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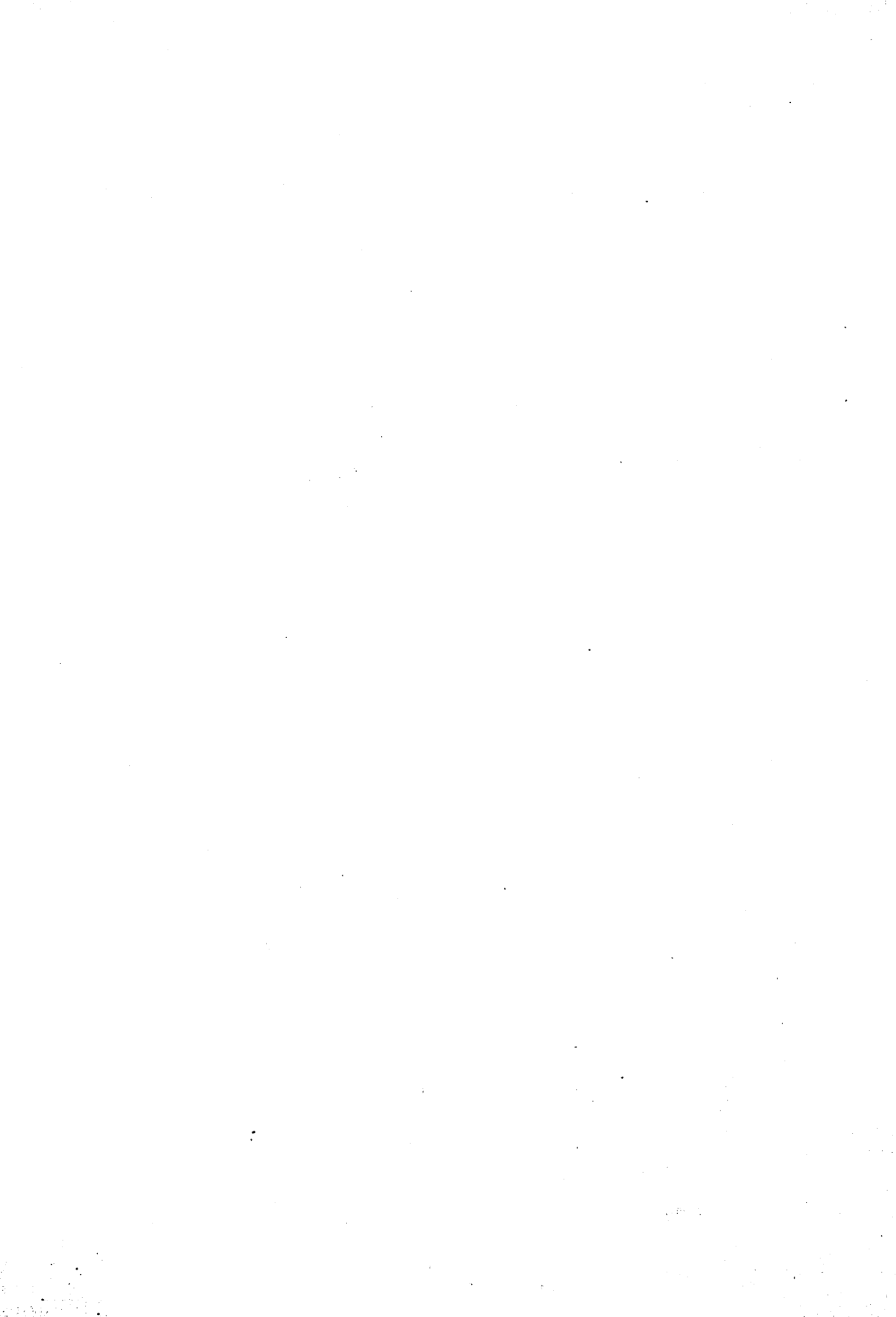
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JOURNAL

OF

THE LEGISLATIVE COUNCIL

OF

Prince Edward Island.

ANNO TERTIO VICTORIÆ REGINÆ.

THIRD SESSION OF THE FIFTEENTH GENERAL ASSEMBLY.



CHARLOTTETOWN:

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

1840.

0 911492



BY HIS EXCELLENCY

SIR CHARLES AUGUSTUS FITZ ROY, K. H.,

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

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

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 C. A. FITZ ROY. Ordinary of the 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 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 C. A. FITZROY. Ordinary of the 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 C. A. FITZROY. Ordinary of the same, &c. &c. &c.

A PROCLAMATION.

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 C. A. FITZROY. Ordinary of the same, &c. &c. &c.

A PROCLAMATION.

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-eighth 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
LEGISLATIVE COUNCIL
OF
PRINCE EDWARD ISLAND.

TUESDAY, 28th January, 1840.

In pursuance of His Excellency the Lieutenant Governor's Proclamation, the Legislative Council met.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,

Mr. Goodman,

Mr. Macdonald,

Mr. Macintosh,

The Hon. *Mr. Livett*,

Mr. Dalrymple,

Mr. Macnutt.

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

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

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

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

I have 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 expence of the establishment, has, in the past 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, upon several matters connected with the public interest; 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.

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

Prayers were then read.

The President informed the House that the Hon. *Thomas Heath Haviland* had been appointed by His Excellency the Lieutenant Governor, by Commission under the Great Seal of this Island, to fill the office of Clerk to this Honorable House, vacated by the decease of their late Clerk, *John Philip Collins, Esq.*—which Commission was read.

Mr. Haviland requested leave to appoint *Mr. Charles Desbrisay* as his Deputy. Leave being granted, *Mr. Desbrisay* took the Oath of office, and his seat at the Clerk's table.

The President then reported His Excellency's Speech—which being read by the Clerk—

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

Ordered, That *Mr. Macdonald, Mr. Macintosh* and *Mr. Dalrymple* be a Committee to prepare a draft, pursuant to the above Resolution.

On motion, **Ordered,** that *Mr. Brecken* and *Mr. Goodman* be a Committee to revise the Journals of the House each day.

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

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

Adjourned until One o'clock to-morrow.

WEDNESDAY, 29th January, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of yesterday.

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

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

The House was adjourned during pleasure, and put into a Committee on the said Address. After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Address, and made several amendments thereto.

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

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

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

In the House of Assembly,

Wednesday, 29th January, 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 House of Assembly.

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 *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.

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 30th January, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable *Mr. Attorney General*, President;

The Hon. *Mr. Brecken*,

The Hon. *Mr. Livett*,

Mr. Goodman,

Mr. Dalrymple,

Mr. Worrell,

Mr. Macnutt.

Mr. Macintosh,

PRAYERS.

READ the proceedings of yesterday.

Pursuant to the Order of the Day, the Address to His Excellency the Lieutenant Governor, in answer to His Excellency's Speech, was read a third time, and passed. Whereupon the President signed the same, and it 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 the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

We, Her Majesty's dutiful and loyal subjects, the Members of the Legislative Council of Prince Edward Island, in Colonial Parliament assembled, offer to your Excellency our sincere thanks for the Speech which you were pleased to deliver at the opening of the present session.

We fully appreciate your Excellency's motives in convening the Legislature at a season of the year when our public duties can be best discharged with the least inconvenience to our private interests.

We are gratified to learn from your Excellency, that emigration has so materially increased during the past season, and that notwithstanding a partial failure of the wheat crop in some parts of the Colony, the harvest has been abundant.

We thank your Excellency for the information with reference to the improved state of the public Revenue for the past year, which affords the best test of the public prosperity; and it is most satisfactory to learn, that the Customs' Department has so considerably added to that improvement.

Our most respectful attention shall be given to the several communications from Her Majesty's principal Secretary of State, which your Excellency may be pleased to lay before us, as well as to all other matters connected with the public interests, which your Excellency may deem necessary to bring under our consideration, satisfied as we are, that your Excellency has the best interests of the Colony at heart.

Fully impressed with the conviction, that the happiness and prosperity of the Inhabitants of this Colony depend upon unanimity of feeling between the different branches of the Legislature, we beg to assure your Excellency, that no effort shall be wanting on our part to promote that desirable object; and we trust that our united endeavours may be productive of those advantages which your Excellency anticipates.

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

On motion, Ordered, that the Committee who prepared the Address, do wait upon His Excellency the Lieutenant Governor, to know when he will be pleased to receive this House with their Address—who returning, reported that they had waited on His Excellency, and that His Excellency was pleased to appoint half-past One o'clock to-morrow for that purpose.

Adjourned until One o'clock to-morrow.

FRIDAY, 31st January, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of yesterday.

At half past One o'clock, the House proceeded to Government House with their Address, in answer to His Excellency's Speech at the opening of the Session; and having returned, the President reported, that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:

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

I return you my thanks for this Address, and for the assurance of your efforts to promote such measures as may tend to advance the interests of this Island.

Adjourned until One o'clock to-morrow.

SATURDAY, 1st February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Acting Colonial Secretary:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, 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 1st, 1840.

List of Papers accompanying the said Message:

Copies of

- No. 1. Despatch from Lord Normanby to Sir C. A. Fitz Roy, dated 5th August, 1839.
2. Order of Her Majesty in Council, dated 31st July, 1839.
3. Despatch from Lord John Russel to Sir C. A. Fitz Roy, dated 31st October, 1839.
4. Order of Her Majesty in Council, dated 21st October, 1839.

(Vide Appendix A.)

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

Ordered, That Mr. *Brecken* have leave to absent himself on Monday next.

Adjourned until One o'clock on Monday next.

MONDAY, 3d February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;
The Hon. Mr. *Goodman*,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Dalrymple.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

TUESDAY, 4th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;
The Hon. Mr. *Goodman*,
Mr. Macdonald,
Mr. Livet,
Mr. Dalrymple.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

WEDNESDAY, 5th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
Mr. Goodman,
Mr. Livett,
Mr. Dalrymple,
Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until Two o'clock to-morrow.

THURSDAY, 6th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,

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

PRAYERS.

READ the proceedings of Saturday last.

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

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

Mr. *Macintosh*, by leave, presented a Petition from the Inhabitants of Bedeque, and its vicinity, praying that this House will recommend a grant from the Legislature to Anthony Simpson, to enable him to run a larger Packet between Bedeque and Shediac, in the Province of New Brunswick.

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

Adjourned until One o'clock to-morrow.

FRIDAY, 7th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,
Mr. Worrell,
Mr. Dalrymple,
Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

.....
SATURDAY, 8th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. <i>Goodman</i> ,	The Hon. Mr. <i>Livett</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Dalrymple</i> ,
<i>Mr. Macdonald</i> ,	<i>Mr. Macnutt</i> .

PRAYERS.

MR. *Macnutt* informed the House, that Indisposition prevents Mr. *Brecken* from attending in his place.

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

Mr. *Macdonald* informed the House that indisposition prevents Mr. *Macintosh* from attending in his place.

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

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

The Act 4 Will. 4, cap. 2, intituled "An Act for the summary trial of common Assaults and Batteries;" and the Act 6 W. 4, cap. 5, in amendment thereof, will expire on the last day of the present Session.

The Act 5 W. 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 W. 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 W. 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 W. 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 Victoria, 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 Victoria, 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 said Report do lie on the Table.

The President laid before the House the Report of the Visiter appointed under the Act of the Legislature, for the encouragement and support of District and other Schools.

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

Adjourned until One o'clock on Monday next.

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MONDAY, 10th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

TUESDAY, 11th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The HON. *Mr. Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,
Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

.....

WEDNESDAY, 12th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The HON. *Mr. Brecken*,
Mr. Worrell,
Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

THURSDAY, 13th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The HON. Mr. *Brecken*,

The HON. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of Saturday last.

Mr. *Brecken* informed the House, that Indisposition prevents Mr. *Dalrymple* from attending in his place.

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

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

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

A 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."

Read the said Bills a first time.

Adjourned until One o'clock to-morrow.

FRIDAY, 14th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The HON. Mr. *Brecken*,

The HON. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Macnutt*.

Mr. *Worrell*,

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of yesterday.

The President informed the House, that Indisposition prevents Mr. *Macdonald* from attending in his place.

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

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

A Bill, intituled "An Act to continue for a limited period the several Acts providing for the summary Trial of Common Assaults and Batteries."

A Bill, intituled "An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown."

Read the said Bills a first time.

Read a second time, the Bill, intituled "An Act to prohibit the Exportation of Oysters from this Island, for a limited period."

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

Read a second time, 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." }

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

Read a second time, 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."

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

Read a second time, the Bill, intituled "An Act to continue for a limited period, the several Acts providing for the summary Trial of common Assaults and Batteries."

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

Read a second time, the Bill, intituled "An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown."

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

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

Adjourned until One o'clock to-morrow.

SATURDAY, 15th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.
 The Hon. Mr. *Brecken*,
 Mr. Goodman,
 Mr. Worrell,
 Mr. Macdonald,
 Mr. Livett,

THERE not being a Quorum,

Adjourned until One o'clock on Monday next.

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MONDAY, 17th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macintosh</i> ,
<i>Mr. Goodman</i> ,	<i>Mr. Livett</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Dalrymple</i> .
<i>Mr. Macdonald</i> ,	

PRAYERS.

READ the proceedings of Friday last.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prohibit the Exportation of Oysters from this Island, for a limited period." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on 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." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

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

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

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

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on 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." After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

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

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

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

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to continue for a limited period the several Acts providing for the summary Trial of common Assaults and Batteries." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to prevent the running at large of Sheep and Goats in the Town of Charlottetown." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

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

Adjourned until One o'clock to-morrow.

TUESDAY, 18th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

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

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

PRAYERS.

R **E** **A** **D** the proceedings of yesterday.

Adjourned until One o'clock to-morrow.

WEDNESDAY, 19th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
Mr. *Goodman*,
Mr. *Worrell*,
Mr. *Macdonald*,

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

PRAYERS.

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

A 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."

A 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."

Read the said Bills a first time.

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

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

Adjourned until One o'clock to-morrow.

THURSDAY, 20th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. Goodman,

Mr. Macdonald,

Mr. Macintosh,

Mr. Dalrymple.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

FRIDAY, 21st February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. Macdonald.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

SATURDAY, 22d February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.
 The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Macintosh,
Mr. Livett,
Mr. Dalrymple.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock on Monday next.

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MONDAY, 24th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;
 The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Livett.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

TUESDAY, 25th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dabrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of Wednesday last.

Three Messages from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Acting Colonial Secretary:

[FIRST MESSAGE.]

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Despatch from the Right Honorable 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.

Paper accompanying the said Message.

Copy of Despatch from Lord John Russell to Sir C. A. Fitz Roy, dated 29th October, 1839.

(Vide Appendix B.)

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

[SECOND MESSAGE.]

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, copy of a Despatch from the Right Honorable 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 Legislative Council.

Government House, 20th February, 1840.

Papers accompanying the said Message.

No. 1. Copy of Despatch from Lord John Russell to Sir C. A. Fitz Roy, dated 25th November, 1839.

2. Memorandum of Clauses suggested by the Inspectors of Prisons.

(Vide Appendix C.)

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

[THIRD MESSAGE.]

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the Legislative Council, 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 in every month.

Government House, February 20th. 1840.

Papers accompanying the said Message.

Copy of Despatch from Lord Normanby to Sir C. A. Fitz Roy, dated 4th May, 1839—with the enclosures.

(Vide Appendix D.)

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

Pursuant to Order, 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," was read a second time.

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

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

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

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

Pursuant to Order, the Bill, intituled "An Act to regulate the Floating of Logs, Scautling, Deals, and other kinds of Wood down the Rivers and lesser Streams in this Island," was read a second time.

