

Q. Explain to the Committee the proceedings?

[Here the Witness handed to the Chairman a paper which was served upon him.]

Q. Who served it upon you?

A. Mr. Edward Palmer's Clerk.

Q. Do you know that person's name?

A. No; but he told me he was Mr. Edward Palmer's Clerk?

Q. Do you mean Mr. Edward Palmer, Member of the House of Assembly?

A. Yes.

JAMES DOUGLAS again called in and examined.

Q. You stated, in a former part of your evidence, that you had been served, by a person whom you have been informed is Clerk to Mr. Edward Palmer, with a document issued out of the Court of Chancery, demanding from you immediate payment of a certain sum of money, being the expenses of the opposite party in that Court—are you able to pay the demand, as required by that document?

A. No.

Q. Then are you destitute of means to carry on the suit, if there should appear any prospect of your thereby getting redress?

A. Yes; I have been striving for the last ten years for my right, and that expense, and the measures taken by the Sheriff of King's County, have reduced me at present so far that I cannot pay the sums they are bringing forward against me, nor raise money to pay for further legal advice.

Q. From the observations of the former Chancellor, Sir John Harvey, it appears that he considered your case and Mr. Dingwell's the same in principle—is Mr. Dingwell your neighbour?

A. Yes.

Q. Has he means to carry on the suit in Chancery?

A. No, he has not; I myself had to advance money on behalf of Mr. Dingwell in this matter.

Q. What age is he?

A. About 80 years.

Q. How long has he been resident on that farm?

A. To the best of my knowledge, 37 years.

Q. Is his farm sold?

A. Yes, it was sold in the course of this winter at the suit of the proprietor.

Q. For how much did it sell?

A. I cannot exactly say; but I have been told that it was sold for £5 9s.

Q. How many acres on this (Dingwell's) farm, do you think are cleared?

A. I think there are 100 acres at least?

Q. If you had to hire people to clear the same quantity of land and put up the same Buildings and fences as you have on your farm, what would it cost, at the most moderate calculation?

A. I think it must be upwards of £300, at the lowest calculation.

Q. How much have you cleared on your farm?

A. There is, on my farm, from 65 to 70 acres cleared and under fence, and I have a Dwelling-house and good Barn on it.

WILLIAM DOUGLAS, aged 19, son of the preceding Witness, called in and examined.

Q. Did the Sheriff take your person?

A. The Constables did.

Q. Where?

A. In my father's stable, in the morning, the first time they came after the sale by the Sheriff. The Stable was locked when they came, and they broke the lock—I went in after them.

Q. Did you threaten to strike any of them?

A. No.

Q. Did you see the Constables have fire arms?

A. Yes—and when they laid hold of me, they threatened if I would offer to run away that they would shoot me.

Q. Did they say they had a Warrant from any authority for your apprehension.

A. I demanded a sight of it, but they would show none, nor did they even say they had one.

Q. Was Mr. M'Callum, the Sheriff, present?

A. Yes; it was on his verbal orders that they laid hold of me, because I said I did not know where the cattle were—there were no cattle inside. They then took me about 18 miles to Dr. Jardine, a Justice of the Peace. The Sheriff did not go further than his own house, but one Bambrick and one M'Ewen went, by orders of the Sheriff. When we arrived there I was taken in—the Constables told him that I was brought in as prisoner—Dr. Jardine asked me what I had done—I told him I knew of having done no wrong—and wished to know what was alleged—Dr. Jardine did not inform me of the nature of the allegation against me, but said I must find security both to keep the peace and to stand trial at Georgetown, which security I found immediately, and was thereafter liberated. Confirms the particulars as to the challenge yesterday of his father by M'Millan:—Saw the Sheriff yesterday collar my father, and then my father collared him. The Sheriff said he would call all the men to take him—we

were then on our road to give evidence before the House of Assembly, in conformity with the orders served on us.

Q. Were you ever taken in your life before for any riot?

A. No, never, nor for assault or battery, or anything.

Q. Did M'Millan strike you?

A. Yes, he did.

Q. Did you challenge him to fight?

A. No, I never said a word to him. I was standing between my father and him, as I thought he would provoke my father to fight.

Q. Did you see any other person struck?

A. No—Saw M'Millan shove his fist close past my father's head. M'Millan had been at our place as a Constable along with the Sheriff.

