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THE
ACTS
OF THE
GENERAL ASSEMBLY
OF
PRINCE EDWARD ISLAND.

ANNO VICESIMO QUINTO VICTORIÆ REGINÆ.



CHARLOTTETOWN:
JOHN INGS, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1862.

TITLES OF THE ACTS.

FOURTH SESSION OF THE TWENTY-FIRST GENERAL ASSEMBLY.

1862.

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ANNO VICESIMO QUINTO
VICTORIÆ REGINÆ.

At the General Assembly of Her Majesty's Island of Prince Edward, begun and holden at Charlottetown the Twentieth day of February, Anno Domini, 1862, in the Twenty-fifth year of the Reign of our Sovereign Lady Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the faith:

GEO. DUNDAS,
Lt. Governor.

CHAS. YOUNG,
President Leg.
Council.

Being the Fourth Session of the Twenty-first General Assembly convened in the said Island.

D. MONTGOMERY,
Speaker.

C A P. I.

An Act to amend the Act to provide for the organization of a Volunteer Force for the defence of this Island.

[Passed 26th March, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly as follows :

Repeals 4 and
10 secs. of 24
Vic., cap. 11.

I. The Fourth and Tenth Sections of an Act passed in the twenty-fourth year of Her present Majesty's reign, intituled "An Act to provide for the Organization of a Volunteer Force for the defence of this Island," be and the same are hereby respectively repealed.

Requirements
necessary to
constitute effec-
tive Members
of Volunteer
Corps.

II. Only those shall be deemed effective Members of Volunteer Corps who shall have attended muster or exercise, properly armed and accoutred, whether Cavalry or Infantry, eight times at the least in the six months immediately preceding the return required by the provisions of the hereinbefore recited Act for the Organization of a Volunteer Force for the defence of this Island, and who shall have been duly returned by the Commanding Officer as effective Members, and as having taken the Oath of Allegiance.

CAP. II.

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

[Passed April 17, 1862.]

Repeals 14
Vic., c. 16.

BE it enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act an Act made and passed in the fourteenth year of the Reign of Her present Majesty, chapter sixteen, intituled "An Act to consolidate and amend the Laws relating to Statute Labour and the expenditure of Public Moneys on the Highways;" an Act made and passed in the Sixteenth year of the reign of Her present Majesty, chapter seven, intituled "An

16 Vic., c. 7.

Act relating to the Highways in Charlottetown, Common and Royalty, and certain other parts of Queen's County, and to the performance of Statute Labour and the expenditure of Public money therein;" also an Act made and passed in the seventeenth year of Her present Majesty's reign, chapter fifteen, intituled "An Act to amend the Law now in force relating to Statute Labour, and the expenditure of Public Moneys on the Highways;" also an Act made and passed in the eighteenth year of the reign of Her present Majesty, chapter eight, intituled "An Act to amend the Law relating to the performance of Statute Labour, and to authorize the establishment of certain additional Road Districts, and the appointment of Road Commissioners therefor;" also an Act made and passed in the twenty-second year of Her present Majesty's reign, chapter ten, intituled "An Act to amend the Act to consolidate and amend the Laws relating to Statute Labour, and the expenditure of Public Moneys on the Highways;" and also an Act made and passed in the twenty-third year of Her present Majesty's reign, chapter forty-three, intituled "An Act to make certain alterations in the Laws for the performance of Statute Labor on, and the improvement of the Highways," be and the same are hereby respectively repealed.

II. It shall be lawful for the Lieutenant Governor, with the consent of Her Majesty's Executive Council of this Island, after the passing of this Act, to nominate and appoint a Commissioner of Highways for each of the Districts named in the Schedule to this Act annexed, marked (A), who shall be a resident therein—except as hereinafter named—and from time to time to fill up any vacancy occurring in any such office, by death, removal, resignation or otherwise, of

Road Commissioner to be appointed for each District, named in Schedule to this Act.

No Commissioner to remain in office longer than 3 years.

Duty of Commissioner.

Proviso as to District No 12.

Allowance to Commissioners.

any such Commissioner, and which Commissioner so appointed shall not continue in Office for a longer period than three years, unless re-appointed as aforesaid; and it shall be the duty of every such Commissioner to appoint Overseers of Statute Labour annually, and to direct such Overseers where, when and how such Statute Labor shall be performed, and to receive from such Overseers, Returns of their doings in manner hereinafter directed, and to make a Yearly Return to the Lieutenant Governor, in Council, of all their actings and doings relative to the performance of Statute Labour within the District to which such Commissioner shall or may be appointed. Provided always, that when it shall be necessary to appoint, to supersede, or fill up the vacancy in the office of any Commissioner of Highways, for District number twelve, in Queen's County, it shall be lawful for the Lieutenant Governor, in Council, to appoint any person as Commissioner of Highways for the said District, whether such person be resident in the said District or elsewhere in this Island: Provided further, that every Commissioner of Highways heretofore appointed and holding that office at the passing hereof, shall be deemed to be a Commissioner of Highways under this Act.

III. There shall be paid out of the Moneys in the Public Treasury of this Island, to the Commissioners of Highways to be appointed under this Act, or who shall be in office at the passing thereof, for their services in the execution of their duties as such Commissioners, the following sums respectively, namely: the sum of twenty-five pounds per annum to the Commissioner of District Number Twelve, in Queen's County, to be due on the first day of January, and the first day of July in each year; and the sum of

Ten Pounds per annum to the Commissioner of each of the several remaining Districts in the said Island, and which said several sums respectively shall be in lieu of all Fees or per centages on Moneys expended; and shall be paid by Warrants, under the hand and seal of the Lieutenant Governor, drawn on the Treasurer of this Island.

IV. If any Commissioner of Highways under this Act, shall, after signifying his acceptance of said office, neglect or refuse to carry the provisions of the same into effect, or any of them, so far as they are imposed on him by virtue of his said office, he shall for every such neglect or refusal, on due conviction thereof, forfeit and pay the sum of Five Pounds; to be recovered before any one of Her Majesty's Justices of the Peace, or Commissioner of Small Debts, on the oath of one or more credible witness or witnesses.

Penalty on Commissioner &c, for neglect of duty.

V. Each Commissioner so to be appointed as aforesaid, or who shall be in office at the passing of this Act, shall, on or before the fifteenth day of May in each year, nominate and appoint such number of Overseers within his District, as to such Commissioner shall appear to be for the public good, and shall prescribe to such Overseers the Limits and Boundaries of their respective Precincts within which they shall have authority, and the Roads and parts of Roads, or the Bridges where the Statute Labor shall be wrought, and where the money received in Commutation thereof, shall be laid out and expended; and each Overseer shall, immediately after notification and acceptance of his appointment, give notice of his appointment to the Inhabitants of his Precinct, by causing a Notice to be posted up in the most public place within such Precinct,

Overseers to be appointed on or before the 15th May in each year, &c.

Overseers to give notice of their appointment.

to the end, that such Inhabitants may know to whom to commute the payment of their Statute Labour in terms of this Act.

Penalty in refusing to accept office of Overseer.

Proviso.

VI. If any person liable to Statute Labour under this Act, shall refuse to accept of the office of Overseer, he shall be liable to a fine of Two Pounds, provided always that no person shall be compelled to serve that office more than once in every three years; but if any person shall accept of the same more than once within such period, he shall be liable to all the Rules, Regulations, and duties pertaining thereto, as prescribed in this Act; and on any Overseer failing or neglecting to perform all or any of the duties of said office as herein pointed out, he shall forfeit and pay a sum not exceeding five pounds.

Penalty on Overseer for neglect of duty.

Overseers in office at the passing of this Act to continue such, &c.

VII. The Overseers of Highways, appointed under the provisions of any one or more of the Acts hereby repealed, and who shall be in office at the passing of this Act, shall be considered the Overseers of Highways under this Act, and shall be liable to all the Rules, Regulations and Duties, pertaining to that office as herein prescribed.

In case of sickness, &c., of Overseer, Commissioner to appoint another in his place.

VIII. In case of the sickness or death of any Overseer, or absence from his Precinct, after his appointment under this Act, it shall and may be lawful for the Commissioner within such District, to appoint some other person to perform the duties of such deceased or absent Overseer, at any time before the time limited for the performance of Statute Labor as before prescribed.

Overseers to summon Inhabitants.

IX. The said Overseers of the Highways, shall, and they are hereby required and empowered, in pursuance of the orders they shall receive from time to time, from the Commissioner of the

District, to summon the Inhabitants residing within their respective Precincts, giving them at least ten days notice of the time and place where and when they intend to employ them; and they shall direct and order the persons so summoned, to labour in making and repairing the Highways, Streets or Bridges, in the most effectual and advantageous manner, for and during the number of days appointed by this Act for such service or Labour, they the said Overseers being hereby exempted and excused from any other Labour and Service, on or relative to the highways, than the issuing of summonses, ordering and overseeing the performance of the Statute Labour within their respective Precincts, and making out and returning within the time limited, exact and true Reports of their doings on the Highways, lists containing names of those who have performed their Statute Labor or paid their Commutation Money, lists of Absentees and other Returns as next hereinafter pointed out.

Ten days notice to be given, when and where labor to be performed.

Overseers exempt from other labor.

General duties of Overseers.

X. Every Overseer of Highways is hereby required and directed, at the expiration of two months from the time of the performing of Statute Labor within his Precinct, to account with the Commissioner of the District within which such Overseer shall reside, for his conduct in the execution of his trust as Overseer, and to report to him in writing the work and labor really done and performed, and the application, accompanied with the proper vouchers and discharge, lists of Absentees, of the fines and forfeitures incurred, whether levied or in arrear, why the same have not been levied, how applied in promoting the intentions of this Act, and also account for all moneys received in commutation of labor, and application of the same, which moneys shall be

Overseers to account with Commissioner.

Commutation money to expended under direction of Commissioner.

expended by the Overseers at Public Competition under the direction of the Commissioner, within ten days after the labor has been performed, and within the Precinct or Precincts, where such moneys were collected.

Overseer or City Collector, to prepare a list of names, of persons within his Precinct, having performed Statute Labor, or paid Commutation, according to form, Schedule B.

XI. In addition to the Report or Returns required by the last preceding section, after the expiration of the time limited by this Act for the performance of Statute Labor, or by the City Law for payment of City Tax, every Overseer of Highways and every City Collector shall prepare a list containing the names set forth, at length, of all persons within his precinct, who have performed their Statute Labor, or paid their commutation money, or City Tax, in lieu thereof, as well as of all persons eligible to perform the same, but who shall have been excused or privileged from such performance by Act of General Assembly, together with the ages and places of residence of all such persons, which list shall be according to the form set forth in the Schedule to this Act annexed, marked (B,) and the same shall be delivered into the hands or custody of the Commissioner of Highways, authorised to receive the same, or to the Mayor of the City, where made by the City Collector on or before the first day of August in each year.

Said report and list to be subscribed and attested to by Overseer or Collector before a Justice of the Peace according to form in Schedule (C.)

XII. The Report or Returns, together with the list of names required by the last two preceding sections, to be furnished by every Overseer to the Commissioner of Highways, and by the City Collector to the Mayor of the City respectively, shall be subscribed and attested to upon Oath by every Overseer and City Collector, as aforesaid, before one of Her Majesty's Justices of the Peace, in the form in the Schedule to this Act annexed, marked (C,) (those words in said form having reference to the Report or Returns

of the Overseers being omitted when the Oath is taken by the City Collector; and in case any such Overseer, or City Collector, shall fail or neglect to perform all or any of the duties hereinbefore required of each of them respectively, or to certify and attest to the Report or Returns, and list of names, as herein directed, he shall forfeit and pay a sum not exceeding Five Pounds.

Penalty on Overseer or Collector for neglect of duty.

XIII. Every Commissioner of Highways shall carefully keep together the various lists of persons returned to him by the Overseers, as having performed their Statute Labor, or paid their commutation money, and shall on no account alter, or suffer any other person to alter, the same in any particular; and shall, as soon as possible, after the first day of August, in each year, transmit the same, enclosed and sealed, to the Correspondent of Roads, in Charlottetown, whose duty it shall be to keep such lists, each respectively under label, denoting the County and District to which every such list belongs, in order that reference may at any time be made, with as little inconvenience and research as possible, to any particular list, or any particular name in any such list.

Commissioner to keep together, without alteration, lists returned to him by Overseer.

To enclose said lists under seal to Road Correspondent after 1st of August in each year.

List how to be labelled &c.

XIV. Every male person between the ages of sixteen and sixty years, except as hereinafter is excepted, shall, when appointed or required thereto, either by himself or some sufficient substitute, and provided with such necessary Implement or Implements as may be directed by the Overseer of the Precinct, work for the space of four days or thirty-two hours, in every year, on the said Highways, Streets, or Bridges: Provided always, that nothing herein contained shall extend, or be construed to extend, to render liable to Statute Labor any person whomsoever who shall not have been, at the time of the ap-

Male persons between 16 and 60 years of age to work on Highways, &c., 4 days or 32 hours in each year.

Certain persons exempt from Statute Labor.

Persons over 60 years old claiming exemption to make affidavit.

Affidavit to be lodged in Commissioner's Office.

Persons exempt from Statute Labor.

Rates of labor for males possessing Horses, &c.

Number of days work in each year.

Eight hours to be a days work.

Possessors of Horses may be called upon to send men in lieu thereof.

pointing of the Overseers, a resident of this Island for at least six calendar months: Provided also, that when any person shall claim to be exempted, by reason of his being upwards of sixty years of age, he shall, previous to the first day of May in the year in which he shall be entitled to claim such exemption, make and subscribe an Affidavit, to that effect, before one of Her Majesty's Justices of the Peace, such Affidavit to be lodged in the office of the Commissioner of Highways for the District, who shall file the same, and said Affidavit shall be taken as evidence of his being exempt on all occasions during the continuance of this Act; and provided further, that all Ministers of Religion, Country Postmasters, and all School Teachers, who are entitled to receive Legislative aid as such, shall be exempt from the performance of Statute Labor under this Act.

XV. Every such male person, as aforesaid, possessing a Horse and a Cart, or possessing two Horses and a Cart, or two working Oxen and a Cart, or possessing one Horse, or two Horses, or two working Oxen, without a Cart, shall, if so directed by the Overseer of the Precinct within which he resides, bring out, or send, such Horse or Horses, or Oxen and Cart, if possessing one, accompanied by one able bodied man, for three days in every year, to work on the Highways, Streets, or Bridges of the Precinct wherein such male person, as aforesaid, shall reside, for the space of eight hours in each day.

XVI. When in the opinion of the Overseers the labor of men will be more useful than that of Cattle, all persons liable to send two Horses or two working Oxen, with or without a Cart, as aforesaid, shall, instead thereof, send two men for three days, or one man for six days, or

forty-eight hours, to labor on the roads, which said labor shall complete their yearly summer Statute Labor; and a person owning one Horse, with or without a Cart, or one pair of Oxen only, shall, in such case, work, or cause to be worked, five days or forty hours labor.

XVII. The Horses and Teams of all persons whomsoever, as well of those who are over sixty years of age, as of those who are under that age, shall be liable to the performance of Statute Labor under this Act, and the owners thereof, respectively, shall send out such Teams: Provided always, that nothing in this clause shall extend to widows having no male children under their control, above the age of sixteen years, or who employ no male servants above that age.

Horses, &c., of persons over 60 years of age liable to Statute Labor.

XVIII. Nothing in this Act contained shall exempt, from liability to perform Statute Labor, and to comply with the other provisions of this Act, the Masters, Officers or Crews of Vessels, who may be either Leaseholders, Freeholders or Occupiers of Houses or Lands in this Island, and have their usual place of residence therein, notwithstanding they may not have resided in this Island for the space of six months consecutively, prior to the time when such Statute Labor is required to be performed, but they shall be liable for such Statute Labor; and to comply with the other provisions of this Act, notwithstanding such want of residence as aforesaid.

Masters, &c., of Vessels having houses or lands in this Island liable to Statute Labour.

XIX. All persons liable to perform Statute Labor, although absent from the Island, and all persons neglecting or not attending to perform the said duty faithfully, and to the satisfaction of the respective Overseers, shall forfeit three-pence for every hour's neglect; and any one of Her Majesty's Justices of the Peace, or the Commissioner of Small Debts, nearest to the residence

Fine for neglecting to perform Statute Labour.

Mode of recovery.

of such Overseer, is hereby empowered and required, on complaint made to him by an Overseer of the Highways, to issue a Summons, in the form in the Schedule to this Act annexed, marked (D,) under his hand and seal, summoning the person or persons so neglecting to appear before him in order that the complaint may be heard and determined, and upon proof being made of such person's non-appearance, refusal, or neglect, the said Justice or Commissioner of Small Debts shall cause the said forfeiture to be levied, together with the expenses of levying, by Warrant of Distress and sale of the offender's Goods and Chattels ; and the sum so levied shall forthwith be put into the hands of such Overseer, as shall have prosecuted for the same, to be by him applied for and towards the repairs of the Highways within his Precint, in such manner as the Commissioner thereof shall and may direct ; if no Goods and Chattels can be found whereon to levy, then the offender shall suffer imprisonment for a period not exceeding forty days, nor less than eight days.

Appropriation
of fine.

Statute Labor
may be commuted
for money.

Time of com-
mutation and
rates.

XX. Provided always, that all persons liable to perform Statute Labor under this Act shall have the option, instead of such labor, to pay annually, on or before the first day of the commencement of the Statute Labor in the respective Districts, the sums of money respectively as follow, that is to say, every male person, not being the owner or possessor of a Horse or pair of working Oxen, the sum of three shillings ; and every person whether liable to be exempted from the performance of Statute Labor, or not, owning or possessing one or more Horses above the age of four years, or one or more pairs of working Oxen, the sum of one shilling and six-pence for each and every such Horse or pair of Oxen

owned or possessed by such person ; provided that where a Widow having no male children, under her control, above the age of sixteen years, or who employs no male servant above that age, shall own but one Horse, such Widow shall be exempted from the payment of commutation money for the same.

XXI. Every Commissioner shall expend the money paid to him, under the preceding section of this Act, on the Highways within his District, and in such way and manner as shall appear to him most conducive to the public interest ; and shall within five months after the period for the performance of the Statute Labor, deliver in to the Lieutenant Governor, and Council, an exact account of all moneys received by him as Commissioner, as aforesaid, and of the application thereof ; and he shall certify and attest to the same before one of Her Majesty's Justices of the Peace, previous to transmitting the same, in the form set forth in the Schedule to this Act annexed, marked (E,) and shall at the same time make a full and distinct report of all his actings and doings, as such Commissioner, with an account of the state and condition of the Highways within his District, prior to the performance of Statute Labor, and subsequent thereto ; and until such account and report shall be given in, such Commissioner shall not be entitled to receive any salary or recompense whatever for such services.

XXII. Every Commissioner who shall neglect or refuse to certify and attest the account, as hereinbefore directed, shall forfeit and pay a sum not exceeding Five Pounds, the same to be recovered, with costs of suit, in the name of the Road Correspondent, for the time being, or any other person who shall prosecute for the same,

Commutation money how expended.

Commissioner to account on oath within 5 months after performance of Statute Labor.

Form of attestation.

Further duty of Commissioner.

No salary to be paid Commissioner until account given in.

Penalty on Commissioner for not certifying account, &c.

Penalty how recovered.

on the oath of one or more credible witness or witnesses, before any one of Her Majesty's Justices of the Peace in the County wherein such Commissioner's District shall be situate.

Duty of Commissioner when directed to lay out moneys on the Highways, &c.

XXIII. When any Commissioner appointed under this Act, or who shall be in office at the passing thereof, shall be directed by the Lieutenant Governor to lay out and expend the Public Moneys appropriated for the making and repairing of Roads and Bridges, such Commissioner or other person or persons shall, and they are hereby required and directed, except in cases of casual repairs, to cause advertisements to be inserted in the public Newspapers of the Colony, and shall also cause similar advertisements to be posted up in the vicinity of the place or places where such work is to be performed, giving fourteen days notice thereof; that on the day and hour, named in such advertisement; will be sold or let to the lowest bidder, on the spot where such work is to be performed, the Roads or Bridges named in such advertisement, and the said Commissioner or other person or persons so appointed, as aforesaid, are hereby directed to let all such Roads and Bridges on the best and lowest terms, taking good and sufficient security or securities for the faithful performance of every Contract or Contracts so entered into; and any person or persons who shall take down, deface or destroy any advertisement, posted as aforesaid, shall be liable to a fine not exceeding twenty shillings for every such offence.

Contractors to be paid on Certificate of Commissioner.

XXIV. The moneys so directed to be expended, as aforesaid, shall be paid by the direction of the Lieutenant Governor to the person or persons entitled to receive the same, on the certificate of the Commissioner appointed to expend such money, as the case may be, according to the contracts entered into.

XXV. The rate or duty of all male persons between the ages of sixteen and twenty-one years, shall be paid by the parents of such persons respectively, in all cases where such parent shall retain the ordinary control and derive the ordinary services of persons within such ages; and the Rate or Duty of all apprentices shall be paid by their masters, but every such master shall nevertheless be entitled to retain such amount out of any wages by him payable to such apprentices, over and above any sum allowed for Board, Lodging, and clothing only. The said Rate or Duty shall and may be sued for in manner hereinbefore prescribed in this Act, and the like process for the recovery of the same, used and taken as therein mentioned.

Rates due from
Minors, ap-
prentices, &c.,
how payable.

How recover-
able.

XXVI. Every person who shall have duly performed his Statute Labor, or paid his Commutation money or City Tax in lieu thereof, and being of the age of twenty years, shall be entitled to receive from the Overseer of Roads for the Precint wherein such person shall have resided, or if resident in Charlottetown, from the City Collector; and the said Overseer or City Collector is hereby required to give a certificate in writing, or partly in writing, and partly in printing, subscribed with the name of said Overseer or City Collector; written by himself or by some person in his presence, and by his authority and request, wherein shall be acknowledged and expressed, the performance of the Statute Labor, or receipt of Commutation Money, or City Tax, as performed or paid by the person named in said certificate, whose name or names shall be written in full, and the date of the year—which shall be in words at length—for which such Labor shall have been performed or Commutation Money, or City Tax paid, and which certificate shall

Every person
20 years of age
who performs
his Statute
Labor or pays
Commutation
money, &c., to
receive Certi-
ficate from
Overseer &c.,
acknowledging
performance of
Statute Labor,
or receipt of
Commutation
Money.

Form of Certificate in Schedule F.

also bear date on the day when signed, and shall be in substance according to the Form 1, 2 or 3, (as the case may be), in the Schedule to this Act annexed, marked (F), and when granted to any person between the ages of twenty and twenty-one years, shall have expressed therein the additional words, "under age."

Fee to Overseer for Certificate.

XXVII. Every Overseer shall be entitled to retain out of the Commutation Money paid into his hands, the sum of three-half-pence for every certificate so by him given as aforesaid; and in case the Commutation Money paid into his hands, shall not be sufficient to meet such charge, any deficiency shall be made up to him out of the Public Treasury of this Island: Provided that no such Overseer shall have any claim upon the Government for any such deficiency, if he shall during the year have received sufficient Commutation Money to have satisfied the same.

Fund from which Fee to be paid.

Road Correspondent to furnish Commissioner with blank forms of Certificates.

XXVIII. It shall be the duty of the Road Correspondent, to furnish the Commissioners of Highways every year, or as often as it shall be required, with Blank Forms of the aforesaid Certificate, at the expense of the Government of this Island, and said Commissioners are hereby required, at the time of the commencement of the Statute Labor in each year, to supply the various Overseers of their respective Districts, with such quantities of said Blanks as may be required for the purposes of this Act.

Commissioners to supply Overseers.

After certain time no Overseer, &c., to grant Certificate.

XXIX. No Overseer or City Collector, shall on any account grant or sign any such certificate, after the lapse of Two Calendar Months, next after the day limited for the performance of Statute Labor, or payment of Commutation Money or City Tax.

Any person who loses Cer-

XXX. Any person whose lawful certificate shall have been lost or destroyed by unavoidable

accident or misfortune, shall be entitled to a duplicate thereof, from the said Overseer or City Collector, on subscribing an Affidavit in writing, and swearing thereto, before any one of Her Majesty's Justices of the Peace, residing in or near the Precinct or Town where such person shall have performed, or been liable to perform his Statute Labor, and on payment of the sum of three pence to the Overseer, for such Duplicate, who shall write thereon the word "Duplicate." Provided that the cause or means by which the original certificate shall have been lost, shall in such affidavit be clearly expressed, and the said affidavit shall be countersigned by the said Overseer or Collector, and afterwards returned by him to the Commissioner for his Precinct, or to the Mayor of the City, as the case may require.

duplicate, may obtain duplicate in certain cases and upon certain conditions.

XXXI. Every person who shall forge or counterfeit, or in order to forge or counterfeit, shall erase or alter any Overseer's or Collector's certificate granted as aforesaid, or shall utter or make use of any such forged, counterfeited, altered or erased certificate, knowing the same to have been forged, counterfeited or so erased or altered, with intent to defraud, shall be deemed guilty of Forgery, and shall suffer the pains and penalties, now by Law inflicted upon persons guilty of the offence of Forgery.

Persons forging or altering Certificates, or using forged ones to be deemed guilty of Forgery.

XXXII. In every case where any Overseer of Roads or Collector of City Tax, shall entertain any doubt of the age of any person applying for a certificate of the performance of his Statute Labor, or payment of his Commutation Money or City Rate, no such certificate shall be granted to any such applicant, unless an affidavit shall be first subscribed, and sworn by him, or some other credible person, before a Justice of the Peace or Commissioner of Small

Where Overseer &c., doubts age of person applying for Certificate not to grant unless an affidavit be made of age of applicant.

Debts, testifying to the age of such applicant, and lodged with such Overseer or Collector, as aforesaid.

The absence of name of any person in any list to be *prima facie* evidence before any court, of not having performed Statute Labor or paid Commutation money.

XXXIII. Whenever it shall become necessary to ascertain, in or by any Judicial Inquiry, or before any lawfully constituted tribunal, the fact of any person having duly performed his Statute Labor, or paid his commutation money, or City Tax, in lieu thereof, reference may be had to the lists returned, as aforesaid, to the Road Correspondent and Mayor of the City, and the absence of the name of such person in such list, shall be deemed *prima facie* evidence of his not having performed his Statute Labor, or paid his commutation money, or City Tax.

Penalty on Overseer or Collector granting a false certificate.

XXXIV. Every Overseer of Statute Labor, or Collector of City Tax, who shall grant any certificate falsely testifying that the person therein named, hath performed his Statute Labor, or paid his commutation money, or City Tax, with intent that such false certificate shall be used to deceive, mislead, or defraud any Judicial Officer, or minister of Justice, each and every Overseer, or Collector, as aforesaid, shall forfeit and pay for every such offence any sum not less than Ten Pounds, nor more than Thirty Pounds; the same to be recovered, if over Twenty Pounds, in Her Majesty's Supreme Court of Judicature, by Bill, Plaint, or information, on the oath of one or more credible witness or witnesses; and if under Twenty Pounds, then in any Court of Commissioners for the Recovery of Small Debts in the County wherein such offence shall have been committed.