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

On motion, Resolved, that the Message of His Excellency the Lieutenant Governor, transmitted to the Legislative Council this day, with copy of a Despatch from the Right Honorable Lord John Russell, and the other documents therein mentioned, suggesting several amendments to the Act passed in the Session of 1838, for the regulation of the several Gaols within this Island, and establishing Prison Discipline therein; and the Act in amendment thereof, passed in the last Session, be referred to a Committee to be appointed by this House, to examine the same, and report thereon by Bill, or otherwise, with power to send for persons, papers and records.

Ordered, That Mr. *Macintosh*, Mr. *Dalrymple*, and Mr. *Macnutt* do compose the said Committee.

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 26th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Dalrymple*,

Mr. *Goodman*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of yesterday.

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

A 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."

A 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 Michælmass Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period."

Read the said Bills a first time.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to regulate the Floating of Logs, Scantling, Deals, and other kinds of Wood down the Rivers and lesser Streams of this Island." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

Mr. *Macintosh* moved for leave to bring in a Bill to amend an Act passed in the Seventh year of the Reign of the late 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." Leave being granted, the said Bill was brought in, and read a first time.

Adjourned until Eleven o'clock to-morrow.

Majesty's Reign, to alter an amend an Act, intituled "An Act to consolidate and amend the Election Laws." 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.

Adjourned until Eleven o'clock to-morrow.

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SATURDAY, 29th February, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalbrymple*,

Mr. *Macintosh*,

Mr. *Macnutt*.

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. *Rae*, with a Bill, intituled "An Act for the Relief of certain of the American Loyalists and Disbanded Provincial Troops, and their Representatives"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

A Message from the House of Assembly, by the Hon. Mr. *Pope*, with a Bill, intituled "An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout this Island, to appoint Clerks"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to amend an Act passed in the Seventh year of the Reign of the late King William the Fourth, intituled "An Act to prevent the running at large of Horses in the Streets and Squares of Charlottetown, in the Winter season." After some time, the House was resumed, and Mr. *Macintosh* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with several amendments.

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

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

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

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

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

On motion, the **House** was adjourned during pleasure, and put into a **Committee** on the further consideration of the **Bill**, intituled “**An Act to 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.**” After some time, the **House** was resumed, and **Mr. Brecken** reported, that the **Committee** had gone through the **Bill**, and that they had agreed to the same, with the following amendments, viz:

Title, folio 1, line 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 the Second folio, 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.

Mr. Brecken further reported, that the **Committee** recommend to the **House**, that a **Committee** be appointed to prepare and bring in a **Bill** to continue the **Act** for regulating the manner of proceeding on **Controverted Elections**.

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

On motion, *Ordered*, that **Mr. Brecken** and **Mr. Goodman** be a **Committee** to prepare and bring in a **Bill** in accordance with the said **Report**.

Mr. Brecken accordingly presented to the **House** a **Bill**, which, on motion, was read a first time.

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

Ordered, That the said **Bill** be engrossed, and that the title be “**An Act to continue the Act for regulating the manner of proceeding on Controverted Elections.**”

Adjourned until Twelve o’clock on Monday next.

MONDAY, 2d March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of Saturday.

Read a third time, and 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 the amendments.

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

Read a third time, as engrossed, the Bill, intituled "An Act to continue the Act for regulating the manner of proceeding on Controverted Elections."

Resolved, That the said Bill do pass.

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

On motion, *Ordered*, that 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 Michælmass Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period," be read a second time to-morrow.

Mr. *Brecken*, by leave, presented a Petition from the members of a Committee appointed by the American Loyalists, and Disbanded Provincial Troops, and their Representatives, praying that this House will sanction the Bill recently passed by the House of Assembly, for the relief of the said American Loyalists, and Disbanded Provincial Troops, and their Representatives.

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

On motion, Ordered, that the Bill, intituled "An Act for the relief of certain of the American Loyalists, and Disbanded Provincial Troops, and their Representatives," be read a second time on Wednesday next.

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

Adjourned until Twelve o'clock to-morrow.

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TUESDAY, 3d March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

The Hon. Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of yesterday.

Mr. *Goodman* informed the House, that urgent business prevents Mr. *Brecken* from attending in his place.

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

Pursuant to Order, 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 Michælmass Term of the said Court, in Queen's County, a Term for the Trial of Issues for a limited period," was read a second time.

Ordered, That the said Bill be referred to a special Committee, to report thereon, with power to send for person, papers and records.

Ordered, That Mr. *Goodman*, Mr. *Worrell*, Mr. *Macintosh*, Mr. *Dalrymple* and Mr. *Macnutt* do compose the said Committee.

Adjourned until One o'clock to-morrow.

WEDNESDAY, 4th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

Mr. *Macintosh*,

PRAYERS.

READ the proceedings of yesterday.

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 Resolution was 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 Hon. Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, to His Excellency the Lieutenant Governor, bearing date the 31st 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 control," 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. *Therefore 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 Mr. *Goodman* have leave to absent himself to-morrow.

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 5th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Goodman*,

The Hon. Mr. *Macintosh*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

READ the proceedings of yesterday.

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

Adjourned until Two o'clock to-morrow.

FRIDAY, 6th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*;

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 7th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. *Mr. Brecken*,

The Hon. *Mr. Livett*,

Mr. Worrell,

Mr. Dalrymple,

Mr. Macdonald,

Mr. Macnutt.

PRAYERS.

READ the proceedings of Thursday last.

Mr. Brecken informed the House, that urgent business prevents *Mr. Goodman* from attending in his place.

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

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

A Bill, intituled "An Act to facilitate the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick."

A Bill, intituled "An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited under any Revenue Law of this Colony."

A Bill, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties."

Read the said Bills a first time.

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

Mr. President,

The House of Assembly desire a Conference with the Legislative Council, on the subject of the Public Accounts, and have appointed *Mr. Longworth*, *Mr. Thomson*, *Mr. Palmer*, and *Mr. Arbuckle* a Committee to manage the said Conference.

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

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

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

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

Read a second time, the Bill, intituled "An Act to facilitate the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick."

Read a second time, the Bill, intituled "An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited under any Revenue Law of this Colony."

Ordered, That *Mr. Worrell* have leave to absent himself until Monday the Sixteenth instant.

Adjourned until Twelve o'clock on Monday next.

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MONDAY, 9th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,

Mr. Goodman,

Mr. Macdonald,

The Hon. *Mr. Livett*,

Mr. Dalrymple,

Mr. Macnutt.

PRAYERS.

IN the absence of the President, *Mr. Brecken*, the senior member present took the Chair, and there not being a Quorum, declared the House

Adjourned until One o'clock to-morrow.

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TUESDAY, 10th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,

Mr. Goodman,

Mr. Macdonald,

Mr. Macintosh,

The Hon. *Mr. Livett*,

Mr. Dalrymple,

Mr. Macnutt.

PRAYERS.

IN the absence of the President, *Mr. Brecken*, the Senior member present, took the Chair.

Read the proceedings of Saturday last.

On motion, the House was adjourned, during pleasure, and put into a Committee on the Bill, intituled "An Act to enable Commissioners under the Small Debt Act, and Justices of the Peace throughout the Island, to appoint Clerks." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to authorize the Sale, in certain cases, of Vessels, Boats, Goods, Wares and Merchandize, and other things, seized as forfeited under any Revenue Law of this Colony." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to facilitate the intercourse between this Island, and the Provinces of Nova Scotia and New Brunswick." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

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

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

Adjourned until One o'clock to-morrow.

WEDNESDAY, 11th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The HON. *Mr. Brecken,*
Mr. Goodman,
Mr. Macdonald,

The HON. *Mr. Macintosh,*
Mr. Dalrymple,
Mr. Macnutt.

IN the absence of the President, *Mr. Brecken*, the Senior member present, took the Chair, and there not being a Quorum, declared the House

Adjourned until One o'clock to-morrow.

THURSDAY, 12th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The HON. *Mr. Brecken,*
Mr. Goodman,
Mr. Livett,

The HON. *Mr. Dalrymple,*
Mr. Macnutt.

PRAYERS.

IN the absence of the President, *Mr. Brecken*, the Senior member present took the Chair; and there not being a Quorum, declared the House

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 13th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Macdonald,
Mr. Macintosh,

The Hon. *Mr. Livett*,
Mr. Dalrymple,
Mr. Macnutt.

PRAYERS.

IN the absence of the President, *Mr. Brecken*, the Senior member present, took the Chair.

Read the proceedings of Thursday last.

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

Mr. President,

The House of Assembly have agreed to 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."

Also, with the Bill, intituled "An Act to continue the Act for regulating the manner of proceeding on Controverted Elections," agreed to, without any amendment.

And also, with a Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

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

Ordered, That *Mr. Macnutt* have leave to absent himself until Monday the Twenty-third instant.

Adjourned until One o'clock to-morrow.

SATURDAY, 14th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. Mr. *Goodman*,

Mr. *Dalrymple*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock on Monday next.

MONDAY, 16th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*.

PRAYERS.

READ the proceedings of Friday last.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again. And Mr. *Worrell* further reported, that the Committee recommend that the Bill now before them be printed for the information of the House.

On motion, Ordered, that the Report of the Committee be agreed to, and that they have leave to sit again.

Read a second time, the Bill, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties."

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

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.”

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

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

Adjourned until One o’clock to-morrow.

.....

TUESDAY, 17th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

PRAYERS.

READ the proceedings of yesterday.

Read a third time, and passed, the Bill, intituled “An Act to authorize the appointment of Coroners in King’s and Prince Counties,” with the amendment.

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

A Message from the House of Assembly, by Mr. Clark, with a Bill, intituled “An Act to provide certain regulations, as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown,” to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until One o’clock to-morrow.

WEDNESDAY, 18th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;
 The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macintosh.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock to-morrow.

THURSDAY, 19th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. <i>Mr. Goodman</i> ,	The Hon. <i>Mr. Macintosh</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Livett</i> ,
<i>Mr. Macdonald</i> ,	<i>Mr. Dalrymple</i> .

PRAYERS.

READ the proceedings of Tuesday last.

The President informed the House, that indisposition prevents Mr. *Brecken* from attending in his place.

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

Mr. *Worrell*, from 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," with power to send for persons, papers and records, made a Report, which he read in his place, and is as follows, viz:

Your Committee, to whom was referred the said Bills, beg leave to Report, that with the view of obtaining every information on the subject matter of the said Bills, they deemed it necessary to examine the Honorable the Chief Justice, and the Solicitor General, touching the practice of the Courts of this Colony, as at present constituted; and also as to the effect the said Bill, if passed, would have upon the practice of such Courts, and the rights of parties generally. And your Committee further report, that after an attentive consideration of the said Bills, and the said examinations, they are of opinion, that the passing of the said Bill would interfere with the common law, and the practice of the Courts of this Colony, in such a way as most materially to affect the rights of parties in such actions, as are by the said law and practice transitory in their nature; and your Committee therefore respectfully report it as their opinion that the said Bill ought not to pass into a Law.

Your Committee submit to your honorable House the examination of the Chief Justice and Solicitor General, above referred to.

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

Mr. Macintosh, from the Special Committee, to whom was referred the Message of His Excellency the Lieutenant Governor, with copy of a Despatch from the Right Honorable Lord John Russell, and the other documents therein mentioned, relative to the Act in amendment of the Act for regulating the several Jails within this Island, and establishing Prison Discipline therein, made a Report, which he read in his place, and is as follows:

Your Committee, to whom was referred the Despatch from the Right Honorable Lord John Russell to His Excellency the Lieutenant Governor of this Island, dated the 25th November, 1839; and also a Memorandum by Messrs. Crawford and Russell, Inspectors of Prisons in England, dated 7th November, 1839, relative to the Act of this Island, intituled "An Act to amend an Act for regulating the several Jails within this Island, and establishing Prison Discipline therein," they have, in order to ascertain how far these suggestions could be applied, with advantage to this Colony, deemed it necessary to order Returns of the number of Prisoners, from the three different Jails of the Island, distinguishing males from females, with the nature of their crimes; and as far as could be ascertained, the religious faith of these prisoners. They have also examined John Myrie Holl, Esq. one of the Visiting Magistrates of the Charlottetown Jail, on the subject.

Your Committee have also taken into consideration the Report of the Committee of the Legislative Council of last Session, to whom was remitted a Bill relating to Prison Discipline, and they beg to report as follows:

1st. With regard to the appointment of a Chaplain in the different Jails of the Colony—a subject particularly alluded to by Lord John Russell—your Committee are of opinion, that owing to the difference of religious opinions among the people of this Island, it would not be advisable to select a Chaplain, exclusively from the Church of England; and on this point your Committee conceive that they are fully borne out by the Reports of the Commitments in the three Jails of the Island, showing the great diversity of religious creeds among the Prisoners—the Report of John Myrie Holl, Esq., and particularly by the report of the Committee appointed by your House on the 22d March, 1839, to which they beg particularly to refer.

2d. With regard to a permanent appointment of a Matron, your Committee submit that although the female prisoners amount only to the number of Fifteen during two years, yet a Matron is appointed in Charlottetown Jail, with a suitable Salary—and the appointment is understood to be a permanent one—any appointment in the other two Jails was considered unnecessary.

Your Committee beg to refer to the Report of the Committee of last Session, as containing an explanation of the other matters contained in Messrs. Crawford and Russell's report.

Your Committee cannot conclude the Report without expressing their approbation of the efficient system of prison discipline introduced by the present Visiting Magistrates of Charlottetown Jail, and their earnest hope that after the expensive alterations lately introduced into this Jail, the two Bills passed by the Legislature of this Colony in the Sessions of 1838 and 1839, for improving the Prison Discipline of the Colony, now under the consideration of the Government, will receive Her Majesty's sanction.

Your Committee also submit to your consideration the Reports from the three different Jails, Mr. Holl's answer, together with the Report of the Committee of last Session.

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

For the Returns referred to in the above Report, with Mr. Holl's answer,

(Vide Appendix E.)

On motion, Ordered, that a Committee be appointed to prepare an Address to His Excellency the Lieutenant Governor, submitting the said Report for the information of Her Majesty's Government, together with the various Returns therein mentioned, and respectfully requesting that His Excellency will be pleased to forward the same to the Imperial Government.

On motion, Ordered, that Mr. *Macintosh* and Mr. *Dalrymple* do compose the said Committee.

Mr. *Macintosh* accordingly presented to the House the Draft of an Address, which he read in his place, 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 the Territories thereunto belonging, Chancellor, Vice Admiral and Ordinary of the same, &c. &c. &c.

May it please your Excellency;

We Her Majesty's Legislative Council, for Prince Edward Island, in General Assembly convened, beg leave respectfully to submit to your Excellency, for the information of Her Majesty's Government, the accompanying Report of a Committee of this House, made this present Session, to whom was referred the Despatch of the Right Honorable Lord John Russell, Her Majesty's Principal Secretary of State for the Colonies, of the 25th of November last, on the subject of the Prison Discipline Bills of this Colony, now under the consideration of the Imperial Government, and the Memorandum of the Inspectors of Prisons in England, referred to in said Despatch; and also the Report of a Committee of this House on the same subject, made in the Session of 1839, with the various Returns mentioned in the first named Report; and we respectfully request that your Excellency will be pleased to forward the same to the Imperial Government, confidently relying that when the same shall be duly considered, Her Majesty's assent will no longer be withheld to the said Bills.

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

On motion, Ordered, that the Committee who prepared the Address, be a Committee to wait upon His Excellency the Lieutenant Governor with the same.

Adjourned until One o'clock to-morrow.