—

JAMES MACKENZIE, Lot 43, Bay Fortune, *called in and examined.*

Q. Were you present the day the Sheriff sold the cattle at Mr. Douglas's?

A. Yes; I was there before he arrived, and remained 'till the sale was over, and then went away.

Q. Were you standing nigh the Sheriff during the sale?

A. Yes.

Q. Did you see him struck or shoved, or in any way molested?

A. No.

Q. Any snow thrown at him?

A. Not to the best of my knowledge.

Q. Did you bid for any of the cattle?

A. Yes, but I was not the highest bidder.

Q. Did you see the Sheriff strike any one?

A. No.

—

JAMES AITKEN, of Bay Fortune, *called in and examined.*

Q. Were you at the sale of James Douglas's property?

A. Yes, I was there before the sale commenced, and remained 'till its conclusion, but went away before the Sheriff left. I was there for about half an hour after the last creature was sold.

Q. Did you see any rioting at said sale?

A. No. In general terms I would wish the Committee to understand, that the letter which appeared in the *Colonial Herald*, signed 'James Douglas', contains a statement which is, in every particular, correct, of the circumstances of the sale, during the time I was there.

Q. Did you not say that the Sheriff struck some individuals?

A. Yes; I understood so, but did not see him do so. It was said to have taken place after I left. My grandson, James (John's son), about 15 or 16 years old, complained to me that the Sheriff struck him on the head with the butt of his (the Sheriff's) whip, and without any provocation.

Q. Do you rent your land?

A. I have been obliged to pay. I have paid rent for nearly forty years. Mr. Fox, who surveyed the land, nearly 40 years since, calculated my possession at 153 acres, for which I paid 1s. per acre, every year; and if ever I was 10s. behind, I was put to heavy expense. As estimated by a practical surveyor, there are 72 acres of the land, for which they charge rent, within the Fishery Reserves: thus I have paid upwards of £140 of rent for land which I consider the Crown never gave to the proprietor.

Q. Do you, or your family, fish?

A. Yes; we keep a boat, and have for many years, and catch our own fish. I have at the same time to observe that the proprietor's son, Wm. Townshend, came, and, without my consent, put up on the said 72 acres, flakes and fish house, and never offered me any deduction from the rent. The second year, indeed, he asked me—"Aitken, are you willing that I continue occupying this station?"

Q. What did you say?

A. I did not know what to answer him, but he himself answered thus—"If you be unwilling, I can soon find a way to have right to occupy, whether you will or not."

Q. Is he there still?

A. No.

—

JOHN MACDONALD, Little River, Bay Fortune, *called in and examined.*

Q. Were you at the sale, by the Sheriff, of the cattle of Mr. James Douglas?

A. Yes—I was there before the Sheriff came—we did not know what hour the sale would commence.

Q. Was there any interruption to the sale?

A. No—whenever he came the whole stock was turned out, that he might do with same as the law required. The only condition mentioned by the Sheriff was, that whoever bought must pay cash down. I bade for a Cow 4d.—another man bid more. I bought in a Bull for 4s. and required him to deliver the same, which he refused to do, and I said I would sue him for the same. And the same course he followed with other people—he would not give the cattle to the highest bidder in any case.

Q. During the sale, or previous, was any insult offered to the Sheriff?

A. None that I saw or heard of.

Q. How long did he stop after the sale was over?

A. About an hour and a half, or two hours.

Q. What was he doing?

A. Part of the time he was trying to convince the securities that though they had delivered the property at the day of sale, yet, as he did not consider it sold, they must still take care of it. During this, the boys were occasionally heaving some snow at or towards the Sheriff, some of which struck him—and when he moved to go away, the whole assemblage, or the greater part of them, followed at some distance towards the tavern. Betwixt Douglas's and the tavern is about 200 yards. I walked

close by the Sheriff towards the tavern, and I myself was struck, but the blows could not have injured any one.

Q. Did you see the Sheriff strike any one?

A. Yes—William Aitken, a son of John Aitken—with the handle of his whip—he made a blow at the boy. I believe the Sheriff suspected that the boy had thrown snow at him, but I believe he did not.

