

Prince Edward Island: General Assembly:
Legislative Council
JOURNAL

OF

HIS MAJESTY'S COUNCIL

OF

PRINCE EDWARD ISLAND.

ANNO OCTAVO REGIS GEORGHII IV.

Third Session of the Twelfth General Assembly. — 2d session
14th Ass^y of

1827 - Apr. 1835



CHARLOTTE-TOWN, PRINCE EDWARD ISLAND,

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S. J.

1827-1835, Apr.



By His Excellency Colonel JOHN READY, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and the Territories thereunto adjacent, Chancellor and Vice Admiral of the same, &c. &c. &c.

A PROCLAMATION.

WHEREAS the General Assembly of this Island stands prorogued until Saturday the Tenth day of February instant :

I have thought fit further to prorogue the said General Assembly, and the same is hereby prorogued until Tuesday the Twentieth day of March ensuing, then to meet **FOR THE DISPATCH OF BUSINESS**, of which all persons concerned are required to take notice and govern themselves accordingly.

GIVEN under my hand, and the Seal of the said Island, at Charlotte-Town, this Seventh day of February, One Thousand Eight Hundred and Twenty-seven, and in the Eighth year of His Majesty's Reign.

BY HIS EXCELLENCY'S COMMAND,

J. E. CARMICHAEL, Colonial Secretary.

God save the King.

COUNCIL CHAMBER,
TUESDAY, March 20, 1827.

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

PRESENT.

The Hon. George Wright, President.

Honourables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

His Excellency the Lieut. Governor, having come to the Council Chamber, and being seated, the Gentleman Usher of the Black Rod received his Excellency's commands to inform the House of Assembly, "that it is his Excellency's pleasure that they do attend him in the Council Chamber instanter;"—and the House of Assembly having come, his Excellency was then pleased to open the Session with the following Speech.

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

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

I meet you on the present occasion with the feelings which are naturally inspired by a strong impression of the improving state of this Island, and by a persuasion equally strong, that the labours of the Session, will, under the guidance of a spirit no less prudent than patriotic, result in measures conducive to the stability and prosperity of the Colony.

It is with great grief and sorrow that I have to announce to you the death of his Royal Highness the Duke of York, Heir presumptive to the British Crown, and Commander in Chief of the Army, whose loss will be most severely felt, and long and deeply deplored.

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

I shall direct the proper Officers to lay before you the Public Accounts, and I have the fullest reliance on your readiness to make due provision for the Public Service.

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

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

Much improvement has been made in our internal communications since I last met you. The Western Line of Road has been completed up to Prince Town. Surveys have been made for the purpose of carrying on this line to Cascumpeque and the North Cape, its final object.

The Roads to George Town, the Bay of Fortune, and other settlements, have undergone material improvement.

The establishment of an Inland Post cannot fail to be of essential benefit, as affording the means of a speedy and safe communication with our more distant population, and of conveying to them a knowledge of the Laws and proceedings of the Government, which, while it contributes to the secu-

rity of the people, serves also to guard them against the effects of misrepresentation and misconception.

Being strongly impressed with the advantage the Colony would derive from the establishment of an Agricultural Society, I feel desirous of recommending it to your consideration; also the fitness of some encouragement for the commencement of George Town and Prince Town; the former appears particularly eligible for a Fishery, a trade for which the shores of this Island are peculiarly adapted.

The state of the Gaol, Public Buildings, and other matters, I shall take an opportunity of submitting to you by message, as affording the means of a more distinct explanation.

It is particularly pleasing to me to be able to state to you, that, notwithstanding the great depression in a leading branch of the commerce of the Colony, and the embarrassments which have surrounded the mercantile World, a very considerable increase has taken place in the Revenue over that of the preceding year, which cannot fail to encourage you in the pursuit of such measures as may confirm and uphold so favourable a situation.

These circumstances must also render you peculiarly anxious for the continuance of that harmony and unanimity which have marked your former proceedings, and which it is my most ardent desire to promote and maintain.

J. READY,
Lt. Governor.

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

Resolved, *nem. con.* that an humble address be presented to his Excellency, to return his Excellency the thanks of this House, for his Speech delivered this day; when the Honourables *William Pleace, T. H. Haviland,* and *Charles Worrell,* were appointed a committee to prepare an address pursuant to the above resolution.

Ordered, on motion, that the Reverend *Louis Charles Jenkins* be requested to attend his Majesty's Council to-morrow at one o'clock, and each succeeding day during the Session, for the purpose of reading prayers.

On motion, it was ordered, that the Honourables *A. Lane* and *Charles Worrell,* be appointed a committee for revising the Journals of this House each day.

Adjourned until to-morrow at 1 o'clock.

WEDNESDAY, March 21, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

The Honorable William Pleace reported from the committee, an Address drawn by them as follows:

To His Excellency Colonel JOHN READY, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice-Admiral of the same, &c. &c. &c.

We His Majesty's most dutiful and loyal subjects the members of His Majesty's Council in our Legislative capacity assembled, beg leave to return your Excellency our grateful acknowledgments for your Speech at the opening of the Session.

The evident progressive improvement of this naturally highly favoured Colony must prove a source of great gratification to all who are interested in its prosperity, and while it reflects the highest honor on your Excellency's administration, it will actuate us to persevere in the pursuit of such measures as shall evince our endeavours to realise your Excellency's anticipation of its continuance.

The decease of His Royal Highness the Duke of York, Heir presumptive to the British Crown, and Commander in Chief of the Army, is a severe national calamity, and which we, in common with all His Majesty's subjects, most deeply deplore.

The improvement which the several Public Roads have lately undergone, has been already greatly estimated by the settlements contiguous to them; and the Western Line of Road, when completed, will prove of the highest benefit to the population connected with that part of your Excellency's Government.

We concur with your Excellency in the advantages which would arise from affording facilities to our internal communication, and we will freely pro-

mote any measure which may have for its purpose so desirable an object.

The establishment of an Agricultural Society, on a limited scale, and under proper management, cannot fail to render the Colony the most essential service.

The zeal and liberality which have attended your Excellency's exertions in promoting the interests of this Island, cannot be too highly appreciated, and we avail ourselves of this opportunity to offer our most grateful thanks for the valuable Stock, which at a very considerable personal expence was imported by your Excellency during the last season, and which cannot fail to prove of permanent benefit to the Colony.

Due and respectful attention shall be given by His Majesty's Council to all matters which your Excellency may deem it necessary to communicate to them.

We participate with your Excellency in feelings of the highest satisfaction at the encrease of our Revenue, as it affords us the pleasing anticipation that the great depression which has attended one of our chief branches of commerce will prove but of a temporary nature, and that by activity, perseverance, and industry, we shall be enabled to overcome those difficulties which in common with the whole mercantile world, have, for a season, surrounded us.

We sincerely trust that in exercising our public duties no obstacle will occur to disturb that harmony and unanimity which have hitherto marked the proceedings of the Legislature; and we beg further to assure your Excellency that we will co-operate most heartily in every measure which may have for its tendency the public welfare.

Which Address being read by the Clerk, was agreed to by the House.

Ordered, that the said Address be presented to his Excellency by the whole House.

Adjourned until to-morrow at 1 o'clock.

THURSDAY, March 22, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by the Attorney General, who stated, that the Books purchased under the vote of the Legislature had arrived, and were on the Table of the House, and any member of his Majesty's Council could have them for perusal.

Ordered, that the Honorables William

Pleace and Charles Worrell, be appointed a committee to wait on his Excellency the Lieut. Governor, to know what time his Excellency would please to appoint, to be attended with the Address.