FRIDAY, 20th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Thomson, with the Bill, intituled "An Act to authorize the appointment of Coroners in King's and Prince Counties," agreed to, as amended by the Legislative Council.

Read a second time, 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."

On motion, the House was adjourned during pleasure, and put into a Committee on the said Bill. After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the 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:

Adjourned until One o'clock to-morrow.

SATURDAY, 21st March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. *Mr. Brecken*,
Mr. Worrell,
Mr. Macdonald,
Mr. Livett.

PRAYERS.

THERE not being a Quorum,

Adjourned until One o'clock on Monday next.

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MONDAY, 23d March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. <i>Mr. Brecken</i> ,	The Hon. <i>Mr. Macintosh</i> ,
<i>Mr. Goodman</i> ,	<i>Mr. Livett</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Dalrymple</i> .
<i>Mr. Macdonald</i> ,	

PRAYERS.

READ the proceedings of Friday last.

A Message from the House of Assembly, by Mr. Rae, with a Bill, intituled "An Act for opening Roads to Farms, from whence there is no access to any Public road," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Mr. *Goodman* moved for leave to bring in a Bill to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, or elsewhere, in America. Leave being granted, the said Bill was brought in and read a first time.

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

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

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

Ordered, That the said Bill be engrossed, and that the title be "An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, and elsewhere, in America."

Mr. *Worrell* moved for leave to bring in a Bill to provide for the maintenance and support of Illegitimate Children. Leave being granted, the said Bill was brought in, and read a first time.

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

Adjourned until Eleven o'clock to-morrow.

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TUESDAY, 24th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Dalrymple*,

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

Read a third time, as engrossed, the Bill, intituled "An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, or elsewhere, in America."

Resolved, That the said Bill do pass.

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill to provide for the maintenance and support of Illegitimate Children. After some time, the House was resumed, and Mr. *Worrell* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

Ordered, That the said Bill be engrossed, and that the title be "An Act to provide for the maintenance and support of Illegitimate Children."

Adjourned until Eleven o'clock to-morrow.

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WEDNESDAY, 25th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Dalrymple*.

Mr. *Worrell*,

Mr. *Macnutt*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

Read a third time, as engrossed, the Bill, intituled "An Act to provide for the maintenance and support of Illegitimate Children."

Resolved, That the said Bill do pass.

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

A Message from the House of Assembly, by Mr. *Palmer*, with a Bill, intituled "An Act to enable Married Women to convey Real Estate during their coverture"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

A Message from the House of Assembly, by Mr. *Rae*, with a Bill, intituled "An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

On motion, Ordered, that the said Bill be read a second time to-morrow.

A Message from the House of Assembly, by Mr. Gorman, with a Bill, intituled "An Act to repeal an Act for regulating the Herring and Alewives Fisheries," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Ordered, That the said Bill be sead a second time on Friday next.

Mr. *Dalrymple*, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, with the Address, praying that His Excellency would be pleased to forward to Her Majesty's Government, the several documents on the subject of the Act in amendment of the Act for regulating the several Jails within this Island, and establishing Prison Discipline therein, reported, that they had waited on His Excellency, who was pleased to say, that he would attend to the request of the House.

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

Adjourned until Twelve o'clock to-morrow.

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THURSDAY, 26th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 27th March,, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken,*

The Hon. *Mr. Macintosh,*

Mr. Goodman,

Mr. Livett,

Mr. Worrell,

Mr. Dalrymple,

Mr. Macdonald,

Mr. Macnutt.

PRAYERS.

READ the proceedings of Wednesday last.

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," being read,

On motion, Resolved, that the same be discharged, and that the said Bill be read a second time this day three months.

On motion, Ordered, that the proceedings of this House had this day, on the Bill, intituled "An Act to prevent Lessees or Tenants being responsible for Quit Rents and Land Assessments," together with the said Bill, be printed in the Royal Gazette and Colonial Herald, Newspapers.

Pursuant to Order, the Bill, intituled "An Act to repeal an Act for regulating the Herring and Alewives Fisheries," was read a second time.

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to provide certain regulations as to the going at large of Neat Cattle in the Streets and Squares of Charlottetown." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments:

Title, folio 1, line 1—Strike out from the word "provide" to the words "Charlottetown," in the Fifth line, 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 re- " peal 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 and 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.”

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled “An Act for the regulation of the Fishery Reserves in this Island.” After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had made some further progress therein, and that he was directed to move that they may have leave to sit again.

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

On motion, Ordered, that the *Solicitor General* have leave to be heard at the Bar of this House, against certain clauses in the said Bill, on Monday next, and that the Members of this House be summoned.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled “An Act to enable Married Women to convey Real Estates during their coverture.” After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

Adjourned until Twelve o’clock to-morrow.

SATURDAY, 28th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. *Mr. Brecken*,

Mr. Goodman,

Mr. Worrell,

Mr. Macdonald,

The Hon. *Mr. Livett*,

Mr. Dalrymple.

Mr. Macnutt.

PRAYERS.

READ the proceedings of yesterday.

Read a third time, and 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 Charlotte-town," with the amendments.

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

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

Mr. President,

The House of Assembly have passed the Bill, intituled "An Act to prevent the bringing Persons convicted of Felonies and Misdemeanors, to this Island, from the Island of Newfoundland, or elsewhere, in America," without any amendment.

Also, with a 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," to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

Adjourned until Twelve o'clock on Monday next.

MONDAY, 30th March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*,

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

READ the proceedings of Saturday last.

According to Order, the names were called over.

The Order of the Day being read, for hearing the Solicitor General at the Bar, against the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island."

The *Solicitor General* was accordingly called in and heard at the Bar.

Adjourned until Twelve o'clock to-morrow.

.....
TUESDAY, 31st March, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Livett*.

Mr. *Dalrymple*,

Mr. *Macnutt*.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 1st April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

READ the proceedings of Monday last.

On motion, the House was adjourned, during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments, viz:

Folio 7. line 7—Strike out from the word "and," to the word "aforesaid," in the Schedule. *folio 29, line 13*, 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 Ship-yard, or on the front side, or end nearest the coast of any Building, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, or within the space of Sixty feet of any other side or end of any Building, Farm-yard, Garden, Orchard, Mill-dam or Ship-yard, 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 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 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, in 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 favor, 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 amoved 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, 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 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 Land-
 ' lord 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 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 or Successors, to the whole, or any
 ' part, of the said Reserves; but that as between her said Majesty, her Heirs and Suc-
 ' cessors, 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 autho-
 ' rize 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 Reser-
 ' vation 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 con-
 ' troversies 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 as soon as conveniently may
 ' be, after the passing of this Act, it shall and may be lawful for the Lieutenant Gover-
 ' nor, 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, accord-
 ' ing 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 or 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 of opinion that the said situation, so applied for, be eligible for the purpose for which it is required, 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 herein-after 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 such 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 Judi-
‘ cature, 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 hear-
‘ ing evidence thereupon, the said Court is hereby authorized and empowered, in a sum-
‘ mary 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 enacted, That no person or persons shall be deemed to be carrying on a
‘ Fishery, under the meaning of this Act, unless such person or persons shall keep at
‘ least one good and sufficient Boat, of not less than eighteen feet keel, properly equip-
‘ ped, and manned with at least four able-bodied men, and shall keep the same exclu-
‘ sively employed, for and during the space of Ninety days, between the First day of
‘ *May*, and the First day of *October*, in carrying on the Fishery; and that no person
‘ or persons shall occupy more than twenty feet of the front of the said reserved Lands
‘ for every male person.”

“ Provided also, and be it further enacted, 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 cur-
‘ ing the fish so taken, or any part of the said reserved Land, not being previously occu-
‘ pied for the purpose of carrying on the Fishery.”

“ 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 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 said Fishery, as contemplated by this Act: Provided always, that if any such
‘ person or persons shall cease to carry on such a Fishery, 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 for-
‘ feit 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 here-
‘ inbefore directed, have obtained the same for the purposes of the Fishery.”

“ And be it further enacted, That this Act shall not interfere with any license or
‘ licenses that may have hitherto been granted by the Executive of this Island, to any
‘ person or persons, of such part or parts of the Reservations contained in the original
‘ Grants of the Townships thereof, or of the Islands adjacent thereto, for carrying on the
‘ Fisheries; but that such person or persons, so receiving such license or licenses as afore-
‘ said, shall retain and keep quiet, peaceable and undisturbed possession of the land or
‘ lands so licensed to him or them as aforesaid, the same as if this Act had not been made.”

“ And be it further enacted, That if any person or persons shall knowingly or wil-
‘ fully 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 therein shall be known.”

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 or Island, in the County of and fronting on 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 183
 To Mr. C. D.”

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

On motion, Ordered, that the Bill, intituled “ An Act for opening Roads to Farms, from whence there is no access to any Public Road,” be read a second time to-morrow.

Read a second time, 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.”

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

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, inclusive.

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

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

Adjourned until One o’clock to-morrow.

THURSDAY, 2d April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;
 The Hon. Mr. *Brecken*,
 Mr. Worrell,
 Mr. Macdonald,
 Mr. Dalrymple,
 Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 3d April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Livett</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Dalrymple</i> ,
<i>Mr. Macdonald</i> ,	<i>Mr. Macnutt</i> .
<i>Mr. Macintosh</i> ,	

PRAYERS.

READ the proceedings of Wednesday.

Read a third time, and 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 the amendments.

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

On motion, *Ordered*, that the 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," be postponed until Monday next.

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

A Bill, intituled "An Act to amend the Act relating to Merchant Seamen."

A Bill, intituled "An Act to establish the Salary payable by this Island to the Colonial Secretary and Registrar, and Clerk of the Executive Council."

A Bill, intituled "An Act to further amend the Act for holding the Supreme Court in King's and Prince Counties."

Read the said Bills a first time.

Read a second time, the Bill, intituled "An Act to amend the Act relating to Merchant Seamen."

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

Adjourned until Twelve o'clock to-morrow.

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SATURDAY, 4th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President.

The Hon. *Mr. Worrell*,

Mr. Macdonald,

Mr. Dalrymple,

Mr. Macnutt.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock on Monday next.

MONDAY, 6th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. <i>Attorney General</i> , President;	
The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macintosh</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Livett</i> ,
Mr. <i>Worrell</i> ,	Mr. <i>Dalrymple</i> ,
Mr. <i>Macdonald</i> ,	Mr. <i>Macnutt</i> .

PRAYERS.

READ the proceedings of Friday last.

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

A 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."

A 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."

Also, with 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," agreed to, as amended by the Legislative Council.

Read a first time, 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."

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

Read a first time, 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."

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

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, Ordered, that the same be discharged, and that the said Bill be read a second time this day three months.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend the Act relating to Merchant Seamen." After some

time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to further amend the Act for holding the Supreme Court in King's and Prince Counties." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, with the following amendments, viz:

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 their 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 deemed necessary that 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 such 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."

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

Read a second time, 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.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend an Act, intituled An Act to regulate the performance of Statute Labour on the Highways, and for other purposes therein mentioned." After some time, the House was resumed, and Mr. *Dalrymple* reported, that the Committee had gone through the Bill, and that they had agreed to the same.

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled “An Act 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.” After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again.

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

Adjourned until Twelve o'clock to-morrow.

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TUESDAY, 7th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

Mr. *Macnutt*.

PRAYERS.

READE the proceedings of yesterday.

Pursuant to Order, 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”—was read a third time.

Resolved, That the said Bill do pass.

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

Read a third time, and passed, the Bill, intituled “An Act to further amend the Act for holding the Supreme Courts in King’s and Prince Counties,” with the amendments.

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

On motion, the House was adjourned during pleasure and put into a Committee on the further consideration of the Bill, intituled “An Act for the regulation of the Fishery Reserves in this Island.” After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had made some progress therein, and that he was directed to move that they may have leave to sit again to-morrow.

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

Adjourned until Twelve o'clock to-morrow.

WEDNESDAY, 8th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,

Mr. Goodman,

Mr. Worrell,

Mr. Macdonald,

The Hon. *Mr. Macintosh*,

Mr. Livett,

Mr. Dalrymple,

Mr. Macnutt.

PRAYERS.

READ the proceedings of yesterday.

Pursuant to Order, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island." After some time, the House was resumed, and Mr. *Goodman* reported, that the Committee had gone through the Bill, and they recommend that the said Bill be referred to a Special Committee, to report thereon with all convenient speed.

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

Ordered, That Mr. *Macdonald*, Mr. *Macintosh* and Mr. *Dalrymple* be a Committee for that purpose.

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 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." After some time, the House was resumed, and Mr. *Macdonald* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

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

Ordered, That Mr. *Brecken* and Mr. *Dalrymple* be a Committee to manage the said Conference, to meet in the Committee Room on Friday next, at Two o'clock.

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 9th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,

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

PRAYERS.

IN the absence of the President, from Indisposition, *Mr. Brecken*, the senior member present, took the Chair.

Mr. Macdonald, from the Special Committee, to whom was referred the Bill, intituled "An Act for the regulation of the Fishery Reserves in this Island, reported that the Special Committee had agreed to the said Bill, as amended by this House, and as referred to the Special Committee, with the exception of the Tenth clause, which they had agreed to recommend to this House to expunge therefrom.

On motion, Ordered, that the said Report be referred to a Committee of the whole House to-morrow.

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

Mr. President,

The House of Assembly do agree to a Conference as is desired by the Legislative Council, on the Bill, intituled "An Act to authorize the 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," at the time and place mentioned by the Council, and have appointed *Mr. Young*, *Mr. Montgomery*, *Mr. Palmer* and *Mr. Longworth* a Committee to manage the said Conference.

Adjourned until Twelve o'clock to-morrow.

FRIDAY, 10th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Livett*,

Mr. *Goodman*,

Mr. *Dalrymple*.

Mr. *Worrell*,

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. D. Macdonald, with a 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"—to which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

Read a third time, and 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.

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

The Committee appointed to meet the Committee of 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," having gone to the Conference, and returned, reported that they had complied with the instructions given them by this House.

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Colonial Secretary.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor informs the Legislative Council, 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 February last.

Government House, 10th April, 1840.

Pursuant to Order, 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 for the Regulation of the Fishery Reserves in this Island." After some time, the

House was resumed, and *Mr. Goodman* reported, that the Committee had gone through the Report of the Special Committee, and that they had agreed to the same, without any amendment.

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

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

CONTENTS.	NON-CONTENTS.
<i>Mr. Brecken,</i>	<i>The President,</i>
<i>Mr. Macdonald,</i>	<i>Mr. Goodman,</i>
<i>Mr. Livett,</i>	<i>Mr. Worrell.</i>
<i>Mr. Dalrymple.</i>	

And it passed in the affirmative.

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 *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.

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

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

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

Adjourned until One o'clock to-morrow.

SATURDAY, 11th April, 1840.

The Council met, pursuant to adjournment.

PRESIDENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*.

PRAYERS.

READ the proceedings of yesterday.

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

Mr. President,

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

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

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

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

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

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

Read the said Bill a first time.

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

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

In the House of Assembly,

Saturday, 11th April, 1840.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, for the purpose of preparing 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, and the Hon. J. S. Macdonald, do compose the said Committee.

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

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

Ordered, That Mr. Brecken, Mr. Macintosh and Mr. Dalrymple, be a Committee to manage the said Conference, to meet in the Committee Room on Monday next, at Two o'clock.

Pursuant to Order, the Bill, intituled "An Act to continue for One Year an Act, intituled An Act for granting a Bounty on Vessels engaged in the Fisheries of this Island," was read a third time.

Resolved, That the said Bill do pass.