Q. Is the lad of good character?

A. Yes; he is reckoned very civil. I advised the Sheriff to go off, as I thought his conduct might irritate the people. No one went past the tavern except the Sheriff and one Cutler, and William M'Ewen.

Q. Who is Cutler?

A. The Sheriff's son, or some connection—and M'Ewen is a constable.

Q. Who were the securities?

A. One Richard Bourke, and Mr. James Douglas's son, Alexander.

Q. What else was the Sheriff doing after the sale besides talking with the securities, and after the cattle, by his orders, were again locked up?

A. He was going through the crowd; and his step-son, Cutler, unyoked the horse from the sleigh, and rode, different times, through the crowd.

Q. Do you consider, upon the whole, that the conduct of the Sheriff was prudent, in remaining so long on the ground, after the sale was over, and the cattle locked up?

A. No, I don't think it was; I thought it was likely to create a riot or a mob, or something of that nature.

Q. Did the Sheriff say anything particular to you on the road from James Douglas's to the tavern?

A. Yes—he said he would require me to testify on some future day, that the people had abused him. But I could not—for I did not think anything was done worth the notice of a man—and so I told him.

—
DANIEL FLYN, of Lot 43, (Bay Fortune)—Major,
called in and examined.

Was at Mr. James Douglas's the day the Sheriff sold the cattle—was there before the Sheriff arrived—Sheriff said the conditions of sale would be, cash on delivery—heard several bids for every article put up, and the highest bidders tendered money for the cattle, but he would not take it, as being under value—didn't hear him say that he would call a sale again—ordered cattle to be put in the stable. Witness remained while the Sheriff was there:—Sheriff seemed to be doing nothing, but conversing with a number of persons—saw Cutler leading and riding his horse round the crowd—was looking at the Sheriff when the Sheriff turned round and struck Joseph Steel, who was standing behind the Sheriff, an hour and a half, or thereby, after the sale—Steel made no resistance, but walked away.

Q. Was there any interruption given to the Sheriff during the sale?

A. None; except a couple of lumps of snow which were thrown up in the air and fell upon his shoulder, which was supposed to have been thrown up by some boys.

Q. Were you standing nigh the Sheriff during the sale?

A. Yes. Saw the Sheriff until after he passed the tavern, where the crowd stopped, and saw the Sheriff walking beyond, after the sleigh, 'till he went out of sight. Every thing was peaceable and orderly 'till half an hour after the sale was concluded, and even then there was nothing but throwing up in the air a few lumps of snow, some of which might have fallen on him. When the two handfulls of snow fell on him during the sale, they were so light that they could not have molested any one—the Sheriff, when they touched him, never turned round.

Q. Did any one, in your hearing, threaten the Sheriff?

A. No one that I heard.

—
KENNETH MACIVOR, *called in and examined.*

Q. Where do you reside?

A. At Souris.

Q. Were you at the sale of James Douglas's property?

A. Yes.

Q. Were you at the sale from the beginning?

A. No—the Sheriff was offering a Cow for sale when I came there—I think the first beast offered for sale.

Q. State what you saw, during the sale?

A. When I came there he was offering a Cow for sale, and the highest bid was, I think, 6½d., and the Sheriff said he would not let the cattle go for that price, and so on, with all the rest that were put up.

Q. What was done with the cattle after the sale?

A. The Sheriff desired them to be put in, one by one, which was done.

Q. How did the people conduct themselves at the sale?

A. Some of them, who I did not know, threw some cow-dung and snowballs at the Sheriff—it was only one or two—the rest seemed peaceably enough.