The Honorable William Pleace reported, that the committee had waited on his Excellency the Lieut. Governor, humbly to know what time his Excellency would please to appoint to be attended with their Address; and that his Excellency had appointed half past one to-morrow.

Adjourned until 1 o'clock to-morrow.

FRIDAY, March 23, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

The President reported, that he had delivered the Address of the Council to the Lieutenant Governor, and that his Excellency was pleased to return the following Answer.

GENTLEMEN,

I beg you will accept my warmest thanks for this Address. The satisfaction which you have been pleased to express in the steps I have taken, and the assurance of a most hearty co-operation in every measure which may have for its tendency the public welfare, is particularly agreeable to me, and affords me peculiar gratification.

J. READY,
 Lieut. Governor.

The *Attorney General*, Mr. *Cameron*, Mr. *Mabey*, and Mr. *M'Neill*, a committee appointed by the Lower House of Assem-

bly, attended at the Bar of the House with the following resolution, which on being read by the Clerk, was ordered, on motion, to be inserted on the Journals.

On motion of the *Attorney General*, the following Resolution was agreed to by the House, viz.

RESOLVED, That all supplies to be raised or charged on the subjects in this Island, in the Legislature, and granted to His Majesty, are the sole gift and grant of the House of Assembly; and all Bills for granting such aids and supplies ought to begin with the Assembly; and that it is the sole right of the Assembly to direct, limit, and appoint, in such Bills, the ends, purposes, and limitations of such Grants; and that the Council ought not to alter or change the same; and in like manner, that as it is the sole right of the Assembly to originate Bills of aid and supply to His Majesty, and to direct, limit, and appoint, in such Bills, the ends, purposes, and limitations of such Grants, so it is the right of the Assembly to direct, limit, and appoint, in separate Bills, the uses, ends, purposes, and limitations of such grants of aids and supplies to His Majesty, which ought not to be changed or altered by the Council.

On motion of Mr. *Cameron*, it was ordered, that a copy of the foregoing Resolution be sent up to his Majesty's Council.

CHAS. DESBRISAY, C. H. A.

Assembly Room, March 23d, 1827.

Adjourned until to-morrow at 12 o'clock.

SATURDAY, March 24, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assem-

bly by the *Attorney General*, with the following bill, viz.

A bill intituled "an act for regulating Apprentices."

On motion, the said bill received the first reading.

Adjourned until Monday at 1 o'clock.

MONDAY, March 26, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

On motion, the bill intituled "an act to regulate Apprentices," received a second reading.

Adjourned until to-morrow at 1 o'clock.

TUESDAY, March 27, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. *Hodgson*, as follows:

On motion of Mr. *Cameron*, it was ordered, that a committee be appointed to meet a committee of his Majesty's Coun-

cil for the purpose of inspecting the Public Accounts. Mr. *Hodgson*, Mr. *Cameron*, Mr. *Campbell*, Mr. *Mabey*, and Mr. *Cambridge*, were appointed a committee for that purpose.

Resolved, that a copy of this order be sent to his Majesty's Council.

CHAS. DESBRISAY, C. H. A.

Assembly Room, March 26th, 1827.

Adjourned until to-morrow at 1 o'clock.

WEDNESDAY, March 28, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

On motion, ordered, that the following message be sent to the House of Assembly.

Mr. Speaker,—His Majesty's Council have appointed the Honorable *William*

Pleace, and the Honorable *Charles Worrell*, to meet the committee of the House of Assembly to inspect the Public Accounts, to meet to-morrow at 12 o'clock in the Grand Jury Room, and adjourn as they please.

On motion, the bill intituled "an act for regulating Apprentices,"—was ordered to be committed to-morrow.

Adjourned until to-morrow at 1 o'clock.

THURSDAY, March 29, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

In pursuance of the order of yesterday, the House resolved itself into a committee of the whole House, to take into consideration "the bill for regulating Apprentices," and after some time spent therein, the President resumed the chair, and the chairman reported, that the committee had gone through the bill and agreed to

the same with amendments. The said bill was read a third time with the amendments, and ordered to be sent to the House of Assembly for their concurrence.

The committee appointed to examine into the state of the Public Accounts made the following report:

Your committee having met the committee of the House of Assembly to examine the Public Accounts and report thereon, beg leave to state, that after the most careful investigation, they have found them to be correct.

Adjourned until to-morrow at 1 o'clock.

FRIDAY, March 30, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President,
 Honorables { *William Pleace*,
 Ambrose Lane,
 Thos. H. Haviland,
 Charles Worrell.

PRAYERS.

His Majesty's Council having no business before them,
 Adjourned until to-morrow at 12 o'clock.

SATURDAY, March 31, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.
 Honorables { *William Pleace*,
 Ambrose Lane,
 Thos. H. Haviland,
 Charles Worrell.

PRAYERS.

A message from the House of Assembly by *Mr. Hodgson*, with the following bill, viz.

A bill intituled "an act to amend an act made and passed in the 43d year of his late Majesty's reign, intituled an act to amend an act intituled an act to prevent the running at large of Rams at improper seasons."

On motion, the said bill received the first reading.
 Adjourned until 1 o'clock on Monday next.

MONDAY, April 2, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.
 Honorables { *William Pleace*,
 Ambrose Lane,
 Thos. H. Haviland,
 Charles Worrell.

PRAYERS.

The Honorable *T. H. Haviland* gave notice that he would move for leave to-morrow to bring in "a bill in addition to and amendment of an act made and passed in the 59th year of his late Majesty's reign, intituled an act to limit the duration of the Terms of the Supreme Court of Judica-

ture, and for other purposes therein mentioned."

Also, "an act to confirm certain Marriages heretofore solemnized in Prince Edward Island."

On motion, the bill intituled "an act to amend an act made and passed in the 43d year of his late Majesty's reign, intituled an act to amend an act intituled an act to prevent the running at large of Rams at improper seasons," received the second reading.

Adjourned until to-morrow at 12 o'clock.

TUESDAY, April 3, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honourables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

Pursuant to his notice of yesterday, the Honourable *T. H. Haviland*, moved for leave to bring in a bill intituled "an act in addition to and amendment of an act

made and passed in 59th year of his late Majesty's reign, intituled an act to limit the duration of the Terms of the Supreme Court, and for other purposes therein mentioned."

Also, A bill intituled "an act to confirm certain Marriages heretofore solemnized in Prince Edward Island,"—leave being granted.

On motion the said bills received the first reading.

Adjourned until to-morrow at 12 o'clock.

WEDNESDAY, April 4, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honourables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A Message from the House of Assembly, *Mr. Hodgson*, with the following bills, viz:

A bill intituled "an act to continue an act made and passed in the 6th year of his present Majesty's reign, intituled an act to revive, alter, and continue an act made and passed in the 52d year of the reign of his late Majesty, intituled an act for raising a fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned," also,

A bill intituled "an act for establishing

an Assize of Bread within the Town and Royalty of Charlotte-Town," Also,

A bill intituled "an act for regulating Apprentices," agreed to, as amended by his Majesty's Council.

On motion, the two first mentioned bills received the first reading.

On motion, the bill intituled "an act in addition to and amendment of an act made and passed in the 59th year of his late Majesty intituled an act to limit the duration of the Terms of the Supreme Court of Judicature, and for other purposes therein mentioned."

And the bill intituled "an act to confirm certain Marriages heretofore solemnized in Prince Edward Island," received the second reading, and were ordered to be engrossed.