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

Adjourned until Twelve o'clock on Monday next.

MONDAY, 13th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;
 The Hon. Mr. *Brecken*,
 Mr. Goodman,
 Mr. Worrell,
 Mr. Dalrymple.

PRAYERS.

THERE not being a Quorum,

Adjourned until Twelve o'clock to-morrow.

TUESDAY, 14th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of Saturday last.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert of Saxe Cobourg and Gotha, presented the Draft of an Address, as prepared by the Joint Committee, which he read in his place, and is as follows:

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 heartfelt congratulations upon the auspicious occasion of your Marriage with His Royal Highness Prince Albert, of Saxe Cobourgh 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 blessings 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.

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

Resolved, That a Committee be appointed to join a Committee of the House of Assembly, to prepare an Address to His Excellency the Lieutenant Governor, praying that 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 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.

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

A Bill, intituled "An Act to amend the Act now in force for regulating Apprentices."

A Bill, intituled "An Act to prevent the Issue of Private Bank Notes in this Island."

A Bill, intituled "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."

Read the said Bills a first time.

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

In the House of Assembly,

Tuesday, 14th April, 1840.

Resolved, That a Committee be appointed to join a Committee of the Legislative Council, 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 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.

Mr. Brecken, from the Joint Committee of the Council and Assembly, appointed to prepare an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the Joint Address of both Houses to Her Majesty, on the auspicious event of Her Marriage with His Royal Highness Prince Albert, of Saxe Cobourg and Gotha, presented the Draft of an Address, as prepared by the Joint Committee, which he read in his place, 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;

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.

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

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, and that the House of Assembly be requested to join in the presentation of the said Address.

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

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

In the House of Assembly,

Tuesday, 14th April, 1840.

Resolved, That this House do agree to join the Legislative Council, in waiting upon His Excellency the Lieutenant Governor, in presenting the Address, praying that His Excellency will be pleased to forward the Joint Address of the Council and Assembly, 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 a copy of the foregoing Resolution be communicated by Message to the Legislative Council.

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

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

In the House of Assembly,

Tuesday, 14th April, 1840.

Resolved, That a Committee be appointed to join the Committee of the Legislative Council, 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 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.

Mr. *Brecken*, from the Joint Committee of the Council and Assembly, appointed to wait upon His Excellency the Lieutenant Governor, with the Address of both Houses, reported, that they had waited upon His Excellency, who was pleased to say, that he would receive the Address to-morrow, at One o'clock.

The Committee appointed to meet the Committee of 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"—having gone to the Conference, and returned, reported that they had complied with the instructions given them by this House.

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

Read a second time, the Bill, intituled "An Act to amend the Act now in force for regulating Apprentices."

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act to amend the Act now in force for regulating Apprentices." After some time, the House was resumed, and Mr. *Livett* reported, that the Committee had gone through the Bill, and that they had agreed to the same, without any amendment.

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

Adjourned until Twelve o'clock to-morrow.

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WEDNESDAY, 15th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macintosh</i> ,
Mr. <i>Goodman</i> ,	Mr. <i>Livett</i> ,
Mr. <i>Worrell</i> ,	Mr. <i>Dalrymple</i> .
Mr. <i>Macdonald</i> ,	

PRAYERS.

READ the proceedings of yesterday.

At One o'clock, the House proceeded to Government House, with the Joint Address of both Houses, 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, and having returned, the President reported, that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:

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 hearing 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 expressions of their continued confidence in my administration of the Government of this Colony.

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

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

Read a third time, and passed, the Bill, intituled "An Act to amend the Act now in force for regulating Apprentices."

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

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

Mr. President,

The House of Assembly desire a further Conference with the Legislative Council, 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 Conference.

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

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

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

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

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

A Bill, intituled "An Act to make further provision for the management of the Charlottetown Ferry."

A Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of our Lord One thousand eight hundred and forty."

Read the said Bills a first time.

Adjourned until Twelve o'clock to-morrow.

THURSDAY, 16th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

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

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

A Message from His Excellency the Lieutenant Governor, by the Hon. Mr. Haviland, Colonial Secretary.

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor is desirous that the Legislative Council, at its rising to day, should adjourn until Monday the 20th instant.

Government House, 16th April, 1840.

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

Mr. President,

The House of Assembly do agree to a further free Conference, as is desired by the Legislative Council on the subject matter of the last free Conference, and have appointed Mr. Young, Mr. Longworth, the Hon. J. S. Macdonald, Mr. Hudson, Mr. Macneill, and Mr. Palmer, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Read a second time, the Bill, intituled "An Act to prevent the Issue of Private Bank Notes in this Island." On motion, the House was adjourned during pleasure and put into a Committee on the said Bill, after some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and that 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, as 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.

Read a second time, the Bill, intituled "An Act to make further provision for the management of the Charlottetown Ferry."

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

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

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

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

Adjourned until Monday the 28th instant, at Twelve o'clock.

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MONDAY, 20th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

Mr. *Goodman*,

Mr. *Worrell*,

Mr. *Macdonald*,

The Hon. Mr. *Macintosh*,

Mr. *Livett*,

Mr. *Dalrymple*.

PRAYERS.

READ the proceedings of Thursday last.

Pursuant to Order, 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," was read a second time.

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

Resolved, That the House of Assembly be requested to furnish this House with copies of the evidence or documents in which the Bill, intituled "An Act to enable 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 said Resolution be communicated by Message to the House of Assembly.

Read a second time, the Bill, intituled "An Act for appropriating certain Moneys therein mentioned, for the service of the year of Our Lord One thousand eight hundred and forty.

Adjourned until Twelve o'clock to-morrow.

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TUESDAY, 21st April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

On motion, the House was adjourned during pleasure, and put into a Committee on the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty." After some time, the House was resumed, and Mr. *Brecken* reported, that the Committee had gone through the Bill, and they recommend that a Conference be desired with the House of Assembly on the subject matter thereof.

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

On motion, Ordered, that Mr. *Brecken*, Mr. *Macintosh* and Mr. *Livett* be a Committee to manage the said Conference, to meet in the Committee Room instanter.

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

Mr. President,

The House of Assembly do agree to a present Conference, as is desired by the Legislative Council, on the Bill, intituled "An Act for appropriating certain Monies therein

mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty, and have appointed Mr. Young, Mr. Clark, Mr. Le Lacheur, Mr. Rae, Mr. Fraser, and the Hon. J. S. Macdonald, a Committee to manage the said Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Adjourned until Twelve o'clock to-morrow.

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WEDNESDAY, 22d April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,

The Hon. Mr. *Macintosh*,

Mr. *Goodman*,

Mr. *Livett*,

Mr. *Worrell*,

Mr. *Dalrymple*.

Mr. *Macdonald*,

PRAYERS.

READ the proceedings of yesterday.

A Message from the House of Assembly, by Mr. Hudson, with a 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 which they desire the concurrence of the Legislative Council.

Read the said Bill a first time.

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

In the House of Assembly,

Tuesday, 21st April, 1840.

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 enable 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," was founded, report, that the following documents be forthwith sent to the Council, in conformity with 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 the 17th September last, and do not find any thing therein contained that would furnish the Council with any information that would bear upon the enactments or provisions contained in the said Bill.

Ordered, that a copy of the foregoing Report be communicated by Message to the Legislative Council.

WILLIAM CULLEN, C. H. A.

On motion, Ordered, that the Documents referred to in the said Message, together with the said Bill, be committed to a Committee of the whole House.

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

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

Mr. *Brecken* moved the following Resolution; seconded by Mr. *Worrell*.

Resolved, That a free Conference having been had with the House of Assembly upon that section of 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"—which enacts "That when and so soon as the said Building shall be completed, it shall be lawful for the Administrator of the Government, by and with the advice of Her Majesty's Council, to nominate and appoint Two Members of the Legislative Council, and the House of Assembly shall select and choose five of their Members, who shall continue in office during the existence of the said House, of whom one shall be from each County, who, together with the Chief Justice, the President of the Legislative Council, and the Speaker of the House of Assembly, and their Successors in office, shall be Trustees; and which said Trustees shall have power, from time to time, to make and ordain such Rules and Regulations for the management of the said Asylum and House of Industry, and to appoint the several Officers required, and to fix and determine the amount of Salaries to be paid to such Officers, as to them, or the majority of them, shall seem needful and necessary." And the House of Assembly having, by their managers of the Conference, expressed their determination to adhere to that part of the section which provides that six of the ten Trustees therein mentioned shall consist of the Speaker and five Members of the House of Assembly, to be named by themselves; this House deems the assumption of such authority, on the part of the House of Assembly, not only to be highly objectionable in principle, but unprecedented in all parliamentary proceedings, the House of Commons of Great Britain never having attempted to assume a similar right to

that now claimed by the House of Assembly. This House further conceives the right now insisted upon by the House of Assembly to appoint to offices of trust, to be a direct infringement upon the prerogative of the Crown, in which alone this power is properly vested by the constitution. This House, however, is unwilling to deprive the country of the liberal provision granted in aid of the charitable objects of the said Bill, and are therefore induced to give its assent to the said Bill, under protest that such innovation shall not be drawn into a precedent on any future occasion.

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

CONTENTS.

Mr. Brecken,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Livett,
Mr. Dalrymple.

NON-CONTENTS.

The President,
Mr. Goodman.

And it passed in the affirmative.

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

Mr. President,

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

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

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

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

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

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act for appropriating certain Monies therein mentioned, for the service of the Year of Our Lord One thousand eight hundred and forty." After some time, the House was resumed, and Mr. Brecken reported, that the Committee had gone through the Bill, and that they had agreed to the same.

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

Mr. Worrell presented to the House the Draft of an Address to Her Majesty, on the mode adopted by the House of Assembly in sending up the Appropriations, which he read in his place, and was afterwards read by the Clerk.

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

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

Adjourned until Twelve o'clock to-morrow.

.....

THURSDAY, 23d April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. Mr. *Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,
Mr. Dalrymple.

PRAYERS.

THERE not being a Quorum,
 Adjourned until Twelve o'clock to-morrow.

.....

FRIDAY, 24th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney-General*, President;

The Hon. Mr. <i>Brecken</i> ,	The Hon. Mr. <i>Macintosh</i> ,
<i>Mr. Goodman</i> ,	<i>Mr. Livett</i> ,
<i>Mr. Worrell</i> ,	<i>Mr. Dalrymple</i> .
<i>Mr. Macdonald</i> ,	

PRAYERS.

READ the proceedings of Wednesday.

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

On motion, that the said Bill do pass, the question being put,
It was resolved in the affirmative.

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

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

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

Read a second time, 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."

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

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."

On motion, *Ordered*, that the Report of the Committee be agreed to, and that the amendments be engrossed.

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

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

George Wright, Esq. Deputy Surveyor General, having appeared at the Bar, and was examined touching the Bill now before the House, to suspend for a limited period certain parts of an 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."

On motion, the Address of the House to Her Majesty, on the subject of the mode adopted by the House of Assembly, in sending up the Appropriations, was read, as engrossed, and is as follows, viz:

 TO THE QUEEN'S MOST EXCELLENT MAJESTY.

The humble Address of the Legislative Council of Prince Edward Island.

May it please your Majesty;

We your Majesty's faithful and loyal subjects, the Legislative Council of Prince Edward Island, in Colonial Parliament assembled, beg leave to approach the Throne with those feelings and sentiments of loyalty and affection to your Majesty's Royal person and government, which, as it is our duty, it has ever been our pride to cherish.

Your Majesty having been pleased to order the formation of a Legislative as well as an Executive Council in this Colony, distinct and separate from each other, we, the members of the former body, who have been the first appointed by your Majesty's commands to this honourable and highly responsible trust, deem it expedient, in order to the due performance of our duties, humbly to represent to your Majesty a difficulty under which we labour, with a view to its removal, and without which, we humbly conceive, our usefulness, as a distinct and independent branch of the Legislature, will be in a great measure diminished.

It has been of late years the practice of the House of Assembly (although the right so to do has been at different times contested by the late Executive Council, when acting in their Legislative capacity) to send up the Bill for the appropriation of the whole of the Supplies granted to the Crown for the current year, when the Session is about drawing to a close, thus insisting upon your Majesty's Council agreeing to or dissenting from it, without reference to the items of which the Bill is composed. By this mode of procedure—not in unison either with the Royal Instructions or with the practice of the neighbouring and other Provinces—no alternative is left your Majesty's Legislative Council, but to pass a Bill, a great part of which they may deem highly objectionable, and, in some cases, prejudicial to the public service, and the best interests of the Colony, or, by conscientiously withholding their assent, subject the country to serious inconvenience and embarrassment. In the adoption of the former alternative, an unredeemable public debt has been incurred: and the Appropriation Bill of the present Session will exceed, upon the most sanguine expectation, the disposable Revenue of the Colony.

In order to remedy an evil pregnant with much present and future mischief, your Majesty's Legislative Council would humbly suggest, with respect to all supplies for the public service, that the House of Assembly be recommended, by your Majesty's Representative, to provide for each different matter or subject by a separate Bill, without blending, in one and the same Act, grants of money for totally different and independent objects, having no proper relation to each other, in accordance with the uniform practice of your Majesty's Imperial Parliament, which, as far as circumstances will admit, it is our pride, as it is our enviable privilege, to follow—so that your Majesty's Council may avoid being placed in such a position as to be obliged, either to pass the Bill, contrary to their reason and judgment, as a matter of expediency, or to reject it entirely.

May it therefore please your Majesty, graciously to take this our complaint into your Royal consideration, and to give such instructions to your Majesty's Lieutenant Governor of this Colony, on the subject, as will entitle us, in future, to demand that the House of Assembly shall either follow out the practice existing in the neighbouring Colonies, of sending up money votes separately to the Legislative Council, for their concurrence, before blending them in one and the same Bill; or else, to adopt the usage of the Imperial Parliament, and classify the different appropriations in distinct and separate Bills, under their proper and respective heads—by which means we shall be enabled the better to discharge our duty to your Majesty, and to our own satisfaction, and also to the satisfaction of our fellow subjects, the inhabitants of this Island.

On motion, that the same do pass, the House divided:

CONTENTS.

Mr. Brecken,
Mr. Worrell,
Mr. Macdonald,
Mr. Macintosh,
Mr. Livett.

NON-CONTENTS.

The President,
Mr. Goodman,
Mr. Dalrymple.

And it passed in the affirmative.

DISSENTIENT—Because it appears from the Journals of the Legislative Council of this Colony, that in the Session of 1827, the Council, by Address to Lieut. Governor Ready, requested His Excellency to submit, for the consideration of the Imperial Government, several Resolutions entered into by the then House of Assembly, and the Council, on the subject of the claim set up by the Council, that Money votes ought of right to be sent to them by the Assembly, in separate resolutions, before embodying them into one Bill, now again complained of by this Address, in reply to which, it further appears from the same Journal, that a Despatch was transmitted by the Right Honorable William Huskisson, then Principal Secretary of State for the Colonies, to Lieutenant Governor Ready, and by him handed to a Committee of the Council, of which the following is a copy, viz:—

No. 2.

Downing Street, 30th October, 1827.

“**SIR**—With reference to your Despatch of the 15th May, Number 9, addressed to Lord Bathurst, upon the subject of the unfortunate misunderstanding which has taken place between His Majesty’s Council and House of Assembly of Prince Edward Island, I have to express my sincere regret that any subject should have occurred to disturb the harmony of the two branches of the Legislature, whose mutual good understanding is so essential to the best interests of the Colony. The subject matter of the difference too, is unfortunately one upon which the pertinacious adherence of both parties to what they respectively consider as matter of abstract right, must put an entire stop to the business of the Administration, and plunge the Colony into irretrievable difficulties.”