Mode of recovering penalty.

XXXV. From and after the passing of this Act the whole of the Statute Labor shall be performed between the Twentieth day of June and the Twentieth day of July, annually, each Over-

Statute labor to be performed in any six days between

seer to advertize the Inhabitants to perform the Statute Labor in any six days within the last mentioned period which, in his discretion, he may judge most convenient to the Inhabitants of the Precinct, the advertisement being not less than three in number, and to be posted in the most public places of the Precinct, of such Overseer, at least ten days before the period of performing such Labor, which shall be held a sufficient warning.

20th June and
20th July annually.

Notice how to
be given.

XXXVI. Provided always, that whenever, and as often as it shall come to the knowledge of any Commissioner of Highways, that any Highway, or part thereof, or small Bridge or Watercourse, within his District, has been so damaged or injured, by reason of the melting of the snow, or spring freshets, or any other casualty, as to require immediate repairs, it shall be his duty, and he is hereby required, to direct so many of the Inhabitants, in the immediate vicinity thereof, to repair the same without loss of time, in such manner as he may direct; and any such Inhabitant or Inhabitants, so working under the directions of the said Commissioner, shall be allowed for the same out of his or their general Statute Labor for that year required by this Act.

Commissioners may direct inhabitants to repair bridge, &c., when deemed necessary.

Such work to be deducted from Statute Labor for that year.

XXXVII. No Overseer shall have power or authority to compel any person to work his Statute Labor at a distance exceeding five miles from the place of such persons residence.

No person compelled to work more than five miles from residence.

XXXVIII. It shall be lawful for the Commissioner of each District, whenever he may think it necessary, to appoint some person or persons, contiguous to the Bays or Rivers, for the purpose of placing Bushes in the Ice, on the best track generally used by Travellers, as early in the Winter as the Ice may become passable; and the Commissioner is hereby required to

Commissioners to appoint persons to mark out winter Roads on ice.

Penalty for cutting or removing bushes.

notify the Overseers of the different precincts, of the persons so appointed; and on such person so appointed performing the requisite duty, they are hereby declared to be liable to no other Statute Labor during that year; and any person who shall wilfully cut, break down, or remove any Bushes placed, as aforesaid, shall be liable to a fine not exceeding Five Pounds, and not less than ten shillings.

Overseers may summon inhabitants to break winter roads when necessary.

XXXIX. The Overseers of Highways shall have power, and they are hereby required, during the Winter season, to summon as many of the Inhabitants in their respective Precincts, as they in their discretion shall think fit, to work at the times and places appointed on the Highways, or public Winter Roads, by breaking Roads in the snow with their Horses, Oxen, or Teams, if possessed thereof, or by levelling Pitches on such Winter Roads, and with such implements as the Overseer may deem requisite, whenever the depth of snow or state of the Roads shall render the same necessary, in each Winter, and at no greater distance than five miles from their own houses; and such Inhabitants shall perform the same work, over and above that which such Inhabitants are liable to perform, upon the Highways, Roads and Bridges by this Act; and each and every person neglecting or refusing to turn out with his Team or Teams, or with such Implements as may be directed by the Overseer of the Precinct, shall be liable to a fine not exceeding ten shillings for every such neglect or refusal; and the Overseers of Precincts are authorized to appoint a person or persons to notify the Inhabitants in their Precincts, when they are required to turn out, for the purpose of breaking the Winter Roads or levelling Pitches thereon, as aforesaid, which person or persons so notifying the Inhabitants of the Precinct,

No person required to work at a greater distance than five miles from his own house, &c.

Penalty on persons refusing to perform such work.

Persons to be appointed to notify inhabitants who shall be exempt from one day's work therefor.

shall be exempted for one day, from such Labor in breaking the Roads, for each time they shall be engaged in so notifying, as aforesaid.

XL. It shall be in the power of each Overseer of a Precinct, or Commissioner of a District, to order the removal of any obstruction or nuisance in the Highways, within his Precinct or District; and on a summary complaint to any one of Her Majesty's Justices of the Peace, or a Commissioner of Small Debts, to recover from the person or persons, causing such obstruction or nuisance, the expense incurred in removing the same, provided such expense shall not exceed Five Pounds; and if no owner of the article, causing such obstruction or nuisance, can be found, then the Overseer or Commissioner shall have such obstruction or nuisance removed, and shall cause the same to be sold, or so much thereof as will pay for the expense of such removal; and the Overseers of Precincts are hereby required to cause all thistles, daisies, and other obnoxious weeds, growing on the Highways, in their respective Precincts, to be destroyed or cut down during the time of performing Statute Labor.

Commissioners or Overseers to order removal of nuisances &c.

Fine for causing nuisance, &c.

Duty of Overseer, &c., when person causing nuisance, &c., cannot be found.

Thistles &c., to be cut down.

XLI. It shall and may be lawful for the Commissioner of any District to commute as much of the Statute Labor as he may deem expedient for an equal quantity or value of labor to be performed, in the Winter season, in procuring and hauling Timber for the building or repairing of Bridges, and for levelling and repairing any Public Roads, not being main Post Roads, within his District.

Summer Labor may be commuted for Winter Labor.

XLII. From and after the passing of this Act every Highway in this Island, unless where legally established at a less width, shall be the width of sixty feet, and no occupier of ground

Width of Highway.

Penalty for encroaching on Highway.

adjoining the Highways, or any other person, shall encroach thereon, by fencing or otherwise, under a penalty not exceeding twenty shillings for each and every day such encroachment shall be allowed to remain after due notice to remove the same.

Power and duty of Commissioner when drains are necessary to be opened.

XLIII. When and as often as it may, in the opinion of the Commissioner of any District, become necessary for the draining of any Highway, to cut or open any Ditch or Drain from the side of any Highway, through any Land adjacent thereto, and the owner or occupier thereof shall refuse his consent for so doing, then any two of Her Majesty's Justices of the Peace shall, upon application of such Commissioner, issue a summons directed to such owner or occupier to appear before them, at a time and place therein mentioned, of which at least three clear days notice shall be given to such owner or occupier, to show cause why the said Drain should not be opened; and in default of appearance, or after hearing the said owner or occupier, and evidence relating thereto, such Justice shall and may make an order for the opening of such Drain to run in such course, and of such width, depth and extent as to such Justice shall seem needful and necessary; and the costs of such suit shall be paid, as by such Justice shall or may be adjudged, and be enforced by Execution in manner as the same is issued for the recovery of Small Debts; and the order of such Justice, in such case made, shall be full authority and justification for the said Commissioner, and all persons employed therein, in opening such Drain, or in clearing or keeping open the same, and may be proved as often as shall become necessary under a plea of the general issue: Provided always, that if at any future time it should be made to

Mode of proceeding when owners of land refuse to allow drains to be made through their lands.

Justice in such cases may order drains to be made.

Costs of proceeding how payable.

Order of such Justice full authority for making drains.

appear to such or any other Justice that such Drain has become unnecessary, or is no longer useful, then he shall make an order for the same to be closed; and provided also, that every such owner or occupier who may feel aggrieved by any such order, shall and may appeal therefrom to the Supreme Court of Judicature in manner prescribed by Law for appeals in matters of Small Debts; and the Supreme Court, on hearing such appeal, may reverse, annul, vary, or limit such order, and award costs thereupon as to such Court shall seem just and necessary.

Justice may order drains no longer necessary, &c., to be closed.

Gives an appeal to owners of land against Justices order.

XLIV. The Commissioner of Highways for District Number Eleven, in King's County, is hereby empowered and directed from time to time, as occasion may require, to cause and procure the public Sewer in Kent Street, in Georgetown, to be opened and thoroughly cleansed and repaired.

Commissioner of District No. 11, in King's County, may open public sewer in Kent Street, Georgetown, for cleaning same.

XLV. Any Inhabitant of Georgetown may, at his own expense, and on permission from the Commissioner for the District, in writing, first had and obtained, open a Drain or Drains from his Dwelling House, or other place or premises, into the said public Sewer, in Georgetown, provided said Drains be opened and constructed under the direction and superintendence of the said Commissioner, whose duty it shall be to cause the same to be opened, and made in a fit and proper manner, and properly covered and secured.

Any inhabitant of Georgetown on permission given by Commissioners &c. may open a drain into the public sewer.

Proviso.

XLVI. Any person or persons opening any drain, or other passage, from his or their dwelling house or houses, or other place or premises, into the said public Sewer, without the permission of the said Commissioner of Highways, first had and obtained as hereinbefore directed, or

Person opening a drain into said sewer without permission of the Commissioner.

Or opening same improperly, &c., or refusing to cover the same.

After 24 hours notice given to close up or repair same, &c., liable to be fined 20s.

Mode of recovery.

Penalty on persons obstructing Bridges, fastening vessels thereto, or in any way injuring the same.

Persons to be appointed to superintend Bridges, &c.

opening the same in an improper manner, or refusing or neglecting to cover, secure and construct the same, or to close up, repair or clean such Drains, according to the order and directions of the said Commissioner, shall, after the expiration of twenty four hours notice in writing, from the said Commissioner, to alter, repair, clean, or close up the same, forfeit and pay, for every such offence, the sum of twenty shillings; and for every twenty-four hours during which any such person or persons shall refuse to obey any order relating to such Drains, and contained in such notice from the said Commissioner, such person or persons shall forfeit and pay the sum of twenty shillings, to be recovered and appropriated as hereinafter directed.

XLVII. If any person or persons shall hereafter place any Timber, Wood, Stone or other weighty article or articles upon any Bridge within this Island, or shall fasten any vessel or vessels thereto, or shall in any other way injure any such Bridge, he or they shall pay a fine not exceeding five pounds for every such offence; to be recovered, as hereinafter directed, over and above any damage done to any such Bridge.

XLVIII. Provided always, that any Commissioner of Highways is authorized to appoint such person or persons, as he may think fit, within his District, whose duty it shall be to allow vessels to moor or make fast to any Bridge within his District, and also in cases where it shall be necessary to open or raise a part of any Bridge to allow a new vessel or vessels, built above the same, to pass through, to cause the same, at the instance of the owner or master of any such vessel, to be so opened or raised, for such purpose, and to superintend the passage of such vessel through the same; and after such

passage, to cause the portion of such Bridge, so opened or raised, to be replaced, and the Bridge restored to its original state with the least possible delay; and such person, so appointed, is hereby authorized to take and receive from the owner or master of any such vessel, so moored or made fast to such Bridge, the sum of two shillings per day, Sunday excepted, during the time she may be moored or made fast to such Bridge; and for his attendance and trouble in superintending the passage of any new vessel, as aforesaid, and refitting the Bridge after such passage, the sum of one shilling for the first hour, and six pence for every additional hour he shall actually be at work, from the time of the opening of the said Bridge until it shall be refitted, besides the expenses incurred in opening such Bridge and refitting the same; and a sufficient sum to cover all damage or injury that may be done to the said Bridge; and in case of refusal of the master or owner to pay such sum as he may be liable to pay, as aforesaid, then it shall be lawful for the person so superintending such Bridge, to sue for and recover the same, with costs; and in all cases the same is to be accounted for on oath to the Commissioner of the District, before any one of Her Majesty's Justices of the Peace, or Commissioner of Small Debts, by *capias* or otherwise; and the amount of such Judgment, with costs, shall be realized by Warrant of Distress and sale of the materials of the vessel, one half of such rate to be paid to the superintendent, as aforesaid, and the other other half to the Commissioner of Highways in whose District the Bridge may be, to be expended for the repairs of said Bridge.

Rates payable
by owners of
vessels.

Mode of re-
covery thereof.

XLIX. All fines and forfeitures, arising under and by virtue of this Act, shall be sued for, and

Mode of re-
covery of fines
and forfeitures.

recovered with costs, before any one of Her Majesty's Justices of the Peace, or any Commissioner of Small Debts; for the county wherein such fines or forfeitures shall or may be incurred, on the oath of any one or more credible witness or witnesses; and, (where not otherwise appropriated by this Act,) shall be expended by the Commissioner of the District, and in the Precinct where such fines or forfeitures may have been incurred; and in the event of no Goods and Chattels being found whereon to levy, then the said Justice, or Commissioner, shall and may commit the party or parties, delinquent, to the common Jail of the County for the respective periods hereinafter mentioned, that is to say, where the penalty shall not exceed the sum of five shillings, for a space not exceeding ten days; and where the penalty shall be above five shillings and shall not exceed twenty shillings, for a period not exceeding fourteen days; and where the penalty shall be above twenty shillings, and shall not exceed forty shillings, for a period not exceeding twenty one days; and where the penalty shall be above forty shillings, and shall not exceed five pounds, for a period not exceeding sixty days.

Mode of proceeding when Commissioner or Overseer may be non-suited &c.

L. In the event of any Commissioner, or Overseer, who may prosecute for any penalty or offence, under the provisions of this Act, becoming non-suit, and it shall be certified by the Justice of the Peace, or Commissioner of Small Debts, before whom such case shall have been heard and determined, or other Court which shall finally decide the same, that such Commissioner or Overseer had just and reasonable grounds of action, then, and in such case, said Justice of the Peace, Commissioner of Small Debts, or other Court, as aforesaid, shall make out a certified statement of the costs of such action, which cer-

tified statement shall be delivered to the Clerk of Her Majesty's Executive Council, and the amount so certified, after being approved of by the Administrator of the Government for the time being, in Council, shall be paid to the Commissioner or Overseer, claiming the same, by the Treasurer of this Island.

Costs of non-suit to be paid by Treasurer.

Schedules referred to in this Act.

SCHEDULE (A.)

DISTRICTS.

NOS.

PRINCE COUNTY.

- | | | |
|-----|-----------------------|---|
| 1. | To comprise Townships | Nos. 1, 2 and 3. |
| 2. | “ | “ Nos. 4, 5 and 6. |
| 3. | “ | “ Nos. 7, 8 and 9. |
| 4. | “ | “ Nos. 10, 11 and 12. |
| 5. | “ | “ Nos. 15 and 16. |
| 6. | “ | “ Nos. 17 and 19 and the Line Road between 19 and 25. |
| 7. | “ | “ No. 18 and Princetown Royalty. |
| 8. | “ | “ Nos. 25 and 26. |
| 9. | “ | “ Nos. 27 and 28. |
| 10. | “ | “ Nos. 13 and 14. |

QUEEN'S COUNTY.

- | | | |
|----|----------------------|--|
| 1. | To comprise Township | No. 20 and all that portion of Township No. 21 lying to the north of the Princetown Road. |
| 2. | “ | “ Nos. 22, 67 and all that portion of Princetown Road which leads through Lot 21, and so much of Lot 21 as lies to the south of the Princetown Road. |
| 3. | “ | “ Nos. 23 and 24. |
| 4. | “ | “ Nos. 33 and 34. |
| 5. | “ | “ Nos. 29 and 30 and all that part of Lot 65 lying on the south side of the Elliot River. |
| 6. | “ | “ No. 31 and all such part of Lot 32 as does not lie to the eastward of the North or York River, and all that part of Lot |

- 65 lying on the north side of the Elliot River.
7. " " Those portions of 35, 36 and 37 on the north side of the Hillsborough.
8. " " No. 48 and those portions of 35, 36 and 37 on the south side of the Hillsborough.
9. " " Nos. 49 and 50.
10. " " Nos. 57 and 58.
11. " " Nos. 60 and 62.
12. To comprise the Royalty of Charlottetown, Poplar Island Bridge and all that part of Township No. 32 which lies to the eastward of the North or York River.

KING'S COUNTY.

1. To comprise Townships Nos 38, 39 and 40 west of Morrell River.
2. " " Nos. 41, 40 and 39 east of Morell River and St. Peter's Harbor mouth and Morell Bridge.
3. " " Nos. 42 and 43 including the division Line Road between 43 and 44.
4. " " Nos. 44 and 45.
5. " " Nos. 46 and 47.
6. " " Nos. 56 and 55 north of Grand River and Grand River Bridge.
7. " " No. 55 south of Grand River, 53 north of Cardigan River and south of the Brudenell and 54.
8. " " Nos. 52, 51 and 66.
9. " " Nos. 59 and 61 and Montague Bridge.
10. " " Nos. 63 and 64.
11. To comprise Georgetown and Royalty, and the Common thereof, and the Reserved Land adjoining the said Royalty, and all that part of Township 53 lying south of the Cardigan River and north of the Brudenell River.

SCHEDULE (B.)

List of persons who have performed or commuted their Statute Labor for the year 186 under *A. B.*, Overseer, for _____ County (or who have paid their City Tax to *A. B.*, Collector.)

Persons Names	Place of Residence	Age	Commutation Money
Examples, viz :			
Andrew Angle,	Township No. 21	27	—
Mathew Snooks,	“ “	50	—
Samuel Brag, junr.	“ “	19	—
Walter Willowby,	“ “	57	Paid.
James Milway Boxer	Township No. 22	48	Paid.
Mark Rattlesnake, (senior.)	“ “	20	—
Cicero Singleton.	“ “		—

(Schoolmaster exempt—and so on, as the case may be.)
A. B., Overseer.

N. B.—The List to be written on one side only of the sheet, and to be on paper, as near as may be, of not less than thirteen inches deep nor less than eight inches wide.

SCHEDULE (C.)

FORM OF OATH TO BE MADE BY OVERSEERS OF STATUTE LABOR, AND CITY COLLECTOR, AND ATTACHED TO THEIR RETURNS.

I, *A. B.*, do swear * that the return now made by me contains a correct account of the receipt and expenditure of all moneys received by me as commutation of Statute Labor, within the Precinct for which I have been appointed, during the current year, and * that the foregoing (or annexed) list of men's names, and residences, contains, as far as I can ascertain, and according to the best of my information and belief, the names and residences of all persons liable to perform Statute Labor in my Precinct, (or liable to pay City Tax in lieu of Statute Labor) as well as of those who by some Act of Assembly, are especially excused or privileged therefrom.

A. B., Overseer,

or City Collector.

Sworn before me this _____ day of _____ 186

N. B. When the above Oath is taken by the City Collector, the words between Asterisks (*) will be left out.

SCHEDULE (D.)

FORM OF SUMMONS.

County.

By _____ Esquire, one of Her Majesty's Justices of the Peace for the said County, (or Commissioner of Small Debts, *as the case may be.*)

You are hereby required to be and appear personally before me, at _____ on the _____ day of _____ next, at the hour of _____ o'clock, then and there to answer *A. B.*, wherefore (*here insert the cause of action arising under said recited Act*), according to the terms of the Act of the General Assembly in such case made and provided.

Given under my hand and seal the
day of _____ 18

SCHEDULE (E.)

FORM OF OATH TO BE MADE BY THE COMMISSIONER OF HIGHWAYS, AND ATTACHED TO HIS RETURN.

I, *A. B.*, do swear that the return now made by me is just and true, and contains a correct account of the receipt and expenditure of all moneys received and expended under my direction and superintendance, as Commissioner of Highways, within the District for which I am Commissioner, during the current year, as I verily believe; and I do further swear, that I have during that time faithfully discharged the several duties pertaining to the office of Commissioner of Highways, as prescribed by Law, according to the best of my knowledge, skill and ability.

So help me God.

A. B., Commissioner.

Sworn before me this _____ day of _____ 18
C. D., J. P.

SCHEDULE (F.)

NUMBER 1.

Certificate of Overseer to be granted to every person of the age of Twenty years or upwards, who shall have performed his Statute Labor.

Township No 33 (or as the case may be,) or Town,
or Town Royalty, 186 (or as the case
may be.)

I certify that Peter Styles, junior, (or as the case may be) hath duly performed his Statute Labor, for this Precinct, (or Town) for the year ending the day of one thousand eight hundred and sixty (as the case may be.)

A. B., Overseer of Roads.

NUMBER 2.

Certificate of Overseer to be granted to every person of the age of twenty years or upwards, who shall have paid his Commutation Money.

Township No. 65 (or as the case may be,) or, Town,
or Town Royalty, 186 (or as the case may be.)

I certify that Peter Styles, junior, (or as the case may be) hath duly paid his commutation money, for his Statute Labor, for this Precinct (or Town,) for the year ending the day of one thousand eight hundred and sixty (as the case may be.)

A. B., Overseer of Roads.

NUMBER 3.

Certificate of City Collector to be granted to every person of the age of twenty years and upwards who shall have paid his City Tax.

I certify that John Doe, junior, (as the case may be,) hath duly paid his City Tax for the City of Charlottetown for the year ending the day of one thousand eight hundred and sixty (as the case may be.)

A. B., City Collector.

[N. B.—The year in the body of the Certificate, and the christian name or names and surname of the person mentioned, and whether senior or junior, to be written in full; and if two or more persons of the same name, not being father or son, residing in the same Town or Precinct, some distinguishing character or style to be added.]

CAP. III.

An Act to continue the several Acts therein mentioned.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, that

Continues Acts
of 3 Vic. cap. 12

An Act made and passed in the Third year of the Reign of Her present Majesty, chapter twelve, 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 ;”

6 Vic. cap. 9

An Act passed in the Sixth year of Her present Majesty’s Reign, chapter nine, intituled “An Act to amend the Act regulating the floating of Logs, Scantling, Deals and other kinds of wood down the rivers and lesser streams in this Island, and for other purposes therein mentioned ;” and

15 Vic. cap. 39
for 10 years.

“An Act passed in the Fifteenth year of the Reign of Her present Majesty, chapter thirty-nine, intituled “An Act to Incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance, in Prince Edward Island ;” and every matter, clause and thing in the said hereinbefore recited Acts, respectively, shall be, and the same are hereby continued and shall remain in force for ten years from the passing hereof, and from thence to the end of the then next Session of the General Assembly and no longer.

CAP. IV.

An Act to give effect to the Report of the
Commissioners on the Land Question.

[Passed April 17, 1862.]

WHEREAS the Lands of this Colony, Preamble.
 shortly after it was ceded to Great Britain, were granted by His late Majesty King George the Third, in large tracts, generally containing twenty-thousand acres each, to divers British subjects, and their Heirs and Assigns respectively, in Fee simple, and in the Grants or Patents by which the said tracts of land were so conveyed, there were contained certain clauses and conditions, respecting the time and manner of settling the said lands, and also respecting certain Quit Rents therein reserved to His said Majesty, and His Heirs, as well as certain reservations and rights intended for the benefit and encouragement of persons engaged in carrying on the Fisheries of this Island; and whereas Recital.
 at different times since the issuing of the said grants, and often during the last thirty years, the legal interpretation and construction of the conditions and reservations, contained in the said grants, respecting the settlement of the said lands, the right of enjoyment of the said Fishery Reserves, and the payment of the said Quit Rents have been much questioned, and have greatly occupied and agitated the minds of large numbers of the Inhabitants of this Colony; and whereas Recital.
 the final settlement and adjustment of these questions, with a due regard to the rights of all persons whomsoever interested therein, will conduce much towards the peace and contentment of the Inhabitants of this Island; and whereas on the ninth day of May, in the year of our

Lord one thousand eight hundred and fifty nine, the House of Assembly of this Island, agreed to an address to Her Most Gracious Majesty the Queen, wherein it was prayed that Her Majesty would be pleased to appoint some fit and proper person or persons as Commissioner or Commissioners, to inquire into the relations of Landlord and Tenant, in this Island, and negotiate with the Proprietors of Township Lands, for the fixing of some certain rate of price, at which every Tenant might at any time, have the option of purchasing his land, or of paying instalments of such purchase, and thereby gradually reducing the yearly rent until the whole price thereof be paid; and also to negotiate with the respective Proprietors, for a remission of the arrears of rent in such cases, and on such Townships, as the said Commissioner or Commissioners, from the circumstances of the Tenantry, or otherwise, might deem reasonable and expedient; and also to make such report respecting the Fishery Reserve question, and other questions relating to the Township Lands of this Island, as the House of Assembly confidently hoped would effect a final settlement thereof, and prevent all agitation regarding the same in future, which said Address was duly forwarded to England, and laid at the foot of the Throne; and whereas a copy of the said address having been communicated by His Grace the Duke of Newcastle, Her Majesty's principal Secretary of State for the Colonial Department, to the Proprietors of certain of the said Township Lands or Estates in this Island, the same Proprietors, by a certain communication in writing, dated from "Bush Hill House, Edmonton," on the thirteenth day of February, in the year of our Lord one thousand eight hundred and sixty, subscribed with their hands, and addressed to His Grace

Recital.

the said Duke of Newcastle, proceeded to state, and did state, and agree as follows, namely:

“MY LORD DUKE,

“We have been furnished with a copy of a memorial addressed to Her Majesty, by the House of Assembly of Prince Edward Island, on the subject of the questions which have arisen in connexion with the original grants of land in that Island, and the rights of Proprietors in respect thereof.

“We observe that the House of Assembly have suggested that Her Majesty should appoint one or more Commissioners, to enquire into the relations of Landlord and Tenant in the Island, and to negotiate with the Proprietors of Township Lands, for fixing a certain rate of price at which every Tenant might have the option of purchasing his lands; and also to negotiate with the Proprietors for a remission of the arrears of rent, in such cases as the Commissioners might deem reasonable, and proposing that the Commissioners should report the result to Her Majesty.

“As large Proprietors of land in this Island, we beg to state that we shall readily acquiesce in any arrangement that may be practicable for the purpose of settling the various questions alluded to in the Memorial from the House of Assembly, but we do not think that the appointment of Commissioners, in the manner proposed by them, would be the most desirable mode of procedure, as the labors of such Commission would only terminate in a report which would not be binding on any of the parties interested.

“We therefore beg to suggest that instead of the mode proposed by the House of Assembly, three Commissioners or Referees be appointed,

one to be named by Her Majesty, one by the House of Assembly, and one by the Proprietors of Land, and that these Commissioners should have power to enter into all the inquiries that may be necessary, and to decide upon the different questions which may be brought before them, giving of course to the parties interested an opportunity of being heard.

“ We should propose that the expense of the Commission should be borne by the three parties to the Reference, that is to say, in equal thirds, and we feel assured that there will be no difficulty in securing the adhesion of all the landed Proprietors, to a settlement on this footing.

“ The precise mode of carrying it into execution, if adopted, would require consideration, and upon that subject, we trust that Your Grace would lend your valuable assistance.

“ We have, &c.

“ S. CUNARD,

“ E. CUNARD, per S. Cunard.

“ GRAHAM MONTGOMERY,

“ SELKIRK,

“ JAMES MONTGOMERY,

“ LAWRENCE SULLIVAN.

“ To His Grace
the Duke of Newcastle, &c., &c , &c.”