Adjourned until to-morrow at 1 o'clock.

THURSDAY, April 5, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honourables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

His Majesty's Council having no business before them

Adjourned until to-morrow at 1 o'clock.

FRIDAY, April 6, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly, by the *Attorney General*, with the following bill, viz.

A bill intituled "an act to ascertain the population of the Island."

On motion, the said bill received the first reading.

On motion, the bill intituled "an act to confirm certain Marriages heretofore solemnized in Prince Edward Island;" And the bill intituled "an act in addition to and amendment of an act made and

passed in the 59th year of his late Majesty's reign, intituled an act to limit the duration of the Terms of the Supreme Court of Judicature and for other purposes therein mentioned," were severally read a third time and passed, and sent down to the House of Assembly for their concurrence.

On motion, the bill intituled "an act to amend an act made and passed in the 43d year of his late Majesty's reign, intituled an act to amend an act, intituled an act to prevent the running at large of Rams at improper seasons," received the third reading and passed without any amendment; and a message was sent down to the House of Assembly to acquaint them therewith.

Adjourned until to-morrow at 1 o'clock.

SATURDAY, April 7, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

On motion, the bill intituled "an act to establish the assize of Bread within the Town and Royalty of Charlotte-Town," received the second reading.

On motion, the bill intituled "an act to continue an act made and passed in the

6th year of his present Majesty reign, intituled an act to revive, alter, and continue an act made and passed in the 52d year of the reign of his late Majesty, intituled an act for raising a fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned,"—received the third reading and passed without any amendment, and ordered to be sent down to the House of Assembly.

Adjourned until Monday next at 1 o'clock.

MONDAY, April 9, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. *George Wright*, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell,

PRAYERS.

His Majesty's Council having no business before them,

Adjourned until to-morrow at 1 o'clock.

TUESDAY, April 10, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.
 Honorables { *William Pleace*,
 Ambrose Lane,
 Thos. H. Haviland,
 Charles Worrell.

PRAYERS.

On motion, the bill intituled "an act to establish an Assize of Bread within the Town and Royalty of Charlotte-Town,"—received the third reading and passed; and a message was ordered to be sent down to the House of Assembly to acquaint them therewith.

A message from the House of Assembly by the *Attorney General*—

"On motion of Mr. *Hodgson*, seconded by Dr. *McAulay*, it was ordered, that a committee be appointed to confer with his Majesty's Council on the subject of their Resolution of the 27th October 1825, and the Resolution of this House passed on Friday the 23d of March last. The *Attorney General*, Mr. *Hodgson*, and Mr. *Cambridge*, were appointed a committee for that purpose.

CHAS. DEBRISSAY, C. H. A.
 Assembly Room, April 10th, 1827."

On motion, the Honorables *William Pleace* and *T. H. Haviland*, were appointed a committee to confer with the committee of the House of Assembly instanter in the Grand Jury Room, and a message was sent down to acquaint them therewith.

A message from the House of Assem-

bly, by the *Attorney General*, with a bill intituled, "an act to enable Tenants in Tail to execute Leases and grant terms of years of a long endurance."

The Honorable *William Pleace* from the committee appointed to manage the conference as above, reported the substance thereof.

On motion, ordered, that a further conference with the House of Assembly be requested on the subject matter of the Resolution of his Majesty's Council of the 27th October, 1825; and that the same committee be appointed to manage the same instanter in the Grand Jury Room, and that they be directed to state, that his Majesty's Council see no reason to induce them to deviate from the principles expressed in their resolution of the 27th October, 1825.

Message from the House of Assembly by the *Attorney General*.

Mr. President,—“The House of Assembly have agreed to a further conference as requested by His Majesty's Council, and have appointed the same Committee to meet the committee of his Majesty's Council instanter.”

The Honorable *William Pleace* from the committee appointed to meet the committee of the House of Assembly, reported the substance of the conference.

Adjourned until to-morrow at 1 o'clock.

WEDNESDAY, April 11, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.
 Honorables { *William Pleace*,
 Ambrose Lane,
 Thos. H. Haviland,
 Charles Worrell,

PRAYERS.

His Majesty's Council having no business before them,—

Adjourned until to-morrow at 12 o'clock.

THURSDAY, April 12, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from his Excellency the Lieutenant Governor to both Houses of Assembly—

“ J. READY, Lieutenant Governor.

“The Lieutenant Governor is desirous that both Houses should adjourn until Wednesday the 18th of April.

“ April 12th 1827.”

Agreeably to his Excellency the Lieutenant Governor's desire, the Council adjourned until 12 o'clock on Wednesday the 18th instant.

WEDNESDAY, April 18, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Cameron.

Mr. President,—The House of Assembly have passed a bill intituled “an act for raising a fund by an Assessment on Land for erecting Gaols within this Island,”—to which they pray the concurrence of his Majesty's Council.

On motion, the said bill received the first reading.

A message from the House of Assembly by Mr. Hodgson.

Mr. President,—The House of Assembly have passed a bill intituled “an act for raising a fund in aid of supporting the Light House on Cranberry Island,”—to which they pray the concurrence of his Majesty's Council.

On motion, the said bill received the first reading.

Adjourned until to-morrow at 1 o'clock.

THURSDAY, April 19, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.

Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Hodgson.

Mr. President,—The House of Assembly have agreed to the bill intituled “an act to confirm certain Marriages heretofore solemnized in Prince Edward Island,”—without any amendment.

—without any amendment.

The House of Assembly have passed a bill intituled “an act to regulate Appeals from the Courts of Justices of the peace in this Island, in amendment of an act made and passed in the 13th year of the reign of his late Majesty King Geo. 3d, intituled an act for the more easy and speedy recovery of small debts.”

Adjourned until to-morrow at 1 o'clock.

FRIDAY, April 20, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

His Majesty's Council having no business before them—

Adjourned until to-morrow at 1 o'clock.

SATURDAY, April 21, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Cameron.

Mr. President,—The House of Assembly have passed a bill intituled "an act to alter and amend an act made and passed in the 25th year of the late King's reign, intituled an act in addition to and in amend-

ment of an act made and passed in the 13th year of his present Majesty's reign, intituled an act prohibiting the sale (by Retail) of Rum or other distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due regulation of such as shall be licenced, and also to authorise the appointment of certain officers for the inspection of Licenced Taverns and Inns."

On motion, the said bill received the first reading.

Adjourned until Monday next at 12 o'clock.

MONDAY, April 23, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

His Majesty's Council having no business before them—

Adjourned until to-morrow at 1 o'clock.

TUESDAY, April 24, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Hon. George Wright, President.
 Honorables { *William Pleace,*
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Mabey.

Mr. President,—The House of Assem-

bly have passed the following bills, to which they beg the concurrence of his Majesty's Council, viz.

A bill intituled "an act to regulate the driving of Carts, Carriages, Sleighs, and Carioles, on the highways."

A bill intituled "an act for keeping clean the Streets of Charlotte-Town, and for removing obstructions therefrom."

And a bill intituled "an act to regulate

the sale of the Interest of Leaseholders when taken in Execution.”

On motion, the above bills received the first reading.

On motion, it was ordered, that the bill intituled “an act to alter and amend an act made and passed in the 25th year of the late King’s reign, intituled an act in addition to and in amendment of an act made and passed in the 13th year of his present

Majesty’s reign, intituled an act prohibiting the sale (by Retail) of Rum or other distilled Spirituous Liquors, without first having a Licence for that purpose, and for the due regulation of such as shall be licenced, and also to authorise the appointment of certain officers for the inspection of Licenced Taverns and Inns,”—do receive a second reading this day six months.