“*You will therefore do well to express to His Majesty’s Council the regret with which I learn that they have thought fit, now, for the first time, to act upon a claim of at least doubtful right, which has been more prudently suffered hitherto to lie dormant, and which, in its nature, it is not very easy to reconcile to the principles of the British Constitution.*”

“On the other hand, you will take an early opportunity of impressing upon the House of Assembly the vital importance to the Colony, of the most friendly and confidential intercourse between themselves and His Majesty’s Council; and you will earnestly recommend to their adoption such a temperate and conciliatory course, as may preserve the Colony from those fatal consequences, which a rupture between the two branches cannot fail to produce to those for whom they sit as representatives, and whose interest it is their first duty to uphold.”

I have the honor to be, &c.

(Signed)

W. HUSKISSON.

And because such despatch, elicited by the Legislative Council themselves, we conceive contains the final decision of the Imperial Government on the point; in which opinion we are borne out by the acquiescence of the Legislative Council, in the practice which has ever since prevailed, of the House of Assembly sending up to the Council the whole appropriations of the current year, in one and the same Bill. Because the practise of sending up all the Appropriations for the current year in the same Bill, has prevailed in this Colony for at least upwards of fifteen years; without being attended with any very evil consequences to the public service, inasmuch as the Assembly has always, with the exception of one solitary instance, in the Session of 1828, in Conference, struck out from the Bill any items objected to by the Council; the only instances within that period where Appropriation Bills have been lost, having occurred in the Sessions of 1828 and 1835; and it appears from the Journals of the Legislative Council, that in the latter Session the Bill was rejected by the Council, not because the Appropriations for the current year were embodied in one and the same Bill before being submitted to the Council in separate votes or resolutions, but because the House of Assembly had blended the Revenue Bills and Appropriations together, and which mode that House has practically abandoned, as it has never since been attempted.

Because we conceive no good can result from again agitating this question, as it appears to us extremely questionable, even should a favourable answer be obtained to this Address, whether any House of Assembly in this Colony will be found willing to depart from the long established usage of the Legislature, in matters of appropriation.

ROBERT HODGSON,
GEORGE R. GOODMAN,
GEORGE DALRYMPLE.

Mr. *Worrell* presented the Draft of an Address to His Excellency the Lieutenant Governor, praying that His Excellency will be pleased to forward the said Address to Her Majesty's Government, to be laid at the foot of the Throne, and the same was 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;

The Legislative Council having agreed to an Address to Her Majesty, on the subject of the Supply Bill, respectfully request that your Excellency will be pleased to forward the same to Her Majesty's Government, to be laid at the foot of the Throne.

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

Ordered, That Mr. *Worrell*, Mr. *Macdonald* and Mr. *Macintosh* be a Committee to wait upon His Excellency with the said Address.

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

The House of Assembly desire a Conference with the Legislative Council, on the amendments made by the Council to the Bill, intituled "An Act to 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 Mr. Palmer, Mr. Young, the Hon. J. S. Macdonald and Mr. Clark, a Committee to manage the said Conference.

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

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

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

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

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.

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

Mr. President,

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

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

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

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

Thereupon the Committee went to the Conference, and having returned, reported that they had met the Committee of the House of Assembly, who handed to them the following Reasons for the House of Assembly disagreeing to the amendments made by the 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 Townships, and for regulating the Duty of Surveyors, and to repeal a certain Act therein mentioned:'"

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.

Adjourned until Twelve o'clock to-morrow.

SATURDAY, 25th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,

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

PRAYERS.

READ the proceedings of yesterday.

William Cundall, Esq. one of the Commissioners appointed under the Act for establishing the Boundary Lines of Counties and Townships in this Island, appeared at the Bar, and was examined touching the Bill now before the House, for suspending for a limited period, certain parts of the above mentioned Act.

Mr. Worrell, from the Committee appointed to wait upon His Excellency the Lieutenant Governor, praying that His Excellency would be pleased to forward the Address of this House to Her Majesty, relative to the mode adopted by the House of Assembly in sending up their Appropriations, reported that they had waited upon His Excellency, who was pleased to say that he would transmit the Address, as requested by the House.

On motion, Ordered, that a Committee be appointed to draw up reasons to be offered at a further Conference in support of the amendments 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 report the same to this House.

Mr. Goodman accordingly reported from the Committee, Reasons which they had prepared, and the same were 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.

On motion, the said Reasons were agreed to by the House.

On motion, the House was adjourned during pleasure, and put into a Committee on the further consideration of the Bill, intituled "An Act to 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 the documents sent up by the Assembly relative thereto. 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 reinvestment 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.

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

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

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

Mr. President,

The House of Assembly do agree to a further Conference, as is desired by the Legislative Council on the subject matter of the last Conference, and have appointed the same

Committee who managed the last Conference, a Committee to manage this further Conference.

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

Adjourned until Eleven o'clock on Monday next.

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MONDAY, 27th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

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

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

PRAYERS.

THERE not being a Quorum,

Adjourned until Eleven o'clock to-morrow.

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TUESDAY, 28th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

The Hon. *Mr. Brecken*,
Mr. Goodman,
Mr. Worrell,
Mr. Macdonald,

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

PRAYERS.

READ the proceedings of Saturday last.

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

Mr. President,

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

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

Ordered, That the same Committee who managed the last Conference, be a Committee to manage the said free Conference, to meet in the Committee Room instanter.

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

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

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

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

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

Mr. President,

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

Thereupon the Committee went to the Conference, and having returned, reported that they had complied with the instructions given them by this House.

On motion, the following Resolutions were agreed to:

WHEREAS the House of Assembly, on Saturday the 25th of April; instant, passed certain Resolutions, reflecting upon the proceedings of the Legislative Council, and upon the Executive Government of this Island; and whereas the inference to be drawn from the Second of the said Resolutions goes to charge the Legislative Council with opposing, in every instance—particularly within the last eight years—the just representations of a majority of the House of Assembly:

Therefore Resolved, that such charge is utterly unfounded in fact, as, upon reference to the Journals of both Houses, it will appear, that, upon every occasion in which the true interests of the Colony could be advanced with an honest and conscientious regard to the sacred rights of property, the Council have given the fullest effect in their power to the wishes of the House of Assembly; and in no one instance, of any moment, have the Council opposed the views of the House of Assembly, until the last Session, when the Legislative Council refused their assent to the Bill, intituled “An Act to regulate the forfeiture of the Lands, and the Settlement of the Inhabitants of this Island,” which exhibited so flagrant a disregard of all Private rights, and such an undisguised attempt unjustly to deprive individuals of their property, that the Council were bound, by every principle of law and equity, and by common honesty, to give the said Bill—subsequently designated by the Right Honorable Lord John Russell, Her Majesty’s Principal Secretary of State for the Colonies, in his Despatch of the 17th September, 1839, as “an inequitable proposal”—their unanimous and unqualified refusal.

Resolved, That the prosperity of a country is best promoted by an equal representation of its various interests in both branches of the Legislature, and the Legislative Council unequivocally deny that any undue preponderance of any particular interest exists in its present construction. Of the ten individuals composing the Legislative Council, two only are Proprietors, and a third is Agent for a Proprietor owning

less than one Township of Land in this Colony—the remaining seven are wholly unconnected with Proprietors, and have a far greater interest and stake in the Colony than is possessed by the whole of the majority of the House of Assembly who voted for the said Resolutions.

Resolved, That it is a matter of notoriety, gathered from the Public Prints and other sources, that the said majority of the House of Assembly have attained their present position in that House, by deluding the Tenantry of this Colony into a belief, that, if elected as their Representatives, they would relieve them from the payment of Rents, and obtain for them Grants from the Crown, confirming them in their several possessions; and that this system of delusion has been practised by the leaders of the said majority, for several years past, whereby the Tenantry have been encouraged to withhold the payment of their Rents, until, in numerous instances, they have incurred arrears which their utmost exertions never can enable them to discharge; and the leaders of the said majority, now finding that they cannot carry out their delusive promises, attempt to relieve themselves from the just odium of their Constituents, by representing the Legislative Council and the Executive Government as inimical to the interests of the People, an imputation no less unjust than untrue, the sympathies of both the Legislative Council and the Executive Government having been invariably evinced in favour of the true interests of the People of this Colony, at the same time that they have endeavoured to awaken the Tenantry to the ruin which must inevitably follow their fatal delusion.

Resolved, That the proceedings of the Legislative Council and the Executive Government, upon all those measures which have so fatally agitated the minds of the Tenantry in this Colony, for several years past, have been in accordance with the views and determinations of the Imperial Government, repeatedly avowed through Her Majesty's Principal Secretaries of State for the Colonies; and the House entertains no apprehension of the result of the appeal made by the House of Assembly to the Crown, in which their motives and conduct are so unjustly arraigned.

Resolved, That this House relies with confidence upon the good sense and unprejudiced opinions of the People, to appreciate the motives which have actuated the Council in their votes upon all questions affecting their interests, when they shall calmly contrast them with the extreme views exemplified in the proceedings of the said majority of the House of Assembly.

Mr. Brecken presented the following Address to His Excellency the Lieutenant Governor, which the House agreed to, and the same was read, and is as follow:

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 humbly request that your Excellency will be pleased to transmit to Her Majesty's Principal Secretary of State for the Colonies, the accompanying Resolutions, entered into by the Council, in reply to certain Resolutions agreed to by the House of Assembly, on the Twenty-fifth instant, with a view of forwarding the same to the Imperial Government, gravely reflecting upon the proceedings of the Executive Government, and the Legislative Council, satisfied that Her Majesty's Government will justly estimate the views which govern the House of Assembly in their extraordinary proceedings.

Ordered, That the said Address be engrossed.

On motion, *Ordered*, That *Mr. Worrell*, *Mr. Macdonald*, *Mr. Livett* and *Mr. Dalrymple*, be a Committee to wait on His Excellency with the said Address.

On motion, the following Resolutions were agreed to, viz:

Resolved, That Two hundred copies of the Resolutions of this House, entered into in reply to certain Resolutions of the House of Assembly, agreed to by that body on Saturday the Twenty-fifth instant, be printed, and that they be once printed in the public Newspapers.

Resolved, That Fifty copies of the Bill, intituled "An Act for opening Roads to Farms, from whence there is no access to any public road." And also, Fifty copies 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'"—rejected by this House in the present Session, be printed; and also, that the said Bills be once printed in the public Newspapers.

A Message from the House of Assembly, by the Hon. J. S. Macdonald, with 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'"—agreed to, as amended in Conference.

Adjourned until Eleven o'clock to-morrow.

.....

WEDNESDAY, 29th April, 1840.

The Council met, pursuant to adjournment.

PRESENT:

The Honorable Mr. *Attorney General*, President;

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

The Hon. Mr. *Macdonald*,
Mr. *Livett*,
Mr. *Dalrymple*.

PRAYERS.

READ the proceedings of yesterday.

Read a third time, and 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.'" "

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

Mr. *Worrell*, from the Committee appointed to wait on His Excellency the Lieutenant Governor with the Address, praying that His Excellency would be pleased to transmit to Her Majesty's Government, the Resolutions entered into by this House, in reply to certain Resolutions of the House of Assembly, reported that they had waited on His Excellency, who was pleased to say that he would transmit the same, as requested by the House.

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

The Rev. L. C. Jenkins, Chaplain to this House,	-	-	£40	0	0
John C. Wright, Esq. Usher of the Black Rod, and Serjeant at Arms, for his services 80 days, at 10s. per diem,	-	-	40	0	0
Clerk of Council, including his account for Stationary, &c.	-	-	181	4	3
John Rider, Messenger, 80 days, at 7s. 6d. per day, and including his Account for sundry disbursements,	-	-	51	0	8
Moses Hayes, Doorkeeper, 84 days and nights, at 7s. 6d.	-	-	31	10	0

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

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

An Act to 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, 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."

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 the Speaker of the House of Assembly addressed His Excellency 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 Her Majesty's name, to signify his assent.

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

Mr. President, and 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 measure 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 President of the Council said—

Gentlemen:

It is the will and pleasure of His Excellency the Lieutenant Governor, that this General Assembly be prorogued until Tuesday the 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 LEGISLATIVE COUNCIL

OF

PRINCE EDWARD ISLAND,

FOR THE SESSION COMMENCING THE TWENTY-EIGHTH DAY OF JANUARY,
AND ENDING THE TWENTY-NINTH DAY OF APRIL,

1840.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT
5712 S. UNIVERSITY AVE.
CHICAGO, ILL. 60637

APPENDIX

(A.)

(SEE PAGE 10.)

No. 1.

No. 3.

[COPY.]

DOWNING STREET, 5th August, 1839.

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, Sir,

Your most obedient humble servant,

(Signed)

NORMANBY.

Lieutenant Governor of
Prince Edward Island.

No. 2.

AT THE COURT AT BUCKINGHAM PALACE, THE 31st JULY, 1839.

PRESENT:

THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President,
Lord Privy Seal,
Lord Stewart,
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, intituled as follows, viz:

No. 503—' An Act to further 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.'

APPENDIX (A.)

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.’

No. 509—‘ An Act for the improvement of Property at Georgetown, and to provide against accidents by Fire.’

No. 510—‘ An Act for the protection of Sheep against vicious Dogs.’

No. 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.

(Signed)

W. L. BATHURST.

DATE: _____

No. 3.

No. 9.

[COPY.]

DOWNING STREET, 31st October, 1839.

SIR,

I have the honor to acknowledge the receipt of your Despatch, No. 22, of the 4th July last, transmitting ten Acts passed by the Legislature of Prince Edward Island during their recent Session.

I enclose an Order passed by Her Majesty, in Council, on the 21st instant, leaving eight of these Acts to their operation. The Act No. 517, (cap. 6) amending the Act for the regulation of Jails, is still under the consideration of Her Majesty’s Government; and 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 possession of the Lands 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 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

APPENDIX (A.)

on that assumption this Act could be justified. For, 1st. after a lapse of more than half a century of undisturbed possession by the old Proprietors, there is a prescriptive title which I must advise the Crown to respect.

2d. The effect of this Bill would be to transfer to the Commissioners to be appointed under it, not merely the proper function of the tribunals, but the power of reviving questions on which these tribunals may have already adjudicated.

3d. 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, &c.

4th. 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 the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Lieut. Governor Sir Charles Fitz Roy.

No. 4.

AT THE COURT AT WINDSOR, THE 21st OCTOBER, 1839.

PRESENT:

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 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.'

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 therein mentioned, and for a nautical Survey of 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 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 person whom it may concern are to take notice and govern themselves accordingly.

(Signed)

W. L. BATHURST.

APPENDIX

(B.)

(SEE PAGE 23.)

DOWNING STREET, 29th 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 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 numbers of copies in store may permit.

I have the honor to be, Sir,

Your most obedient humble servant,

(Signed)

J. RUSSELL.

Sir Charles Fitz Roy, &c. &c. &c.

APPENDIX

(C.)

(SEE PAGE 23.)

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:

Keeper to reside in the Prison.

Fourth Geo. 4, sec. 10, rule 1. The Keeper of every Prison shall reside therein.

Keeper not to loan or let any article.

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, when he does not visit the wards, to insert the cause thereof in his journal.

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 to record all punishments.

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. 495, 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.

APPENDIX (C.)

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

APPENDIX (C.)

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 of the established Church.

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.

Book to be kept in which visits of Prisoners may be entered.

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, un mutilated 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.

Any Justice may visit the Prison, and report abuses to the Sessions.

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.

Food.