Q. Did you see any person there having sticks or stones?

A. None, at the time of the sale, and when that was done I went away.

Q. If that assemblage had been generally armed with sticks, must not you have observed it?

A. Yes, I must, if they were; but they were not, to my knowledge.

Q. Did you hear a gun fired?

A. Yes—before I came to the place of sale I heard the report of a gun, and the sound of a horn.

Q. Do you know D. Flynn, John M'Donald, and James M'Kenzie, and did you see them at the sale?

A. Yes.

Q. Were they, in any way, molesting the Sheriff?

A. No.

Q. Did you see James M'Kie there?

A. Yes.

Q. Was he sober?

A. I think he was, and he was advising the people to be quiet.

Q. Did James Douglas and his family conduct themselves as they ought to have done at the sale?

A. Mr. Douglas himself did, but one of his sons seemed to pretend to be drunk, and staggering against the people.

Q. Which of his sons?

A. I do not know one from the other.

Q. Did you consider that the Sheriff was annoyed by this staggering of Mr. Douglas's son?

A. No, I did not.

ANGUS SUTHERLAND, *called in and examined.*

Q. Where do you reside?

A. Head of St. Peter's Bay, sometimes.

Q. When did you see James Douglas at your place, last?

A. I saw him, on his way to Charlottetown, last Tuesday.

Q. Did you see an altercation take place between him (James Douglas) and any other person, on that day?

A. Yes.

Q. Please state to the Committee what took place?

A. On James Douglas's arrival—before he came into my house—he met one Donald M'Millan, and he (James Douglas) said to Donald M'Millan that it was a shame to see one part of the country raised against the other; M'Millan, who I believe, was one of the Constables that was with Mr. M'Callum taking James Douglas's property, replied, that he could not help it. Mr. Douglas said he could help it, and only that he was an old man, he would think nothing of taking off his coat and would do something to him—these words I do not remember. M'Millan then stripped off his jacket and waistcoat, and tied his braces round his waist, and challenged Douglas to fight. Mr. Douglas then attempted to take off his coat, but his son and I prevented him.

Q. Did the altercation cease then?

A. No. There were no blows given, but some angry words followed, on both sides, and M'Millan raised his fist once or twice to Mr. Douglas.

Q. Did you see the Sheriff, Mr. M'Callum, there then, or after that time?

A. Yes—after we got Douglas and M'Millan pacified, Mr. Douglas went in to my store. Mr. M'Callum and Mr. Cutler came in immediately after, and Mr. M'Callum, on his entering, asked Mr. Douglas what business had he to insult the man who was assisting him in the execution of his duty. Mr. Douglas replied, that the man offered to fight him, and that he only intended to defend himself, or something to that effect—a few angry words followed between them, about what transpired that morning at Mr. Douglas's place.

Q. What followed after that?

A. Mr. M'Callum then said that he could send him to jail for taking a stake out of the sleigh at his own (Mr. Douglas's) place in the morning, and threatening him with a blow, which might have been fatal to him, were it not that one of his men, who was with him, assisted him in taking the stake from him—when Mr. M'Callum collared Mr. Douglas, and said he would take him to jail for a breach of the peace, and shook him, and then he let him go. Some of those who were in the house said it was Mr. Douglas's fault, and others said it was M'Millan's fault—then the Sheriff called 'order' in the house; after which it was referred to me to know who was in the fault,—then I stated the circumstances as far as I knew, and said that M'Millan was as much in the fault as Mr. Douglas. Mr. M'Callum, when he understood the circumstances, turned to M'Millan, and said to him that he should not have insulted Mr. Douglas, or something to that purpose. Then a few words passed between the parties, and Mr. M'Callum walked away.

JAMES KELLY, of Lot 48, *called in and examined.*

Q. Have you been on the Jury in any trial between Landlord and Tenant; or between the claimant of a Township and the occupier of any part of such Township?

A. None, that I recollect.

Q. When were you last on the Jury?

A. It is some years since—about 4 or 5 years since.

Q. Were you on a trial as to land claimed by one Macdonald?

A. I was not on the Jury, though in the Court House.

Q. Do you remember the names of any of the Jurymen?

A. I think Mr. Charles Davison and Mr. Robert Mutch—I am sure Mr. Roderick M'Lure, Brackley Point, was one. The case was between Mr. Alexander M'Donell and one Duggan.

Q. How long is it since that trial?

A. Three years, past last summer.

Q. Was there any objection made to the title of the claimant M'Donell?

A. If you please, I will tell you all I know, in my order:—M'Donell had given Duggan a written obligation to give him a good and valid lease in law. The Attorney General pleaded that said agreement should go to the Jury, and that M'Donell could not give a valid lease, as the property was mortgaged. The Judge, charging the Jury, said, that it mattered not whether M'Donell had given or could give a good valid title by lease, for that Duggan, as being in possession of the land, behoved to pay the rent.