Adjourned until to-morrow at 12 o’clock.

WEDNESDAY, April 25, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald,

who having arrived from Nova Scotia, took his seat as President.

Honorables { *George Wright,*
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

On motion, the bill intituled “an act for raising a fund in aid of supporting a Light House on Cranberry Island,”—received a second reading.

On motion, the bill intituled “an act to ascertain the population of the Island,”—

received the second and third reading and passed.

Also the bill intituled “an act to regulate the driving of Carts, Carriages, Sleighs, and Carioles, on the highways”—received the second and third reading and passed; and a message was ordered to be sent down to the House of Assembly, to acquaint them therewith.

On motion, it was ordered, that the bill intituled “an act for keeping clean the Streets of Charlotte-Town, and for removing obstructions therefrom,”—do receive a second reading this day three months.

Adjourned until to-morrow at 12 o’clock.

THURSDAY, April 26, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables { *George Wright,*
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

On motion, the bill intituled “an act for raising a fund by an Assessment on Land, for erecting Gaols within this Island,”—received the second reading and was ordered to be committed to-morrow.

A message from the House of Assembly by the *Attorney General.*

Mr. President,—“On motion of the *Attorney General*, it was ordered, that a committee be appointed to communicate with a committee of his Majesty’s Council relative to the appointment of a Colony Agent. The *Attorney General*, *Mr. Campbell*, *Mr. Cambridge*, *Mr. Hodgson*, and *Mr. Cameron*, were appointed a committee for that purpose.

CHAS. DESBRISAY, C. H. A.
Assembly Room, 26th April, 1827.”

On motion, it was ordered, that the following message be sent down to the House of Assembly.

Mr. Speaker,—His Majesty’s Council do agree to the conference as requested by the House of Assembly, and have ap-

pointed the Honorable *George Wright* and the Honorable *William Pleace* to manage the same in the Grand Jury Room instanter.

J. E. CARMICHAEL, C. C.

Council Chamber, 26th April, 1827.

The Honorable *George Wright* from the committee appointed to manage the conference as above, reported, that the committee of the House of Assembly had acquainted your committee, that the House of Assembly had nominated Mr. John Bainbridge, as Colony Agent, to which they beg the concurrence of his Majesty's Council:

Thereupon the subject matter of the conference being considered, it was ordered, that a message be sent down to the House of Assembly, to request a further conference, and that the same committee do acquaint the committee of the House of Assembly, that his Majesty's Council do not at present see the necessity of appointing a Colony Agent, being unwilling to increase the expenditure of the Colony.

A message from the House of Assembly by Mr. *Cameron*.

Mr. President,—“On motion ordered

that this House do agree to a further conference with his Majesty's Council, and that the same committee do attend instanter in the Grand Jury Room.

CHAS. DESBRISAY, C. H. A.

Assembly Room, 26th April, 1827.”

The Honorable *George Wright* from the committee appointed to manage the conference as above, reported the substance thereof.

On motion, the bill intituled “an act for raising a fund in aid of supporting the Light House on Cranberry Island,”—was read a third time and passed with amendments, which bill with the amendments, was ordered to be sent to the House of Assembly for their concurrence.

On motion, a bill intituled “an act to continue and amend an act passed in the 59th year of his late Majesty's reign, intituled an act to regulate the sale of the Interest of Leaseholders when taken in Execution”—was read a first time.

Adjourned until to-morrow at 12 o'clock.

FRIDAY, April 27, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. *Archibald*, President.

Honorables { *George Wright*,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

On motion, the bill intituled “an act to continue and amend an act passed in the 59th year of his late Majesty's reign, intituled an act to regulate to sale of the Interest of Lease holders when taken in Execution,”—received a second and third reading and passed, and was ordered to be sent down to the House of Assembly for their concurrence.

A message from the House of Assembly by Mr. *Hodgson*.

Mr. President,—“The House of Assembly have passed a bill intituled “an act for raising a fund in aid of supporting the Light House on Cranberry Island,” with the amendments proposed by his Majesty's Council.

In pursuance of the order of yesterday, the House resolved itself into a committee of the whole House, to take into consideration the bill intituled “an act for raising a fund by an Assessment on Land for erecting Gaols within this Island;”—and after some time spent therein, the President resumed the chair; and the chairman reported, that the committee had not agreed to the same.

On motion, that the report of the committee be agreed to, there appeared—Dissentients *two*; Contents *three*. And so the bill passed in the negative.

A message from the House of Assembly by Mr. *Hodgson*:

Mr. President,—The House of Assembly have passed a bill intituled “an act to authorize the formation of a Fire Engine Company for the Town of Charlotte-Town,”—to which they pray the concurrence of his Majesty's Council.

On motion the said bill received a first reading.

Adjourned until to-morrow at 12 o'clock.

SATURDAY, April 28, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables {
George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

A message from the House of Assembly by Mr. Mabey :

“On motion, it was ordered, that a committee be appointed to confer with a committee of his Majesty’s Council on the subject of the bill intituled “ an act to continue and amend an act passed in the 59th year of his late Majesty’s reign, intituled an act to regulate the sale of the Interest of Leaseholders when taken in Execution.” The Attorney General, Mr. Mabey, Mr. Hodgson, and Mr. Cameron, were accordingly appointed for that purpose.

CHAS. DESBRISAY, C. H. A.
Assembly Room, April 28th, 1827.”

On motion, it was ordered, that the following message be sent to the House of Assembly:

Mr. Speaker,—His Majesty’s Council do agree to the conference as requested by the House of Assembly, on the subject of the bill intituled “ an act to continue and amend an act passed in the 59th year of his late Majesty’s reign, intituled an act to regulate the sale of the Interest of Leaseholders when taken in Execution;” and have appointed the Honorable T. H. Haviland and the Honorable Charles Worrell to manage the same in the Grand Jury Room instanter.

J. E. CARMICHAEL, C. C.
Council Chamber, April 28, 1827.

On motion, it was ordered, that the following message be sent to the House of Assembly:

Mr. Speaker,—On motion, ordered, that

a committee of his Majesty’s Council be appointed to meet a committee of the House of Assembly to draw up an Address of condolence to his Majesty on the lamented death of his late Royal Highness the Duke of York, and the Honorables A. Lane, T. H. Haviland, and Charles Worrell, be nominated a committee on the part of his Majesty’s Council.

Ordered, that this Resolution be sent to the House of Assembly for their concurrence.

J. E. CARMICHAEL, C. C.

Council Chamber, April 28, 1827.”

The Honorable T. H. Haviland from the committee appointed to confer with the committee of the House of Assembly, on the subject of the “ bill to regulate the sale of the Interest of Leaseholders when taken in Execution;”—reported the substance thereof.

A message from the House of Assembly by the Attorney General :

Mr. President,—“ On motion, ordered, that a committee be appointed to meet the committee of his Majesty’s Council to draw up an Address to his Majesty on the lamented death of his late Royal Highness the Duke of York; and that the Attorney General, Mr. Hodgson, and Mr. Cambridge, be a committee for that purpose.

CHAS. DESBRISAY, C. H. A.
“ Assembly Room, April 28, 1827.”

On motion, the bill intituled “ an act to authorise the formation of a Fire Engine Company for the Town of Charlotte-Town;”—received the second and third reading and passed; and a message was ordered to be sent down to the House of Assembly to acquaint them therewith.

Adjourned until Monday next at 12 o’clock.