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And whereas a certain other agreement or paper writing, bearing date in the year one thousand eight hundred and sixty, was subscribed at Charlottetown, in the said Island, by certain other Land Owners, namely, Thomas Heath Haviland, Daniel Hodgson, and William Cundall, all of Charlottetown, Esquires, also John Roach Bourke, of Township Number

Fifty, Esquire, John Archibald McDonald, of Tracadie, Esquire, and Charles Palmer, of Charlottetown aforesaid, Esquire, on behalf of himself, and the other Proprietors of the Western half of Township number one, by which said last mentioned agreement or paper writing, the said persons above named submitted and agreed to be bound by the Award, or Report of the said Commissioners, in like manner and effect, as they the said hereinbefore named persons who subscribed the said recited letter, dated at "Bush Hill House, Edmonton," the thirteenth day of February, in the year one thousand eight hundred and sixty, which said other agreement or writing of the said year, one thousand eight hundred and sixty, was also forwarded to His Grace the said Duke of Newcastle, and it is just and reasonable, that the said Land Owners who, either by themselves or Agents, subscribed the said last above recited agreement or paper writing, should be bound by the said Report or Award.

And whereas by a Despatch from His Grace the said Duke of Newcastle, bearing date the twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-one, and addressed to His Excellency the Lieutenant Governor of this Island, a copy of which has been laid before the Legislature of this Colony, His Grace, after referring to the prayer of the said Address of the House of Assembly, and also to the above recited communication from the above named Proprietors of Township Lands or Estates in this Island, was pleased to state as follows: namely, "They, (the above named Proprietors) therefore, instead, suggest that three Commissioners or Referees should be appointed, one by Her Majesty, one by the

Recital.

House of Assembly, and the third by the Proprietors, and that they should be invested with power to hear and determine all the questions in dispute. It is further suggested that the expense of the Commission should be divided equally between the Crown, the Tenants and the Proprietors. If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long pending disputes to a determination. But it will be necessary, before going further into the matter, to be assured that the Tenants will accept as binding, the decision of the Commissioners, or a majority of them, and as far as possible, that the Legislature of the Colony would concur in any measures which might be required to give validity to that decision." And whereas, in pursuance of the suggestions contained in the said recited Despatch, the House of Assembly on the Fourteenth day of April, in the year of Our Lord One Thousand eight hundred and sixty, passed the following Resolution, namely :

“ Resolved, That this House deem it expedient to concur in the suggestions offered for the consideration of the House of Assembly, as set forth in the Despatch from His Grace the Duke of Newcastle, dated Downing Street, the Twenty-first day of March, in the year of Our Lord one thousand eight hundred and sixty, on the subject of the proposed appointment of a Commission of Inquiry for the arrangement of the long pending disputes between Landlords and Tenants of this Island, the House of Assembly therefore, agree to the appointment of three Commissioners, one by Her Majesty, one by the House of Assembly, and the third by the Proprietors, the expense of the Commission to be equally divided between the Imperial Government, the General

Revenue of the Colony, and the Proprietors; the House of Assembly also agree, on the part of the Tenantry, to abide by the decision of the Commissioners, or the majority of them, and pledge themselves to concur in whatever measures may be required to give validity to that decision."

And whereas, in order to carry into effect the agreement or arrangement constituted by the above recited communication of the above named Proprietors, and the said last above recited Resolution of the House of Assembly, as well as by the said last recited Despatch of His Grace the said Duke of Newcastle, Her Majesty's said Colonial Minister, Her Majesty was pleased to issue a Commission under Her Seal and Royal Sign Manual, in the words following, namely:

(L. S.) " VICTORIA R.

" Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

" 'To all to whom these Presents shall come,
" Greeting :

" Whereas, we have been moved by the Assembly of our Island of Prince Edward, to appoint Commissioners to inquire into the differences now prevailing in our said Island, relating to the rights of Land Owners and Tenants in our said Island, with a view to the settlement of the same, on just and equitable principles. And whereas the said Assembly has further, by a resolution dated the fourteenth day of April last, set forth its agreement to abide by the decision of any such Commissioners, or the majority of them, and to concur in whatever measures may be requisite for giving validity to their

decision. And whereas it is highly desirable that the said differences should be adjusted. Now know ye that we taking the premises into our royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint our trusty and well beloved John Hamilton Gray, Esquire, our trusty and well beloved Joseph Howe, Esquire, and our trusty and well beloved John William Richie, Esquire, to be our Commissioners for inquiring into the said differences, and for adjusting the same, on fair and equitable principles.

“ Given at our Court at Buckingham Palace, this twenty-fifth day of June, one thousand eight hundred and sixty, in the twenty-fourth year of our reign.

“ By Her Majesty’s Command.

(Signed)

“ NEWCASTLE.”

Recital.

And whereas the said Commissioners having accepted the office conferred upon them by the said Commission, and taken upon themselves the duties imposed thereby, and having conjointly, at a court held by them in the said Island, proceeded to enquire and examine into the various questions and matters referred to them, as aforesaid, and having heard counsel on behalf of the land owners who submitted to the said Commission of Inquiry, and subscribed to the hereinbefore recited Letter of the Thirteenth day of February, one thousand eight hundred and sixty, addressed to His said Grace, the Duke of Newcastle, by the said Sir Samuel Cunard and others, as well as on behalf of the said land owners who subscribed the said last hereinbefore recited agreement; and having also heard counsel on behalf of the tenants of the said landholders, and heard and examined nu-

merous witnesses on behalf of both parties, as well as divers other persons, inhabitants of the said Island, interested in the final settlement and adjustment of the said questions and differences referred to the said commissioners, they the said Commissioners did thereafter, namely, on the eighteenth day of July, in the year one thousand eight hundred and sixty-one, at Rothsay, in the Province of New Brunswick, make their Report or Award in writing, of and concerning the various questions and matters referred to them, and did subscribe the said Report or Award with their respective names, and in their respective handwriting, a true and examined copy of which said Report or Award is to this Act annexed, marked Schedule (A).

And whereas, in order to maintain that good Recital. faith subsisting between Her Most Gracious Majesty the Queen, and Her Imperial Government, and all those Tenants and other inhabitants of this Colony, interested in the Award or Report of the said Commissioners, and emanating from the reciprocal Acts of the said recited Despatch of His Grace the Duke of Newcastle, bearing date the twenty-first day of March, in the year one thousand eight hundred and sixty, and the Resolutions of the House of Assembly of the said Island, passed on the fourteenth day of April in the same year, it is necessary that an Act of the Legislature should be passed to give validity to the said decision, or Report of the said Commissioners.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Report or Award of the said Commissioners, the herein before named John Hamilton Gray, Joseph Howe, and John William Richie, so made and subscribed by them, on the said eigh-

Confirms the
Report or
Award of the
Commissioners.

teenth day of July, in the year one thousand eight hundred and sixty-one, and by them transmitted to His Grace, the said Duke of Newcastle, Her Majesty's Principal Secretary of State for the Colonial Department, shall be, and the same is hereby declared to be final and conclusive, and the Rights, Interests, Franchises, Uses, Trusts and Estates of Her Most Gracious Majesty, the Queen, of, in and to the aforesaid Township Lands, severally owned by the respective Proprietors thereof, who, by themselves or agents severally, submitted to the said commission of inquiry, and subscribed to the hereinbefore recited letter, dated the thirteenth day of February, in the year one thousand eight hundred and sixty, addressed to His said Grace, the Duke of Newcastle, and also the said agreement or paper writing, dated in the year one thousand eight hundred and sixty, in so far as Her Majesty stands seized thereof, vested therein, or otherwise interested therein, on behalf of the Government or Inhabitants of this Island, and so far as the said Rights, Interests, Franchises, Uses, Trusts and Estates have been submitted to the consideration and determination of the said Commissioners, and all and singular, the Rights, Uses, Trusts, Estates, Rents, Issues and Profits of such Estates, Liberties, Franchises and Interests of all and every, the aforesaid Land owners or Proprietors who, by themselves or their agents, severally, subscribed to the said recited letter of the thirteenth of February, in the year last aforesaid, as well as of those Land owners or Proprietors who subscribed the aforesaid agreement or paper writing, dated in the year one thousand eight hundred and sixty, as aforesaid, of, in, to or out of the said Township Lands, Tenements, and Hereditaments, owned by them respectively, their Heirs

and Assigns, shall be, and the same are hereby declared to be subject to, charged and chargeable with, and bound by, the said Report or Award of the said Commissioners, in such manner and to such extent, and for such time as in, and by the said Award is awarded, ordered, expressed, or required. Every Tenant of any land, part or parcel of the said Township Lands, mentioned in the preceding clause of this Act, and every other person whomsoever, whose Estate, Property, or Interest shall in any manner be, or become affected by, or according to the meaning of the said Award or Report, be intended to be affected thereby, shall and may be at liberty to plead the same in any Court of Law or Equity in this Island; and every such Court shall admit, and allow to every such person, as regards the Estate, Interest, claim or demand of such person, the full force and effect of the said Award or Report, according to the true intent, meaning, and operation thereof.

Right of parties to plead the Award or Report in any Court of Law or Equity.

II. This Act shall be deemed to be a Public Act, and the printed copy of the said Award or Report of the said Commissioners, appearing in Schedule (A), as aforesaid, and printed by the Queen's Printer, in this Island, along with, and as part of this Act, shall be deemed and taken to be evidence of the said Award, in all Courts in this Island, touching any question arising from or out of the same, and shall have the same force and effect therein, as the said original Award or Report, bearing the actual signatures of the said Commissioners, would or could have, were the same original Award actually produced and proved in evidence.

This Act to be deemed a public one. The printed copy of the Award or Report appearing in Schedule A., and printed by the Queen's Printer, along with and is part of this Act shall be evidence of the said Award in all Courts in this Island.

III. Nothing in this Act contained, shall have any force or effect, until Her Majesty's pleasure therein shall be known.

Suspending clause.

SCHEDULE (A.)

REPORT

OF THE

COMMISSIONERS APPOINTED BY THE QUEEN
TO INQUIRE INTO

The DIFFERENCES prevailing in PRINCE EDWARD ISLAND relative to the RIGHTS of LANDOWNERS and TENANTS, with a view to a Settlement of the same on fair and equitable principles.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY.

Schedule (A.)

YOUR MAJESTY, by Royal Commission, having appointed the undersigned to inquire into the differences prevailing in the Island of Prince Edward relative to the rights of landowners and tenants, with a view to a settlement of the same on fair and equitable principles, they have discharged the duties with which they were honored, and have unanimously agreed to submit to Your Majesty the following Report :—

In 1767 Prince Island was divided into 67 lots or townships, of about 20,000 acres each, and with the exception of three small reservations, intended for three county towns, and the two lots or townships, numbers 40 and 59, were disposed of in one day by lottery in London, before the Board of Trade and Plantations. In August 1767 grants were issued to the several allottees, and contained certain terms and conditions, which may be thus briefly classified :—

- 1st. The payment of a certain quitrent, varying according to the several lots, from 6s. to 2s. sterling per 100 acres, payable annu-

ally on one-half the grant at the expiration of five years, on the whole at the expiration of ten years from the dates of the grants.

2ndly. A reservation of such parts of each lot as might afterwards be found necessary for fortifications or public purposes ; and of 100 acres for a church and glebe, and 30 acres for a schoolmaster.

3rdly. A reservation in the grants of certain townships abutting upon the sea shore, of 500 feet from high-water mark, for the purposes of a free fishery. (A distinction in the terms of this reservation will be afterwards pointed out.)

4thly. A reservation of all mines of gold, silver and coals.

5thly. That the grantee of each township should settle the same within ten years from the date of the grant, in the proportion of one person for every 200 acres. That such settlers should be European foreign Protestants, or such persons as had resided in British America for two years previous to the date of the grant.

6thly. That if one-third of the land was not so settled within four years from the date of the grant the whole should be forfeited.

On these terms the original proprietors accepted their grants, the Island at this time being within the Government of Nova Scotia. In the year following, 1768, the proprietors petitioned that the Island might be erected into a separate government, and proposed, in order to defray the expense thereof, that that half of the quitrents which would not be payable until five years after the date of the grant (namely in 1772), should become payable from 1st May 1769, and the

payment of the remaining half postponed for 20 years. This application was acceded to by His Majesty's Government, and, in 1770, the Local Government was organized accordingly. One of the first acts of the Legislature was the taking into consideration the nonperformance of the terms and stipulations of the grants.

During the ensuing five years the quitrents were not paid as stipulated.

During the first ten years the terms of settlement, with reference to population, were complied with only in ten townships (lots 18, 21, 28, 31, 34, 36, 52, 57, 58, and 59); nine others were partially settled, and 48 neglected; but in no case do the settlers appear to have been foreign Protestants. In 1776, it having become evident that a fund dependent upon the payment of the quitrents was entirely too precarious to maintain the Local Government, His Majesty's Government, on the application of the proprietors, provided for the same in the Annual Estimates, commencing on the 1st January, 1777. But the Lords of the Treasury at the same time directed that all proper means should be taken to enforce the payment of the arrears and the accruing quitrents.

The extent of compliance with the terms of settlement in the respective grants may be gathered from the following resolutions passed in the Assembly in 1797, 30 years after the grants were issued:—

“ 1st. Resolved, That it appears to this House
 “ after having fully investigated with the strictest
 “ attention, the state of the lands in this Island,
 “ that lots or townships Nos. 1, 2, 3, 7, 8, 9, 10,
 “ 12, 15, 22, 29, 44, 45, 46, 51, 52, 53, 57, 58,
 “ 60, 62, 66, and 67, containing in the whole

“458,580 acres, have not one settler resident
“thereon.”

“2ndly. Resolved, That lots or townships
“Nos. 4, 5, 6, 11, 23, 30, 31, 55, 61, 63, 64,
“and 65, containing together 243,000 acres,
“have only between them 36 families, which,
“upon an average of six persons to a family,
“amount to 216 persons residing thereon, and
“that these lots, together with those above
“enumerated, comprehend upwards of one-half
“of this Island.”

“3rdly. Resolved, That lots or townships
“Nos. 13, 14, 20, 25, 27, and 42, comprehend-
“ing 120,000 acres, are settled respectively as
“follows, viz : No. 13 nine families, No. 14
“eight families, No. 20 nine families, No. 25
“nine families, No. 27 seven families, and No.
“42 eight families, calculated at the foregoing
“average to consist of 300 persons.”

“4thly. Resolved, That the following town-
“ships are settled agreeable to the terms of the
“grants, viz.: Nos. 16, 17, 18, 19, 21, 24, 26,
“28, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43,
“47, 48, 49, 50, 54, 56, and 59.”

“Resolved, That it appears to this House
“that although the townships No. 7, half No.
“12, No. 30, and No. 51 are not settled accord-
“ing to the terms and conditions of the grants,
“the proprietor, the Right Honourable James
“Montgomery, Lord Chief Baron of His Majes-
“ty’s Court of Exchequer in Scotland, has been
“ever active in his exertions, and has expended
“large sums of money in the settlement of other
“lands in this Island. Also that the following
“persons, Mr. Edward Lewis and Mr.
“John Hill, proprietors of townsnip No. 5,
“and the late partnership of John Cambridge

“and Company, proprietors of townships Nos. 63 and 64, have made different attempts to settle them, besides expending considerable sums of money thereon.”

These resolutions were, with others condemnatory of the indulgences extended to the proprietors for the nonperformance of the conditions in their grants, forwarded to His Majesty's Government, with a petition, praying that measures might be taken to compel the proprietors to fulfil the terms and conditions of the grants, or that the same might be escheated, and the lands regranted in small tracts to actual settlers.

In 1802, (five years after), the subject of this petition was taken into consideration by the Committee of the Privy Council for Trade and Foreign Plantations, the quitrents at that time due amounted to 59,162*l.* sterling, and on some of the Townships, to more than their supposed value. His Majesty's Government, desirous of encouraging the further settlement of the Colony, determined to accept of a moderate commutation ; and discriminating between the proprietors who had exerted themselves to carry out the terms of their grants, and those who had not, divided the commutation into four classes.

1st. From such lots as appeared to have the full complement of settlers required by the grant, four years quitrent was only demanded, instead of 32 years (namely, from 1769 to 1801).

2nd. From such townships as appeared to have one-half the required population, five years arrears, in lieu of all dues up to May, 1801 (32 years).

3rd. From such townships as had between one-fourth and one-half the stipulated population, nine years quit rents, in lieu of all to May, 1801 (32 years).

4th. From those not appearing to have one-fourth the required population, 12 years quitrents, in lieu of all to May, 1801 (32 years).

5th. From those that appeared waste and uninhabited, 15 years, in lieu of all arrears up to May, 1801 (32 years).

It does not appear that the commuted arrears were paid, and in 1803 the Legislature passed an Act for establishing a Court of Escheat. It was long supposed, and even before the Commission it was contended that this Act contained no suspending clause; but an examination of the original records of the Colony, and of the correspondence of the Colonial Agent in England, shows that it did, and it also appears that the Royal assent was never forwarded to the Island.

In 1805, several resolutions were passed by the Assembly, of a very strong character, respecting the circumstances attending the Act; and a similar Act was introduced, and past the Legislature, also containing a suspending clause. An Act was also passed for enforcing the due and regular payment of the quitrents. These two Acts do not appear to have received the Royal assent; and proceedings at law, which were commenced under them, were subsequently suspended.

The agitation on the subject of quitrents and escheat, for conditions broken in the original grants, appears to have been unceasing from that time to 1833, and the Journals are filled with resolutions, extracts from despatches, and reports of various kinds on the subject.

In 1831, the quitrents had been commuted in the provinces of New Brunswick and Nova Scotia, and all arrears to that date given up. In 1830, an Act for imposing a tax on lands,

and suspending the collection of quitrents during its continuance, was passed by the Island Legislature and received the Royal assent. That Act, or one of a similar character, has been continued by various re-enactments down to the present time, a period of 30 years. In 1833, Lord Goderich, then Colonial Secretary, addressed a despatch to the Island, referring to the above-named Land Tax Act, and the stipulations as to quitrents therein contained, and extended to Prince Edward Island the same measure, with such adaptations as existing arrangements might require, which had been lately adopted in New Brunswick.

In July 1838, Lord Glenelg, in transmitting certain correspondence that had passed between Mr. George R. Young and his department, on the subject of the Land Tax Act, the commutation therein referred to, and the quitrents, enclosed the decision of the Lords of the Treasury, expressed in a communication from Mr. Spearman to Mr. Stephen, as a rule of guidance for the Lieutenant Governor in this matter.

No return of the amount of quitrents paid appears ever to have been regularly kept in the Island; and the total sum shown to have been paid up to 1833 is not quite 6,000*l.* Whereas the amount payable by the terms of the grants up to that time, irrespective of any intermediate commutation, would have been about 145,000*l.*

By arrangements made, early in the settlement of the Colony, the proprietors resident in England were at liberty to pay their quitrents in England. Of such payments no returns have been made, and on application of the Local Government, it was alleged that no record of such payments could be found in England.

In 1839, the question of “Fishery Reserves” began to assume importance, and became a prominent subject of discussion in the Local Legislature. In the Order in Council under which the original grants were issued, is the following provision :—

“That in order to promote and encourage the fishery, for which many parts of this Island are conveniently situated, there be a clause in the grant of each township that abuts upon the seashore, containing a reservation of liberty to all His Majesty’s subjects in general, of carrying on a free fishery on the coasts of the said township, and of erecting stages and other necessary buildings for the said fishery within the distance of 500 feet from high-water mark.”

The reservation here contemplated was carried out strictly in the grants of 12 townships only, in the following words :—

“Saving and reserving a free liberty to all His Majesty’s subjects of carrying on a free fishery or fisheries on any part or parts of the coast of said township, and of erecting stages and other necessary buildings for the said fishery or fisheries within the distance of 500 feet from high-water mark.”

In these 12 townships it would appear the Crown reserved an easement only.

In 32 townships the reservation is as follows :—

“And further saving and reserving, for the disposal of His Majesty, his heirs and successors, 500 feet from high-water mark on the coast of the tract of land hereby granted to erect stages and other necessary buildings for carrying on the fishery.”

In these 32 townships, therefore, it would appear that the fee in the reserves never passed

out of the Crown, and consequently never became vested in the grantees, or at their disposal.

Of the remaining 23 townships, 18 contain no "fishery reservation," and of five no grants whatever are on record.

In the Appendix to this Report will be found a return of the townships and grants, showing the reservations, taken from the Journals of the Assembly for 1839.

No practical exercise of the rights so reserved in the Crown is known to have been made, and the proprietors, or acting owners of the adjoining lands, appear to have exercised the same ownership over the 500 feet reservations as they did over their undoubted property, building, clearing and improving, leasing to tenants, receiving rents, and paying upon the 500 feet reservation, and the granted land, taxes and quit-rents without distinction.

Previous to 1814 it does not appear that any licence to carry on the fisheries on these reserves had been issued by the Government ; but between 1814 and 1837 five were issued. Of any occupation or enjoyment or prosecution of the fisheries under these licences there is no evidence. In 1853 it appears that the Government again issued some few licences, but their right to do so was disputed by the parties in occupation of the reserves ; and informations for intrusion, filed by the Attorney General to test the question, were allowed to languish some five or six years, and are still languishing without any final decision having been made.

The opinions of several of the most eminent law officers of the Crown, in England, have been at different times taken by the Legislature of the

Island, declaring that the fee of the 500 feet reservation in the second class of the grants, and the right of the easement in the first class were in the Crown, and that in the Island there was no Statute of Limitations as against the Crown. The opinions of equally eminent counsel in England have also been given to some of the proprietors, and placed before the Commissioners, declaring on the other hand, that by the proper construction of the grants, even in those cases where the 500 feet are reserved for the disposal of His Majesty, the fee in the 500 feet nevertheless vested in the proprietors, subject only to a right of user by the Crown for the particular purposes specified.

In March 1834 the Assembly passed an address to His Majesty, referring to similar addresses transmitted in 1830 and 1832, praying that the lands reserved in the several grants for church and glebe purposes, and for schoolmasters, might be sold, and the proceeds appropriated exclusively for the purposes of education. To this address His Majesty's assent was conveyed in the month of October, and in the following session of 1835, an Act was passed, "to authorize the sale of Lands in the Island, reserved as Sites for Churches and for Glebe and School Lands."

This Act recited the reservation in the original grants and His Majesty's assent directing the sales, and then proceeded to declare the mode in which such sales should be conducted, and the titles given. In October and November 1836, sales of these reserves were made under this Act, and due returns thereof laid before the Assembly by the Lieutenant Governor in February 1838. It does not appear that any objections to these proceedings were ever raised by the pro-

prietors, or any person claiming under them ; no preliminary steps by escheat or otherwise were deemed necessary, nor was any doubt raised by any party that the fee in such reservations had not remained in the Crown.

In 1783 a number of the proprietors signed and delivered to Lord North, one of His Majesty's Principal Secretaries of State, the following paper, viz :—

“ We the undersigned proprietors of lands in
 “ the Colony of St. John, being informed that
 “ many of the Loyalists at New York prefer a
 “ settlement in that Island to one in Nova Scotia,
 “ and being very desirous of encouraging such
 “ a preference, and of affording an asylum to
 “ those deserving fellow-subjects, do engage for
 “ ourselves, or as attornies for others, to grant
 “ as we hold of the Crown, and in the same pro-
 “ portions to each family as the other loyal emi-
 “ grants receive in Nova Scotia, one-fourth of the
 “ quantity of lands placed opposite to our names,
 “ which they shall receive upon their arrival at
 “ Charlottetown, by application to the Governor
 “ and Council : and that they may receive the
 “ said lands in the fairest and most impartial
 “ manner, we will direct that the whole be divi-
 “ ded by the Surveyor General into parcels of
 “ not less than 1,000 acres each, and drawn for
 “ by ballot before the Governor and Council.
 “ In consideration of the preference expressed
 “ by these loyal emigrants, and of the conditions
 “ offered by us, we have the fullest confidence
 “ that your Lordship will give instructions to the
 “ Commander-in-Chief of His Majesty's forces
 “ at New York, to furnish such loyalists as pre-
 “ fer a settlement in Saint John, with provisions
 “ and transports to carry them to Charlottetown,
 “ and every other necessary such as is given to those

“ who go to Nova Scotia : and that your Lord-
 “ ship will also give such instructions to the Gov-
 “ ernor of St. John as will place such emigrants
 “ in every respect on a similar footing with their
 “ brethren who settle in Nova Scotia. The under-
 “ signed are the more zealous in promoting this
 “ measure, as they are persuaded it will greatly ad-
 “ vance the prosperity of an infant Colony, which,
 “ from its natural and relative situations is pecu-
 “ liarly adapted to become a permanent and valua-
 “ ble possession to Great Britain. And they con-
 “ fide in your Lordship’s wisdom and equity that
 “ you will obtain for them such an abatement of
 “ quitrent as will place them on an equality with
 “ the neighboring colonies, and by that means re-
 “ move a cause which may prevent many faithful
 “ subjects to this country from emigrating to
 “ that Island from the American States, and
 “ which has hitherto obstructed the settlement
 “ and prosperity of this Colony.”

	ACRES.
(Signed) “ EDWARD LEWIS - -	20,000
“ JOHN TOWNSON - -	10,000
“ JOHN STEWART - -	10,000
“ RICHARD BURKE - -	15,000
“ JOHN MOTEUX - -	20,000
“ ROBERT MCKAY - -	20,000
“ ALEXANDER ANDERSON	20,000
“ JOHN PATTERSON - -	20,000
“ JOHN PATTERSON, Attorney	
“ for Walter Patterson -	40,000
“ JOHN PATTERSON, Attorney	
“ for Andrew Todd -	21,000
“ JOHN PATTERSON, Attorney	
“ for Isaac Todd, - -	20,000
“ JOHN PATTERSON, Attorney	
“ for Charles Pierce -	10,000
“ DANIEL BERREAU, for Isaac	
“ Panchard - - - -	20,000

“ LAWRENCE SULLIVAN -	80,000
“ PHILIP STEVENS - -	20,000
“ LORD TOWNSHEND, for	
“ acres, and gives 2000 to a	
“ loyalist who is to draw for	
“ it in the mode prescribed	
“ above - - - -	20,000
“ LORD TOWNSHEND, for	
“ General Honeywood -	10,000
“ LORD TOWNSHEND, for	
“ Lord Chief Baron Mont-	
“ gomery, - - - -	60,000

Thereupon Royal instructions were immediately sent to the Lieutenant Governor of the Island, which, amongst other things, after reciting that certain of the proprietors had agreed to transfer and convey in fee, to such persons as might avail themselves of the offer, certain portions of the lands held by them respectively to the parties referred to, proceeded to direct, “ that all conveyances and other deeds necessary “ for transferring such parts of the land as shall “ be agreed to be conveyed to Our faithful sub- “ jects aforesaid be prepared by Our Attorney “ General of the said island of Saint John, and, “ when executed, be duly recorded in the Secre- “ tary’s office of the same; and that Our Secre- “ tary of the said Island shall make out a docket “ of all deeds so recorded, specifying the name “ of the proprietor conveying, of the person to “ whom the land is conveyed, and the number of “ the lot of which the same was a part, which “ docket shall from time to time be delivered by “ him to the Receiver General of Our quitrents, “ and shall discharge in the rent roll such pro- “ prietors from any future quitrent upon the land so conveyed, for which the person to whom the same is conveyed, his heirs or assigns, shall

“thereafter stand chargeable in the said rent roll. It is nevertheless Our will and pleasure, that no land conveyed as aforesaid shall be liable to the payment of any quitrent to Us, Our heirs and successors, till 10 years after the date of the respective conveyances. And in order to relieve Our subjects who have agreed to convey a part of the lands held by them as aforesaid, it is Our will and pleasure that any arrears of quitrent that may have been due and unpaid, upon the quantities of land which they may convey, shall be remitted, and they discharged therefrom, or, in case such arrears shall have been paid, Our Receiver General of the quitrents shall repay to the person or persons so conveying, so much of the last payment made as shall have been paid for the part of the lands so conveyed. You are, however, to take especial care that under colour of complying with this Our instruction, no collusive conveyances are made in order to obtain remission of arrears of quitrent, but that in every instance the indulgence and encouragement hereby granted be confined to actual and *bona fide* conveyance for the purposes herein-before mentioned, and no other.”