CHARLES BINNS, Esq. *called in and examined.*

Mr. Binns briefly narrated the Bill in Chancery as follows:—

In 1831, Mr. Douglas employed and paid Mr. Henry

Lodge to survey his land, on which survey he was found to occupy but 102 acres, in place of 150 acres, contained in his lease. Until Nov. 1829, Mr. Douglas had regularly paid his rent of £7 10s. per year, for 150 acres of land, and then refused to pay until compensation was made to him for what he had overpaid, with interest. Douglas paid the costs of two distresses. Mrs. Townshend commenced a summary action for one year's rent, stated to be due in 1829, and also made a distraint upon him for the same rent, which Mr. Douglas replevied. In 1832, an action was commenced to recover rent, from Nov. 1829, to Nov. 1832. A set off on the trial of the summary action for rent, of one year, due on the 1st Nov. 1829, was made by Douglas, that Mrs. Townshend had not fulfilled the condition precedent, to survey his land, and give him the quantity contained in his lease, or to allow him for what he had overpaid. The Court decided that the set off could not be allowed, and directed that a verdict for the full amount claimed by Mrs. Townshend should be entered—to the best of his recollection—and that the tenant was absolutely bound by his covenant to pay the rent, and that he had no remedy in a Court of Law. The action of Replevin is still pending, having been staid by the injunction issued out of the Court of Chancery, in June, 1834. Before injunction had been issued, Mr. Wiggins brought an action of ejectment against Mr. Douglas, in 1833—this action was ready for trial before injunction had been issued. It is still pending—notice of trial was given therein for last Hilary Term. The Injunction staid all proceedings in this action until it was dissolved. Several attempts had been made to have the Injunction dissolved—one attempt, on July 15, 1834; another on July 19, 1834; another on 27th Oct. 1836; another on 21st Nov. 1839; and the last on 27th Nov. 1839—all of which proved fruitless, until the last, when an order was made, on December 6, 1839, granting it to be dissolved.

Q. In the case between Flora Townshend and her Assign, A. V. G. Wiggins, of which the heads are above detailed, have you been Attorney for Mr. Douglas?

A. Since the commencing of the case, I have.

Q. Have you endeavoured to get compensation or set off to Mr. Douglas, on account of his having, for 24 years, paid rent for 150 acres of land, when in reality, by survey, he has only 102?

A. I stated to the Court that such claim was a sufficient defence to the action.

Q. And what was the result?

A. Judgment was given for the plaintiff, Mrs. Townshend, in the only case tried at law.

Q. Have you tried to obtain redress for Mr. Douglas in the Court of Chancery?

A. Yes; by every means in my power, as I believe.

Q. When did the legal proceedings commence?

A. About November, 1829, and staid by injunction in equity, in June, 1834.

Q. How did the proceedings in Chancery terminate, or what was the last proceeding?

A. The injunction was dissolved, with costs, on the sixth December last.

Q. Then Mr. Douglas has no redress as yet?

A. None whatever, but the reverse.

Q. And although he has only 102 acres, they can distrain on him for the rent of 150 acres?

A. I conceive so.

Q. And has he had to pay all the expense—both his own and that of the opposite party?

A. He is now liable to pay all the law costs.

Q. If a person lease land for nine hundred and ninety-nine years, when the Deed or Will giving power to lease prohibits such person giving a lease for more than forty-two years, can the person giving such lease be sued for damages?

A. No, not at law, before the expiry of the forty-two years, or eviction; but the lessee would immediately have remedy in equity, by way of compensation or avoiding the contract, and the costs of dissolving the injunction.

Q. Are you Attorney for Alexander Dingwell?

A. Yes.

Q. Is his case of the same nature as that of Mr. Douglas's, as regards his grounds of compensation?

A. Yes—he has only 130 acres, in place of 200, to which he is entitled, and for which he is liable to pay £12 10s. yearly rent; and he paid £45 in value on entering upon the premises.

Q. What do you judge is meant by the term “a little more or less,” used in Deeds and Leases, as thus—“containing 100 acres, little more or less?”

A. Not exceeding five acres either way; and some judges have been of opinion that it should not exceed one acre either way.

CHARLES YOUNG, Esq. *called in and examined.*

Since I have been retained for Mr. Douglas in the Chancery case, and have, in conjunction with Mr. Binns, conducted the case, I believe that every thing has been done as is stated in Mr. Binns's answers to the foregoing queries, and I concur with him in those answers.