MONDAY, April 30, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables {
George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell,

PRAYERS.

A message from the House of Assembly by Mr. McNeill:

Mr. President,--The House of Assembly have passed a bill intituled "an act to revive, alter, continue, and reduce into one act, two acts passed in the 6th year of his present Majesty's reign--lately expired, and for appropriating the monies thereby granted."

The above bill, on motion, received the first reading.

The Honorable A. Lane from the committee appointed to join the committee of the House of Assembly to prepare an address of condolence to his Majesty on the lamented death of his late Royal Highness the Duke of York, reported a draft of the same, which being read by the Clerk, was agreed to by the House, and ordered to be engrossed.

Message from the House of Assembly by Mr. Hodgson, with the Address framed by the joint committee of both Houses to his Majesty, unanimously agreed to; which said Address is as follows:

"TO THE KING'S MOST EXCELLENT
MAJESTY.

"The joint Address of His Excellency Colonel JOHN READY, Lieut. Governor and Commander in Chief in and over his Majesty's Island Prince Ed-

ward and its Dependencies, of the Honorable his Majesty's Council, and of the House of Assembly, in their Legislative capacities now sitting at Charlotte-Town.

"May it please your Majesty,

"The Lieut. Governor, Council, and Assembly, now convened in General Assembly, on behalf of themselves and the inhabitants of this Island, beg leave most humbly to approach the Throne, to offer to your Majesty their sincere condolence upon the melancholy event which has bereaved your Majesty of a highly beloved and illustrious member of your Royal family."

"The sentiments of loyalty and affection for your Majesty's person and Government, which are deeply implanted in our bosom, render it impossible for us not to participate in the grief which this afflicting event must have caused to your Majesty and to the nation at large.

"And we assure your Majesty, that although far removed from the capital of the Empire, the death of your lamented brother, His Royal Highness the Duke of York, is in no part of your Majesty's widely extended Dominion, more sincerely and deeply deplored, than in this your loyal Island of Prince Edward."

Resolved, that the President of the Council do wait on his Excellency the Lieutenant Governor with the foregoing Address for his approval, and at the same time communicate with his Excellency as to the most suitable and respectful manner of forwarding the same.

The Honorable the President reported, that he had waited on his Excellency the Lieutenant Governor with the address, who was pleased to approve of the same, and that he would take the earliest opportunity of forwarding it to his Majesty through his Majesty's principal Secretary of State for the Colonies.

Adjourned until to-morrow at 12 o'clock.

TUESDAY, May 1, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables {
George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Mabey.

Mr. President,--The House of Assem-

bly have passed a bill intituled "an act for the further increase of the Revenue, by raising a duty of Impost on all Goods, Wares, and Merchandize imported into this Island, and for appropriating the monies hereby granted,"--to which they pray the concurrence of his Majesty's Council.

On motion, the above bill was read a first time.

The House having taken into consideration the bill intituled "an act to revive,

alter, continue, and reduce into one act, two acts passed in the 6th year of his present Majesty's reign—lately expired, and for appropriating the monies thereby granted.”

On motion, it was ordered, that the following objections be entered on the Journals.

1st. The title of the bill is, to revive, alter, continue, and reduce into one act, two acts passed in the 6th year of his present Majesty's reign, lately expired;—*but no acts are named.*

2d. The preamble: “Whereas it is deemed necessary to revive, alter, continue, and reduce into one act the *said* acts:”—but there are no acts specified to which the preamble can refer.

3d. The first clause of the act instead of reducing into one act any two acts, purports to revive and continue by their titles two separate and distinct acts in the same bill, in no wise connected with each other.

4th. Instead of reviving and continuing the two original acts granting duties, this clause revives and continues two continuing acts of the 6th Geo. IV. which had expired.

5th. All duties to be raised under these acts are appropriated by them without any saving of any collections or appropriations of duties on Foreign articles, under the Statute of 6th Geo. IV. cap. 114; and by the enactments of the two laws intended to be revived it would appear that the Legislature of the Island are endeavouring to impose a system of Revenue directly repugnant to that Act of Parliament, and to authorise and require the Collectors of Impost and Excise for the Island, to interfere, directly, with the duties of the Collector of his Majesty's Customs.

6th. The Council also object to the Appropriations appended to the said bill.

On motion, ordered, that a conference be requested with the House of Assembly, on the subject of the bill intituled “an act to revive, alter, continue and reduce into one act, two acts passed in the 6th year of his present Majesty's reign—lately expired, and for appropriating the monies thereby granted;” and that the Hon. *T. H. Haviland* and the Hon. *Charles Worell*, be appointed a committee to manage the same, to meet instanter in the Grand Jury Room; and that the committee be instructed to state,—

That his Majesty's Council cannot give their assent to the bill intituled “an act to revive, alter, continue, and reduce into one act, two acts passed in the 6th year of his present Majesty's reign,—lately expired; and for appropriating the monies thereby granted.”

But his Majesty's Council suggests for the consideration of the House of Assembly, the propriety of continuing the original acts passed 6th Geo. IV. First, the Wine, Gin, Brandy and Rum act, by a short act, except as is amended by that act; and if the Assembly insists upon an appropriation with the act, the Council may be disposed to agree to it for this year, *under protest of any precedent* being drawn from it in future; and from this act they will agree to the appropriation of £1000 to his Majesty for the contingent expences of the Island for the pre-

sent year, to be drawn by Warrant from his Excellency the Lieutenant Governor by the advice of his Majesty's Council; also £400 to his Excellency the Lieut. Governor; also £150 for House Rent; and £50 for Road correspondent; with a clause also, that if the duties are not sufficient for these sums, the same shall be made up out of any unappropriated monies in the Treasury. But the Council cannot recommend to his Excellency to give his assent, nor can they give theirs, to the said bill, without a clause that the act shall not extend, or be construed to extend, to interfere with the regulation of any act of Parliament in force in the Island, so far as relates to the collection and appropriation of any duty upon any of the articles specified and charged with the duty in said act.

That the act imposing a duty on Tobacco and Tea be also revived and continued by a separate act, and amended so that the duty imposed upon Tobacco should be levied, collected, and paid, over and above the duties, if any payable thereon, by any act of the Imperial Parliament in force in the Island; and out of these duties the Council will agree to an appropriation of £360 for Schools, by Warrant from the Governor and Council; also to £90 16 10 for the sums expended for William Pope, a Lunatic; and also a clause that if the sums shall not be sufficient, the same shall be made up out of any unappropriated monies in the Treasury. His Majesty's Council will consider with his Excellency of the services of Mr. Atcheson, and grant such sum out of the funds at the disposal of the Governor and Council, as he may be entitled to for any services already performed.

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

“On motion, ordered, that a committee be appointed to meet the committee of his Majesty's Council on the subject of the bill intituled “an act to revive, alter, continue, and reduce into one act, two acts passed in the 6th year of his present Majesty's reign—lately expired, and for appropriating the monies thereby granted.” The *Attorney General*, Mr. *Hodgson*, Mr. *Cambridge*, Mr. *M'Neill* and Mr. *Mabey*, were appointed a committee for that purpose.

CHAS. DESBRISAY, C. H. A.

“Assembly Room, May 1, 1827.”

The Honorable *T. H. Haviland* from the committee of conference on the above bill, reported the substance thereof.

On motion, it was ordered, that the bill intituled “an act to revive, alter, continue and reduce into one act, two acts passed in the 6th year of his present Majesty's reign—lately expired, and for appropriating the monies thereby granted;”—do not pass; and that the same be made known to the House of Assembly.