The said instructions also further directed the Surveyor General to survey the several parts and portions of lands which shall be conveyed to Our faithful subjects aforesaid, and shall enter the several surveys or plots thereof of record in his office, and to transmit to the Imperial Government, through one of Our Principal Secretaries of State, a distinct account of what conveyances shall be made and certificates given, as herein directed; and also transmit a duplicate thereof to Our High Treasurer, or the Commissioners of Our Treasury for the time being.”

It appears that delays took place in carrying out His Majesty's instructions, and in 1790 an Act was passed by the Island Legislature "to empower the Lieutenant Governor to give grants of Land under the Great Seal of the Island to such Loyalists and disbanded Troops as are in the occupation thereof by virtue of locations formerly made by the Governor in Council."

It appears that under this Act several grants were issued by the Lieutenant Governor containing clauses more exacting in their conditions than were contemplated by the Proclamation. It does not appear, however, that any of those grants so issued were ever escheated or forfeited for conditions broken.

In 1809, 1833, and 1839, Bills were passed by the Assembly for the relief of the American Loyalists and disbanded Provincial Troops, but were lost in the Legislative Council, or not allowed by His Majesty's Government.

Lord John Russell, in conveying the disallowance of the latter Bill (A. D. 1839) briefly reviewed the question, and declared the final decision of Her Majesty's Government, that the lapse of time, being then over half a century, would prevent the Crown interfering to disturb the proprietors, or affect the presumptive titles acquired thereby. Subsequently to that despatch there does not appear to have been any action by the Legislature on the subject.

In 1851, Her Majesty, on the establishment of Responsible Government in the Island, and the passing of a Civil List Act, upon the terms and conditions pointed out by Her Majesty's Government, transferred to the Colony the revenues and territorial rights of the Crown. Whatever rights, therefore, the Crown at that

time possessed over the proceeds of the casual and territorial revenues,—the quitrents, the Crown land funds, the Crown lands, and permanent revenues which had before accrued, or should thereafter accrue, became clearly vested in the Local Government, remaining, however, in the Queen's name as the constitutional head of the Empire.

Between 1851 and 1860 the Local Government, purchased out the estates of two of the proprietors, under an Act passed by the Legislature, and are now owners of the Worrell and Selkirk estates, amounting to 140,000 acres, or thereabouts, as public or Crown lands.

The agitation upon the question of the land tenures still continuing, to the admitted disadvantage of the Island, and it having been deemed advisable by the Legislature that the different questions which had hitherto formed the subject of that agitation should be finally put at rest, and that a system should be devised by which the leasehold tenure of lands in the Island might be converted into freeholds, certain resolutions were passed by the Assembly, and subsequently embodied in an address to Her Majesty, which is as follows :—

“ To the Queen's most Excellent Majesty.

“ Most Gracious Sovereign ;

“ We, Your Majesty's loyal and devoted subjects, the House of Assembly of Prince Edward Island, in Parliament assembled, beg to approach Your Majesty, and most humbly submit for Your Royal consideration the following premises :

“ In certain despatches from one of Your Majesty's ministers, the Right Honourable Sir Edward Bulwer Lytton, Baronet, Secre-

“ tary of State for the Colonies, dated Downing
 “ Street, 20th October and 3rd December, 1858,
 “ the Right Honourable Baronet therein states,
 “ that the whole question of the land tenures in
 “ this Island is engaging his most anxious atten-
 “ tion, and that it would give him unfeigned
 “ pleasure to receive such suggestions for their
 “ amicable settlement as could be accepted by
 “ Your Majesty’s Government.

“ Having taken these despatches into con-
 “ sideration, after mature deliberation, and with
 “ an earnest design to terminate the disputes
 “ which have so long disturbed the peace and
 “ harmony of the Colony, the House have adopt-
 “ ed the following resolutions :—

“ Whereas certain questions arising out of the
 “ original grants of the lands in this Island,
 “ severally called the Escheat question, the
 “ Fishery reserve question, and the Quitrent
 “ question, have for many years caused much
 “ discussion, and difference of opinion amongst
 “ the people of this Island, and many delusive
 “ projects and impracticable measures have been
 “ and are from time to time enunciated respect-
 “ ing such questions, whereby the tenantry have
 “ been and are greatly imposed upon and induced
 “ to support the propounders of such measures,
 “ under the delusive hope that by doing so they
 “ will be relieved of the payment of rent ; and
 “ the attention both of the people and Legisla-
 “ ture being occupied with such deceptive
 “ schemes, measures intended to develop the
 “ resources of the Colony are not only neglected,
 “ but a state of society equally opposed to the
 “ moral, social, and political welfare of the
 “ people, and their true interests, is produced :
 “ And whereas various despatches have for a
 “ great number of years declared that Her

“ Majesty’s Government will not consent to any
“ compulsory interference with the laws and
“ rights of the proprietors, and which has been
“ strongly reiterated in the despatch of Sir Ed-
“ ward Bulwer Lytton, now Her Majesty’s
“ Principal Secretary of State for the Colonies,
“ dated 20th October, 1858, and 3rd December,
“ 1858, from which it is clear that any measures
“ for the benefit of the tenantry must result from
“ an amicable arrangement with the proprietors :
“ And whereas the agitation of hostile measures,
“ such as escheat, fishery reserves, and quitrents,
“ must only result, as they always have done, in
“ leading the tenantry into costs and trouble,
“ without in any way ameliorating their condi-
“ tion, but will also engender a feeling in the
“ proprietors, rendering them disinclined to listen
“ to proposals, which if such agitation were at
“ an end they would be likely to entertain :
“ And whereas Sir Edward Bulwer Lytton in
“ his despatches above referred to, while refusing
“ to sanction measures which in England are
“ considered inconsistent with the rights of
“ property, has expressed the readiness of Her
“ Majesty’s Government to co-operate with the
“ Legislature in furthering measures for the
“ settlement of the land tenures, if conceived in
“ a spirit of fairness and conciliation to all
“ parties :

“ Therefore resolved, 1st. That an humble
“ address be presented to Her Majesty, praying
“ that Her Majesty will be pleased to direct a
“ Commission to some discreet and impartial
“ person, not connected with the Island or its
“ affairs, to inquire into the existing relations
“ between landlord and tenant, and to negotiate
“ with the proprietors for such abatement of
“ present liabilities, and for such terms for en-

“ abling the tenantry to convert their leaseholds
“ into freeholds, as, without infringing on the
“ rights of the landlords, may be fairly and
“ reasonably asked for to ameliorate the condi-
“ tion of the tenantry.

“ 2nd. Resolved, That in the opinion of this
“ House the basis of any such arrangement
“ should be a large remission of arrears of rents
“ now due; and secondly, the giving every tenant
“ holding under a long lease an option of pur-
“ chasing his land at a certain rate, at any time
“ he might find it convenient to do so.

“ 3rd. Resolved, That a remission of arrears
“ of rent may be reasonably asked, inasmuch as
“ the existence of these arrears, although it is
“ due partly to an unwillingness of the tenants
“ to pay rent, under the idea that escheat or
“ some other delusive scheme would enable them
“ to evade; yet it is also due in part to the
“ laches and remissness of the landlords and
“ their agents in not enforcing it; and because,
“ in many cases, the arrears, however incurred,
“ amount to so large a sum that the exacting
“ them would prove ruinous to a large number
“ of loyal and industrious people, and would
“ further entirely put it out of their power to
“ avail themselves of the plan suggested in sub-
“ sequent resolutions for purchasing their farms.

“ 4th. Resolved, That as the circumstances
“ of the tenantry would not in general enable
“ them to pay down any large portion of the
“ purchase money, the best and only means for
“ converting the tenures into freeholds lies in the
“ adoption of the plan which would practically
“ constitute every farm a savings bank for its
“ owner, in which he could from time to time
“ invest his savings at interest, towards the pur-
“ chase of his farm, an arrangement which could

“ be effected by the following means, viz.: that
“ the landlords should agree to permit the ten-
“ ants to purchase their farms for such sum per
“ acre as shall be fixed upon; and providing
“ further, that when any tenant (whose rent was
“ paid up) should be desirous of paying any sum,
“ not being less than ten pounds, towards the
“ purchase of his land, he should have the op-
“ tion of doing so, and that the interest on the
“ ten pounds, or other amount so paid, should
“ thenceforth go in reduction of his yearly rent,
“ and so on for every payment on account of
“ purchase until the whole was paid, when he
“ should receive his deed; and that similar coven-
“ ants should be inserted in all future leases for
“ terms over 40 years; such an arrangement
“ would not only give the tenant the advantage
“ of paying an instalment of his purchase money,
“ and at the same time reducing his rent when-
“ ever he chose, without subjecting himself to
“ the vexation and costs incident to cases of
“ inability to meet instalments agreed to be paid
“ at a particular day, but would, in the opinion
“ of this House, gradually but certainly change
“ the tenures into freeholds, without the aid of
“ loans and the expensive subsistence of public
“ offices, by which heavy liabilities have already
“ been, and would, if persevered in to a much
“ greater extent, be imposed on the public finan-
“ ces.

“ We do therefore humbly pray that Your
“ Majesty will be pleased to take the foregoing
“ matters into Your Royal consideration, and to
“ appoint some fit and proper person or persons
“ Commissioner or Commissioners to inquire into
“ the relations of landlord and tenant in this
“ Island, and negotiate with the proprietors of
“ township lands for the fixing some certain rate

“ of price at which every tenant may at any time
 “ have the option of purchasing his land, or of
 “ paying instalments of such purchase, and there-
 “ by gradually reducing the yearly rent until the
 “ whole price thereof is paid ; and also to nego-
 “ tiate with the proprietors for a remission of
 “ the arrears of rent in such cases, and on such
 “ townships as the said Commissioner or Com-
 “ missioners, from the circumstances of the ten-
 “ antry or otherwise, may deem reasonable and
 “ expedient ; and also to make such report res-
 “ pecting the Fishery Reserve question, and
 “ other questions relating to the township lands
 “ of this Island, as we confidently hope will ef-
 “ fect a final settlement thereof, and prevent all
 “ agitation regarding the same in future.”

“(Signed) DONALD MONTGOMERY,
 “ Speaker.”

“ House of Assembly, P. E. Island,
 “ 9th May, 1859.”

This address having been forwarded to Her Majesty's Government, the following correspondence took place, and was duly transmitted by his Grace the Duke of Newcastle, to the Lieutenant Governor of the Island :

“ No. 11.

“ Downing, Street, 6th September, 1859.

“ SIR,

“ I HAVE to acknowledge Sir D. Daly's des-
 “ patch, No. 29, of the 13th May last, addressed
 “ to Sir E. B. Lytton, transmitting an address
 “ to Her Majesty from the House of Assembly,
 “ in pursuance of certain resolutions of the
 “ House, praying that Her Majesty would direct
 “ a Commission to inquire into the existing

“ medial measures. The House of Assembly
 “ also propose that this Commission should direct
 “ its attention to the Fishery Reserve question.

“ The resignation of Her Majesty’s late Gov-
 “ ernment has prevented an earlier answer to
 “ your despatch.

“ The Assembly, in their address, not only
 “ pray for the appointment of a Commission,
 “ but they likewise indicate, in detail, the mea-
 “ sures which, in their opinion, should form the
 “ basis of that arrangement between landlord
 “ and tenant which the Commission should en-
 “ deavour to bring about. Now, without ex-
 “ pressing any opinion adverse to the appoint-
 “ ment of such a Commission, I am convinced
 “ that any prospect of a beneficial result from its
 “ labours would be nullified if its action were
 “ fettered by such conditions as the Assembly
 “ would thus impose.

“ I cannot advise Her Majesty to entertain
 “ the question, unless it is fully understood that
 “ the Commission are at liberty to propose any
 “ measure which they may themselves deem
 “ desirable.

“ I have communicated this correspondence
 “ to Sir S. Cunard, as representing the land-
 “ owners in this country, with a letter, of which
 “ I enclose a copy.

“ I have, &c.

“ (Signed) NEWCASTLE.”

“ Downing Street, 6th Sept., 1859.

“ SIR,

“ I AM directed by the Duke of Newcastle to
 “ transmit to you a copy of a correspondence
 “ between the Government of Prince Edward
 “ Island and this Department, upon the subject

“ of the appointment of a Commission to propose
 “ measures of arrangement between landlords
 “ and tenants in Prince Edward Island.

“ With reference to this communication, I am
 “ to suggest that you will call a private meeting
 “ of such landowners as may be in this country,
 “ and ascertain whether there are any conces-
 “ sions which they are ready to make, with a
 “ view of bringing these questions to an amicable
 “ issue.

“ I am, &c.

“ (Signed) H. MERIVALE.”

“ Sir S. Cunard.”

“ Downing Street, 21st March, 1860.

“ SIR,

“ WITH reference to my despatch No. 11, of
 “ the 6th September last, in which I informed
 “ you that I had communicated to Sir Samuel
 “ Cunard the correspondence which had taken
 “ place upon the subject of the appointment of
 “ a Commission to propose measures of arrange-
 “ ment between landlords and tenants in Prince
 “ Edward Island, I transmit to you the copy of
 “ a letter which has been addressed to me by
 “ Sir Samuel Cunard, and several other pro-
 “ prietors of land in the Island.

“ The Proprietors, it will be seen, do not
 “ think that the appointment of a Commission in
 “ the manner proposed by the House of As-
 “ sembly in their address of the 9th of May last,
 “ would be the most desirable mode of proceed-
 “ ing, as the labours of such a Commission
 “ could only terminate in a report, the conclusions
 “ of which would not be binding on any of the
 “ parties interested. They suggest, therefore,
 “ instead, that three Commissioners or Referees

“should be appointed,—one by Her Majesty,
 “one by the House of Assembly, and the third
 “by the proprietors,—and that they should be
 “invested with power to hear and determine all
 “the questions in dispute. It is further sug-
 “gested that the expense of the Commission
 “should be divided equally between the Crown,
 “the tenants, and the proprietors.

“If the consent of all the parties can be
 “obtained to this proposal, I believe that it may
 “offer the means of bringing these long-pending
 “disputes to a determination. But it will be
 “necessary, before going further into the mat-
 “ter, to be assured that the tenants will accept,
 “as binding, the decision of the Commissioners,
 “or the majority of them ; and, as far as possible,
 “that the Legislature of the Colony would con-
 “cur in any measures which might be required
 “to give validity to that decision. It would be
 “very desirable also that any Commissioner
 “who might be named by the House of As-
 “sembly on behalf of the tenants, should go into
 “the inquiry unfettered by any conditions, such
 “as were proposed in the Assembly last year.
 “I have therefore to request that you will
 “ascertain and report to me whether the tenants
 “of Prince Edward Island, or the House of
 “Assembly on their behalf, are prepared to
 “agree to the proposed reference.

“ I have, &c.,

“ (Signed) NEWCASTLE.”

“ Lieut. Governor Dundas.”

“ Bush Hill House, Edmonton,

“ 13th February, 1860.

“ MY LORD DUKE ;

“ WE have been furnished with a copy of a
 “ memorial, addressed to Her Majesty by the

“ House of Assembly of Prince Edward Island,
“ on the subject of the questions which have
“ arisen in connexion with the original grants of
“ land in that Island, and the rights of proprie-
“ tors in respect thereof.

“ We observe that the House of Assembly
“ have suggested that Her Majesty should ap-
“ point one or more Commissioners to inquire
“ into the relations of landlord and tenant in the
“ Island, and to negotiate with the proprietors of
“ township lands for fixing a certain rate of price
“ at which every tenant might have the option of
“ purchasing his lands; and also to negotiate
“ with the proprietors for a remission of the
“ arrears of rent in such cases as the Commis-
“ sioners might deem reasonable, and proposing
“ that the Commissioners should report the
“ result to Her Majesty.

“ As large proprietors of land in this Island,
“ we beg to state that we shall readily acquiesce
“ in any arrangement that may be practicable,
“ for the purpose of settling the various questions
“ alluded to in the Memorial from the House of
“ Assembly, but we do not think that the ap-
“ pointment of Commissioners in the manner
“ proposed by them would be the most desirable
“ mode of procedure, as the labors of such Com-
“ mission would only terminate in a report,
“ which would not be binding on any of the
“ parties interested.

“ We, therefore, beg to suggest, that instead
“ of the mode proposed by the House of Assem-
“ bly, three Commissioners or Referees be ap-
“ pointed,—one to be named by Her Majesty,
“ one by the House of Assembly, and one by
“ the proprietors of land,—and that these Com-
“ missioners should have power to enter into all
“ the inquiries that may be necessary, and to

“decide upon the different questions which may
 “be brought before them, giving, of course, to
 “the parties interested, an opportunity of being
 “heard.

“We should propose that the expense of the
 “Commission should be borne by the three
 “parties to the reference, that is to say, in equal
 “thirds; and we feel assured that there will be
 “no difficulty in securing the adhesion of all the
 “landed proprietors to a settlement on this foot-
 “ing.

“The precise mode of carrying it into execu-
 “tion, if adopted, would require consideration,
 “and upon that subject we trust that your Grace
 “would lend your valuable assistance.

“We have, &c.,

“S. CUNARD.

“E. CUNARD, per S. Cunard.

“GRAHAM MONTGOMERY.

“SELKIRK.

“JAMES MONTGOMERY.

“LAURENCE SULLIVAN.

“To his Grace the

“Duke of Newcastle, &c. &c. &c.”

The foregoing correspondence having been received in the Island on the 14th of April, the following resolutions were passed by the Assembly:—

“Prince Edward Island, House of Assembly,
 “Saturday, 14th April, 1860.

“Resolved, That this House deems it ex-
 “pedient to concur in the suggestions offered
 “for the consideration of the House of Assembly,
 “as set forth in the despatch from his Grace the
 “Duke of Newcastle, dated ‘Downing Street,
 “21st March, 1860,’ on the subject of the pro-

“ posed appointment of a Commission of inquiry
 “ for the arrangement of the long-pending dis-
 “ putes between landlords and tenants of this
 “ Island.

“ The House of Assembly therefore agree to
 “ the appointment of three Commissioners, one
 “ by Her Majesty, one by the House of Assem-
 “ bly, and the third by the proprietors, the ex-
 “ pense of the Commission to be equally divided
 “ between the Imperial Government, the general
 “ revenue of the Colony, and the proprietors.

“ The House of Assembly also agree on the
 “ part of the tenantry to abide by the decision of
 “ the Commissioners, or the majority of them,
 “ and pledge themselves to concur in whatever
 “ measures may be required to give validity to
 “ that decision.

“ Resolved, That in order to carry into effect
 “ the suggestions of his Grace the Duke of New-
 “ castle, as set forth in his despatch to His Ex-
 “ cellency Lieutenant Governor Dundas, of the
 “ 21st March last, for settling the long-pending
 “ questions between landlords and tenants in
 “ this Island, this House do hereby name the
 “ Honourable Joseph Howe, of Nova Scotia, as
 “ referee or arbitrator on behalf of the tenantry
 “ of this Island, to act under the Commission to
 “ be issued by Her Majesty’s Government, as
 “ set forth in the despatch referred to, the other
 “ two referees or arbitrators under the said Com-
 “ mission to be named, as intimated in the said
 “ despatch, one by Her Majesty’s Imperial Gov-
 “ ernment, and the other by the proprietors.

“ (Attest)

JOHN McNEILL,

“ Clerk of Assembly.”

On the 2nd of May the following Act was passed:—

“ Cap. 28.

“ An Act to give effect to the report of the Commissioners to be appointed on the Land Question.

“ Passed 2nd May, 1860.

“ Whereas the lands of this Colony, shortly after it was ceded to Great Britain, were granted by His late Majesty King George the Third, in large tracts, generally containing twenty thousand acres each, to divers British subjects and their heirs and assigns respectively, in fee simple; and in the grants or patents by which the said tracts of land were so conveyed, there were contained certain clauses and conditions respecting the time and manner of settling the said lands, and also respecting certain quitrents therein reserved to His said Majesty and his heirs, as well as certain reservations and rights intended for the benefit and encouragement of persons engaged in carrying on the fisheries of this Island: And whereas at different times since the issuing of the said grants, and often during the last thirty years, the legal interpretation and construction of the conditions and reservations contained in the said grants respecting the settlement of the said lands, the right of enjoyment of the said fishery reserves, and the payment of the said quitrents, have been much questioned, and have greatly occupied and agitated the minds of large numbers of the inhabitants of this Colony: And whereas the final settlement and adjustment of these questions, with a due regard to the rights of all persons whomsoever interested therein, will conduce much towards the peace and con-

“tentment of the inhabitants of this Island : And whereas on the 9th day of May in the year of our Lord One Thousand eight hundred and fifty-nine, the House of Assembly of this Island agreed to an address to Her most Gracious Majesty the Queen, wherein it was prayed that Her Majesty would be pleased to appoint some fit and proper person or persons as Commissioner or Commissioners to inquire into the relations of landlord and tenant in this Island, and negotiate with the proprietors of township lands for the fixing of some certain rate of price at which every tenant might at any time have the option of purchasing his land, or of paying instalments of such purchase, and thereby gradually reducing the yearly rent until the whole price thereof be paid ; and also to negotiate with the respective proprietors for a remission of the arrears of rent, in such cases and on such townships as the said Commissioner or Commissioners, from the circumstances of the tenantry or otherwise, might deem reasonable and expedient ; and also to make such report respecting the Fishery Reserve question, and other questions relating to the township lands of this Island, as the House of Assembly confidently hoped would effect a final settlement thereof, and prevent all agitation regarding the same in future ; which said address was duly forwarded to England and laid at the foot of the Throne : And whereas by a despatch from his Grace the Duke of Newcastle, Her Majesty’s Principal Secretary of State for the Colonial Department, bearing date the 21st day of March last, and addressed to His Excellency the Lieutenant Governor of this Island, a copy of which has been laid before the House of Assembly, his Grace, after referring to the

“ prayer of the said address of the House of Assembly, and also to a communication received by him from certain proprietors of the hercinbefore mentioned lands on the subject of the said address, was pleased to state as follows, namely :—They (the said proprietors) therefore, instead, suggest that three Commissioners or Referees should be appointed, one by Her Majesty, one by the House of Assembly, and the third by the proprietors, and that they should be invested with power to hear and determine all the questions in dispute. It is further suggested, that the expense of the Commission should be divided equally between the Crown, the tenants, and the proprietors. If the consent of all the parties can be obtained to this proposal, I believe that it may offer the means of bringing these long-pending disputes to a determination. But it will be necessary, before going further into the matter, to be assured that the tenants will accept as binding the decision of the Commissioners, or the majority of them; and as far as possible, that the Legislature of the Colony would concur in any measures which might be required to give validity to that: And whereas, in pursuance of the suggestions contained in the said recited despatch, the House of Assembly, on the 30th day of April instant, passed the following resolution, namely: Resolved, That this House deem it expedient to concur in the suggestions offered for the consideration of the House of Assembly as set forth in the despatch from his Grace the Duke of Newcastle, dated Downing Street, 21st day of March, in the year of our Lord 1860, on the subject of the proposed appointment of a Commission of inquiry for the arrangement of the long-pending disputes between landlords and

“ tenants of this Island ; the House of Assembly therefore agree to the appointment of three Commissioners, one by Her Majesty, one by the House of Assembly, and the third by the proprietors, the expense of the Commission to be equally divided between the Imperial Government, the general revenue of the Colony, and the proprietors : the House of Assembly also agree, on the part of the tenantry, to abide by the decision of the Commissioners, or the majority of them, and pledge themselves to concur in whatever measures may be required to give validity to that decision : And whereas, in order to maintain good faith with Her Majesty’s Imperial Government, as well as with the hereinbefore mentioned proprietors of the said lands, and all other persons interested therein, and for the purpose of rendering the report or award to be made by the said Commissioners, or by the majority of them, final and conclusive upon all parties to be affected thereby, and to bring to a final end and determination all and singular the various differences, disputes and uncertainties which have heretofore arisen between Her Majesty’s Government, the proprietors of the aforesaid township lands and the tenants thereon, and all other persons interested in the settlement of the said lands, the right to and the use of the said fishery reserves, and the exaction of the said quitrents, it is necessary that the award or report to be made by the said Commissioners, or by any two of them, should have an authoritative and binding force and operation.

“ 1. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, that the report or award, or one part thereof, to be

“ made by the three Commissioners or Arbitrators, or any two of them, to be nominated and appointed by the several parties respectively, and to be authorized and empowered by Her Majesty, agreeably to or in conformity with the suggestions contained in the hereinbefore recited despatch of his Grace the Duke of Newcastle, when in all respects signed and completed by the said Commissioners, or any two of them, shall be delivered to the Lieutenant Governor of this Island, who shall endorse thereon, under his own hand and signature, a note of the day and year when received, and it shall thereafter be registered at full length in the Office for the Registry of Deeds in this Island; and the original part thereof, after being duly registered, shall be filed and kept in the office of the Colonial Secretary of this Island.