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

APPENDIX (C.)

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.

Employment of prisoners committed for trial.

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.

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

APPENDIX (C.)

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.

Restrictions as to keeping Prisoners in Irons.

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.

No money to be taken under the name of garnish, or any other name.

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.

Restriction or admission of books or printed papers.

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.

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 oftner 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

(D.)

(SEE PAGE 24.)

(Copy.—Circular.)

DOWNING STREET, 4th May, 1839.

SIR,

With reference to my Predecessor's Circular Despatch, of 24th October last, I have the honor 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.

APPENDIX (D.)

(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 Quebec, 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. Barring, Esq. &c. &c. &c.

APPENDIX

(E.)

(SEE PAGE 42.)

RETURN OF PRISONERS CONFINED IN THE JAIL OF QUEEN'S COUNTY. FROM MAY 1837, TO MARCH, 1840.

(DEBTORS.)

NO.	NAMES OF PRISONERS.	WHEN RECEIVED.	WHEN DISCHARGED.	RELIGIOUS PERSUASION.
1	Joseph Atkinson,	May 3d, 1837.	June 27th, 1838.	Church of Scotland.
2	William Rennals,	Nov. 18th, 1837.	June 1st.	Church of England.
3	Alexander M'Kinnon,	Feb. 7th, 1838.	June 27th,	Roman Catholic.
4	William Walsh,	July 12th, 1838.	July 24th,	Do. do.
5	Alexander M'Aulay,	August 6th,	August 8th,	Church of Scotland.
6	Joseph M'Phee,	August 25th,	August 29th,	Roman Catholic.
7	Alexander M'Kinnon,	August 31st,	September 6th,	Do. do.
8	George Malliard,	September 29th,	October 5th,	Church of England.
9	William Smith,	October 22d,	November 7th,	Do. do.
10	Johnson De Roch,	March 15th, 1839.	April 12th, 1839.	Roman Catholic.
11	Robert Brown,	April 20th,	April 29th.	Church of Scotland.

The above named Prisoners were committed from the Supreme Court. and were kept in Jail during the time Ralph Brecken, Esq. was High Sheriff.

1	John Legyet,	May 6th, 1839.	July 18th, 1839.	Church of England.
2	Joseph Martin,	May 6th,	May 27th,	Roman Catholic.
3	George Douglas,	May 9th,	May 25th,	Church of Scotland.
4	Joseph Leblan,	May 13th,	May 16th,	Roman Catholic.
5	John Henderson,	May 13th,	May 27th,	Church of England.
6	John Berrigan,	May 21st,	May 28th,	Roman Catholic.
7	Richard Clarke,	June 7th,	June 20th,	Church of England.
8	Richard Quinn,	June 9th,	June 11th,	Roman Catholic.
9	William Mann,	July 16th,	July 26th,	Church of Scotland.
10	John Row,	July 24th,	July 27th.	Methodist.
11	Angus Campbell,	July 26th,	November 4th,	Roman Catholic.
12	Theophilus Desbrisay,	August 1st,	August 1st,	Church of England.
13	John Burhoe,	August 16th,	August 19th,	Methodist.
14	C. D. Rankin,	September 4th,	October 19th,	Church of Scotland.
15	Thomas Burhoe,	October 14th,	October 15th,	Methodist.
16	John Macdonald,	November 2d,	November 15th,	Roman Catholic.

The above named Prisoners were committed from the Supreme Court, from the 6th day of May, 1839. to the 2d March, 1840. John Small Macdonald, High Sheriff.

APPENDIX (E.)

NO.	NAMES OF PRISONERS.	WHEN RECEIVED.	WHEN DISCHARGED.	RELIGIOUS PERSUASION.
1	W. Rennals,	March 16th, 1838.	June 1st, 1838.	Church of England.
2	Henry M'Neil,	March 8th,	June 12th,	Church of Scotland.
3	Patrick Shea,	April 10th,	June 28th,	Roman Catholic,
4	Thomas Koughan,	April 13th,	June 28th,	Do. do.
5	John Affleck,	May 1st,	May 3d,	Church of Scotland.
6	Michael Ryne,	May 7th,	May 8th,	Roman Catholic,
7	William Brettan,	May 30th,	June 28th,	Church of England,
8	Duncan M'Intyre,	June 20th,	June 26th,	Roman Catholic,
9	William Finlison,	June 20th,	June 26th,	Church of Scotland.
10	Wm. Britton,	June 26th,	June 28th,	Church of England.
11	Henry Shea,	June 26th,	June 28th,	Roman Catholic,
12	William Lilly,	August 10th,	September 3d,	Church of Scotland.
13	William Lilly,	August 10th,	September 3d,	Do. do.
14	Finlay M'Kinnon,	August 18th,	August 22d,	Macdonaldite,
15	Wm. Britton,	June 28th,	June 28th,	Church of England,
16	George Hayden,	August 24th,	September 7th,	Do. do.
17	John Brown,	August 27th,	August 27th,	Do. do.
18	Wm. M'Leod,	August 28th,	September 6th,	Church of Scotland.
19	Ronald Macdonald,	September 3d,	September 8th,	Roman Catholic,
20	Richard Read,	September 15th,	September 15th,	Church of England,
21	Andrew Gallant,	September 21st,	September 26th,	Church of Rome,
22	James Keith,	October 15th,	October 16th,	Church of Scotland,
23	James Brooks,	November 3d,	November 16th,	Church of England,
24	John Affleck,	November 10th,	November 10th,	Church of Scotland,
25	William Duffy,	November 23d,	November 29th,	Roman Catholic,
26	Samuel Martin,	December 10th,	December 10th,	Church of England,
27	Donald Shaw,	Jan. 18th, 1839.	February 15th,	Macdonaldite,
28	Charles Osborn,	Jan. 19th,	February 6th,	Church of England,
29	William Koughan,	March 18th,	March 25th,	Roman Catholic,
30	William Koughan,	March 20th,	March 25th,	Do. do.
31	Lawrence Ducett,	March 21st,	March 27th,	Do. do.
32	Robert Creighton,	April 12th,	April 19th,	Do. do.

The above named Prisoners were committed from the Commissioner's Courts from the 3d May, 1838, to 6th May, 1839, during the time Ralph Brecken, Esq. was Sheriff.

1	Samuel Keating,	May 24, 1839.	June 24th, 1839.	Roman Catholic.
2	John Henderson,	May 27th,	May 28th,	Church of England.
3	Philip Curry,	May 30th,	May 31st,	Do. do.
4	Abercrombie Willock,	June 6th,	June 10th,	Do. do.
5	William Gear,	June 14th,	June 15th,	Roman Catholic.
6	James Griffin,	July 8th,	July 13th,	Church of England.
7	John Christy,	July 9th,	October 15th,	Church of Scotland.
8	Hector M'Eachern,	July 3d,	July 19th,	Roman Catholic.
9	William Swan,	July 12th,	July 13th,	Church of England.
10	Thomas Pye,	July 14th,	July 17th,	Do. do.
11	Thomas Pye,	July 14th,	July 17th,	Do. do.
12	George Thomson,	July 20th,	July 23d,	Do. do.
13	Angus Campbell,	July 25th,	November 4th,	Roman Catholic.
14	Lawrence Kelly,	August 2d,	August 6th,	Do. do.

APPENDIX (E.)

NO.	NAMES OF PRISONERS.	WHEN RECEIVED.	WHEN DISCHARGED.	RELIGIOUS PERSUASION.
15	James Foster,	August 21st,	August 23d,	Church of England.
16	James Campbell,	August 23th,	August 30th,	Church of Scotland.
17	James Mahoney,	September 4th,	September 7th,	Roman Catholic.
18	Moses Hayes,	October 2d,	November 2d,	Do. do.
19	John Crane,	October 17th,	October 19th,	Church of England.
20	John Clyne,	November 13th,	November 23th,	Do. do.
21	Robert Ferguson,	November 13th,	November 14th,	Church of Scotland.
22	John Canning,	December 4th,	December 11th,	Roman Catholic.

The above named Prisoners were committed from the Commissioner's Courts, &c. from the 6th of May, 1839, to the 2d March, 1840. Hon. J. S. Macdonald, High Sheriff, for Queen's County.

(CRIMINALS.)

NO.	NAMES OF PRISONERS.	WHEN COMMITTED.	NATURE OF CRIME.	RELIGIOUS PERSUASION.
1	John Dalton,	Nov. 3d, 1837,	Robbery.	Roman Catholic.
2	Margaret M'Carty,	Jan. 3d, 1838,	Assault.	Do. do.
3	Thomas Hayden,	Jan. 13th,	Assault.	Do. do.
4	Thomas Hayden,	Jan. 13th,	Perjury.	Do. do.
5	Robert Ralph,	February 7th,	Larceny.	Church of England.
6	Elizabeth Carpenter,	February 10th,	Larceny.	Roman Catholic.
7	Brooks, coloured man,	May 10th, 1838,	Riotous conduct.	Church of England.
8	A. Willock,	May 20th,	Disorderly conduct.	Do. do.
9	Peter Smith,	June 8th,	Assaulting his Wife.	Do. do.
10	— Whalin,	July 8th,	Drunkenness on Sunday.	Roman Catholic.
11	Matilda M'Kenzie,	July 17th,	Charged with Stealing.	Church of Scotland.
12	John Potter,	July 23th,	Cutting and Maiming.	Church of England.
13	Mary Parke,	August,	Disorderly conduct.	A Lunatic.
14	William Smith,	September 3d,	Absconding Seaman.	Church of England.
15	Thomas Riddle,	September 11th,	Sentence of Court Martial.	Church of Scotland.
16	Tool,	September 18th,	Disorderly conduct.	Roman Catholic.
17	Roderick Macdonald,	September 25th,	Disorderly conduct.	Do. do.
18	Sailor,	September 29th,	Fighting in the Street.	Don't know.
19	James Ross,	October 1st,	} Sentenced to one month's imprisonment.	Church of Scotland.
20	Allen Bucannon,	October 1st,		Do. do.
21	Mrs. Beaton,	October 5th,	Selling liquor without license	Do. do.
22	John Collings,	October 6th,	Assaulting his brother.	Church of England.
23	Howe, a Sailor,	October 7th,	Drunkenness on Sunday.	Do. do.
24	Thomas Williams,	October 16th,	Murder of an Indian.	Roman Catholic.
25	John M'Callar,	October 20th,	Deserting from 93d Regt.	Church of Scotland.
26	David Adams,	Do. do.	Do. do.	Do. do.
27	John Macintosh,	Do. do.	Do. do.	Do. do.
28	Daniel Mackay,	Do. do.	Do. do.	Do. do.
29	Alexander Macdonald,	October 25th,	Do. do.	Do. do.
30	William Colderwood,	Do. do.	Do. do.	Do. do.
31	Peter Potter,	Nov. 3d,	Assault.	Macdonaldite.
32	Mary Park,	Nov. 7th,	Threatening to burn house.	A Lunatic.
33	Daniel Daley,	Nov. 12th,	Deserting Schooner Julia,	Roman Catholic.

APPENDIX (E.)

NO.	NAMES OF PRISONERS.	WHEN COMMITTED.	NATURE OF CRIME.	RELIGIOUS PERSUASION.
34	William Brown,	November 12th,	Deserting Seaman.	Church of England.
35	Alex. Macdonald,	November 16th,	Deserting from 93d Regt.	Church of Scotland.
36	William Colderwood,	November 16th,	Do. do.	Do. do.
37	Thomas Ryne,	November 23d,	Maiming a Pig.	Roman catholic.
38	Joseph Stone,	November 23d,	Robbery.	Church of England.
39	Thomas Farrell,	November 30th,	Assault.	Methodist.
40	Kelly,	January 2d, 1839,	Contempt of Court.	Roman catholic.
41	Macdonald,	January 12th,	Rescuing property.	Church of Scotland.
42	M'Leod,	January 12th,	Do. do.	Do. do.
43	Michael Ryan.	January 17th,	Assault.	Roman catholic.
44	William Koughan,	March 1st,	Ill-using his family.	Do. do.
45	Duncan Bell,	March 18th,	Assault.	Church of Scotland.
46	Murdoch Bell,	March 18th,	Do.	Do. do.
47	Malcolm Bell,	March 23d,	Threatening Mr. Fairbairn.	Do. do.
48	Duncan Bell,	March 23d,	Do. do.	Do. do.
49	Murdoch Bell,	March 23d,	Do. do.	Do. do.
50	Ann Pasley,	March 26th,	Wounding Cattle.	Roman catholic.
51	Samuel Clough,	April 1st,	Robbery.	Church of England.
52	William Ballard,	April 12th,	Obstructing Constable.	Do. do.
53	Stephen Butler,	April 25th,	Robbery.	Do. do.

The before mentioned prisoners were committed, by authority, from the 3d May, 1838, to 6th May, 1839, during the time Ralph Brecken, Esq. was Sheriff.

1	William Simpson,	May 18th, 1839.	Assault.	Church of Scotland.
2	John Simpson,	May 18th,	Do.	Do. do.
3	Isaac Nichol,	May 20th,	Do.	Do. do.
4	William Henderson,	May 27th,	Do.	Church of England.
5	An Emigrant,	May 29th,	Riotous behaviour.	Roman Catholic.
6	Duncan Bell,	June 13th,	Assault.	Church of Scotland.
7	Murdoch Bell,	June 13th,	Do.	Do. do.
8	Jane Stewart,	June 4th,	Larceny.	Do. do.
9	Samuel Clough,	June 19th,	Larceny.	Church of England.
10	Mark Jenkins,	June 20th,	Refusing duty as seaman.	Do. do.
11	John Tool,	July 2d,	Leaving Apprenticeship.	Roman catholic.
12	Robert Byers,	July 14th,	Return from transportation	Church of England.
13	John Tool,	July 16th,	Disorderly conduct.	Roman catholic.
14	Michael May,	July 21st,	Assault.	Do. do.
15	Hugh M'Leod,	July 21st,	Resisting Sheriff on duty.	Church of Scotland.
16	Ann M'Leod,	July 21st,	Do. do.	Do. do.
17	Sailor,	July 23d,	} Attempting to break into } Mr. Lamont's house.	Not known.
18	Sailor,	July 23d,		Do.
19	Patrick O'Keiffe,	July 23d,	Assault.	Roman Catholic.
20	William Jones,	July 26th,	Neglect of duty as seaman.	Church of England.
21	William Jones,	July 27th,	Threatning to burn house.	Do. do.
22	Macdonald,	July 28th,	Fighting in the street.	Church of Scotland.
23	John Shea,	July 29th,	Threatening assault.	Roman catholic.
24	James Campbell,	July 29th,	Selling liquor, no license.	Church of Scotland.
25	Sailor,	August 3d,	Drunkeness.	Not known.
26	Lawrence Kelly,	August 26th,	Fighting.	Roman catholic.

APPENDIX (E.)