On motion, it was ordered, that a copy of the Journals of this House be sent each day to his Excellency the Lieutenant Governor.

Adjourned until to-morrow at 12 o'clock.

WEDNESDAY, May 2, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables { George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Hodgson:

Mr. President,—The House of Assembly have passed a bill intituled “an act to continue and amend an act passed in the 59th year of his late Majesty’s reign, inti-

tuled an act to regulate the sale of the Interest of Lease holders when taken in Execution,”—without any amendment.

A message from the House of Assembly by Mr. Hodgson:

Mr. President,—The House of Assembly have passed a bill intituled “an act to establish and regulate the practice of the Supreme Court of Judicature of this Island in cases of Replevin,”—to which the House requests the concurrence of his Majesty’s Council.

On motion, the said bill received the first reading.

Adjourned until to-morrow at 12 o’clock.

THURSDAY, May 3, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables { George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by Mr. Hodgson:

Mr. President,—The House of Assembly have passed a bill intituled “an act to revive, alter, and continue an act made and passed in the 6th year of the reign of his present Majesty, intituled an act for encreasing the Revenue by levying an additional duty on all Wines, Gin, Brandy, Rum, and other distilled Spirituous Liquors, imported into this Island; and to repeal and amend certain parts of an act passed in the 25th year of his late Majesty’s reign, intituled an act to amend, render more effectual, and to reduce into one act, the several Laws made by the General Assembly of this Island, relative to the duties of Impost on Wines, Rum, Brandy, and other distilled spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other distilled spiritu-

ous Liquors exported from this Island, and to appropriate the monies thereby granted.” Also,

A bill intituled “an act to revive, alter, and continue an act made and passed in the 6th year of his present Majesty’s reign, intituled an act for encreasing the Revenue by levying a duty on Tobacco and Tea, and to appropriate the monies thereby granted.”

On motion, the said bills received a first reading.

On motion, resolved, that the following message be sent to the House of Assembly on the subject of the Resolution of his Majesty’s Council of the 27th of October, 1825, and the Resolution of the House of Assembly passed on the 23d March last, relative to the granting and appropriating of monies.

MR. SPEAKER,

His Majesty’s Council, desirous of promoting a good understanding between the two branches of the Legislature, deem it necessary to state to the House of Assembly, the opinion of his Majesty’s Council on both these resolutions, and upon the subject brought under consideration by them.

His Majesty’s Council consider the Royal Instructions under which the General Assembly of this Island was called and organized, the constitution of the Colony, as regards the powers of the Legislature, each branch of which can only claim to exercise the privileges thereby granted; and conse-

quently it becomes the duty both of the Council and the Assembly to conform in their proceedings to those Instructions, not only in Legislating, but whenever any question arises as to the powers or privileges of the Council or Assembly, to refer to those Instructions for direction and government.

His Majesty's Council, therefore, beg to call the attention of the House of Assembly to the Royal Instructions, dated at the Court at St. James', the fourth day of August, 1769, addressed to Governor Patterson, authorising him for the first time to call and form a Lower House of Assembly, or House of Representatives, in this Island; in the 17th section of which Instructions, after directing him to pay due attention to what had been found practicable and convenient in forming the like *constitution* in the late established Colonies of Nova Scotia and Georgia, the following direction is contained,—“That the greatest care should be taken, that no colour or pretence is given for the assumption of any powers or privileges by the said Lower House of Assembly, or House of Representatives, which have not been allowed to Assemblies in our other Colonies.”—His Majesty's Council, therefore, submit to the House of Assembly, that the *sole right* claimed by them in their resolution of the 23d of March last, relative to the granting and appropriating all supplies to be raised or charged on the subjects of this Island, and directing, limiting, and appointing, in separate Bills, the uses, ends, purposes, and limitations, of such grants, must be derived from the Royal Instructions, granting directly to the Assembly of this Island the power thus claimed, or granting the same to the Assemblies, or to some of them, in the other Colonies.

But His Majesty's Council feel well assured that no such power or privilege has ever been granted by the Royal Instructions to this Assembly, nor to the Assemblies of any of the neighbouring Colonies, but the powers and privileges now claimed by the Assembly have been differently considered by His Majesty's Government.

In proof of which His Majesty's Council submit for the consideration of the House of Assembly, that part of the Royal Instructions dated the 18th of March, 1756, to the Governor of Nova Scotia, which relates to the point in question, and which is as follows:

“Whereas the Members of several Assemblies in the plantations have frequently assumed to themselves privileges no ways belonging to them, especially of being protected from suits at Law during the Term they remain of the Assembly, to the great prejudice of their creditors, and the obstruction of Justice; and some Assemblies have presumed to adjourn themselves at pleasure, without leave from our Governor first allowed, and others have taken upon them the *sole framing of money bills*, refusing to let the Council alter or amend the same; all which practices are very detrimental to our prerogative; if upon your calling an Assembly in our Province of Nova Scotia, you find them insist upon any of the said privileges, you are to signify to them that it is our express will and pleasure that you do not allow any protection to any member of the Council or Assembly, further than in their persons, and that only during the sitting of the Assembly, and that you are not to allow them to adjourn themselves, otherwise than *de die in diem*, except Sundays and Holidays, without leave from you, or the Commander in Chief for the time being, first obtained. It is also our further pleasure that the Council have the like power of framing money bills as the Assembly.”

His Majesty's Council also find, that in the neighbouring Colonies the uniform practice of the As-

sembly is, to submit to His Majesty's Council each subject to be provided for by a grant of monies in a separate resolution, and that only such resolutions as are agreed to by both branches are inserted in the appropriation bill, a practice which His Majesty's Council consider not only in accordance with the Royal Instructions, but one which allows to each branch of the Legislature the free exercise of their opinion upon every subject to be provided for from the revenue of the country; to which practice the resolution of his Majesty's Council is *limited*, and claims for the Council here *no other or greater* power than is exercised by the Councils of the adjoining Provinces.

His Majesty's Council have deemed it proper, thus to call the attention of the House of Assembly not only to the Royal Instructions by which their powers and privileges are limited and defined, but also to the practice of the other Colonies under the same Instructions, with a sincere desire on the part of his Majesty's Council to *establish and protect*, upon correct principles, the separate rights of the Council and Assembly; as the Council consider, that the interest of his Majesty's subjects in this Island will be best promoted by allowing to each branch the free exercise of their opinion upon every subject which may come under the consideration of the Legislature.

His Majesty's Council consider, that the rules and practice of Parliament, so far as may be consistent with our situation, should be pursued by the Legislature here, but the Council do not admit that the House of Assembly can derive any of the powers assumed by them in their resolution, from the practice or usage of the House of Commons, but that the powers and privileges of the Assembly must depend upon the *Royal Instructions* under which the Colonial Legislature has been formed.

His Majesty's Council likewise consider it their duty to guard against any appropriations, however desirable, which may exceed the *disposable funds* of the Island, and thereby lead to public embarrassments; and they deem the exercise of this right of greater importance when it is considered that the House of Assembly originate money votes without recommendation from the King's Representative, and therefore exercise a greater power, in this particular, than the House of Commons possess.

His Majesty's Council have been thus explicit on the subject of those resolutions, and they also wish the House of Assembly to understand, that they entirely disapprove of the *novel course* pursued by the House of Assembly in the present Session of annexing to the revenue bills numerous clauses of appropriation of monies, to separate and distinct subjects not mentioned in the revenue bills, nor having any connexion with them, or with each other, as the Council are thereby prevented from exercising the privilege belonging to them as one branch of the Legislature of dissenting to a proposition of which they disapprove, without at the same time being obliged to reject the revenue which the public services may demand and which otherwise they may be desirous of granting.