“ 2. That the said award, when so completed and delivered to His Excellency the Lieutenant Governor, shall be and be deemed and taken to be final and conclusive; and the rights, interests and estates of Her most Gracious Majesty the Queen, of, in, and to all the aforesaid township lands, tenements, hereditaments, in so far as Her Majesty stands seised therein or vested therewith on behalf of the Government or inhabitants of this Island, and so far as the said rights, interests, and estates shall be submitted to the consideration and determination of the said Commissioners; and the rights, estates, rents, issues, and profits of such estates, liberties, franchises, and interests of all and every person and persons whomsoever of, in, to, out of, or concerning the said township lands, tenements and hereditaments, whether acquired before or

- “ after the making of the said award or report, shall be and become subject to, charged and chargeable with, and bound by the award or report of the said Commissioners, or any two of them, in such manner, and to such extent, and for such time, as shall in the said award or report be awarded, ordered, or required.
- “ 3. Every person whomsoever, whose estate, property, or interest shall in any manner be or become affected by the said award or report, shall and may be at liberty to plead the same in any Court of law or equity in this Island ; and every such Court shall admit and allow to every such person the full force and effect of the said award or report according to the true intent, meaning, and operation thereof.
- “ 4. In case of the death, resignation, or incapacity of all or any of the said Commissioners so to be appointed, before the final making of such award, a new Commissioner or Commissioners shall be nominated and appointed by the same party or parties respectively who had appointed the Commissioner or Commissioners so dying, resigning, or becoming incapacitated.
- “ 5. In case of any new appointment being required to be made under the above section in lieu of the Commissioner appointed by the House of Assembly, at any time when the Legislature shall not be in session, such appointment shall be made by the Lieutenant Governor in Council ; and in case of any new appointment being required to be made thereunder in lieu of the Commissioner to be nominated by the said proprietors of the said lands, and such new appointment shall not be made, accepted, and duly notified in writing to the Government of this Island within four months next after a requisition for that purpose, made in writing,

- “ and signed by the Lieutenant Governor of this Island in Council, shall be published in the Royal Gazette of this Island, then it shall be lawful for the said Lieutenant Governor in Council, or the House of Assembly of this Island, if then in session, to nominate and appoint some fit and proper person as a new Commissioner on behalf of the said proprietors of the said lands.
- “ 6. Every new Commissioner so appointed shall be invested with and may exercise the like powers as shall have been or were intended to be exercised by his predecessor.
- “ 7. It shall be lawful for his Excellency the Lieutenant Governor in Council, by warrant under his hand and seal, to order to be paid out of the Public Treasury of this Island one third of what shall be deemed a reasonable remuneration for the services of the said Commissioners, with one-third part of the necessary expenses attending the said Commission; the said third part of the said remuneration to be paid to the Commissioner appointed by the House of Assembly, on behalf of the tenantry of this Island.
- “ 8. Nothing in this Act contained shall have any force or effect until Her Majesty’s pleasure therein shall be known.”

These resolutions and notice of the Act having been transmitted by His Excellency the Lieutenant Governor to his Grace the Duke of Newcastle, the following Despatch was sent to the Lieutenant Governor :—

“ No. 23.

“ Downing Street, 16th June, 1860.

“ SIR,

“ I HAVE had under my consideration your despatches, No. 15, of the 16th of April, and

“ No. 22, of the 30th April. In the former despatch you enclose a resolution, in which the Assembly agrees to the proposed appointment of Commissioners on the subject of tenures of lands, binds itself to abide by the decision of those Commissioners, or the majority of them, and pledges itself to concur in whatever measures may be required to give validity to that decision. In the second despatch you inform me, that a short Act has since passed through both Houses, giving effect to the foregoing resolution.

“ I cannot do otherwise than express my sense of the promptitude and completeness with which the House of Assembly has thus given its support to the plan devised, in the hope of putting an end to the differences which have prevailed in Prince Edward Island.

“ In Mr. Howe, the Assembly, acting on behalf of the tenantry, have selected a Commissioner whose known ability and prominent public position must well qualify him for the proposed inquiry.

“ From Sir Samuel Cunard I have received a letter, of which a copy is enclosed, naming as the Commissioner selected by the proprietors Mr. John William Ritchie, of Halifax, who, I doubt not, will honourably discharge his functions.

“ I have written, in exercise of the choice belonging to Her Majesty’s Government, to request Mr. John Hamilton Gray, of New Brunswick, to undertake the remaining office of Commissioner. Mr. Gray has recently conducted another public inquiry with a degree of ability, carefulness, and justice which fully entitles him to the confidence of all concerned in the intended investigation.

“Although the privilege of selecting each
“Commissioner has been conferred on a separate
“authority, so as the better to ensure satisfaction
“with the composition of the Commission, yet it is my
“view, and I doubt not will be that of the Commissioners
“themselves, that none of them ought to be regarded as
“the special advocate of one interest, but rather that
“the whole should devote their efforts to framing such
“recommendations as shall be demanded by the equity of
“the case, and be conducive to the general good of all
“classes of the community. Their conclusions, whatever
“they may be, will possess double weight, if happily
“they should be unanimous.

“The time of meeting in Prince Edward Island
“will be best determined by the Commissioners
“themselves, who will be able to communicate with
“you upon any points which they may wish to ascertain,
“as bearing on the subject of the most convenient
“period for the purpose.

“It will be desirable that previous arrangements
“should be made, as far as practicable, for having
“at hand all the witnesses and all documentary
“evidence, which the Commission is likely to require,
“so that the time needed for their actual sitting
“in the Island may be reduced within the most
“moderate compass, consistent with the due and
“complete accomplishment of the inquiry.

“I shall take an early opportunity of forwarding
“to you a Commission under the Royal Sign Manual,
“containing the appointment of the several gentlemen
“named to serve on the Commission.

“I have, &c.,

“(Signed) NEWCASTLE.”

“Lieut. Governor Dundas.”

On the 25th of June Her Majesty was pleased to issue the following Commission :—

(L. S.) “ VICTORIA R.

“ VICTORIA, by the grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith. To all to whom these Presents shall come, greeting.

“ Whereas We have been moved by the Assembly of Our Island of Prince Edward, to appoint Commissioners to inquire into the differences now prevailing in Our said Island, relating to the rights of landowners and tenants in Our said Island, with a view to the settlement of the same on just and equitable principles: And whereas the said Assembly has further, by a resolution dated the 14th day of April last, set forth its agreement to abide by the decision of any such Commissioners, or the majority of them, and to concur in whatever measures may be requisite for giving validity to their decision: And whereas it is highly desirable that the said differences should be adjusted.

“ Now know ye, that We, taking the premises into Our Royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint Our trusty and well-beloved John Hamilton Gray, Esquire, Our trusty and well-beloved Joseph Howe, Esquire, and Our trusty and well-beloved John William Ritchie, Esquire, to be Our Commissioners for inquiring into the said differences, and for adjusting the same on fair and equitable principles.

“ Given at Our Court at Buckingham Palace, this 25th day of June, 1860, in the 24th year of Our Reign.

“ By Her Majesty’s command,

“ (Signed) NEWCASTLE.”

By virtue of this Commission, the undersigned Commissioners proceeded to the Island in the month of August, and after some preliminary investigation and examination of public documents, opened a Public Court of Inquiry, in Charlottetown, on the 5th of September, pursuant to Proclamation in the Royal Gazette. This Court was held in the hall of the General Assembly, and was opened to the public.

The members of the Local Parliament, and persons of permanent public standing, were invited to attend by special circular, and all others in any other way interested in the questions submitted for consideration, or in the general welfare of the Island, were also invited by notification in the public newspapers.

This Court was held with continuous sittings from the 5th of September to the 1st of October, either in Charlottetown or the two other shire towns of the counties into which the Island is divided.

The Local Government, and tenantry of the Island, and the proprietors whose names are subjoined to the memorandum forwarded by the Duke of Newcastle to the Lieutenant Governor, were ably represented by counsel of eminence and distinction. The members of Government and of Parliament, and public men of all shades of politics, attended and were heard. Numerous delegations, presenting memorials from the various districts which they were selected at public meetings to represent, tenants, proprietors, and agents also attended, made their statements, were heard, examined and cross-examined in open Court by the counsel, and all means of exhausting the sources of information were adopted. On the 1st of October the Commissioners adjourned their sittings to Halifax in the month of

December following*, whither in the mean time the Journals of the House of Assembly and copies of other public documents were to be sent.

On the 29th of December the undersigned met at Halifax, and continued their investigations until the 12th of January, when they were compelled to adjourn on account of other important public business requiring their attention.

During the sitting of the Court in Charlottetown protests against being affected by the proceedings of the Commission were made by Mr. Charles Wright and Mr. Robert Bruce Stewart, representing themselves as proprietors of townships or parts of townships; and at Halifax a similar protest was received from the Honourable Lady Cicely Jane Georgiana Fane.

In the month of February (1861) the following despatch was transmitted by his Grace the Duke of Newcastle to the Lieutenant Governor of the Island, and laid before the Legislature:—

“ No. 45.

“ Downing Street, 2nd January, 1861.

“ SIR,

“ I HAVE had under my consideration the two
 “ Acts passed by the Legislature of Prince Ed-
 “ ward Island, and enclosed in your despatch
 “ No. 56, of the 1st of October last, entitled
 “ No. 1025, ‘ An Act to authorize Grants of the
 “ Shores of this Island,’ and No. 1026, ‘ An
 “ Act to give effect to the Report of the Com-
 “ missioners to be appointed on the Land Ques-
 “ tion.’

“ I feel some doubt as to the object with
 “ which the first of these Acts was passed; I do
 “ not see what lands it will affect, at least above
 “ high-water mark, unless it was to operate on
 “ the fishery reserves.

“ At the same time as the treatment of those
“ reserves was a question on which Her Majes-
“ ty’s Government have expressed a decided
“ opinion, and which at the instance of the Prince
“ Edward Island Legislature, is now under re-
“ ference to the recently appointed Commission,
“ I can hardly imagine that the Legislature
“ would have passed an Act calculated to antici-
“ pate the judgment of their own referees, or
“ that you would have submitted it for Her
“ Majesty’s confirmation without any notice of
“ its intended effect.

“ I have therefore to request that you will
“ furnish me with information on the following
“ points :—

“ 1. Whether there is in the Island any land
“ above high-water mark upon which the Act
“ would operate, except the fishery reserves ;
“ and if so, what, in general terms, may be sup-
“ posed to be its extent.

“ 2. Whether it is intended or supposed that
“ the operation of the Act would be confined to
“ those lands, if any, and to the land below high-
“ water mark, or whether the Act was intended
“ to apply to some or all of the fishery reserves.

“ 3. What are understood to be the present
“ powers of the Crown respecting shore lands,
“ not comprised in those reserves, and what the
“ additional powers which it is intended to con-
“ fer in respect of those lands by the proposed
“ Law.

“ 4. What effect, if any, the Act is intended
“ to have upon the fishery reserves.

“ 5. And lastly, whether there is in the pre-
“ sent circumstances of the Island any ground
“ for expecting that ‘ commercial enterprize ’ will
“ be much encouraged (as stated in the preamble

“of the Act) by making such grants on the sea-shore as would be authorized by the proposed Act, and would not be authorized without it.

“I must add, however, that whatever answer may be furnished to these questions, I cannot advise the Queen to assent to the Act while the subject on which it legislates is under the consideration of the Commissioners.”

“With regard to the Act for giving effect to the award of the Commissioners, I gladly acknowledge the promptitude with which the Provincial Legislature has hastened to give effect to what they supposed to be the desire of Her Majesty’s Government, conveyed in my despatch of the 21st March last, and I very much regret that an apparent misconception of my meaning has led the Legislature to pass a law which appears to be premature.

“My object was not to require immediate legislation for the purpose of giving prospective effect to the award of the Commissioners, but only to obtain from the House of Assembly, as representing the whole body of the tenants, an unequivocal acceptance of the proposed reference, and from the Legislature a pledge that the laws necessary to give effect to the Commissioners’ award should be passed when it appeared what legislation would be necessary for that purpose.

“But the present Act, or any other Act which could be passed at the present moment, might in the event prove either too sweeping or too limited for that object. It would be too sweeping if it were found that the referees promulgated decisions respecting lands belonging to persons who have not consented to the reference, or if they made awards respecting ques-

“ tions (like that of escheat) which did not fall
“ within the scope of their inquiry.

“ It would be too limited, or at least inade-
“ quate for its purpose, if it failed to make such
“ provisions of detail as were necessary to give
“ practical effect to the general principles laid
“ down by the Commissioners.

“ For these reasons it appears to me impossi-
“ ble to advise Her Majesty to assent, at the
“ present moment, to any such general law as
“ that which has now been forwarded ; nor do I
“ see that any present legislation could be valu-
“ able, except such as may be based upon sug-
“ gestions to be made by the Commission, with
“ a view of defining the persons and questions to
“ which their inquiry was to extend, or of con-
“ ferring on them the powers (like those of com-
“ pelling the attendance of witnesses and of ex-
“ amining on oath) which are requisite to enable
“ them to carry on their inquiries to the satisfac-
“ tion of all concerned.

“ I trust you will impress upon the Commis-
“ sioners (if requisite) the necessity of avoiding
“ as far as possible any steps calculated to excite
“ unreasonable expectations, or to stimulate
“ agitation ; on the other hand, while assuring
“ the proprietors that the award of the Commis-
“ sioners will not be enforced by Her Majesty’s
“ Government against any persons who have not,
“ either personally or by their representatives,
“ consented to refer their claims to arbitration,
“ I should wish you also to observe to them,
“ that their refusal to concur frankly in a mea-
“ sure which was intended to compose existing
“ differences, and which, so far as it has yet
“ proceeded, has been assented to by a large
“ portion of their body, may materially influence
“ the conduct of Her Majesty’s Government, if

“ called upon hereafter to support them in any
 “ future disputes with their tenants.

I have, &c ,

“ (Signed) NEWCASTLE.”

On the 14th of June following the undersigned Commissioners again met by appointment at Rothsay, in the Province of New Brunswick.

They trust that they entered upon the discharge of the duties assigned to them not only with a high appreciation of the honour conferred by their appointment, but with a due sense of the grave responsibilities which they assumed. When they commenced their labours, there was a general impression that the Act of the Provincial Legislature, which made their award binding on all parties concerned, would receive the Royal assent ; and although the decision of his Grace the Colonial Secretary, not to submit that Act for Her Majesty’s approval, somewhat relieved them from the weight of responsibility necessarily involved in the preparation and delivery of a judgment beyond appeal, they still felt that as their award was to affect the titles of a million of acres, and the rights and interests of 80,000 people, a hasty decision would not be a wise one, and that the materials for a judgment ought to be exhausted before their report was made.

By traversing the Island, and mixing freely with its people, the undersigned have become familiar with its great interests and general aspects. By holding an open Court, in all the shire towns, they have given to every man on the Island, however poor, an opportunity to explain his grievances, if he had any. By bringing the proprietors and tenants face to face before an independent tribunal, mutual misunderstandings

and exaggerated statements have been tested and explained ; and the real condition of society and the evils of the leasehold system have been carefully contemplated, from points of view not often reached by those whose interests were involved in the controversy. The evidence collected, though not under oath (the Commissioners not being clothed with power to administer oaths), was most valuable in aiding them to form a correct estimate of the evils of which the people complained.

The documentary history of the questions submitted is too voluminous to append to this report ; it covers nearly a century of time, and is to be found in the journals of the Legislature, in the newspaper files of the Colony, and in pamphlets more or less numerous, which the animation of party spirit invests with a certain degree of interest, and which it was necessary to read, in order that the points on which from time to time the controversy turned should be understood.

From the issuing of the grants in 1767 down to the present time, every Secretary of State for the Colonies, and every Governor, has been perplexed by the questions arising out of that ill-advised exercise of the Royal prerogative.

The amount of money and time wasted in public controversy, no man can estimate ; and the extent to which a vicious system of colonization has entered into the daily life of this people, and embittered their industrial and social relations, it is painful to contemplate and record.

The past is beyond remedy ; but the undersigned have felt that if tranquility and mutual co-operation among its people could be hereafter secured to the Island, such a consummation could only result from a searching review of all the questions which there touch the tenures of the land.

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The undersigned have also felt that as the case of Prince Edward Island was exceptional, so must be the treatment. The application of the Local Government for a Commission, and the large powers given to it by the Queen's authority, presupposed the necessity of a departure from the ordinary legal modes of settling disputes between landlords and tenants, which the experience of half a century had proved to be inadequate.

Finding, therefore, that it was impossible to shut out of their inquiry while on the Island, the questions of escheat, quitrents, the fishery reserves, the claims of the descendants of the original French inhabitants, Indians, and loyalists, they have thought it quite within the range of their obligations to express their opinions freely upon those branches of the general subject.

The question of escheat, though apparently withdrawn from the scope of their inquiry by the despatch of his Grace the Colonial Minister, received long after the opening of the Commission, the undersigned could not put aside. The discussion of this question was forced upon them from the day the Court opened until it closed. Many public men referred to it, and either as a remedy or a source of apprehension, escheat has been urged or resisted in a very large proportion of the documents laid before them.

To pass over escheat was as impossible as it would seem to be impolitic. Upon no branch of the general subject has more gross ignorance and misapprehension prevailed; and were it omitted, controversy would spring up with increased virulence in all quarters. The silence of the Commissioners upon this all engrossing topic would be regarded with suspicion, and might render nugatory their efforts to balance

the interests involved, and to calm the public mind.

The undersigned have therefore thought it to comport with the duty they owed to all parties, to express the conclusions at which they arrived even upon this question.

For simplicity of arrangement it is desirable to consider the different subjects under separate heads.

LANDLORD AND TENANT.

The best mode of quieting the Disputes between the Proprietors and their Tenants, and of converting the Leasehold into Freehold Tenures.

IN approaching this, the most important branch of the subject referred to them, the undersigned feel the grave responsibility of the task imposed. Perhaps no three men in British America were ever called to arbitrate upon interests of the same magnitude, or questions of greater delicacy affecting the welfare of large numbers of people. If a judge or a juror about to decide the title to a single estate, feels the responsibility of his position, the undersigned may be pardoned for admitting that with hundreds of estates, and the interests of many thousands of persons, dependent upon their adjudication, they have only been sustained by a very sincere desire to restore peace to a disturbed province, and by the conviction that the high duties imposed by Her Majesty's Government, and by their fellow subjects, could not honourably be put aside.

The impatience with which their award has been looked for, if not demanded, has been a source of anxiety. Her Majesty's Government, in appointing the Commission, evidently under-

valued the difficulties of the task imposed. His Grace the Colonial Secretary had been led to believe that the evidence had been collected at Charlottetown, and that the case was ripe for decision. He had been misinformed. No case had been prepared, no evidence had been collected, upon which any arbitrator could have fairly decided the value of an acre of land, or on the interests of the poorest man in the empire. It was apparent, on the arrival of the Commissioners, that the materials for a judgment must be extracted, first, from the people themselves, examined and cross examined in presence of each other in each important section of the Island; and next, from the public documents, to be sought for as their importance became apparent. Of these not even a list had been prepared, and they had to be gathered and collated, often with much difficulty and no little loss of time. Besides the conflicting statements made by landlords and tenants, as to the value of lands in all parts of the Island, the existence of barren tracts of large extent, the smallness of the timber, the difficulty of raising grass even on the best lands, the causes of emigration, and of the poverty and squalid appearance of the people, too apparent on some of the estates, rendered it very desirable, if not imperative upon the Commissioners, to test these conflicting statements, through the independent agency of a person of large experience, having no connexions in the Island, and whose mission would hardly be suspected till his work was done. In this service a competent person has been employed for several months, and has, acting under instructions from the Commissioners, prepared a series of statements and comparative tables, without which they should scarcely have felt that the subject had been exhausted, or that the elements of a just decision were in their hands.

The opposition of some of the proprietors who had not become parties to the arbitration, and who seemed to regard the Commissioners as intruders upon their property, and willing violaters of their rights, was apparent. These persons appeared to forget that the Commissioners did not seek the duties imposed upon them, that they had no personal interests in the inquiry, that the grievances of Prince Edward Island grew out of no neglect of theirs. These persons appeared also to forget, that, though the rights of property have ever been sacredly guarded by the law, whenever the possession or abuse of property becomes prejudicial to the public interests, the rights and prejudices of individuals can be constitutionally controlled for the public good. The protesting proprietors of Prince Edward Island have no better titles to their properties than had the Seigneurs of Canada, the owners of the encumbered estates in Ireland, or the slave-holders in the West Indies. They have none so good, because every acre they own is held by the generous forbearance of the British Government, after breach of conditions over and over again. Were these people, in view of the distracted condition of the Colony, dealt with by specific legislation, or were they now compelled to accept the conditions of this award, they would be treated as large classes of their fellow subjects have been under the pressure of similar exigencies, and, for the reasons stated, would have but little right to complain.

Looking back at the origin of these unhappy disputes, it is apparent that the granting of a whole Colony in a single day, in huge blocks of 20,000 acres each, was an improvident and unwise exercise of the prerogative of the Crown. Had the proprietors, however, formed themselves

into an Emigration Society, and commenced the colonization of the Island, on a rational plan for their mutual advantage, there is every reason to believe that with the surplus population of the British Islands to draw upon, they might have fully peopled Prince Edward Island in a few years. But there was no plan, and no co-operative movement among the grantees. Some of them early entered upon the duties of colonization in a spirit of judicious enterprize, and with a liberal expenditure; but others did little, and that little often unwisely, while the majority did nothing. The emigrants sent out by the few were disheartened by the surrounding wilderness owned by the many, who made no effort to reclaim it, or were tempted to roam about or disregard the terms of settlement, by the quantity of wild land with no visible owner to guard it from intrusion. By mutual co-operation and a common policy, the proprietors might have redeemed the grants of the Imperial Government from the charge of improvidence. The want of these indispensable elements of success laid the foundation of all the grievances which subsequently afflicted the Colony.

The separation of the Island from the Government of Nova Scotia, on the pledge of the proprietors to provide by the payment of their quit-rents for the expenses of its civil government, was another grave Imperial mistake. Had the Island been permitted to remain part of the larger Colony, its interests would have been controlled by independent legislation, and the impolicy of the grants would have long since been corrected by the Court of Escheat, which has always been effective in that province. This error entailed upon the British Government a heavy annual expenditure, and deprived the

Island of the remedies which would have been applied to its grievances in the ordinary course of events. When a separate government was established, a Court of Escheat was the simple corrective, and the proprietors could not have complained had the forfeiture of their grants followed upon the flagrant breach of the conditions and their utter failure to provide for the expenses of the civil government.

It is apparent, then, that the proprietors, down to the present hour, have been treated by the Crown with an excessive indulgence, which warrants the exercise of the prerogative in the application of remedial measures, after a century's experience of a vicious system, and it is equally apparent that all the proprietors ought cheerfully to acquiesce in any rational plan for quieting titles, restoring harmony, and promoting the future prosperity of the Island.

The most simple remedy for the evils which actually exist at the present time, would seem to be suggested by the operation of the Land Purchase Act, so far as the Commissioners have been able to estimate the results of its operation. Under that Act the Worrell and Selkirk estates have been purchased, covering 140,000 acres. No injustice has been done to the proprietors, who have cheerfully accepted the sums offered by the Government. They have been promptly paid, and at once relieved from all uncertainty as to the future, from the risk of unpaid rents and the heavy expenses of management and collection. The estates thus purchased *en bloc*, have been bought at prices so low, that the Government has been enabled to re-sell the lands in fee, at such an advance as not only meets the outlay, but all the expenses of management and distribution. By this system, it is apparent that

three signal advantages are secured, that are not presented by any other.

1st. The proprietors are dispossessed by their own consent.

2ndly. The tenants are enabled to purchase their holdings and improvements, not necessarily at a price so high as to represent the rents stipulated to be paid, but at the lowest price which the expenses of management, added to the aggregate cost of the estate, will warrant.

3rdly. The wild lands are at once rescued from the operation of the leasehold system, and are subjected to the wholesome control of the Local Government, to be hereafter disposed of in fee simple, at moderate prices, as they are in all the other North American provinces.

After mature consideration of the subject, in all its bearings, the undersigned have unanimously agreed to recommend the application to the whole Island of the principles embodied in the Land Purchase Act, under certain guards and modifications which would appear to be essential to their more extended adoption.

It is clear that the local Government cannot generally apply the principles of the Land Purchase Act, without the assistance of the Imperial Parliament. To complete the purchases already made their resources have been strained; and even if the money paid could be at once collected, the Government could only purchase two other estates at one time, so that many years must elapse before any large measure of relief could be given to the great body of the tenantry, whose complaints have led to this inquiry.

But if the Imperial Parliament would guarantee a loan of £800,000 sterling, the money could be borrowed at a very low rate of interest.

The Imperial Government would run no risk, because the annual interest, and such a sinking fund as would extinguish the debt in 21 years, could be secured by a permanent Act, and made a first charge upon the general revenues of the Island, and upon the fund arising from the sale money of the estates purchased with the borrowed. The security would be ample, and a slight re-adjustment of the tariff would enable the Local Government to meet the expenditure with ease. The capitalists and people of the Island should be encouraged to purchase the debentures, that as small a portion as possible of the interest might be remitted abroad. With the command of such a fund as this, the Government would be in a condition to enter the market, and to purchase from time to time such estates as could be obtained at reasonable prices. There is no doubt that many of the proprietors would be glad to sell, and the competition for the funds at the disposal of the Government would so adjust the prices, that judicious purchases could be made, without any arbitrary proceedings or compulsory interference with private rights.

Taking the prices paid for the Worrell and Selkirk estates as the basis of a calculation, (and though one of them was of an inferior description, the other was confessedly one of the best in the Island), it is apparent that £100,000 would purchase, at 2s 6d an acre, 800,000 acres. By the Census of 1855, 308,013 acres were then held in freehold; if we add the area of the estate since purchased by the Government, and make a reasonable allowance for purchases by individuals, we may assume that 400,000 acres are already relieved from the leasehold tenure. If 800,000 more could also be freed by the loan suggested, there would remain but 165,400 acres to be dealt with hereafter.

This residue could in a short time be liberated as the estates were repurchased by the tenantry, and the obligations of the Government reduced.

The advantages of this mode of converting the tenures are so obvious, the objections to it so few and so trivial, that the undersigned beg to submit to Her Majesty's Government the propriety of guaranteeing a loan, which they have no doubt would be gladly accepted by the Island authorities.

The Commissioners feel that it may be going beyond their duty to make such a suggestion, but they hope that Her Majesty's Government will regard the case of Prince Edward Island as exceptional, its grievances having sprung from the injudicious mode in which its lands were originally given away.

Assuming that the Crown will grant and the Colony accept this guarantee, there remains to be considered the security which ought to be defined, for the faithful application and repayment of the money borrowed. These funds ought not to be mixed up with the General Revenues of the Colony, but ought to be sacredly guarded from misappropriation, from suspicion of party bias, or political indirection. This could be effected by such guards as Her Majesty's Ministers would approve. A measure of this character was suggested by Mr. Labouchere, the Colonial Minister in 1855, and a loan, to the extent of £100,000, was warmly advocated in 1858 by Lord Stanley, then Colonial Secretary, on introducing a Bill in Parliament to the same effect. That Bill was subsequently withdrawn, for reasons which do not very distinctly appear from any papers submitted to the undersigned.

Although it is not improbable that doubts may have arisen as to the ability of the Colony to repay so large an amount, a glance at its present financial condition will show that this relief may be given without any risk to the mother country.

The revenue of Prince Edward Island increased from £17,011 14s. 2d. in 1839 to £41,106 3s. 10d. in 1859, so that it more than doubled in 20 years, the annual increase, in round numbers, being £1,200. It is apparent, then, that without disturbing the tariff, or reducing the ordinary appropriations, in five years the natural increase of population, trade, and consumption, would give £6,000 a year, or a sum sufficient to pay the interest on £100,000, at 6 per cent.; as it is not improbable that five years would be required to purchase up the estates, and expend the loan to advantage, it might happen that the revenue would increase as fast as the interest was required, without any increase in the tariff or diminution of the appropriations. But, assuming that a more rapid conversion of the tenures was practicable, and that in three years the whole loan was expended, by that time, £3,600 of additional revenue would be flowing into the treasury under the old tariff, and there would be but £2,400 to provide for by increased taxation, and that only for the short period of two years.