JAMES H. PETERS, Esq. Solicitor General, *called in and examined.*

Q. How long have you been resident in this Island?

A. About eighteen months.

Q. Are you Solicitor General?

A. I am.

Q. When were you appointed?

A. In 1838.

Q. What consideration was given to the late Solicitor General when he resigned, and by whom was that consideration given?

A. I gave none. I don't know who gave.

[Observation made by witness, that he was not bound to answer questions affecting himself.]

Q. Are you a Land Agent, and for whom?

A. I am the Agent of my father-in-law, Mr. Cunard.

Q. Have you been among the tenantry on lands claimed by him (Mr. Cunard)?

A. I have been amongst some of his tenants. I have not been through all his estates.

Q. Have you settled any persons on the lands, and on what terms?

A. I have given leases for about Eight Thousand acres this last year—Leases, or Agreements for Leases. They were not all new settlers; some were persons who had been living there for some time, and had paid rent, but had no Leases. Some were new settlers.

Q. Have the tenantry paid their rents, or are they in arrear for the same?

A. I gave up a large portion of arrears of rent—I forget how much, but I think about Two thousand pounds—at Cascumpeque, and took notes of hand for what I conceived they were able to pay, which amounted, in the whole, to but a small sum. Some of these notes are paid—some are not yet due.

Q. On what Townships?

A. On Nos. 2, 4, 5, and 6.

Q. Did you, in some instances, forgive the half?

A. Yes.

Q. Did you, in any case, forgive the whole?

A. No—not in any case, the whole.

Q. In whose name were these promissory notes taken?

A. They were taken payable to Mr. Cunard.

Q. On what terms were these tenants or occupiers settled?

A. Those who had been there a number of years, on Leases of Nine hundred and ninety-nine years, at one shilling, sterling, per acre.

Q. What do you consider to be one shilling sterling?

A. I add one-ninth to the currency of the Island, and I consider this makes a sum in currency equivalent to the sterling.

Q. If Five pounds, sterling, be the rent of a farm, what sum in currency will be equivalent thereto, for payment of the rent of the Leases you have given?

A. Five pounds eleven shillings and two pence, or thereabouts, of the currency of this Island.

Q. If the matter be gone to the rigour?

A. Then I would not feel obliged to take the currency. I would take Dollars at five shillings, and add one-ninth—that is, I would take £5 11s. 2d. in dollars at five shillings.

Q. Is the Committee to understand that the tenants under your leases must pay in dollars at 5s.

A. I do take, at present, all moneys current in the Island, but could enforce a legal tender, as before explained.

Q. What does the Lessor reserve in these leases besides rent?

A. I reserve the Timber fit for shipping, ship-building and exportation, and the tenant has right to take all the timber for anything he wants on the farm, but not to sell it?

Q. If the tenant, under one of these Leases, were to make from the wood on the farm, and to sell off the farm, five thousand Shingles, would that be a breach of the Lease?

A. It would not.

Q. Would he have to pay to the proprietor for stumpage for such timber?

A. I would not ask it.

Q. Would you consider it a trespass?

A. I would not.

Q. In the condition of these Leases, is the tenant bound to allow the proprietor to draw said reserved timber through the land leased?

A. Yes, so as the proprietor do not interfere with or injure cultivated land.

Q. Is that stated in the lease?

A. Yes.

Q. What is the reason for taking promissory notes from the tenants?

A. I was giving up large sums of arrears of rents due to the former proprietor—I was settling with them for arrears of rents due to a former proprietor—this alludes so far as to giving up rents at Cascumpeque.

Q. Did the present proprietor purchase these arrears of rent?

A. He did, along with the land.

Q. Do the Leases you have granted include the Five hundred feet reserved for the fisheries?

A. Yes—I made no distinction.

Q. Have you brought any actions for rent, and in whose name?

A. That is a question which I must decline answering, being an Attorney, and therefore sworn to secrecy. I am not allowed to divulge the business of my Clients.

Q. Have you any objection to transmit to the Committee a copy of the form of the Leases granted by you.

A. None. I will send one with great pleasure.

Q. Have you a Power of Attorney, or any authority to bring on actions in behalf of Messrs. Cave & Creek?

A. I conceive I have full power to use their name.

Q. And in their name do you consider you have full power to sustain an action in Court?

A. Yes, I do.

Q. What is your reason for bringing actions for rent to be tried in Queen's County, when the Lessee resides on the land leased, and that same is in King's County?