J. E. CARMICHAEL, C. C.

Council Chamber, May 4th, 1827.

On motion, it was ordered, that the foregoing message together with the Resolution of his Majesty's Council of the 27th October, 1825, and the Resolution of the House of Assembly of the 23d March last, be printed by the Printer to the House of Assembly.

The House having taken into consideration the bill intituled "an act for the further increase of the Revenue, by raising a duty of Impost on all Goods, Wares, and Merchandize imported into this Island, and for appropriating the monies thereby granted."

On motion, it was ordered, that the following objections be entered on the Journals:

1st.—The impost is to be levied on all Goods, Wares, and Merchandize, of what kind or nature soever, with certain exceptions, to be imported from any place or country whatsoever, which will be in effect directly repugnant to the act of 6th Geo: 4th cap. 114, unless a clause to the following effect be added:

And be it further enacted, that all Goods, Wares, and Merchandizes of what kind or nature soever, hereafter imported into this Island, which are subject and liable to foreign duties under any act of Parliament in force in this Island, shall be subject and liable to the same Impost duty imposed by this act, over and above any duties payable by virtue of said act of Parliament:—Without this clause the duty, in reality, would be levied upon British Goods, and upon Goods coming from countries and places within the limits of the East India Company's charter, which are now free from duty; as the Impost being less than any foreign duty, would be merged in such duty and collected at the Custom House, and the parliamentary scale of protecting duty would be thereby altered, and operate directly to the amount of the duty imposed by this act against the Importers of British and East India Goods.

2d.—This bill should have a suspending clause, being, so far as relates to duties on British Goods, contrary to the Royal Instructions.

3d.—The bill should be continued for three years; and if it should obtain the Royal Assent, it may be afterwards continued from year to year.

4th.—The Council will not agree to this bill with any appropriation other than that all monies levied and received by the powers of this act shall be paid into the Treasury of the Island, and shall from time to time be drawn for by the Lieutenant Governor or Commander in Chief for the time being, by warrant under his hand and seal, pursuant to the instructions and directions of his Majesty's Government, in discharge of any monies to be hereafter appropriated by any act or acts of the General Assembly of this Island.

On motion, it was ordered, that the Honorable *T. H. Haviland* and the Honorable *Charles Worrell* be appointed a

committee to confer with the House of Assembly on the bill intituled "an act of the further encrease of the revenue, by raising a duty of Impost on all Goods, Wares, and Merchandize imported into this Island, and for appropriating the monies thereby granted,"—and that the committee be instructed to state the reasons of his Majesty's Council for not agreeing to the said bill.

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

Mr. President,—"On motion, ordered; that a committee be appointed to confer with the committee of his Majesty's Council on the subject of the bill intituled "an act for the further encrease of the Revenue, by raising a duty of Impost on all Goods, Wares, and Merchandize imported into this Island, and for appropriating the monies thereby granted." The *Attorney General*, *Mr. McNeill*, *Mr. Hodgson*, *Mr. Cameron*, and *Mr. Cambridge*, were accordingly appointed a committee for that purpose.

C. DESBRISAY, Clk. H. A.

Assembly Room, May 3d, 1827."

On motion, the bill intituled "an act to establish and regulate the practice of the Supreme Court of Judicature of this Island in cases of Replevin,"—received the second and third reading, and passed; and a message was ordered to be sent down to the House of Assembly to acquaint them therewith.

The Honorable *T. H. Haviland*, from the committee of his Majesty's Council appointed to confer with the House of Assembly on the subject of the bill intituled "an act for the further encrease of the revenue, by raising a duty of Impost on all Goods, Wares, and Merchandize imported into this Island, and for appropriating the monies thereby granted,"—reported the substance thereof.

Adjourned until to-morrow at half past 11.

FRIDAY, May 4, 1827.

The Council met pursuant to adjournment:

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables {
George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

A message from the House of Assembly by *Mr. Hodgson*:

Mr. President,—"The House of Assembly request a further conference with his Majesty's Council on the subject of the bill intituled "an act for the further encrease of the Revenue, by raising a duty of Impost on all Goods, Wares, and Mer-

chandize imported into this Island, and for appropriating the monies thereby granted,"—and have appointed the same committee to manage the same.

CHAS. DESBRISAY, C. H. A.

Assembly Room, 4th May, 1827."

On motion, ordered, that a message be sent down to the House of Assembly to acquaint them that his Majesty's Council had agreed to the further conference as requested by the House of Assembly on the subject of the bill intituled "an act for the further encrease of the revenue by raising a duty of Impost on all Goods, Wares,

and Merchandize imported into this Island, and for appropriating the monies thereby granted,"—and have appointed the same committee to manage the same, to meet in the Grand Jury Room instanter.

The Honorable *T. H. Haviland*, from the committee of conference upon the above bills reported the substance thereof, whereupon, on motion, it was ordered, that the said bill be read a second time this day three months.

Adjourned until to-morrow at half past 11.

SATURDAY, May 5, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice

S. G. W. Archibald, President.

Honorables { *George Wright,*
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell.

PRAYERS.

Message from the House of Assembly by *Mr. Cameron*, with a resolution of the House of Assembly, on the message of his Majesty's Council of the 3d of May last; which was ordered to lie on the table.

On motion, it was ordered, that the bill intituled "an act to revive, alter, and continue an act, made and passed in the 6th year of the reign of his present Majesty, intituled an act for encreasing the Revenue by levying an additional duty on all Wines, Gin, Brandy, Rum, and other distilled spirituous Liquors, imported into this Island, and to repeal and amend certain parts of an act passed in the 25th year of his late Majesty's reign, intituled an act to amend, render more effectual, and to reduce into one act, the several laws made by the General Assembly of this Island, relative to the duties of Impost on Wines, Rum, Brandy, and other distilled spirituous Liquors; and for allowing a Drawback upon all Wines, Rum, Brandy, and other distilled spirituous Liquors exported from this Island; and to appropriate the monies thereby granted."

Also, the bill intituled "an act to revive, alter, and continue an act made and passed in the 6th year of his present Majesty's reign, intituled an act for encreasing the Revenue by levying a duty on Tobacco and Tea; and to appropriate the monies thereby granted,"—be severally read a se-

cond and third time; and then the above bills were passed, and ordered to be sent down to the House of Assembly; as likewise the act intituled "an act for the further encrease of the Revenue, by raising a duty of Impost on all Goods, Wares, and Merchandize imported into this Island, and for appropriating the monies hereby granted,"—*rejected*, with the following message."