But, it may reasonably be assumed, when a new spirit is breathed into the Island, and its population turn to the business of life with new hopes and entire confidence in the future, that trade will be more active, and the condition of the people will improve. The very operation of the Loan Act may therefore supply all the revenue required to meet the difference; but, if it should not, an addition of two and a half per

cent. upon the imports of the Island, or a reduction of the road vote for two or three years, would yield the balance that might be required.

In preparing this Estimate, no reference has been made to the fund which would be at once available from the payment of their instalments by the tenants who purchased. £2,450 was paid in by the tenants on the Selkirk estate (bought for £10,000) in the first year after it was purchased. Guided by the experience thus gained, of the disposition and of the resources of the tenantry, it is fair to conclude that if such a sum could be promptly realized from sales of lands admitted to be among the poorest in the Island, the local Government might fairly count upon the command of such an income from the resale of the estates they purchase, as would enable them to keep faith with the public creditor without any risk of embarrassment.

Should the Imperial Parliament refuse to guarantee a loan, or the Government of Prince Edward Island decline to tender the securities, some other mode of adjusting the disputes between landlord and tenant must be devised, or the discontent, which has hitherto prevailed, will continue to disturb the peace of the Island, and exercise a pernicious influence upon its politics for many years to come.

The Commissioners are expected to propose a remedy, and discharge themselves of that duty, entirely conscious that the slightest modification or compromise of his legal rights will be regarded as spoliation by the landlord, while anything short of confiscation will scarcely satisfy the tenant. Their duty is not to satisfy either; but with all the elements of a sound judgment before them, to do substantial justice to both.

It is difficult for an European to understand why almost every man in America considers it a personal degradation to pay rent. In the British Islands leasehold tenure is the general rule, and freehold the exception. A wealthy man pays rent with no more sense of inferiority than he feels when he pays his taxes. A poor man lives and dies without any hope of owning land, often without any desire to become a freeholder. On this side of the Atlantic a very different sentiment grew out of the discovery and settlement of a boundless continent, where the best land could be seized upon, or bought for a trifle, in the early stages of colonization; and where even now, after two centuries of occupation, land is so easily obtained, at prices so low that almost every industrious man may own a freehold; if he does not, in the agricultural districts, something discreditable to his character or his capacity is assumed; and even in the towns a man prefers to own the house he lives in, though the amount of interest he would pay upon a mortgage may be quite equal to his rent. So strong was this feeling all over the Continent, that even the French inhabitants of Lower Canada, to whom *lods et ventes* and seigniorial dues were no burdens, while old world impressions lasted, no sooner became surrounded by a British population, who were freeholders, than they could not endure what they felt to be a degradation, and the Legislature was compelled to step in and commute their tenures. The tenantry of Prince Edward Island share the common sentiment of the continent which surrounds them. The prejudice in favour of a freehold tenure, if it is one, is beyond the power of reason. The proprietors cannot change the sentiment, the local Government have no power to resist it; and the Imperial Government, having become weary of

collecting rents and supporting evictions in Ireland, can hardly be expected to do for the landlords in Prince Edward Island what has ceased to be popular or practicable at home.

It is, therefore, imperative upon all the parties concerned to convert this tenure. Agrarian questions now occupy the public mind incessantly in this fine Colony, to the exclusion of all sound politics. A public man is valued in proportion as he is subservient to the proprietors, or friendly to the tenants, not for the measures of internal improvement or intercolonial policy he may propound; and the intellectual and social life of this people is exhausted and frittered away by disputes and contentions detrimental to the interests of all parties.

In addressing themselves to the remedies, the Commissioners freely admit,—

1st. That the original grants were improvident, and ought never to have passed.

2dly. That all the grants were liable to forfeiture for breach of the conditions with respect to settlement, and might have been escheated.

3dly. That all the grants might have been practically annulled by the enforcement of quit rent, and that the lands could have been seized and sold by the Crown at various times, without the slightest impeachment of its honour.

While these admissions are made in clear and specific language, the undersigned are bound to acknowledge that the Crown was judge in all these cases; and even though it were admitted that the Sovereign was ill-advised, and that the policy adopted from time to time was too lenient and injudicious, still the Sovereign having not only overlooked the laches of the subject, but, in express language, having repeatedly confirmed the original grants, it is impossible to encourage

any delusion upon a point so important, or to treat the grantees in any other manner than as the lawful possessors of their lands.

The undersigned do not mean to assert that every proprietor who now claims land in Prince Edward Island has a legal title, or that those who have compelled the people to attorn were or are, in all cases, the rightful heirs or owners of the estates. But what they mean is, that the original grants must be respected: that never having been escheated, but often confirmed, they cannot now be disturbed, and must be taken as the basis of any equitable adjustment.

As little power have they to disturb leases actually executed; they may not doubt that parties with questionable titles, or no titles at all, may have sometimes claimed and exercised ownership over portions of these lands, may have harrassed the tenantry and compelled them to attorn; but even where this has been the case, the undersigned can apply no remedy, because the tenant has himself acknowledged the title he asks them to dispute. Such cases are, they trust, and have reason to believe, exceptions to the general rule. In most cases it may be fairly assumed that the titles, whether claimed by purchase or descent, are valid and sufficient, although on this point much misconception prevails in the Island.

Assuming, then, the sufficiency of the original grants, and the binding authority of the leases, the Commissioners are clearly of opinion that the leasehold tenure should be converted into freehold. It is equally the interest of the Imperial and Local Governments that this should be done, that agrarian questions may be swept from the field of controversy, that Her Majesty's Ministers may be no longer assailed by remon-

strance and complaint, and that the public men in the Island may turn their attention to the developement of its resources. It is equally the interest of the landlord and the tenant, because, as matters stand, the future of both is clouded, and incessant warfare involves a fearful waste of time. The question arises, therefore, upon what terms can a compromise, which is forced upon both, be arranged, should the Provincial Government, for want of the Imperial guarantee, not find itself in a position to purchase up the estates ?

It is assumed, at the outset, that the proprietors will be willing to convert the tenures, and will be coerced by legislation, should fair terms be offered and they refuse to comply.

But they ought not to refuse,—

1st. Because a valuable island, won by the valor and enterprise of British soldiers, maintained by the taxes of the whole people, was improvidently parcelled out to a few individuals, either for no equivalent, or for services that it is exceedingly difficult at this period to estimate.

2. Because the British Government, deceived by the representations of the original grantees, has paid an amount of money to maintain its Civil Government, the capital of which the entire rental of the Island would scarcely represent.

3. Because, when liable to forfeiture, their grants have been generously confirmed.

4. Because the arrears of quitrent, justly due, and never exacted, far exceed any amount that they will be asked to forego in order to restore peace to the Colony, and to carry out the policy of the Imperial Government, to which they are under such deep obligations.

5. Because if they reject a liberal compromise, they must hereafter collect their rents, not only

with the public opinion of the Island, but of the Empire, against them, with no power to control the Local Government, and with but slender hopes of any arbitrary interference from home.

That the tenantry will cheerfully purchase their farms from the Government should a general measure result from this Report, is proved by the promptness with which they have paid their instalments for the farms included in the Worrell and Selkirk estates. That they will purchase from their landlords, even at higher prices, and on terms adjusted by this Commission, if no general measure is practicable, is confidently hoped and believed.

1. Because, with this Report in their hands, they can hardly place much confidence in those who may tell them of the forfeiture of the grants and the invalidity of their leases.

2. Because escheat can only be enforced, even if the public men of the Colony were as much in favour of, as they are evidently against it, by a long and doubtful conflict with the Imperial Government.

3. Because their minds will be distracted, and their resources exhausted by perpetual agitation and litigation, until there is a fair adjustment.

4. Because every year's delay makes their condition worse, as their young men will emigrate, and their produce decrease if their farms are not improved; and if their young men stay at home and increase the value of their lands, the price will ultimately rise with the lapse of time.

Assuming, therefore, that a compulsory compromise is inevitable, the question arises, upon what terms should the proprietors be compelled to sell, and the tenants be at liberty to purchase?

For a long time the undersigned cherished the belief that by taking the rent actually stipulated to be paid as a basis of the calculation, they could, estimating the quality of the land and produce yielded, and deducting bad debts, expense of management, and other charges on the estates, fix a general rate per acre that would be fair to all parties, and determine the price of leased land all over the Island. Acting on this belief, they have prosecuted inquires, and prepared tables drawn from the census returns, and from a careful examination of each township; but after a laborious investigation into the whole subject, with these returns, the statements of the tenantry, the rent rolls, and accounts current of the landlords in their hands, they have reluctantly been driven to the conclusion that no general rate can be fixed, to operate over the whole Island, or even over the whole of a single estate, without working manifest injustice.

Taking the whole Island it is apparent that many causes may affect the value of land. A sand cove on the coast to which fish resort, or the bend of a river full of mussel mud, may be more valuable than an inland farm, however highly cultivated. It would not be fair to compel a proprietor to sell a mill site, which rents for £40, at an average that might be equitably applied to a line of farms renting for £5; nor would it be fair to deduct from the skilful proprietor of an estate, who had taken care to get only good tenants, and to collect his rents regularly, the same per centage for loss and collection, that would be equitable in cases where the tenants were indifferent, or the agents careless.

A general rate that would apply fairly to townships fronting on the sea coast, or on the beds of navigable streams, would not suit a less

acceptable estate. The proximity to a market, or the establishment of a steamboat line, may vary to the extent of 25 or 50 per cent., the value of the land. The presence or absence of ship timber, of swampy or white sandy soil, may so affect an average that the injustice that would outrage the feelings of a landlord on one side of a road would be as deeply resented by tenant on the other. Industry or idleness, good health, or a sick family, a barren bed, or many children, affect the productiveness of farms; and it is quite impossible to apply any rule that will meet all cases, or to cut through difficulties that are presented on every side.

But there is another reason why the adoption of a general rate, as a mode of conversion, cannot be entertained. If put low, all a proprietor's best farms would be readily bought up by the occupants, and all the worst, with the expenses of agency, taxation, and litigation, would be left upon his hands. If the average was raised high enough to cover these contingencies, and protect the landlord, the poorer class of tenants could not purchase at all; the evils of the present system would be perpetuated, and the appointment of this Commission would have been followed by no practical results.

Political agitations may also affect the value of land, and a rate that would appear fair at one period, might operate most injuriously at another; this may be illustrated by the rent rolls of some of the best managed estates on the Island.

Driven, after mature reflection, to abandon all hope of a solution of their difficulties in this direction, the Commissioners have finally decided to adopt two simple principles.

1st. To give to every tenant of township lands not coming within the fourth and fifth provisions

herein-after made, the right to purchase the land on which he lives.

2d. To give to landlord and tenant the security of a fair valuation of the land in case of difference.

To secure a just valuation presents many difficulties. The Commissioners were at first disposed to recommend that the system which had been found to work well, in the sale of the Worrell and Selkirk estates, should be adopted, and that the duty of valuation should be assigned to three Commissioners to be appointed by the Government of the Island.

But this mode is open to serious objection.

Where the estates are purchased by the Colony, the claims of the proprietors are extinguished, and they have no longer any interest in the valuation. The Government have only the general interest which naturally arises out of a desire that their policy should be successful, and that the operation should be self-sustaining. Political considerations may operate in the selection of the valuers, but once appointed, it is hardly reasonable to suspect that they act upon any party principles in arranging the classifications. If, however, the estates were not purchased by the Government, and proprietary interest, or popular influence, were brought to bear upon their decisions, they could hardly, if selected by any administration, or from any class within the Island, be regarded as independent and above suspicion.

Another mode is the ordinary one of permitting the landlord and tenant to select each an arbitrator, with power to the two, in case of difference, to choose a third.

The objections to this course are, that no application of general principles, no uniformity would govern the decisions. The men selected

would be as various as the localities ; many of them, it is but reasonable to assume, would hardly possess the necessary qualifications for an enlightened judgment, some of them might be zealous partizans ; and, even if an umpire could in all cases be selected who was not, the decisions would be as eccentric as the views and tempers of the parties engaged were diverse and irreconcilable, or their skill in argument or negotiation was fairly balanced.

The particular knowledge of those circumstances of each separate tenancy which affect the interests held by both the landlord and the tenant, could only be obtained by the selection of a competent person who would devote his time exclusively to the business, and make a distinct valuation of every separate holding in the Island. The selection, appointment, or remuneration of such a person, however desirable, is not within the power of this Commission. The knowledge which would enable the Commissioners to make such a valuation themselves is manifestly not attainable within any period which can be allowed them for making their award.

Notwithstanding the objections above stated, arbitration therefore under certain circumstances, appears the only feasible and expeditious mode by which the conversion can be effected, and the fact that each party interested will have a voice in the constitution of the tribunal which is immediately to pass upon his rights, may, in the opinion of both landlords and tenants, outweigh the objections to this mode of adjustment which the undersigned have no desire to conceal.

In the business of life, a speedy and final settlement, even if it be not exactly what is wished for, is better than one that is protracted

and uncertain. In the case of the tenants of Prince Edward Island, it is not more the price at which they may obtain their holdings, than it is the *compulsory power of purchase at some price*, that is wanted. The tenant who has this power has a marketable commodity, if he has not means, he can sell to those who have, sickness or accident will not deprive him of the fruits of his industry. The harshness of a landlord, who claims the right of re-entry, and the determination of the tenant's estate, for rent in arrear, becomes unimportant when the tenant by raising the comparatively small sum which represents the landlord's interest, can put an end to the landlord's estate itself. It is the power which the landlord at present has of lying by to take advantage of sickness, distress, or accident, which to the tenant constitutes the bitterness of his position. The landlord, who has leased for 999 years, can reasonably claim nothing beyond the capital, of which the rent would represent the interest. The tenant's improvements in such case ought to be the heritage of his family; they may amount in value to many hundreds, but they are insecure to that family, when the right to refuse *upon any terms* the removal of the risk of forfeiture, which hangs over those improvements, still exist in the landlord. It being then admitted that there shall be a compulsory power of purchase, at some price, that difficulties exist in the way of determining that price by a specific valuer, that it is desirable to avoid the delay and uncertainty of arbitration as much as possible, and that a general rate per acre throughout the Island, would be unjust, some other mode must be adopted, a mode which, while it maintains the rights of property, and the validity, of contracts, as far as can be consistent with a compulsory transfer, will afford to the tenant an

opportunity of redeeming his estate in a short period, and on reasonable terms. The basis of this compromise must be the amount of rent stipulated to be paid; it is the only clue which will safely guide all parties through the perplexities by which they are surrounded.

The Commissioners therefore report and award—

1st. That tenants who tender 20 years purchase to their landlords, *in cash*, shall be entitled to a discount of 10 per cent., and a deed conveying the fee simple of their farms. Where the tenant prefers to pay by instalments, he shall have the privilege, but the landlord shall not be bound to accept a less sum than £10 at any one time; nor shall the tenant have a longer term than 10 years to liquidate the debt.

2nd. That tenants whose lands are not worth 20 years purchase, and who therefore decline to pay that amount, may tender to their landlords what they consider the value of their farms. If the landlord declines to accept the amount offered, the value shall be adjusted by arbitration. If the sum tendered is increased by the award, the tenant shall pay the expenses, if it is not, they shall be paid by the landlord. If the sum awarded is tendered in cash, a discount of five per cent. to be allowed; if not, payment to be made by yearly instalments of not less than £10, the term of payment in no case to exceed 10 years.

3dly. That the rent shall be reduced in proportion to the instalments paid, but no credit shall be allowed for any such instalments, until the three years arrears allowed by this award have been paid, nor while any rent accruing after the adjustment of the value of the farm remains due.

4thly. That proprietors who hold not more than 1,500 acres, or those who desire to retain particular lands to that extent, shall not be compelled to part with such under this award.

5thly. That leases under a term of less than 40 years shall not be affected by this award.

The Commissioners cannot close this branch of their report, without again expressing their conviction, that the purchase of the estates, by the negotiation of a loan through the Imperial Government, presents advantages so manifest that they cannot too strongly recommend its adoption, in preference to all other plans for the settlement of these unhappy disputes. Assuming that their alternative remedy is preferred, then they desire to place on record their regret that they could not have prepared the way for a uniform and equitable adjustment, by the appointment of a valuator perfectly independent of any bias, whose decisions would have been governed by general principles, capable of explanation and legitimate defence.

ARREARS OF RENT.

The Remission of Arrears of Rent due by the Tenants.

Assuming the tenants able to pay the arrears of rent due, it may be thought unreasonable to require the landlords to relinquish their rights to them, but not altogether so, if, from the poverty of the tenants, or the remissness of the landlords, so large an amount has been allowed to accumulate as to render its collection in most cases hopeless; and while they duly estimate the delicacy of the task, the Commissioners feel that they are justified in recommending a remission of a portion of the large accumulation of

arrears. This would confer a great boon upon the tenants, and would, it is conceived, occasion little or no loss to the landlords. In effecting this, no greater violation of the rights of property would take place than a creditor is subjected to by the laws which relieve his bankrupt debtor from his liability. Although the undersigned are convinced that the arrears in most instances have accumulated from poverty of the soil, from unavoidable sickness or misfortune, or from the rate at which land has been taken being too high, yet they cannot resist the conviction that in some cases persons have withheld payment of rent who were not unable to pay it.

'To adjust the question of arrears by any sliding scale which would meet the peculiarities and equities of each case, has appeared to them, after much reflection, to be impossible. But, as some specific remission is absolutely necessary, they are of opinion that a release of all arrears beyond those which have accrued during the three years preceding the 1st of May last would, under the circumstances of Prince Edward Island, be for the benefit of both landlords and tenants. They therefore report and award, that all arrears of rent due by the tenants previous to the 1st day of May, 1858, be remitted.

FISHERY RESERVES.

The Rights of the Crown at the time of the Transfer of the Casual and Territorial Revenues to the Local Government in the Fishery Reserves, contained in the original Grants, and the best policy to be adopted for their future disposal.

The reservation in 1767 of a belt of 500 feet in width, round the shores of Prince Edward

Island, for the use of the fisheries, though quite in accordance with the policy of the period, has been found by experience to have been an impolitic reservation.

In Nova Scotia, where no such reservation existed, and where lands have been granted down to high-water mark, an invaluable resident fishery has sprung up, which is self-sustaining, supplies a profitable export, and lies at the basis of the extraordinary commercial development of that Province. Of New Brunswick, to some extent, a similar observation may be made.

In Prince Edward Island, during the last three or four years, there appears a most promising increase in the export of fish, as compared with former years. Yet fishermen, as a class, can hardly be said to exist, although the Island is surrounded by the best fishery in the world,—so profitable, in fact, that hundreds of schooners are annually attracted to the Gulf of Saint Lawrence from the southern coast of Nova Scotia, and from the more distant seaports of Maine and Massachusetts.

In view of these facts, and of the comparisons which they establish, and of the still more prominent fact that the prosecution of the fisheries in the Island, limited as it is, compared to the immense advantages possessed, has been in no way promoted by the reservation, the undersigned are clearly of opinion that the Fishery Reserves of Prince Edward Island should be abandoned, and that the territory, thus nominally dedicated to a branch of industry which will more surely grow from the operation of natural causes than from adventitious aids, should be left to the unrestricted use which the necessities or intelligence of the people may suggest, or the interest of commerce require.

Practically, as already shewn, these reserves have never been respected. The reclamation by the Crown, or of persons claiming under the Crown, in case of license issued, of those parts of the reserves which have been actually reduced into possession, and improved and cultivated (if possible at all), could only be accomplished by means of expensive and harassing litigation, rendered still more embittered by a sense of injustice. It is difficult to get over an acquiescence of nearly a century in the enjoyment of property untrammelled by the exercise of a dormant easement reserved in the grant, even though there be no Statute of Limitations in the Island against the Crown. It would be equally difficult, after a lapse of 90 years, territorially to define where that reservation commenced and where it ended. The sea coast has changed, in many parts materially receded. From the north point to the east point, in the great curve which constitutes the bight of Prince Edward Island, and which is the principal resort of American fishermen, there is, and has been, as correctly as can be gathered from observation, and the statements of those who have longest lived on that coast, a receding of the mainland at the rate of two feet a year. On one of the islands in Richmond Bay, there was formerly a French burying ground, which, it must be assumed, was originally some distance above the water level; 15 or 20 years ago coffins were washed out by the sea.

From the north point to the west point, where the coast is bolder and more rugged, the receding has been at the rate of one foot a year, and from the west point to the east point, on the south and convex side of the Island, at the rate of one foot and a half a year.

At one point, near Cape Egmont, within the memory of living men, the mainland has receded 300 feet. Thus it may fairly be assumed that at least 200 of the 500 feet have gone since the date of the grants.

The enforcement of the legal right to the easement, at the present day, even in the parts of the reservations which have not been actually cultivated or improved, if resisted by the legal owner of the adjoining land as representative of the original grantee, would from such cause alone, be most difficult. In some of the grants the Crown gave the fee simple in the 500 feet over which the easement was to extend; in others the 500 feet were reserved to the Crown, but only for the same purpose for which the easement in the first case was intended; therefore the Crown itself would be estopped from granting the reserve, in the latter case, for any other purpose than that of the fishery.

To settle complications which have sprung, and might hereafter spring from the perpetuation of these reserves, the undersigned are clearly of opinion that in those cases where the original grants passed the entire fee of the lot or township, reserving over the 500 feet the easement only, the land constituting such reserve should henceforth be held by the legal owners thereof, and those claiming under them, free from such easement or any claim thereto.

The policy of breaking up the reserves being assumed, it is with reference to the class of grants, where the fee remained in the Crown, that in carrying out such policy the principal difficulties will arise.

It is to be bore in mind that in the Island there is no Statute of Limitations against the Crown. No title by possession to these reserves can,

therefore, have been acquired as against the Crown; some steps must now be taken to give title. To whom is it to be given? By the surrender of the casual and territorial revenues to the Island on the establishment of responsible Government, these reserves became the property of the Local Government, and if juries could be found to carry out the law, possession could, or ought to be recoverable in the ordinary way, by which the Crown expels intruders from the public domain. Such a course, however, in the present case, would lead to great confusion, and in many instances to gross injustice. In the cases of the grants last mentioned, though the fee remained and still is in the Crown, yet the possession since the issuing of the grants has been in the grantees of the lands of which the reserves form the sea front, or their representatives. The lessees of such persons have held, improved, and occupied under them as owners. To give to the original grantees, or their representatives, an unconditional fee at the present time, would be gross injustice to the lessees. To give to the lessees would be equally unjust to the owners in fee, as placing a clear belt of freehold between their lands and the sea, and virtually putting them at the mercy of their tenants.

The equitable rights of both parties ought to be respected. The restriction of the Crown to grant for any but fishing purposes ought to be abolished. The only mode by which justice can be effectually done, is to put an end to such reserves, and let the land be held in fee, as if the same had absolutely passed at the time of the original grants, and that the grantees, their representatives or tenants, shall be bound by all contracts which may affect the same as if the

reserves had been included in such grants, but no title acquired by adverse possession to be affected.

The reserves being entirely abolished, it remains to be considered in what way fishing stations can be secured. In the opinion of the undersigned, commerce and self-interest will, as a general rule, regulate such matters, and as the fisheries cannot be carried on in a continuous belt round the whole Island, such reservations are, as they have proved, comparatively valueless.

The harbours are open and available to all persons; what is required is the right to secure, at a reasonable rate, in parts where fishing stations can be judiciously selected, so much ground as will answer the purpose. The right to permit the erection of wharves, buildings, and the enjoyment of exclusive privileges below high-water mark belongs to the Government. Provision should be made that parties embarking in the fisheries, who may have obtained a grant from the government of any portion of the land below high-water mark, and shall require to make erections on the adjoining shore for the purpose of prosecuting the business with effect, and shall not be able to obtain, by purchase from the owner, a suitable lot on reasonable terms, may be authorized to appoint an appraiser, and require the owner to do the same, who, with an umpire, to be selected by the two appraisers, should proceed to lay off a portion of land, not exceeding one acre, in a locality on the shore most suitable for the purpose of carrying on the fisheries, and in such a way as to occasion as little injury as possible to the owner, and to make a valuation thereof; the party applying for such land, on payment of the amount of such

valuation to the owner, to become entitled to a deed thereof in fee simple.

The Commissioners therefore report and award, that the reservations for fishery purposes, contained in the original grants of the townships of Prince Edward Island, abutting on the sea-shore, be abandoned, and the policy, with reference thereto, suggested by this report, be adopted.

ESCHEAT.

The Escheat, at the present time, of the original Grants for non-performance of Conditions as to Settlement.

Previous to the cession by Her Majesty in 1851 of the Crown and Territorial Revenues in the Island to the local Government, the Crown had, by repeated declarations, denuded itself of the power of escheating the original grants, and declared any measure of that character impracticable. This is clearly expressed in Lord Grey's despatch to Sir Alexander Bannerman, of the 12th of July, 1851.

“ Repeated applications have been made at different times to her Majesty's Government to consent to measures to deprive the proprietors under the original grants of their estates, on account of their having escheated to the Crown, by reason of the non-fulfilment of conditions. The applications have been resisted on grounds with which the correspondence between successive Secretaries of State and Lieutenant Governors of Prince Edward Island, especially since the year 1832, will render you sufficiently familiar. It is only my purpose now to state, that Her Majesty's Government feel themselves bound to adhere to the decision, so repeatedly adopted by my

“predecessors in this matter, and to state that both on the grounds of justice to the landed proprietors, and of the permanent interests of the community of Prince Edward Island, they regard such a measure as impracticable.”

It could hardly be conceived that, with such views as these, Her Majesty could ever have intended to transfer to the Local Government a power, the exercise of which would be in derogation of the faith and honour of the Crown. But apart from this, the exercise of such power at the present time would be directly at variance with the interests of the Island.

Ninety-four years ago the grants were issued; 84 years ago the conditions of the settlement by foreign Protestants, on which they were issued, were broken; 84 years have passed and no forfeiture for such breach has been exacted. In the meantime the character and value of the lands have altered; improved, cultivated, and paid for, acquired by purchase, or passed by inheritance, in some instances no taint of the original ownership remains.

If it were possible that any country could be found, where, after a century the possession of property could be disturbed for non-performance of an absurd condition in the original grant, the authority having the power to enforce the forfeiture during all that period, not only being fully cognizant of the omission to perform, but actually declaring that performance should not be required, and acquiescing in the expenditures, improvements, and transmissions that were made on the faith of such declaration, that country would cease to be regarded among the civilized communities of the world.

If it were believed that such a principle existed in Prince Edward Island, or could be enforced, it would be utterly ruinous to its prosperity.