A. The reasons are two:—1st, That it is more convenient to try them in Queen's than in another County. 2d, That I doubt if a fair trial could be had in another County.

Q. What is your reason for believing that a fair trial could not be had in another County than Queen's County?

A. Because I believe that a few individuals have instigated the people to resist the payment of their rents,

and so prejudiced the minds of the people, that I question if an impartial Jury could be found in the other two Counties.

Q. Are all in these two Counties leaseholders; or what proportion do you consider there is of leaseholders in these two counties?

A. I do not suppose that they are all leaseholders. I have not the least idea of what proportion the freeholders bear to the leaseholders.

Q. Have you seen the Census taken in this Island in 1833.

A. I do not think I have ever seen it.

Q. Can you name those few individuals who have instigated the people to resist the payment of rents in those Counties?

A. I cannot.

Q. Then is your information hearsay?

A. I never heard them myself instigating them. I take it from current report, and from what I have learned in the country, and been told by the tenants.

Q. Would you please to name to the Committee one or two of those tenants who told you that they had been advised to resist the payment of their rents, and by whom have they told you they have been so advised?

A. The information was of that general kind which renders it impossible for me to call to mind any particular individual.

Q. You have been on Lot 44, King's County, lately?

A. Yes, I have.

Q. Did you settle those on that Township, who were not freeholders?

A. I gave Leases to most of those who had no leases before.

Q. Can you name any of those who had no lease before you went there?

A. Yes, Mr. Parker was one.

Q. What was the rent imposed in those Leases?

A. One shilling per acre, sterling. It might be One shilling and sixpence—I do not recollect.

Q. Did they pay you the rent in arrears, or any part of it?

A. No, they did not, in money.

Q. How did you settle with them?

A. They surrendered their old Lease, divided the Farm into two, took new Leases at two shillings an acre, sterling. The additional amount of rent was not quite the interest upon the arrears of rent due upon the farms.

Q. Did any purchase their farms from you when you were there?

A. No, but several were about purchasing.

Q. What was the lowest sum you offered to sell the

fee simple of those farms to the occupants for?

A. Twenty shillings sterling, per acre.

Q. What sum would you have taken from Mr. Parker, had he offered to purchase?

A. Two hundred pounds sterling, or 20 years' purchase.

Q. Do you know the average price of Government Land in New Brunswick?

A. As to Government land, I cannot say at what rate it is sold, as I am not sure of the system at present followed in regard to that. I think the Land Company bought for two shillings and nine-pence per acre, and sold it again for ten shillings per acre.

Q. Supposing an individual claiming to be proprietor of Five thousand acres, or any quantity of land, that said individual has for 15 or 20 years appeared to claim this right, and has occasionally, by selling the timber growing thereon, exercised the right of an owner; and that such individual gives leases to other individuals, who subsequently find out that he has no claim to the land, or at least none on record, which they can find in this Island, could these lessees plead against such lessor that he had no title to exact rent?

A. In some cases they could. In some they could not. If you mean in an action for rent, they would be stopped from denying the title of their lessor.

Q. In what case could they plead against the lessor?

A. In covenant by them, or in case of eviction. I mean by an action of covenant by the lessees, against the lessor—they could then shew his want of title.

JOHN LAWSON, Esq., called in and examined.

Q. Have you been Solicitor General?

A. Yes.

Q. Can you inform this Committee how the present Solicitor General obtained his office?

A. No, I cannot.

Q. Was there any consideration and what, given to you by that gentleman, or any person on his behalf, to resign?

A. The terms of my resignation of that office are contained in a letter sent by me to the Lieutenant Governor, which letter is to the purport following—"that from private, and not from political reasons, I beg leave to tender my resignation of the office of Solicitor General." The present Solicitor General gave me no consideration, nor was any consideration given to me on behalf of the present Solicitor General. I did not sell the office. I would not have resigned the office, had there been any remuneration equal to the responsibility.

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6. Despatch from Lord John Russell, on the subject of the Fishery Reserves, dated 19th September, 1839.
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