Mr. SPEAKER,

The Bill intituled "an Act to revive, alter, and continue an Act, made and passed in the 6th year of his present Majesty's reign, intituled an act for encreasing the Revenue by levying an additional duty on all Wines, Gin, Brandy, Rum, and other distilled Spirituous Liquors imported into this Island, and to repeal and amend certain parts of an act passed in the 25th year of his late Majesty's reign, intituled an act to amend, render more effectual, and to reduce into one act, the several laws made by the General Assembly of this Island, relative to the duties of Impost on Wines, Rum, Brandy, and other distilled spirituous Liquors; and for allowing a Drawback upon all Wines, Rum, Brandy, and other distilled spirituous Liquors exported from this Island; and to appropriate the monies thereby granted,"—and the bill intituled "an Act to revive, alter, and continue an act made and passed in the 6th year of his present Majesty's reign, intituled an act for encreasing the Revenue by levying a duty on Tobacco and Tea, and to appropriate the monies thereby granted,"—having been severally framed upon the suggestions of his Majesty's Council, delivered in conference to the Committee of the House of Assembly, previous to the Councils having rejected the bill intituled "an act, to revive, alter, continue, and reduce into one act, two acts passed in the 6th year of his present Majesty's reign, lately expired, and for appropriating the monies thereby granted;"—and his Majesty's Council having also suggested to the committee of the House of Assembly, that the Council, unwilling to retard the public improvements of the Country on account of any point of privilege in controversy between them, would agree, for the present year, to all the appropriations of money which the House of Assembly had added to these two bills, except the sum granted *R. S. Atcheson, Esq.* for his services, which they then proposed considering and providing for out of other

funds at the disposal of the Governor and Council, with a notice at the same time that this manner of framing these bills should form no precedent in future. For the foregoing reasons his Majesty's Council have been induced to give their assent to these bills, not to draw any precedent from their being thus framed on the suggestions of the Council, and being likewise fully of opinion that the House of Assembly cannot resort to them in support of the sole powers and privileges which they claim.

His Majesty's Council also, in conference, stated to the committee of the House of Assembly their objections to the Bill intituled "an act for the fur-

ther increase of the Revenue by raising a duty of Impost on all Goods, Wares, and Merchandize, imported into this Island, and for appropriating the monies thereby granted"—desirous that the House of Assembly should be fully informed of the reasons which would prevent the Council from giving their assent to that Bill, and which have now led to the rejection of it. These objections were stated severally to the House of Assembly, but they wish the House of Assembly to understand that the appropriation was not among the least of those objections.

Adjourned until Monday next at 11 o'clock.

MONDAY, May 7, 1827.

The Council met pursuant to adjournment.

PRESENT.

The Honorable Chief Justice
S. G. W. Archibald, President.

Honorables {
George Wright,
William Pleace,
Ambrose Lane,
Thos. H. Haviland,
Charles Worrell,

PRAYERS.

On motion, it was ordered, that the following Address be presented to his Excellency the Lieut. Governor.

To His Excellency Colonel JOHN REARD, Lieutenant Governor and Commander in Chief in and over His Majesty's Island Prince Edward, and its Dependencies, Chancellor and Vice-Admiral of the same, &c. &c. &c.

"The Address of his Majesty's Council, in their Legislative capacity assembled.

"May it please your Excellency,

"As the present Session of the General Assembly is near a close, his Majesty's Council are desirous of submitting to your Excellency, while acting in their Legislative capacity, the questions of controversy between them and the House of Assembly, which your Excellency will find are principally contained in the resolution of his Majesty's Council of the 27th of October, 1825, and the resolution of the House of Assembly of the 23d of March last.

"His Majesty's Council most respectfully refer your Excellency to the opinion entertained by them on the subject in question, which is briefly stated in their message to the House of Assembly of the 3d of the present month, and entered on the Journals of the Council, a copy whereof has been transmitted to your Excellency.

"His Majesty's Council humbly conceive, that they have not assumed to exercise any powers or privileges at any time, other than such as are exercised by the Councils of the adjoining Provinces, included in the same general commission, and governed by the same general instructions; and they, therefore, request, that your Excellency would be pleased most respectfully to submit for the consideration and direction of his Majesty's Government, the proceedings thus referred to you, in such way and manner as your Excellency may deem most proper.

"His Majesty's Council sincerely regret that any circumstance should render it necessary to call the

attention of his Majesty's government at this time to the affairs of the Island, particularly in matters of revenue and appropriation, when it is considered that the whole of the small means of the Island is allowed to be applied to the internal improvement of the country."

The Honble. the President informed the House, that he had presented the foregoing address to his Excellency the Lieut. Governor, and that he was pleased to say, that he would attend to the request contained in it.

His Excellency the Lieutenant Governor having come to the Council Chamber, a message was sent by the Gentleman Usher of the Black Rod to let the House of Assembly know—"It is his Excellency's pleasure that they do attend him in the Council Chamber instanter"—who being come with their Speaker, his Excellency was pleased to give his assent to the following bills, viz.

I. A bill intituled "an act for regulating Apprentices."

II. A bill intituled "an act to amend an act made and passed in the 43d year of his late Majesty's reign, intituled an act to amend an act intituled an act to prevent the running at large of Rams at improper seasons."

III. A bill intituled "an act to establish an Assize of Bread within the Town and Royalty of Charlotte-Town."

IV. A bill intituled "an act to ascertain the population of the Island."

V. A bill intituled "an act to regulate Appeals from the Courts of Justices of the Peace in this Island, in amendment of an act made and passed in the 13th year of the reign of his late Majesty, King George the Third, intituled an act for the more easy and speedy recovery of Small Debts."

VI. A bill intituled "an act to regulate the driving Carts, Carriages, Sleighs, and Carioles, on the Highways."

VII. A bill intituled "an act to continue and amend an act made and passed in the 59th year of his late Majesty's reign, intituled an act to regulate the sale of the Interest of Leaseholders when taken in Execution."

VIII. A bill intituled "an act to authorise the formation of a Fire Engine Company for the Town of Charlotte-Town."

IX. A bill intituled "an act to establish and regulate the practice of the Supreme Court of Judicature of this Island in cases of Replevin."

X. A bill intituled "an act for raising a fund in aid of supporting the Light-House on Cranberry Island."

XI. A bill intituled "an act to continue an act made and passed in the 6th year of his present Majesty's reign, intituled an act to revive, alter, and continue an act made and passed in the 52d year of the reign of his late Majesty, intituled an act for raising a fund to make and keep in repair the Pumps, Wells, and Streets of Charlotte-Town, and for other purposes therein mentioned."

XII. A bill intituled "an act to revive, alter, and continue an act, made and passed in the 6th year of the reign of his present Majesty, intituled an act for encreasing the Revenue by levying an additional duty on all Wines, Gin, Brandy, Rum, and other distilled spirituous Liquors, imported into this Island, and to repeal and amend certain parts of an act passed in the 25th year of his late Majesty's reign, intituled an act to amend, render more effectual, and to reduce into one act, the several laws made by the General Assembly of this Island, relative to the duties of Impost on Wines, Rum, Brandy, and other distilled spirituous Liquors; and

for allowing a Drawback upon all Wines, Rum, Brandy, and other distilled spirituous Liquors exported from this Island; and to appropriate the monies thereby granted."

XIII. A bill intituled "an act to revive, alter, and continue an act made and passed in the 6th year of his present Majesty's reign, intituled an act for encreasing the Revenue by levying a duty on Tobacco and Tea; and to appropriate the monies thereby granted."

His Excellency the Lieutenant Governor stated that he would consider of the propriety of assenting to the bill intituled "an act to confirm certain Marriages heretofore solemnized in this Island."

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

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

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

"I sincerely congratulate you upon your having brought the business of the present Session to a satisfactory termination, and that I am now enabled to release you from further attendance upon your public duties.

"I thank you for the continued attention you have paid to the various subjects recommended by me to your consideration at the commencement of your labours, and I assure you, that it will be my earnest study carefully to apply the means you have provided and placed at my disposal, to the several services for which they are appropriated."

The President of his Majesty's Council by command of his Excellency, then said,

Gentlemen,

It is his Excellency's will and pleasure that this General Assembly be prorogued to Thursday the second day of August next, to be then here held, and this General Assembly is accordingly prorogued to Thursday the second day of August next.

GOD SAVE THE KING.