The insecurity of the tenure would prevent any person purchasing land. Titles would be insecure, because, with few exceptions, the forfeiture would apply to every township, and every subdivision of a township in the Island. No particular lot, no particular proprietor could be selected; the law would be general in its application, and must fall on all alike; not solely on the representative of the original grantee of 1767, if any such there be, but on the purchaser of yesterday, or the orphan whose inheritance fell to him the day before. The destruction of the primary title would carry with it the titles of the small freeholders who hold under it, as well as the improvements of the tenants. If courts and juries could be found to work out such a principle, no free people would endure it long.

But if the escheat could be carried out, and these lands became vested in the Local Government, how could they be disposed of, and who would become the owners? If put up at public auction, it does not follow that the man whose labor had made a farm valuable, or whose money had purchased it before the escheat, would be certain of securing his improvements. If disposed of at private sale, the practice would lead to the grossest favouritism and corruption.

There is no light in which the present escheat of the titles, on the ground of the conditions of the original grants having been broken, can be viewed, which would not exhibit consequences most disastrous to the Island. That such, practically, has been the opinion of every Government for the last 40 years, is apparent to any one acquainted with its history. Constitutionally, a Court of Escheat has always existed. Escheat is incident to the power of the Crown in the administration of the public domain. It

required no particular legislation to put the machinery of escheat in operation; none is required now. Yet no Government, whatever party may have been in power within that period (and opposing administrations have constantly succeeded each other), has ever attempted to enforce a forfeiture.

The Commissioners therefore report and award, that at the present time there should be no escheat of the original grants for non-performance of conditions as to settlement.

QUITRENTS.

The Relinquishment by the Crown of the Arrears of Quitrents previous to the Transfer of the Crown Revenues to the Local Government.

The action of the Imperial Government on this question has not been so decided as on the question of escheat. Up to the time of passing the Land Tax Act, 11 Geo. 4, c. 17, (1830), it is clear that the right to the arrears had never been wholly abandoned. The liberality of the British Government, in the commutations offered to the proprietors in 1802, was an evidence of its desire for the advancement of the Island; and, had the commutations at that time been exacted from the proprietors, and expended in local improvements, some attonement would have been made for the prejudice of its prosperity resulting from the mode in which the lands had been originally parcelled out. The expenses of a separate Civil List had been incurred by the British Government, on the representations of the proprietors, and on the faith that the accruing quitrents should constitute the fund upon which those expenses were to be borne.

The Imperial Government showed great forbearance; it sustained the Civil List for many

years, and did not exact the quitrents. The proprietors, or those claiming under them, held their lands without performance of the stipulations and conditions on which they were granted.

In 1830, at the time of the passing of the Land Tax Act, the Imperial Government evidently contemplated not only the collection of a portion of the arrears of quitrent, but the revival of those rents at the period when that Act would expire. Since that Statute came into operation, and during its continuance, or the continuance of those Acts passed in lieu of it, the tax collected has largely exceeded the quitrent chargeable. That this would be so was apparent at the time the first Act was passed.

In 1838 the Imperial Government removed all doubts as to the arrears, prior to the 11 Geo. 4, c. 17, by stating, through the then Colonial Secretary, Lord Glenelg—

“ That all rents in arrear at the period when
 “ the Provincial Act 11 Geo. 4, c. 17, was con-
 “ firmed and came into operation, must be con-
 “ sidered to have been remitted by the authority
 “ of the despatch of 27th January, 1833, but that
 “ no further remission could have been contem-
 “ plated by that despatch, nor ought to be allow-
 “ ed, with the exception already stated of the
 “ rent of the year in which commutation may be
 “ effected, whether the same be payable as in
 “ the year 1837-8, under the provision of the
 “ Act, or as will subsequently be the case, under
 “ the original grants and tenures of the land.”

The commutation, in the latter part of the foregoing passage referred to, was in view of an extinguishment, by so many years purchase, of the quitrents which would commence to accrue after the expiration of 11 Geo. 4, c. 17.

But as that Act has since in principle been constantly renewed, and the tax continued, the commutation contemplated has become a dead letter, and must so remain until the Local Legislature ceases to renew the Act, or to make other provisions in lieu thereof, the whole matter, for future regulation, being now under its control. But all arrears, up to the time of the passing of 11 Geo. 4, c. 17, the Imperial Government clearly remitted, and however little the proprietors or their representatives were entitled to such an act of grace, yet those arrears having been once remitted, it is impossible to suppose Her Majesty's Government handed over in 1851 to the Local Government, on the surrender of the casual and territorial revenue, the debts which in 1833 had been cancelled by the Crown.

The Commissioners therefore report and award, that previous to the transfer in 1851 to the Local Government of the casual and territorial rights and revenues, the Crown had remitted all arrears of quitrent due up to the period when the Act 11 Geo. 4, c. 17, was confirmed and came into operation; but that the right of the Local Government to the revival of future quitrents, on the expiration of the Acts imposing a land tax in lieu thereof, is clear and undoubted.

CLAIMS OF THE DESCENDANTS OF THE LOYALISTS.

That the Loyalists, who sought homes in Prince Edward Island after the confiscation of their properties in the old revolted colonies, had strong claims upon the British Government, will be universally admitted. That His Majesty's Government, in 1783, felt the full force of those claims, and was sincere in its desire to make a liberal provision for the loyalists, there is no reason to doubt.

That some of the proprietors of Prince Edward Island, who, with apparent willingness came forward and offered to relinquish portions of the improvident grants they had received, for the benefit of these sufferers, were sincere, it is charitable to assume. But there is too much reason to believe that some of them were not sincere, and made the offers but to cover the non-fulfilment of the conditions of their grants. That the rights which the loyalists then acquired were not enforced, is deeply to be regretted ; yet it is impossible, for the reasons stated by Lord John Russell, after the lapse of three-fourths of a century, to revive them to the prejudice of the present owners of the lands. But, even at this distance of time, the sense of harsh neglect and injustice, which still exists, ought, if possible, to be effaced from the minds of many deserving people, who proudly trace their descent from men, the confiscation of whose properties in the revolted colonies was accepted as an inevitable necessity, but who still resent what they regard as injustice and deception, practised upon their ancestors upon British soil, and under the flag which they had fought or suffered to maintain.

The British Government, having for so many years provided for the Civil List of the Colony, the Commissioners would respectfully suggest that the Provincial Government might, at a small sacrifice, dispose of this old vexed question.

Since 1839 no action on this subject has been taken by the Legislature or inhabitants of the Island. From 1851 the Local Government has had the disposal of the Crown lands ; but, even since that period, no application has been made to the Legislature for compensation or redress. It would, however, be in the power of the Local

Government, out of the lands ceded to them in 1851, or since purchased, or that may hereafter be purchased, to give to any descendant of a loyalist who could prove his descent, and that his ancestor had not participated in the distribution of land which some of the proprietors fairly and honourably appropriated (the burden of proof in both respects being upon the applicant) a free grant equivalent in quantity to the proportion he would be entitled to as such descendant, had his ancestor gone into possession and died seised.

This remedy is now so entirely in the power of the Local Legislature, that the undersigned feel they would be exceeding their duty were they more than respectfully to suggest it.

CLAIMS OF THE DESCENDANTS OF THE ORIGINAL FRENCH INHABITANTS.

The claims of certain descendants of the French inhabitants of the Island were earnestly pressed upon the Commission.

It was alleged that the French settlers, who were in the Island prior to the treaty of 1763, were by that treaty confirmed in the rightful occupancy of their lands, which were subsequently granted away in 1767; and that those grants of the whole Island must have been made in ignorance of the occupancy, or in violation of the rights of the French. Though this subject was not specially referred to the Commissioners, yet it appeared very desirable that it should be disposed of, as it seemed to interest a large class of the inhabitants whose forefathers had been driven from lands they thought their own, and who had themselves suffered a good deal, either from ignorance of their rights, or assuming that they had any, from their practical invasion.

Having examined this subject in all its bearings, the undersigned deem it their duty to report, that, assuming the statements made by the French to be true, and that their rights were not compromised by the facts of history, they would seem to have been harshly treated. But upon the proprietors who have been in undisturbed possession of their lands for nearly a century, no legal claim can now be established, and it is clear that the Island Government, which was not organized till long after the wrong complained of was done, cannot be expected to make attonement.

An appeal to the British Government can hardly be sustained, if it is judged by the light of our early Colonial history.

The British attempts at colonization in all the maritime provinces were, as was very natural, opposed and rendered hazardous by the French, who occupied the alluvial lands around the Bay of Fundy and Basin of Minas, who had built forts at Annapolis and Chignecto, and who, when the neighboring provinces were rescued from them by conquest and by treaty, still occupied Cape Breton and fortified Louisburg with great skill and at an enormous expense. Prince Edward Island (then the Island of St. John) was the granary of Cape Breton, which was but little cultivated, its inhabitants being chiefly occupied with the fur trade and the fishery. It is fair to assume that in all the measures and policy of that period, which led to the expulsion of the French Acadians from Nova Scotia, and to the confiscation of their lands, the French inhabitants of the Island of St. John participated; if they did, their descendants have no reason to complain. The expulsion of the Acadians occurred in 1755. The grants to

the proprietors of Prince Edward Island were issued in 1767, twelve years after the lands of the Acadians were confiscated. Were the French of Prince Edward Island equally guilty, or were there any peculiar circumstances which gave them a claim to the favour and merciful consideration of the British Government, which could not be pleaded on behalf of the Acadians of Minas and Beau Sejour? The undersigned fear not. At a later period, when the British Government had become firmly established in all the Colonies, the French, who had fled to the woods of Nova Scotia, or who had sought refuge on the unoccupied and remote portions of its sea-coast, were suffered to purchase lands, or acquire title by peaceful occupation. But there is no instance, in the history of that province, where lands once confiscated and granted to British settlers were ever again restored. With every desire, therefore, to take a generous view of the claims and sufferings of persons whose only crime was adherence to the weaker side, in a great national struggle, yet the Commissioners do not see how they can, after a lapse of a century, rescue them from the ordinary penalties which are incident to a state of war.

INDIAN CLAIMS.

The Indian claims are limited to Lennox Island, and to grass lands around it, and as it appears by evidence that the Indians have been in uninterrupted occupancy of this property for more than half a century, and have built a chapel and several houses upon the same, the undersigned are of opinion that their title should be confirmed, and that this very small portion of the wide territory their forefathers formerly owned, should be left in the undisturbed possession of this last remnant of the race.

Should the general principles, propounded in this report, be accepted in the spirit which animates the Commissioners, and be followed by practical legislation, the Colony will start forward with renewed energy, dating a new era from 1861. The British Government will have nobly atoned for any errors in its past policy. The Legislature will no longer be distracted with efforts to close the Courts upon proprietors, or to tamper with the currency of the Island. The cry of "tenant right" will cease to disguise the want of practical statesmanship, or to overawe the local administration. Men who have hated and distrusted each other will be reconciled, and pursue their common interests by mutual co-operation. Roads will be levelled, breakwaters built, the river beds will be dredged, and new fertilizers applied to a soil, now annually drained of its vitality. Emigration will cease, and population attracted to the wild lands will enter upon their cultivation unembarrassed by the causes which perplexed the early settlers. Weighed down by the burden of this investigation, the undersigned have sometimes felt doubtful of any beneficial results. But they are now at the close of their labours, indulge the hope that if their suggestions are adopted, enfranchised and disenthralled from the poisoned garments that enfold her, Prince Edward Island will yet become, what she ought to be, the Barbadoes of the St. Lawrence.

All which is humbly submitted to Your Majesty.

(Signed) JOHN HAMILTON GRAY,
JOSEPH HOWE,
J. W. RITCHIE.

Rothsay, 18th July, 1861.

CAP. V.

An Act to further alter and amend the Laws regulating the sale by License of Spirituous Liquors.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

Conditions on which Tavern Licenses are to be renewed.

I. Every person applying for a renewal of his or her Tavern License, or License to retail Spirituous Liquors, whether in the City of Charlottetown, or elsewhere in this Island, shall, before the renewal of any such License be granted, procure and deposit, at the Colonial Secretary's Office, a Certificate signed, if in Charlottetown, by any two Magistrates or Common Councillors therein ; and if in the Country, by any two out of the four Magistrates residing nearest to the applicant's place of residence, setting forth that to the best of their knowledge and belief the house of such person so requiring a renewal of his or her License, has, up to the time of applying for such renewal, been conducted in an orderly manner and in all respects in accordance with the provisions of the laws now in force relating to the granting of such Licenses.

Conditions on which Tavern Licenses for Charlottetown are to be granted.

II. It shall not be lawful for the City Council, of the City of Charlottetown, hereafter to grant a license to any person to keep a Tavern, or to sell or retail Spirituous Liquors, unless in addition to the certificates at present required by law, previous to such license being obtained, the granting of the license applied for shall have been first sanctioned and approved of by a majority of the City Council.

III. And whereas it frequently happens that many persons have by means of excessive

drunkenness and habitual intoxication, impaired their mental faculties, and in a great measure lost their self control, and have become incapable of managing their own affairs, thereby entailing ruin on their families and great loss of property.

IV. Be it therefore enacted, that in any such case, as last aforesaid, it shall be lawful for any three persons well acquainted with the character and circumstances of any such person so given to excessive use of intoxicating liquors, whether they may be related to him by consanguinity or otherwise, to petition the Chancellor or Master of the Rolls, of this Island, stating the character of such person, his or her intemperate habits, means and property, so far as they know, and also his or her family and other circumstances, and to verify the said petition by affidavit sworn before any Master in Chancery.

In the case of habitual drunkards, application may be made to Chancellor by Petition, &c.

V. It shall be lawful for the said Chancellor or Master of the Rolls, upon reading such petition as aforesaid, if he shall deem it advisable, to issue a writ in the nature of a writ *De Lunatico Inquirendo*, directed to the Sheriff of the County in which such intemperate person resides, directing him to summon a Jury of twelve persons from the list of special Jurors for the said County, returnable at a certain time and place, of which the said Sheriff shall give the intemperate person, and also the said petitioners, at least four days notice in writing, and at the time and place so specified the said Sheriff shall hold a Court, the said Jury shall be sworn by the Sheriff, on oath in the form prescribed in the Schedule to this Act annexed marked (A.) The said Court and Jury shall then and there inquire into the said case, the said intemperate person, and all witnesses on both sides being examined on oath, to be administered by the Sheriff; and

Chancellor &c., may issue Writ &c., directed to the Sheriff, &c.

Mode of procedure under such Writ.

if the Jury shall agree and be unanimous, they shall sign an Inquisition or Verdict, which shall be returned within Ten days into the office of the Registrar of the Court of Chancery.

When a committee of the Person and Estate of habitual drunkard may be appointed.

VI. If upon the return of the Inquisition the intemperate person is thereby found to be a person of habitual intoxication, incapable of managing his own affairs, the Chancellor or Master of the Rolls shall appoint one or two competent persons a Committee of the person and Estate of such intemperate person, such Committee to stand in the same relation, be invested with all the powers, and be subject to the same control in all respects as a Committee of a Lunatic's Estate and person, lawfully constituted, and shall give like security in the discretion of the Chancellor or Master of the Rolls, and shall be liable to be removed in like manner.

Duties and functions of such Committee.

Commission of Intemperance may be superseded.

VII. Any such Commission of intemperance may be superseded, either for a time, or *in toto*, at any time, on application, by petition, to the Chancellor or Master of the Rolls, and on sufficient proof in his discretion according to the practice in cases of Lunacy.

Limitation of fees.

VIII. The whole fees payable to the Sheriff, in every such case so tried by him, shall not exceed Thirty shillings, and the Jury fees shall not exceed Twenty-four shillings, to be paid by the petitioning parties, or out of the Lunatic's estate, as the Master of the Rolls may order and direct; and no further or other fees shall be payable to or chargeable by any person, in respect of the said Commission, except to witnesses, who shall be allowed and paid by the party on whose behalf they shall be subpoenaed, at the same rate as witnesses are paid in the Supreme Court, and they shall be liable to the like penalties for not obeying such subpoenas as the Sheriff shall issue under his seal of Office.

By whom to be paid.

Rate of witnesses fees, &c.

Penalty for disobeying Subpoena.

IX. If any person shall wilfully, falsely and corruptly take any of the oaths appointed and required by any of the provisions of this Act, or of any other Act now in force regulating or relating to the sale by license of Spirituous Liquors, and be therefore lawfully convicted by indictment or information, every such person so offending shall be guilty of wilful and corrupt perjury, and shall for every such offence incur and suffer such penalties, forfeitures and disabilities as persons convicted of wilful and corrupt perjury are or may be liable to.

False swearing, perjury, &c., penalty, &c.

X. The term, two of the neighbouring Magistrates, made use of in the second section of the Act Twenty-third Victoria, chapter twelve, and also the same term where made use of in other parts of the same Act, or in any other of the Acts in force regulating or relating to the sale by license of Spirituous Liquors, shall be construed and held to mean any two of the nearest four Magistrates or Justices of the Peace.

Meaning of the term "two of the neighbouring Magistrates."

XI. The words "fermented or distilled Spirituous Liquors" or "distilled Spirituous Liquors," or "Spirituous Liquors," wherever the same, or either of them, occur in this or any other Act relating to or regulating the sale by license of Spirituous Liquors, shall be construed to mean and include Wine, Rum, Gin, Brandy, Whiskey and all compounds of the same of which Alcohol shall be an ingredient, and also Malt Liquors; Ale, Porter and Lager Beer.

Meaning of the words "distilled Spirituous Liquors," &c.

XII. The Certificate marked (C), referred to in the 1st section of the Act of the 23rd Victoria, cap. 12, shall, when produced to the Colonial Secretary, be accompanied by an affidavit in verification thereof made by the applicant to the following effect :

Certificate under 1st Sec. 23rd Vic., cap. 12, to be verified by affidavit, &c.

Form of affidavit.

I, *A. B.*, do swear that the above certificate (or certificate annexed, as the case may be) is signed by a majority of the Householders resident in and entitled to vote for the Trustees of Schools for the School District within which the Inn or Tavern for which I desire a license is situate, so help me God. *A. B.*

Sworn to this day of A.D. 18
before me, *C. D.*, Justice of the Peace
for County.

Affidavit how to be attested.

Which affidavit shall be sworn to before, and attested by, a Justice of the Peace for the County.

Restrictions on selling Liquor to Indians.

XIII. No intoxicating Spirituous or other Liquors shall be sold or given by any person or persons, whomsoever, to any Indian, without a certificate from a Clergyman or Medical man, under a penalty of Twenty shillings for every offence; which may be sued for and recovered by any party before any one or more of Her Majesty's Justices of the Peace, one half of the fine, when recovered, to be paid to the informer, and the other half to be paid into the Treasury of this Island for the public use.

Penalty.

How recoverable.

Appropriation thereof.

Mode of application to have License improperly obtained annulled, &c.

XIV. That if a petition or memorial shall at any time be sent in to the Lieutenant Governor, in Council, from parties alleging themselves to be a majority of any School District, accompanied by an affidavit giving reasonable proof of the truth of such allegation, complaining that a license to keep an Inn or Tavern, or retail Spirituous Liquors, has been improperly, and contrary to their desire, granted, on the recommendation or certificate of other parties who, although they may have represented themselves to be, in fact are not the majority of the Householders resident in such District entitled to vote for Trustees, then the Lieutenant Governor, in

Council, after due inquiry made, and notice of such complaint to the party holding the license, shall, if it be clearly found that the certificate or recommendation upon which the license was granted, was incorrect or untrue, or not signed by the true majority of the District, have power to annul or suspend the license, and with or without a return of any, or a part of the license duty paid, as the Lieutenant Governor, in Council, on consideration of the circumstances, shall deem just and right.

XV. So much and such parts of the Laws now in force regulating the sale by license of Spirituous Liquors, as are contrary to or inconsistent with this Act, shall be and the same are hereby repealed.

Laws inconsistent with this Act hereby repealed.

SCHEDULE (A.)

Form of Oath to be taken by Juryman on Inquiry under this Act.

I will well and truly hear the evidence to be given touching the subject matter of this inquiry, and a true verdict give according to the best of my discernment and skill, and without fear, favor or affection.

Schedule (A.)

So help me God.

CAP. VI.

An Act to alter and amend the Act relating to the Recovery of Small Debts.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

From and after the passing of this Act, the Thirty-ninth, Forty-first, Forty-second, Sixty-ninth, Seventieth, Seventy-first, Seventy-second and Seventy-third sections, and all such other parts of the Act of the Twenty-third year of the reign of Her present Majesty, chapter sixteen, intituled "An Act relating to the recovery of

Repeals secs. 39, 41, 42, 69, 70, 71, 72 and 73, and all other parts of 23rd Victoria, cap. 16, prohibiting arrest or imprisonment of any

person where
the amount
does not exceed
£10.

Small Debts, and to repeal certain Acts therein mentioned," as prohibit the arrest or imprisonment of any person or persons on *mesne* or final process, issued out of any Court constituted under the said recited Act, unless the sum for which any such person should be so arrested or imprisoned, shall amount in the whole, to more than Ten Pounds, shall be, and the same are hereby severally and respectively repealed.

All suits for
sums not ex-
ceeding £10 to
be sued for in
same manner
as amounts ex-
ceeding £10.

II. All suits, actions and proceedings heretofore had, and now pending in any Court, constituted under the said recited Act, or hereafter to be had or taken under the said Act, or this Act, with reference to sums amounting to Ten pounds or under, whether on *mesne* or final process, or otherwise, shall be prosecuted to final settlement in the same manner in all respects, as prescribed by the said recited Act, in cases where the sum amounts to more than Ten pounds, anything in the said recited Act, to the contrary notwithstanding.

Body of debtor
may be arrest-
ed, &c., in cer-
tain cases.

Terms of im-
prisonment.

III. Where sufficient Goods and Chattels whereon to levy, as pointed out by the Thirty-eighth section of the said recited Act, shall not be found, then, and in such case only, the said Constable in said section mentioned, is hereby authorized and required to arrest the Body of the Debtor, therein referred to, and take him to the Common Jail of the county wherein he shall be arrested, there to remain, if the amount of levy shall not exceed Forty Shillings, for the space of two months; and if above Forty Shillings, and not exceeding Three Pounds, for the space of three months; and if above Three Pounds, and not exceeding Five Pounds, for the space of four months; and if above Five Pounds, and not exceeding Eight Pounds, for the space of six months; and if above Eight Pounds, and

not exceeding Twelve pounds, for the space of eight months ; and if above Twelve Pounds, and not exceeding Fourteen Pounds, for the space of nine months ; and if above Fourteen Pounds, and not exceeding Sixteen Pounds, for the space of ten months ; and if above Sixteen Pounds, and not exceeding Eighteen Pounds, for the space of eleven months ; and if above Eighteen Pounds, for the space of twelve months, (each of said imprisonments to be computed from the day on which the Debtor was first committed); and after any of the said imprisonments, in cases where the Debt does not exceed Ten Pounds, the Debtor shall be freed and discharged from such imprisonment, and also altogether from the Debt and Costs for which it has taken place ; and in cases where the Debt exceeds Ten Pounds, then after such imprisonment as aforesaid, the Debtor shall be freed and discharged therefrom, and from Ten Pounds of the debt for which such imprisonment has taken place ; but, nevertheless, the goods and chattels of such Debtor, whether in present possession or acquired after his discharge from imprisonment, shall still remain liable to be taken in execution for the balance or surplus of the Debt over the sum of Ten Pounds so discharged, as aforesaid, and Costs ; and the Plaintiff in any such last mentioned case shall be entitled, at any time thereafter, to take out execution or alias executions against the goods and chattels of the Defendant, for the amount of such balance or surplus, and costs, so always that the person of any such Debtor or Defendant, so having suffered the imprisonment commensurate with his Debt, as aforesaid, shall be freed and discharged from arrest upon the Judgment under which he has suffered imprisonment, or in any action or proceeding upon such Judgment.

After such imprisonment debtor freed from the whole debt and costs in certain cases.

Where debt exceeds £10 debtor freed from £10 thereof.

Goods and Chattels of debtor still liable to be taken in execution for balance of debt & costs.

Plaintiff entitled at any time to take out execution for such amount.

Person of debtor to be free from arrest in such cases.

Mode of proceeding when Plaintiffs claim does not exceed £10, and defendant does not tender bail, &c.

Form of execution in such case.

Defendant to be detained in custody unless he give bail, &c.

Mode of procedure when claim exceeds £10.

Form of execution in such case.

Defendant to be detained in custody unless he give bail, &c.

IV. If the person arrested on a Capias for the reason and in manner prescribed by the sixty-eighth section of the said recited Act, do not tender bail as therein pointed out, and the amount of the Plaintiff's claim do not exceed Ten Pounds, it shall be lawful for the Justice or Commissioner who issued the Capias, as therein mentioned, or one of the Commissioners of the Court to which the Clerk issuing the Capias belongs, forthwith, to try the cause, give Judgment, and issue Execution in the form marked (I), to the said recited Act, annexed, *mutatis mutandis*,—the Defendant being retained in custody under the original Capias, until it be ascertained whether he has sufficient Goods and Chattels whereon to levy the said Execution, unless he shall give good and sufficient bail and security, to the satisfaction of the Justice or Commissioner, that he will within a certain time thereafter, not exceeding twenty-one days, to be fixed by the said Justice or Commissioner, be forthcoming to meet such Execution, in case no such Goods and Chattels be found; if the amount of the Plaintiff's claim shall be above Ten pounds, it shall be lawful for the Justice of the Peace who issued the Capias, together with another Justice of the Peace, acting in and for the same County, or for two Commissioners, forthwith, to hear and determine the said cause, and to issue Execution, in the form hereinbefore referred to, and to commit the Defendant to the common Jail of the County, unless he shall give sufficient bail and security that he will be forthcoming to answer the said Execution, in the same manner as next hereinbefore pointed out, where the debt is under Ten Pounds, until it be ascertained whether he has sufficient Goods and Chattels whereon to levy the same, according to the mode pointed out by the said recited Act, or this Act.

V. Any Constable or Bailiff who shall be entrusted with any Execution to be issued in either of the above cases, under the provisions of the last preceding clause, is hereby authorized and required, after having given at least six days notice, in at least three public places, to levy by distress and public sale of the Goods and Chattels of the Debtor, the sum of money mentioned in the Writ of Execution, with poundage and other fees, as allowed by the said recited Act, or this Act in such cases; and if there be sufficient Goods and Chattels found whereon to levy the said sum and charges, then the said Constable or Bailiff shall immediately, or at least within three days after having ascertained the same, notify the same in writing, to the Officer or Officers issuing the Writ, who shall thereupon, immediately direct the Jailor, in whose custody the said Debtor may be, to discharge him forthwith from confinement; and such Debtor shall so be immediately discharged; or in case he has given bail or security for his appearance, the same shall be acquitted and discharged from liability; and if there be not sufficient Goods and Chattels whereon to levy, then and in such case, the said Constable or Bailiff, after having made due note thereof, in writing, on the Writ of Execution, shall within three days after he shall have ascertained the same, lodge the said Writ of Execution with the keeper of the common Jail, to which the Debtor may have been committed as aforesaid; or if he shall have given bail or security, shall take the body of the said Debtor, and commit him to the common Jail of the County; and the said Debtor in such case, shall remain in the said Jail, under such Execution, for such space of time in proportion to the amount of the levy, as is prescribed hereinbefore in the third section of this Act, with

Duties of Bailiff's, &c., in levying under Execution.