NO.	NAMES OF PRISONERS.	WHEN COMMITTED.	NATURE OF CRIME.	RELIGIOUS PERSUASION.
27	Arnold,	August 30th,	Unsound state of mind.	Church of England.
28	Augustine Maloy,	September 10th,	Riotous behaviour.	Roman catholic.
29	Robert Brown,	September 10th,	Surrendered by Bail.	Church of Scotland.
30	Robert Bridges,	September 10th,	Assault.	Church of England.
31	Elizabeth Carpenter,	September 10th,	Stealing two Shawls.	Roman catholic.
32	Catherine Gainon,	September 11th,	Damaging Cattle.	Do. do.
33	Sarah Ballard,	September 11th,	Stealing.	Church of England.
34	Edward Lafferty,	September 20th,	Assault.	Roman catholic.
35	Michael Dunahoe,	September 27th,	Deserting Apprenticeship.	Do. do.
36	George Brown,	October 1st,	Absconding Seaman,	Church of England.
37	Lawrence Fleming,	October 6th,	Do. do.	Roman catholic.
38	Michael Lyons,	October 7th,	Threatening Mr. Lawson.	Do. do.
39	Peter Smith,	October 16th,	Assaulting his wife.	Church of England.
40	Richard Coacoon,	October 22d,	Absconding Seaman,	Roman catholic.
41	Patrick Griffin,	October 26th,	Do. do.	Roman catholic.
42	William Johnstone,	November 1st,	} Threatning to assault } Jailor while on duty.	Church of England.
43	John Smith,	November 1st,		Church of England.
44	James Connoley,	November 5th,	Absenting his employer.	Roman catholic.
45	John Davis,	November 6th,	Do. do.	Church of England.
46	John Coff,	November 6th,	Do. do.	Church of England.
47	Patrick Tool,	November 6th,	Assault.	Roman catholic.
48	Andrew M ^c Cormack	November 16th,	Assault.	Church of England.
49	John Cline,	November 12th,	Refusing to do his duty.	" England.
50	John Brown,	November 15th,	Do. do.	" England.
51	Mary Kilpatrick,	November 25th,	Assault.	Roman catholic.
52	John Summers,	December 6th,	Breach of the Peace.	Church of England.
53	John Connell,	December 11th,	Deserting from 37th Regt.	Roman catholic.
54	John Galligan,	December 11th,	Do. do.	Roman catholic.
55	William Simpson,	December 22d,	Threatening G. Cole.	Church of Scotland.
56	John Macdonald,	December 22d,	Do. do.	Roman catholic.
57	James Moone,	December 22d,	Breach of the Peace.	Roman catholic.
58	M ^c Leod,	December 26th,	Assaulting Deputy Sheriff.	Church of Scotland.
59	Thomas Rooney,	Jan. 7th, 1840.	Charged with robbery.	Roman catholic.
60	David Law,	Do. 9th,	Do. do.	Church of England.
61	Henry Tomlin,	Do. 9th,	Wilful Trespass.	" England.
62	Nelson Spratt,	Do. 13th,	Wilful Trespass.	" England.
63	Patrick Tool,	Do. 13th,	Assaulting his wife.	Roman catholic.
64	John Collings,	Do. 14th,	Deranged.	Church of England.
65	John Jackman,	Do. 14th,	Threatening T. Fairbairn.	Church of England.
66	Burns,	Do. 21st,	Riotous behaviour.	Roman catholic.
67	M ^c Leod.	Do. 21st,	Assaulting Deputy Sheriff.	Church of Scotland.

The before mentioned Prisoners were committed, by authority, from the 6th May, 1839, to the 2d March, 1840. Hon. J. S. Macdonald, High Sheriff.

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RETURN OF PRISONERS CONFINED IN THE JAIL OF KING'S COUNTY,

From the 1st of January, 1837, to the 31st of December, 1839.

NAMES OF PRISONERS.	WHEN COMMITTED.	NATURE OF CRIME.	RELIGIOUS PERSUASION.
Mary M'Cormick,	March 13th, 1837.	Stealing Dry Goods.	Roman catholic.
Thomas Edwards,	April 4th,	Drunkenness.	Presbyterian.
Samuel M'Kenzie,	June 20th,	Do.	Roman catholic.
Angus M'Dougald,	July 15th,	Assaulting Sheriff's Bailiff.	Do. do.
Patrick Green,	July 19th,	Stealing Sheep.	Do. do.
Angus M'Dougald,	July 22d,	Escaping from Sheriff.	Do. do.
Neil Robinson,	July 22d,	Rescuing from Sheriff.	Do. do.
Daniel M'Kinnon,	July 29th,	Disorderly conduct.	Presbyterian.
Angus Smith,	August 14th,	Do. do.	Roman catholic.
James M'Aulay,	September 29th,	Do. do.	Roman catholic.
George Dunn,	October 15th,	Do. do.	
George Roberts,	October 16th,	Trespass.	
Isadore M'Cormick,	December 26th,	Disorderly conduct.	
John Carrigan,	Feb. 15th, 1838.	Absenting from his employer.	Roman catholic.
Peter M'Ginnis,	March 8th,	Breaking open a Store.	Roman catholic.
John Burk,	March 14th,	Stealing Liquor.	Roman catholic.
Andrew Cormick,	March 14th,	Do. do.	Roman catholic.
Samuel Chessong,	March 14th,	Do. do.	Roman catholic.
Joseph Chessong,	March 14th,	Do. do.	Roman catholic.
Angus M'Quarry,	April 18th,	Disorderly conduct.	
Patrick Britton,	May 15th,	Stealing a Watch.	
John M'Isaac,	July 16th,	Disorderly conduct.	Protestant.
Samuel Ellis,	August 2d,	Do. do.	Roman catholic.
Thos. Williams, Indian,	October 17th,	Charged with Murder.	Roman catholic.
John Philips,	October 22d,	Deserting Seaman.	
Richard Lewis,	October 22d,	Do. do.	Protestant.
William Harvey,	October 22d,	Do. do.	Do.
Charles Johnston,	October 22d,	Do. do.	Do.
Samuel M'Kenzie,	Feb. 18th, 1839.	Fighting in the street.	Roman catholic.
Hugh M'Donald,	April 10th,	Do. do.	Roman catholic.
John Petersburgh,	April 20th,	Do. do.	Protestant.
Johnston Clark,	April 29th,	Small Debt Execution,	Do.
Joseph Campbell,	July 4th,	Do. do.	Roman catholic.
Fidell Pauchett,	July 5th,	Do. do.	Roman catholic.
Patrick Kelly,	July 17th,	Capias Execution.	Roman catholic.
Frederick Risabell,	July 22d,	Disorderly conduct.	Protestant.
Frederick Risabell,	July 23d,	Assault.	Do.
Thos. Williams, Indian,	Oct. 17th, 1838.	Transported.	Roman catholic.
James M'Grath,	August 10th,	Small Debt Execution.	Roman catholic.
Donald M'Donald,	August 22d,	Bench Warrant.	Roman catholic.
John Davis,	September 2d,	Deserting his Ship.	Protestant.

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NAMES OF PRISONERS.	WHEN COMMITTED.	NATURE OF CRIME.	RELIGIOUS PERSUASION.
Patrick Kelly,	September 19th,	Bailable Writ.	Roman Catholic.
John M'Kenzie,	September 27th,	Disorderly conduct.	Protestant.
Samuel Mason,	September 27th,	Disorderly conduct.	Do.
Mary Brown,	October 15th,	Rescuing a prisoner.	Roman Catholic.
John Kavanagh,	October 16th,	Charged with Stealing.	Roman Catholic.
Benjamin Smith,	November 16th,	Absconding Seaman.	Protestant.
Robert Stewart,	November 16th,	Absconding Seaman.	Presbyterian.
John Summers,	December 5th,	Disorderly conduct.	Roman Catholic.
Robert Colbert,	December 6th,	Absconding Seaman.	Protestant.
James Graham,	December 18th,	Small Debt Execution.	Presbyterian.
Angus M'Donald.	December 20th,	Small Debt Execution.	Roman Catholic.

STATEMENT OF PRISONERS CONFINED IN THE JAIL OF PRINCE COUNTY, From the 1st of October, 1838, to the 31st of December, 1839.

NAMES OF PRISONERS.	WHEN COMMITTED.	NATURE OF CRIME.	RELIGIOUS PERSUASION.
Joseph Gaudet,	October 3d, 1838.	Felony.	Roman catholic.
Edward Briant,	October 4th,	Small Debt.	Do. do.
Catharine Macdonald,	November 20th,	Larceny.	Do. do.
Monica Macdonald,	November 20th,	Do.	Do. do.
Angus Macdonald,	November 20th,	Do.	Do. do.
James Murphy,	Feb. 1st, 1839.	Petit Larceny.	Protestant.
Thomas Thomson,	February 1st,	Do.	Do.
Hugh Maclaughlin,	February 19th,	Bailable Writ.	Do.
Gilbert Palmer,	March 30th,	Assault and Battery.	Do.
John M'Innis,	April 3d,	Small Debt.	Roman catholic.
Edward Briant,	May 8th,	Do.	Do. do.
Frederick Briant,	May 11th,	Do.	Do. do.
Michael Keating,	May 17th,	Do.	Do. do.
Joseph Arsneaux,	May 28th,	Do.	Do. do.
Duncan D. Maclean,	June 5th,	Do.	Not known.
Thomas Thomson,	June 7th,	Petit Larceny.	
James Murphy,	June 7th,	Do.	
Angus Macdonald,	June 7th,	Do.	Roman Catholic.
Martin Connick,	June 7th,	Assault.	
John Connick,	June 7th,	Do.	
Joseph Arsneaux,	June 8th,	Small Debt.	Roman Catholic.
Walter Phelan,	June 15th,	Selling liquor, no license.	
James Harding,	June 18th,	Small Debt.	Protestant.
Patrick Coughlan,	June 19th,	Do.	Roman Catholic.
William M'Carty,	June 22d,	Do.	
Michael Shelly,	August 5th,	Do.	Roman Catholic.
John M'Callum,	September 4th,	Assault.	Presbyterian.
Donald M'Neil,	September 5th,	Bailable Writ.	Roman Catholic,
Alexander M'Neil,	September 5th,	Do.	Do. do.
James Campbell,	September 18th,	Larceny.	Presbyterian.
Benjamin Rogers.	September 29th.	Bailable Writ.	Roman Catholic,

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Report of John Myrie Holl, Esq.

In reply to the queries which have been proposed for my consideration, respecting the Acts relating to the Prison Discipline of this Island, I would submit, as my opinion, that the present Acts, with some slight amendments, appear to be fully equal to the present requirements of the Colony. That to adopt all the suggestions propounded by the Inspectors of Prisons in the Mother Country, would heap a complicated and expensive machinery upon us, which the circumstances of the Colony do not require.

That the Jail of this Town is not calculated, nor could it be rendered fit for the system adopted in England, which, though much to be admired in that densely populated Country, and absolutely necessary there, would be altogether out of place in this small community, where crime is of comparatively rare occurrence, and seldom aggravated in its character. That the Building has been undergoing alterations, (which it is expected the present year will be completed,) in order to adopt it as closely as possible, to the system proposed for our imitation; but to carry out the system fully, and make all the arrangements in strict conformity to the plan upon which Prison Discipline in England is based, an entirely new structure would be requisite, which would prove far too expensive for the present resources of the Colony, without at the same time affording a fair prospect of an equivalent.

That it would unquestionably be most desirable to have the services of a regularly appointed Chaplain, and consistent with every feeling of propriety, that religious instruction should be imparted to every individual prisoner, but as there are so few inmates of our Prison in the course of the year, there would be scarcely sufficient to occupy the attention of a Chaplain, who would nevertheless be under the necessity of devoting the whole of his time, to the daily duties attached to his office, (be the prisoners many or few,) and consequently a high salary would be expected, which in the present position of the Colony would not be readily granted. That this being impracticable, the Keeper be recommended to read the Prayers to the Prisoners daily, be remunerated for such extra service, and that books selected by be provided for the Prisoners; some arrangement of this nature being made until there appeared room for the adoption of the course suggested by the Inspectors of Prisons at home.

That the clauses respecting the Keeper, and that relating to the permanent appointment of a Matron may be adopted, and upon referring to the Acts of 1838, and the amendments thereto in 1839, some of the suggestions appear to have been anticipated, indeed the Report of the Committee to whom was referred His Excellency the Lieutenant Governor's Message, with the copy of the Dispatch from Lord Glenelg, suggesting several amendments to the Act passed in 1838 "for the regulation of the several Jails within the Island," comprehends much of that, according to my mind, which occupies the pages of the Report of the Inspectors of Prisons in England in greater detail.

With the perfect model of a well regulated and crowded Prison in England immediately in view, the remarks with which we have been favoured by the Inspectors would naturally suggest themselves, but were the eye to fall upon the comparatively empty walls of our Island Prison, the illusion would disappear, and I cannot but entertain an impression that a little local information is alone requisite to enable the advocates for the application of the same system to us, to arrive at conclusions more consistent with the requirements of these new Countries. Here we have neither the means to set the machinery in motion, nor the materials to work upon in the event.

J. MYRIE HOLL,

Visiting Magistrate for the Jail of Charlottetown.

Prince Street, 12th March, 1840.

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Report of the Visiter of the District Schools of Prince Edward Island, up to January 29th, 1840.

To the Members of the Board of Education.

GENTLEMEN;

In laying before you the present report upon the state of the Common Schools of the Island, I have the satisfaction of announcing to you an increase during the past year, in the number of our schools. According to my Report of January, 1839, the number of District Schools at that period was 41; at the present moment 50 Schools are in operation, and 14 additional teachers have been licenced during the last year.

Although these facts prove, that the diffusion of Education is progressive in some degree among us, the yet defective state of our Educational system cannot be denied. The many evils which retard the advancement of Education, and which, from my official connection with the Schools of the Colony for nearly the last three years, I have had an opportunity of ascertaining—I shall endeavour briefly to point out, humbly submitting my views to the consideration of those, whose province it is to apply a remedy.

In the first place, the necessity of having fixed and stationary schools appears to me every day more obvious. The migratory character of our schools, of the shifting of them from place to place, has an injurious effect upon the progress of Education; a long lapse of time frequently takes place after the expiration of the engagement of one Teacher before another is appointed; the progress of the children is thus suddenly stopped; the former locality is perhaps altogether deserted, and the School removed to another part of the District. This disadvantage would, in my opinion, be obviated, were Schools made stationary for a certain number of years at least (say 10 or 12) in a given District; the locality to be chosen by two thirds of the male heads of families, or, more properly speaking, of those sending children to School; and in remote situations or new settlements, where the people could not have access to the common School of the District, some small provision should be made for a teacher of inferior qualifications. Were the Schoolmaster invariably lodged and boarded in one family or place, the present almost mendicant system of going from house to house, would be obviated. Were it made compulsory on all Schools receiving Legislative aid, to adopt and use the same kind of elementary books, the great desideratum of a uniformity in the method of teaching might be more fully carried out; the same elementary books would greatly facilitate the labours of the Teacher, as well as accelerate the progress of the taught. It is quite impossible that children can make any improvement of consequence, who have books of every sort and set, and some of these often most unsuitable either to the years, attainments, or capacity of the Scholar. I am further of opinion, that a table of School fees per quarter, to be fixed by the Legislature, would have a much better effect than the present mode of agreement entered into, between the Teacher, and the parents of the children, as in any populous district, if the Teacher be anywise diligent and successful, there is little danger of his failing to command a large enough attendance of Scholars.

I would also beg leave to suggest the propriety of authorising the Board of Education, to use a discretionary power of granting licences to teachers for one year, or some limited period of time, as occasion might seem to require; the obvious tendency of such a practice would be, to stimulate teachers in the path of improvement, and in the continual acquisition of knowledge. Another improvement, in my opinion, upon the present mode of granting certificates to Teachers, would be, to allow Schoolmasters to couplet

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for Schools, by which means the most competent Teachers would obtain the most eligible situations. I would further respectfully suggest the propriety of raising the qualifications of some of our Teachers somewhat higher than the requirements of the present act, as respects the first Class—that is, that the second Class of the late School Act be restored—and I would also say the same of the scale of pecuniary allowance which the Legislature at present makes for them. Without some liberal encouragement from our Local Government, in a country so generally poor, and where Schoolmasters are so poorly paid, we can never expect that men of character and qualification would submit to the toil and drudgery of teaching a common School as a permanent vocation.

As respects the dimensions of School-houses, I would beg leave to remark, that although the Act requires that they should be “sufficient,” very few throughout the Island are of a size, or otherwise sufficiently furnished, to correspond with the true intent of the Act. This evil might be remedied, by enacting that all School-houses should be of certain dimensions, and furnished with a definite number of seats and desks.

In conclusion, I would beg to express my despair of ever seeing Education universally diffused, while our Schools depend for support, to such an extent as they do, upon voluntary contributions. Could an equitable scheme of Assessment be devised, by which, if not every man, at the least, every person having a family to be Educated, should contribute to an Educational fund, permanent Schools might be established in every District, and the means of Educating his children placed within the reach of the poorest man in the Colony.

The following presents a view of the state of the different District Schools of the Island, embracing, in one general Annual Report, the result of three several visits, and examinations of all those Schools which have been established, or in operation, prior to the First day of January, 1839.

QUEEN'S COUNTY.

Sable District School, Archibald M'Kinnon, Teacher.—This School numbers 60 scholars; 53 was the greatest number I found present at my examination. The Improvement displayed by the scholars from time to time was highly satisfactory, several having acquired a correct knowledge of English Grammar, Arithmetic, and Book-keeping; the rapid progress made by a junior class, particularly in reading, afforded a pleasing proof, along with the general proficiency of the pupils, of the diligence and efficiency of the Teacher. A new and commodious School-house has been erected in this District.

Elliot River, Donald Lamont, Teacher.—This School having been in constant operation during the last year, the proficiency of many of the scholars was equal to my expectations, and creditable to the continued exertions of the Teacher. The branches taught are Geography, English Grammar, Book-keeping and Arithmetic—the number attending 30.

The School of Lot 33, Princetown Road, is taught by Alexander M'Cabe. The average attendance of scholars is 25. Although none of the pupils here are much advanced, they appear to be well grounded in the knowledge of the various branches they learn; and the good method pursued by the teacher tends to preserve the utmost order and discipline in the School.

The Dog River School is taught by Malcolm Darrach—numbers 40 in daily average attendance. The proficiency of the scholars during this year has been upon the whole satisfactory, several being well advanced in Grammar, Arithmetic and Writing.

Lot 34, St. Peter's Road, Robert Robertson, Teacher.—This School numbers 45, of which 40 have usually attended examinations. The high character which this school has gained for the proficiency of its scholars, continues still to mark it in the correctness of their reading, their intimate knowledge of the various branches of English Grammar, Arithmetic, &c. in which they are thoroughly grounded gradually as they advance; the specimens of Writing proved also creditable; the Inhabitants of this District enjoy the advantage of having had their school in constant operation during several years under the same teacher; the good effects of which are so apparent as to require no further commentary.

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The School of Lot 48, continues to be taught by John Butler; the average attendance is 40; several throughout the last year had made considerable progress in Arithmetic, Reading and Writing; and the improvement shewn by the junior classes which have supplied the places of the more advanced, many of whom have quitted School, was very satisfactory, and bore testimony to the assiduity of the Teacher; a class of four or five particularly excelled in Arithmetic and Writing.

Fort Augustus School, Patrick Fitzgerald, Teacher.—This School, which is yet in its infancy, has been established but a few months under the present Teacher, consequently no great improvement can yet be expected; the average attendance is 30, 21 of whom were present at the examination; a class of 4 (the furthest advanced) are commencing the first rules of Arithmetic, and all the remainder read in the first and spelling books; a few have made a little improvement in Writing.

The District School of Flat River is still taught by John M'Kinnon, and numbers 50 scholars. Although this Teacher labours under the disadvantage of a large daily attendance of scholars crowded in a small Schol-house, yet considerable progress has been made during the year by the more advanced scholars especially; several shewed an extensive knowledge of English Grammar, Book-keeping and Arithmetic.

The School of Pinette, under the superintendance of the Rev. Mr. M'Lennan, is attended by 36 scholars; a class of 5 have made some progress in Latin, 2 of whom already read with considerable correctness the classics of that language; in addition to these, several are well versed in Geography, English Grammar, History and Arithmetic, and exhibited some fair specimens of writing.

Newtown, Belfast district, Charles M'Eachern, Teacher.—On the Teacher's list are 40 scholars; of these a class of six displayed an extensive and accurate knowledge of Arithmetic. In Reading and Spelling also some improvement was apparent; and although a few good writers were also found in the School, the insufficient state of the house, want of accommodation for writing, operated as a bar in the way of any satisfactory improvement in that branch.

The School at Orwel Head, numbering about 30 scholars, taught by Donald Graham, is now vacant.

Point Prim, Donald Murchison, Teacher.—The number attending this School is 30; the improvement shewn by the scholars here in Reading, Writing and Arithmetic, during the past year was very satisfactory. In English Grammar also several were proficient; in Arithmetic especially the rapidity and accuracy of calculation of a few of the more advanced, reflected much credit upon both teacher and taught.

The School of Cavendish is taught by Donald Livingston. The proficiency of the children attending on this School has not been so satisfactory this year as was anticipated; their improvement has not been equal to that of many others who have not had the same advantages of regular supplies of books, a sufficient school-house, &c. This is attributed by the teacher to the very irregular attendance of these scholars for some time past?

Brackley Point Road, Neil Mackinnon, Teacher.—At this School appeared during the several examinations thereof generally about 30 scholars. This school, although several vacations of considerable length have intervened during the year, gives promise of fair improvement; those writing especially have made satisfactory progress, as well as some classes in arithmetic. The house is sufficient, and well furnished with seats and desks.

Covehead Road, District School, E. J. M'Cormack, Teacher.—This School, consisting of 35 scholars, average attendance, has been opened this year for the first time under the present teacher, and in consequence the children are all in the first stage of their education. The judicious arrangements and method of instruction which the teacher here has made and carried out in his school, have proved of much benefit to his charge, and have facilitated their progress, notwithstanding the disadvantages under which many labour in the want of suitable books; the improvement which is already apparent reflects credit upon the teacher, and proves the interest he takes in the moral and intellectual improvement of his pupils.

The Little York School is taught by Allan Stewart, and numbers 30 scholars. The improvement here has been upon the whole satisfactory, and equal to the time taught, a considerable vacation having occurred during the year; the attendance of the scholars has also been irregular; although none are much advanced, several of those in the reading classes read and spelled with propriety and correctness.

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Crapaud District School, George Bynon, Teacher.—The number of scholars attending this School is 49; at the different examinations I found a very marked improvement in the state of the school, the good method pursued, and the general proficiency of the scholars, bore testimony to the efficiency and fidelity of the teacher; one class had made considerable progress in English Grammar, and those in the higher reading classes gave proof of their proficiency, not only in the mechanical part of reading, but also in their accurate knowledge of the meaning of what they read.

At Lot 30, South Shore, a school has been lately opened, Ewen Lamont, Teacher. The children here, with few exceptions, commenced in their first stage under the present teacher; and on a second visit, the improvement which was found to have taken place in the state of the school in the interval of a few months, was very gratifying; several at this time being able to read with considerable correctness in the English Reader, Introduction, &c.; a few had also commenced arithmetic and writing.

In this District is also a School taught by Archibald Macneill, which is yet in its infancy, and having been visited but once, no other report can be given than that the teacher continues to give satisfaction to all connected with the School. Numbers 30.

York River, Charles Macdonell, Teacher.—This School numbers about 25 Scholars, and has been in operation under this teacher during two years; the greater number of the children commenced in the Alphabet with him, and with some exceptions have made suitable progress. During the first year particularly the improvement of the scholars was quite satisfactory; the falling off latterly is attributed by the teacher to irregular attendance. There are a few neat writers in this school, and two or three have acquired some knowledge of arithmetic. A misunderstanding has lately arisen between the teacher and some of the subscribers, touching the conduct of the former, and which threatens the breaking up of the school.

The Pisquid School is still taught by Thomas Welsh, and numbers 30. From the very irregular attendance on this school during the past year, the improvement has been but very limited; proofs notwithstanding of the attention of the teacher are apparent, who appears to give general satisfaction.

Charlottetown, Walter Phelan, Teacher. This School has been recently opened, and as the majority of the pupils are in the first stage of reading and arithmetic, I can only remark that their proficiency must form the subject of a future Report, and it is to be hoped that their improvement will be satisfactory.

On the boundary of Charlottetown Royalty, a School was opened in February last, under Archibald M'Kenzie, teacher, numbering about 40 scholars. This school gives promise of much benefit to the District; a very marked improvement being already discernable in its general state.

KING'S COUNTY.

Brudenell—John M'Neill, Teacher. The progress made by the pupils of this school has been very satisfactory this year; a late examination took place in presence of several of the Trustees, and parents of the children, when all acquitted themselves with great credit; after a strict and minute examination, prizes were distributed to the best scholars, respectively in English Grammar, Geography, Arithmetic, Reading and Writing; while the very accurate and extensive acquaintance with these branches displayed, by almost each individual in the class, afforded the highest pleasure to the spectators, the difficulty was to determine upon the most deserving—and the knowledge of Arithmetic shown by several of those scholars, and the rapidity and exactness of their mental calculations, afforded much gratification to all interested in this School.

The state of the Lot 51 District School, Georgetown Road—taught by Nathaniel M'Laren, is also deserving of much commendation; the children of this School are surpassed by very few in their correct knowledge of English Grammar and Arithmetic, many too, and of a very tender age, read and spell with great propriety. The neat and clean appearance of the scholars, and their quiet and orderly behaviour, is particularly pleasing. It must be added, that the improvement which has been made in the writing department, was also very striking, generally. Number attending 28, average.

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The Georgetown School, which was taught by Roderick Campbell during the past year, and gave promise of much usefulness, and numbering 35 scholars, has been lately discontinued; the limited legislative allowance, joined to the utmost exertions of the Inhabitants, I am informed, is still inadequate to the maintenance of a respectable school in this rising town.

The Murray Harbour School, after a short vacancy, is now taught by John M'Neill, formerly of the Bay Fortune School—no improvement to any extent can be yet looked for in this school, which has been but a very little time in operation under the present Teacher. Present at the last examination 32.

The Montague River School has been also lately re-opened under the present teacher, Allan M'Phee. This school presents a very promising appearance—consisting of 35 scholars, many of whom are well advanced in English Grammar, Arithmetic and Book-keeping, and several read and write correctly.

Lot 56, Little Pond, Edmund Shea, Teacher. This school numbers 27 scholars, I found that very creditable progress had been made by the scholars generally during the past year; two boys particularly displayed a very correct knowledge of English Grammar; the several classes read and spelled with propriety—but in Writing and Arithmetic, the same satisfactory improvement was not apparent; this the teacher stated to be owing to the want of implements and materials by many of the children. A new school-house has been recently erected in a more central situation in this district.

St. Peter's Bay.—Thomas Bambrick, Teacher—25 scholars attended on this school, and although none are yet advanced beyond reading, writing, and the primary rules of Arithmetic, the progress which has been made in these branches since the opening of the school is very satisfactory upon the whole.

The Savage Harbour School is still taught by Donald Scott. The prevalence of sickness in this settlement during a portion of this year, operated as a considerable drawback upon the improvement of this school—still the teacher appears to give satisfaction by his close attention to his duties.

The School at St. Peter's has been re-opened under Philip Bambrick, in June last; it numbers 40 scholars, who have already made some progress; this school promises to be of much usefulness in this District; the diligence, and judicious method of the teacher being hitherto quite satisfactory.

Between Cardigan and Brudnell Rivers a school has been recently established, Donald Gordon, Teacher; the state of this School is deserving of much commendation—those scholars whose attendance had been regular having made rapid progress—number attending 26.

PRINCE COUNTY.

Lot 7, James H. Fitzgerald, Teacher.—This, the first school ever established in this District, was opened last summer, and numbers 30 scholars. On visiting it about four months after its formation, the progress of the scholars, who, with few exceptions commenced in their first stage with this teacher, was as great as could have been expected.

The Lot 11 School, is still taught by Thomas Key, and is in useful operation, notwithstanding the irregular attendance of many of the children, which operates as a great drawback upon the efficiency of the teacher; the knowledge of Arithmetic displayed by a few of the more advanced pupils; the rapidity and correctness of their calculations was highly pleasing. In writing, the improvement generally highly satisfactory, and those in the reading classes many of them of a tender age, acquitted themselves with credit to both teacher and taught.

Lot 18, Oyster Cove.—This School has been lately re-opened, Edward S. Blanchard is the teacher, whose judicious method of instruction, and attention to his charge, give the utmost satisfaction to those connected with the school.

The Princetown Royalty District School continues to be taught by Sebastian Davidson; at each examination a marked improvement is visible in the state of this school; several excel in their knowledge of

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English Grammar, Arithmetic, Book-keeping, and the reading classes are not only proficient in their knowledge of the mechanical part of reading, but also display an acquaintance with the meaning of what is read.

The Lot 16 School, John M'Kinnon, Teacher, is still in constant and useful operation; and notwithstanding the irregular attendance, and want of suitable books—difficulties which the teacher has constantly to contend with—the state of the school bears sufficient testimony to the assiduity of the teacher.

The Bedeque School is at present vacant by the removal of the teacher, (Mr. W. Nelis) to Charlottetown. It is sufficient to remark that this school was equalled by few in the Island for the proficiency of the Scholars in the most useful branches of an English education. The higher classes being remarkable for their accurate acquaintance with Grammar and Arithmetic, and all distinguished for their correct enunciation, and extensive knowledge of the signification of words; the familiar acquaintance shown also with the meaning of the subject of reading was equally creditable. Mr. Nelis has also been long known as a successful teacher of writing.

The Lot 14, Grand River School, continues to be taught by John Ronayne, who continues, as far as I can ascertain, to give general satisfaction. A few in this School have acquired an extensive knowledge of Arithmetic, and made during the past year some progress in reading.

The School at New Bideford is now taught by Dubois Smith, and although lately established, has shewn proofs of very fair improvement, and the teacher appears to be very exemplary in attention to his charge.

At St. Eleanor's, a large School was established last summer, J. B. Newcomb, teacher. This school on being visited soon after its formation, was found to be in active operation, and giving promise of much usefulness; on a second visit a few months thereafter the school was found vacant, and has since (as I am informed) been altogether closed, from what cause is unknown.

Cape Traverse, Donald M'Kinnon, Teacher. This School was established in February last, and on being visited recently after, found a class learning English Grammar, and several good readers, a few were also advanced in Arithmetic.—On a subsequent visit, from their thin attendance at the day of Examination, the improvement of the school in the interval could not be satisfactorily ascertained. A neat and well furnished school has been erected in this settlement—the school numbers 30 scholars.

The foregoing summary shews a list of 43 schools; since concluding my last visit of those, I have been notified that other seven district schools have been opened, making the whole number of common schools receiving legislative aid (exclusive of the six Acadian) as mentioned above, 50; in addition to these, I have ascertained that about ten other schools not established under the Act are taught, and in a few cases by Teachers who have obtained licenses, but who from various circumstances are not entitled to Legislative aid; these, with three female Schools in Charlottetown, make the total of Sixty-nine Public Schools of the Colony, exclusive of the Central Academy and St. Andrew's College.

Assuming the average attendance at each school to be forty Scholars, it will appear that 2,840 children are at present receiving the benefit of education on the Island.

I have the honor to be, Gentlemen,
Your obedient servant,

JOHN M'NEILL.

Charlottetown, January 29th, 1840.



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