Jailor may discharge Debtor in certain cases.

Debtor, &c., discharged from liability to appear, &c.

There not being sufficient goods, &c., whereon to levy, Bailiff, &c., to lodge Execution with Jailor, commit Debtor, &c.

Terms of imprisonment.

reference to persons imprisoned under Execution issued upon any judgment recovered in the regular way before any Court of Commissioners constituted under the said recited Act; and all subsequent proceedings in relation to such Debtor, shall be governed by and conducted according to the provisions of the said third section of this Act.

VI. Provided always, that if the said Defendant shall, upon his appearance upon any Capias, deposit with the Justice, Commissioner, or Clerk before whom he is brought, the amount of the sum sworn to, with a reasonable amount of costs, he shall not be required to enter into recognizance, as above stated, but the suit shall notwithstanding be heard and determined in the usual way, and the money deposited shall abide the event of the trial; and if any Defendant against whom any such Judgment shall be given; as hereinbefore in the fourth clause of this Act mentioned, shall appear to the Justice or Justices, Commissioner or Commissioners, who shall have given the same, to be deserving of indulgence, then and in such case the said Justice or Justices, Commissioner or Commissioners, are hereby empowered to grant such time for the payment of the Judgment as shall seem reasonable: provided the time so granted shall not exceed two months where the Judgment is not above Five pounds, and three months where the Judgment exceeds Five pounds, said indulgence to be computed from the day on which Judgment is given; and provided also that the said Defendant, so indulged, shall give sufficient security by Recognizance, in the form prescribed in the Schedule to the said recited Act annexed, marked (D,) to pay the amount of the Judgment within the time limited therefor.

Defendant depositing amount sworn to not required to enter into recognizance, &c.

Suit to be heard in the usual way, &c.

Time may be given to Defendant for payment of Judgment.

Limitation of indulgence.

Defendant in case of indulgence to give security, &c.

Form of Recognizance of debt.

VII. The Judgment of the said Justices or Commissioners, upon such Capias suit, may be appealed from, on the party appellant entering into the security, and complying with the other conditions of the said recited Act in cases of appeal.

Gives right of appeal in certain cases.

VIII. And whereas it is necessary, in the last mentioned case, to make provision for the custody of the Defendant, after Judgment shall have been given, until the expiration of the time allowed for perfecting appeals: Be it therefore enacted, that the Defendant shall be discharged from custody upon entering into a Recognizance, in the form in the Schedule to the said recited Act annexed, marked (W,) with two sufficient sureties; and in case he shall refuse to give such security, execution shall issue for the amount of the Judgment and costs, as hereinbefore pointed out.

Recital.

Defendant how discharged from custody.

Form of Recognizance.

Failing to give security, Execution to issue forthwith.

IX. And whereas it is deemed expedient to extend the benefit of the provisions of the Act of the 14th Vic., cap. 2, relating to the relief of Insolvent Debtors, to all persons confined within any Jail in this Island, for any debt, damages or costs, and whether on *mesne* or final process issued out of any Court constituted under said recited Small Debt Act: Be it therefore enacted, that the proviso contained in the latter part of Section Seventy-seven, of the said recited Small Debt Act, be and the same is hereby repealed; and in future it shall be lawful for the Insolvent Commissioners, appointed under the said recited Small Debt Act, and they are hereby required to grant insolvent relief to any person confined in any Jail in this Island by virtue of any Capias, Execution or other process issued from any Court, or by any Officer or other person authorized by the said recited Small Debt

Recital.

Benefit of Insolvent Act granted to parties in custody under Small Debt Act in certain cases.

Act for that purpose: Provided it shall be made to appear to the satisfaction of the said Insolvent Commissioners that the person so applying for insolvent relief has not, since the contracting of the debt for which he is so imprisoned, assigned, or otherwise made over or conveyed away any property, real or personal, with a view to defeat the detaining Creditor's claim: And provided further that the said Insolvent Commissioners shall deem such applicant, for such relief, in all other respects entitled thereto under the provisions of the said Insolvent Debtor Act, and the said recited Small Debt Act, so far as the same are consistent with the provisions of this Act.

Persons imprisoned under Small Debt Acts only to be fed by Government in certain cases.

X. No person imprisoned under Capias or Execution, issued under the said recited Small Debt Act, shall under any circumstances be fed or supported in prison at the expense of the Government, unless under a special order granted in that behalf.

All clauses in 23 Vic., cap.16, inconsistent with this Act, repealed.

XI. So much and such parts of said recited Small Debt Act, as are contrary to or inconsistent with any of the provisions of this Act, shall be and the same are hereby repealed.

CAP. VII.

An Act for raising a Revenue.

[Passed April 17, 1862.]

Preamble.

WHEREAS it is deemed expedient to further continue and amend the hereinafter recited Act: Be it therefore enacted by the Lieutenant Governor, Council and Assembly as follows, that is to say:

Continues for one year certain parts of

I. The Act made and passed in the nineteenth year of the reign of Her present Majesty, Queen

Victoria, intituled "An Act for raising a Revenue," and to consolidate and amend several Acts therein mentioned, save and except such clauses and parts thereof, as are hereby repealed, shall be, and the same is hereby continued, with certain amendments hereinafter mentioned, until the first day of May, which will be in the year of our Lord one thousand eight hundred and sixty-three.

the Act 19 Vic.,
cap. 1.

II From and after the commencement of this Act, and until the said first day of May, one thousand eight hundred and sixty-three, there shall be raised, levied, and paid on the several articles hereinafter mentioned, imported or brought into this Island, from any place or Country whatsoever, the several impost duties, rates or impositions inserted, described and set forth in figures in the table of duties hereinafter contained, denominated, "Table of Impost Duties," opposite to, and against the said respective articles, as therein mentioned, described and enumerated, and according to the value, number and quantity thereof, as therein specified, the first column of duties in the said table, denoting the *ad valorem* duty, or amount payable on every one hundred pounds worth of the article imported, which shall be in like proportion for any less amount than one hundred pounds worth; and the second column denoting the specific duty on each article, and the said duties shall be calculated on the actual value or amount of the invoice, when reduced into the lawful current money of this Island, which said several duties, rates and impositions shall be in lieu of all duties, rates and impositions imposed by the hereinbefore recited Act; and the amount of any invoice of dutiable goods imported from the United States of America into this Island, made

Imposes certain rates and duties as set forth in the Table of Duties in this Act.

Explanation of first column in Table of Duties.

Explanation of second column.

Mode of calculating duties, &c.

Rate in which invoice of goods imported from the United States, is to be reduced into Currency of P. E. Island.

out in dollars and cents, shall, for all the purposes of this Act, be reduced into the current money of this Island, by allowing for each dollar the sum of six shillings of the said current money, and in like proportion, for any smaller part or fraction of a dollar.

TABLE OF IMPOST DUTIES REFERRED TO IN THE PRECEDING CLAUSE OF THIS ACT.

ARTICLES.	1st Column.			2d Column.		
	Per centage <i>ad valorem</i> duty on every £100 currency, value per Invoice.			Other duties		
	£	s.	d.	£	s.	d.
Blocks and Deadeyes,	5	0	0			
Boots and Shoes of all kinds,	10	0	0			
Buffalo Robes,	10	0	0			
Books, being the reprints of British authors, under the Imperial Act 11th Victoria, cap. 28,	20	0	0			
Canvas, Sail Cloth and Cordage,	2	0	0			
Clothes, ready-made, namely, Coats, Over Coats, Vests, Jackets and Trowsers,	10	0	0			
Coffee, green, the lb ,				0	0	2
Coffee, roasted or ground, the lb.				0	0	3
Chocolate, Broma, or Cocoa Paste, the lb.				0	0	3
Cigars,	30	0	0			
Cider, per gallon,				0	0	5
Clocks,	25	0	0			
All wheel machinery and machinery for manufacturing or to be used in the formation of clocks,	20	0	0			
Carriages,	10	0	0			
Jewellery, of all kinds,	10	0	0			
Leather of all kinds, except Sole Leather,	6	5	0			
Sole Leather, per lb ,				0	0	1
Porter, Ale, and Beer, per gallon,				0	0	5
Jordan and Valencia Almonds, the lb.				0	0	3
Rigging,	2	0	0			

ARTICLES.	1st Column.		2d Column.			
	Per Centage <i>ad valorem</i> duty on every £100 cur- rency value per invoice.		Other duties			
	£.	s.	d.	£.	s.	d.
Rum or other distilled Spirituous Li- quors imported into this Island, not exceeding the strength of proof by Sykes' Hydrometer, and so in pro- portion for any greater strength than the strength of proof, & landed at the Ports of Charlottetown, Georgetown, Summerside and Souris, per gallon, }						
						Table of Duties
				0	2	0
Rum or other distilled Spirituous Li- quors imported into this Island, for every gallon thereof, of any strength under and not exceeding the strength of proof 28 by the bubble, }				0	2	0
And for every bubble below 28 in num- ber by the bubble, an additional 2d. per gallon }				0	0	2
Molasses per gallon, Sails,	2	0	0	0	0	2
Spirituous Liquors, on all manufactured or distilled in this Island, except from Molasses, per gallon, }				0	0	9
Spirituous Liquors from Molasses, man- ufactured or distilled in this Island, per gallon, }				0	1	3
Steam Engines,	2	0	0			
Sugar, refined, per lb.,				0	0	2
Sugar, brown or Muscovado, per cwt.,				0	6	0
Tea, per lb.,				0	0	3
Tobacco, manufactured, per lb.,				0	0	4
Tobacco, manufactured in this Island, per lb., }				0	0	2
Watches, and all machinery to be used in the formation thereof, }	10	0	0			
Sails, Rigging and Ships' Materials, saved from vessels wrecked on the coast of this Island, not belonging to this Island, (duty payable on account of sales,)	7	10	0			

ARTICLES.	1st Column.	2d Column.
	Per Centage <i>ad valorem</i> duty on every £100 cur- rency value per invoice.	Other duties
	£. s. d.	£. s. d.
Ships' Stores and cargo, saved from wrecks, or sold in a vessel stranded, to pay the same duty as in cases of importation. Where a vessel not belonging to this Island is stranded and condemned, or sold whilst stranded, a duty shall be paid on the amount of sales of her hull, rigging and materials, whether she be again got off or be there broken up,	7 10 0	
Wines of all kinds imported into this Island, per gallon, in addition to £5 per cent. <i>ad valorem</i> duty	5 0 0	0 4 0
Spirits, namely, Brandy, imported into this Island at the Ports of Charlottetown, Georgetown, Summerside and Souris, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof, per gallon,		0 4 6
Spirits, namely, Brandy, imported into this Island at any other Ports, for every gallon thereof, of any strength under and not exceeding the strength of proof of 28 by the bubble,		0 4 6
And for every bubble below 28 in number by the bubble an additional 3d. per gallon,		0 0 3
Spirits, namely, Gin, Cordials and Whiskey, imported into this Island at the Ports of Charlottetown, Georgetown, Summerside and Souris, not exceeding the strength of proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of proof, per gallon,		0 4 0

Table of Duties

ARTICLES.	1st Column.	2d Column.
	Per Centage <i>ad valorem</i> duty on every £100 cur- rency value per invoice.	Other duties
	£. s. d.	£. s. d.
Spirits, namely, Gin, Cordials and Whiskey, imported into this Island at any other Ports, for every gallon thereof, of any strength under and not exceeding the strength of proof of 28 by the bubble,		0 4 0
And for every bubble below 28 in num- ber by the bubble, an additional 3d. per gallon,		0 0 3
Lemon Syrup, Shrub and Santa, per gal.,		0 1 0
Tinctures, per gallon,		0 2 0
Dried Fruits, per lb.,		0 0 1
Articles manufactured of Wood, except Brushes, Planes, Figure-Heads and Musical Instruments, and Weavers' Reeds, and such articles of which wood forms the principal part, not hereinbefore mentioned,	10 0 0	
On all goods, wares and merchandize, not above enumerated, except as hereinafter mentioned and excepted,	7 10 0	

Table of Duties

III. All articles in the following table, im-
ported from any Country or Colony whatsoever,
shall be exempt from duty, to wit :

Table of
exemptions.

Anchors.

All articles imported by the Lieutenant Gover-
nor for his own use.

Ashes, namely : Pot Ashes and Pearl Ashes.

**Baggage : Apparel, Household effects, Working
Tools and Implements used and in use of
persons or families arriving in this Island, it
used abroad by them, and not intended for
any other person or persons, or for sale.**

Barrels and Half Barrels, of all kinds.

Table of
exemptions.

Books (printed,) of all kinds not prohibited to be imported into the United Kingdom.

Maps and Charts.

Blocks, Rigging and Sails which may have been used to take new vessels from this Island to a market for sale, if such Blocks, Rigging and Sails shall be returned forthwith, after the sale of the vessel, direct to this Island, by the exporter thereof, and shall have previously paid, and shall have been charged with the Duties by Law imposed thereon, on the first importation thereof, into this Island.

Butter.

Broom Corn and Bark.

Bread of all kinds.

Cheese.

Chain Cables.

Coal.

Copper and Zinc, and Yellow Metal Sheething,
Copper and Zinc Rods, and Bolts and Sheething
Nails.

Dye woods of all kinds, (ground and unground).

Engines, (fire).

Flax.

Fish of all kinds, and products of fish, and all other creatures living in the water.

Furs, skins and tails undressed,

Fruits, dried and undried, grown in the United States of America.

Grain, flour and breadstuffs of all kinds.

Gypsum, ground and unground.

Grindstones, hewn, wrought or unwrought,

Hemp and Tow, unmanufactured,

Hides.

Horns.

Lard.

Lime.

Manures.

Meats, fresh, smoked and salted.

Oakum.

Oil, (fish).

Organs and bells imported expressly for any church chapel or sacred edifice in this Island, and intended to be placed therein.

Table of exemptions.

Ores of metals, of all kinds.

Ordinance or Commissariat stores, or war munitions of any kind; or military baggage or clothing brought into this Island for the use of Her Majesty's Army, Navy, or Militia, by any Commissary or other person in Her Majesty's service.

Military Clothing and Accoutrements for the use of Her Majesty's Volunteer Corps in this Island.

Printing Paper: Royal and Demy, in use for Newspapers.

Poultry, eggs.

Pitch, tar, and rosin.

Pelts.

Plants, shrubs and trees.

Rags.

Rice.

Seeds and vegetables.

Slate.

Stone or marble in its crude or unwrought state.

Burr or Limestone.

Stock, (live) of all kinds for breeding purposes.

Salt.

Seines.

Staves.

Tallow.

Teazels.

Timber and Lumber of all kinds, round, hewn and sawed, unmanufactured, in whole or in part.

• Firewood.

Tobacco, unmanufactured.

Wool.

The provisions &c., of 19 Vic. c. 1, to be observed and put in execution for the purpose of securing and recovering duties hereby imposed, and also penalties and forfeitures incurred or to be incurred, &c.

IV. All and every the powers and authorities, provisions, rules, regulations, directions, penalties, forfeitures, clauses, matters and things in the said recited Act of the nineteenth Victoria, chapter one, shall severally and respectively be duly observed, practised and applied to, and put in execution in relation to the duties thereby and hereby imposed and granted, as well during the time hereby limited, as after the expiration thereof for securing, levying, collecting and recovering the said duties, and all arrears thereof, and all penalties, and forfeitures that may have heretofore been incurred under and by virtue of the said recited Act ; and for suing for and recovering all such penalties as shall have been or may be incurred in relation to the said duties, as fully and effectually, to all intents and purposes, as if the same powers and authorities, rules, regulations, directions, penalties, forfeitures, clauses, matters and things were particularly repealed and re-enacted in the body of this Act, with reference to the said duties hereby or thereby granted and imposed.

Rum &c., imported in casks &c., containing less than 60 gallons to be forfeited, and penalty incurred, unless same come from Europe, British West Indies or American possessions.

V. No rum, brandy, gin or alcohol shall be imported or brought into this Island in any cask or package not capable of containing at least sixty gallons ; and any person offending against the provisions of this section, shall forfeit Ten Pounds for every cask or package, and the liquor shall be forfeited : Provided, that nothing in this section contained, shall apply to any such liquors imported into this Island from Europe, the British West Indies, or any British possessions in North America.

Duties on goods seized by Preventive Officer to be paid into

VI. On the seizure of any goods, wares and merchandize by any Land Waiter or Preventive Officer, under the provisions of the said hereinbefore recited Act, the duties on such goods,

wares and merchandize, shall be first paid into the public Treasury within thirty days after the sale thereof; and the balance or residue of the proceeds arising from such sale, after the payment of the duties as aforesaid, shall be paid to, or equally divided between the Officer or Officers making the seizure, together with three-fourth parts of all fines relating to such seizure; which shall be sued for and recovered in the name or names of such Officer or Officers making the seizure, or by an information filed by the Attorney General.

Treasury within 30 days after sale.

Balance remaining to be equally divided between Officers making seizure and also three-fourths of the fine, &c.

Fine how sued for, &c.

VII. No goods, wares or merchandize shall be liable to forfeiture by reason of the same not having been duly entered by the master of the ship or vessel in which the same shall have been imported: Provided always, that such goods, wares or merchandize shall have been duly entered, according to law, by the importer or consignee thereof, or other person interested in the same.

Goods not liable to forfeiture on account of non-entry by master, if duly entered by consignee.

VIII. No ship or vessel shall be liable to seizure, detention or forfeiture under the provisions of the said recited Act, by reason of any breach or violation of the said Act having been committed by the master (not being the owner) of such ship or vessel, unless the owner or owners of such ship or vessel shall either directly or indirectly, be privy or accessory to, or in some way concerned in the breach or violation of such Act as aforesaid.

No vessel liable to seizure for offence of Master unless Owner implicated.

IX. All masters of ships coasting, fishing, and of all other vessels whatsoever, whether laden or in ballast, coming into any Harbour, Port, River, Creek, or any other part of the Coasts of this Island, shall, before breaking bulk, or landing passengers or baggage, and within twenty-four hours after their arrival, make report

Masters of vessels to report their cargoes within 24 hours after arrival, and before breaking bulk, and to make oath to same before Collector, &c.

in writing, upon oath, to the Collector of Impost for the Harbor or District wherein such vessel shall have arrived, and the Masters of all Vessels having on board any Wines, Gin, Brandy, Rum or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, of what nature or kind soever, shall also specify in such report the kinds of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things in which such Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares and Merchandize shall or may be contained, together with the marks and numbers thereof, and that they have not landed, nor suffered to be landed, sold, bartered, or exchanged any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, at any port or place within this Island, or on the coasts thereof, since their sailing from the port or place where the same were laden on board any ship or vessel for exportation, which oath the said Collector is empowered to administer in the form following :

Form of Master's Oath to report.

“ You, *A. B.*, do swear that the report which you have made [read, or heard read, as the case may be,] and subscribed, contains a just and true account of all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, laden on board the _____ at the Port of _____ or any other Port or Ports, or elsewhere, before or since your sailing from _____ and that you have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandize, at any Port or place within this Island, or on the

coast thereof, since your sailing from or
since your sailing from any other place.

“ So help you God.”

X. When any Land-waiter or Preventive Officer shall have made a seizure of any Goods prohibited, or unlawfully imported, or attempted to be unlawfully imported or landed in this Island, it shall be the duty of such Officer, and he is hereby required, to furnish to the nearest Collector of Impost a list or account of the Goods so seized, before proceeding to the sale thereof, and which sale shall be made known by posting a notice thereof in the form prescribed in the Schedule marked (A), to this Act annexed, in twelve of the most public places at and in the vicinity of the place where such sale is to take place, at least fifteen days previous to such sale; and the Collector or Collectors of Impost who may receive such list of seizures as aforesaid, are hereby required to furnish the same, annually, to the Treasurer of this Island, who shall lay the same before the House of Assembly at the next session thereof.

Landwaiters, &c., to furnish to nearest Collector a list of articles seized, &c., before proceeding to sale.

Notice of sale to be given.

List of seizures to be furnished to Treasurer, &c.

XI. For the better and more effectually securing the several duties, fines, forfeitures and penalties, arising by virtue of this or any other Act relating to the Revenue, now or hereafter to be in force, the Chief Justice, or in his absence any other Judge of the Supreme Court, is hereby authorised and empowered, on application made by the Attorney General, or other officer prosecuting on the part of the Crown for that purpose, to grant a Bailable Writ or Warrant against any person liable for the said duties, penalties, fines and forfeitures; and such person shall be imprisoned or detained in the County Jail until he shall have given bail to answer the judgment and costs in any action to which he

Bailable Writ or Warrant may be issued by Judge of Supreme Court on application of Attorney General, &c., to hold to bail parties prosecuted under this Act, &c.

shall have rendered himself liable, or then commenced or pending against him for such duties, fines, forfeitures and penalties.

Drawback allowed on exportation of dutiable articles.

XII. There shall be allowed and paid on all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, and all Goods, Wares and Merchandize that have already been or shall hereafter be imported into this Island, or manufactured therein, on exportation of the same therefrom, a Drawback equal in amount to the whole duty paid, or secured to be paid on such, on the importation thereof.

Revenue Officer authorized to enter building forcibly in certain cases.

XIII. Any Revenue Officer having reasonable cause to suspect Goods liable to forfeiture to be in any particular building, may, in company with any Justice of the Peace for the County where the building is situate, who is hereby required to accompany him, enter such building at any time between sunrise and sunset; but if the doors are fastened, then admission shall be first demanded, and the purpose for which entry is required declared, when, if admission shall not be given, the Justice shall order the Officer forcibly to enter, and when in either case entry shall be made, the Officer shall search the building and seize all forfeited Goods.

Duties not paid or secured to be paid under new Law.

XIV. Duties on Goods importable before the coming into operation of an Act imposing new duties, and whereon the duties have not been paid or secured, shall be collected under the new Law, but Forfeitures shall be recovered under the Law under which they were incurred, notwithstanding such Law may have expired.

Owner of Distillery, &c., to render an account every alternate month to near-

XV The owner or owners of any Distillery, or other person or persons who shall manufacture any distilled Spirituous Liquors in this Island, and in case such Distillery shall be conducted or carried on by any servant or servants

having the care and management of the same, such owner, master or servant respectively, shall on the First Monday in June, and on every First Monday in each alternate month thereafter in each year during the continuance of this Act, render a just and true account in writing, to the nearest Collector of Impost and Excise, of the quantity of all Spirituous Liquors distilled or manufactured by him or them for the two months then last past; and shall also in such account state whether the Spirituous Liquors therein referred to have been distilled from Molasses, or Barley, or Grain, and how much from each respectively, and shall make and subscribe before the said Collector the following oath, which oath the said Collector is hereby required to administer:

est Collector of quantity distilled, &c.

To be verified on oath.

“ I, *A. B.*, do swear that the account which I have now rendered and subscribed, contains a just and true account of all the Rum, Brandy, Gin, or Whiskey distilled by me, (or if entry be made by foreman or servant,) for any person or persons, since the day of last past, and also, that the substances from which the same have been extracted or manufactured, are truly mentioned and stated in the said account.”

Form of oath in such cases.

“ So help me God.”

XVI. And the said owner, master or servant, after making and subscribing the before mentioned Oath, shall forthwith pay, or secure unto the said Collector of Impost and Excise the amount of duty imposed and due on such Liquors so manufactured as aforesaid, during the two onth then last past, the same to be paid or secured as directed by this Act in the case of Liquors or other Goods and Merchandize imported into this Island.

After making such oath, the owner, &c., is to pay, &c., to Collector the amount of duty due; such duty to be paid or secured in same manner as duties on Spirits, &c., imported.

Penalty on person neglecting to make return or making a false return, &c., or refusing to pay &c., the duties due on home distilled spirits.

XVII. If any person shall neglect or refuse to make such return, or shall make a false return, of the quantity of Spirituous Liquors so manufactured or distilled by him, or of the substances from which the same have been manufactured, or shall refuse to pay or secure the amount of Duties due on such Liquors, such person shall for each and every offence, forfeit and pay the sum of Twenty Pounds

Any Distiller, &c., wilfully making a false return or keeping back the same ten days after it should be made, in addition to penalties under last Section, to be prohibited from distilling for six months, under a further penalty of £5 per diem.

XVIII. Any Distiller, or his Agent, or Servant, or other person who shall be convicted of having wilfully and fraudulently made a return short of the real quantity of Liquor made by him, or shall make a false return of the substances from which the same has been made, or who shall be convicted of having refused to account or pay or secure the duties at the times prescribed by Law, or who shall have delayed his return, or payment, or security therefor, for more than ten days after the expiration of the two months from the day wherein he last accounted, shall, on conviction thereof, over and above the aforesaid penalty, be held not entitled to distil for six months from and after the day of such conviction, under the penalty of Five Pounds for each and every day he, or those employed by him, shall so distil after such conviction.

Treasurer to publish licensed Distillers monthly.

XIX. The Treasurer shall publish a list of the persons licensed to distil Spirituous Liquors, in the *Royal Gazette* Newspaper, once in each and every month, instead of quarterly, as prescribed in and by the sixty-fifth section of the herein before recited Act of the Nineteenth Victoria, chapter one.

Credit allowed for payment of duties by Act 19 Vic., cap. 1, mentioned.

XX. From and after the passing of this Act, instead of the credit mentioned in the seventy-eighth section of the said recited Act of the Nineteenth Victoria, chapter one, to be given

for duties on Goods, Wares and Merchandize, to the Importer thereof, as therein mentioned, the following terms of credit for duties shall be given, that is to say:—If the said Duties shall exceed the sum of Ten Pounds, and not amount to more than Thirty Pounds, a credit of three months shall be given therefor; and if the said Duties shall exceed Thirty Pounds, a credit of six months shall be given for the payment thereof, and no longer time than six months shall in any case be given; and all Bonds and Recognizances hereafter to be entered into for securing the payment of Duties on Goods, Wares and Merchandize of any kind whatsoever, shall bear Interest on the amount thereof at the rate of six pounds per centum per annum; and such Interest shall be computed and paid and payable from the day of the date of such Bond or Recognizance until the payment thereof: Provided always, that nothing in this or any other Act contained, shall be held or construed to entitle or give any person or persons any right or claim to a longer term of credit for the amount of any Bond or Recognizance, than the time therein mentioned for the payment thereof.

If amount be above £10, and not exceeding £30, three months credit. If above £30, a credit of six months only, and no longer time in any case to be given. Future Bonds to bear interest from date at £6 per cent.

Proviso.

XXI. The Warrant of Attorney by Law required to be taken by Collectors of Impost, in addition to the Recognizances directed to be entered into as security for the payment of Duties of Impost and Excise, shall, as well as the Defeasance thereon to be endorsed, be in the form in the Schedule to this Act annexed, marked (B), or in such other form as the Lieutenant Governor, or other Administrator of the Government of this Island for the time being, in Council, may, from time to time, direct

Warrant of Attorney to secure duties and also defeasance to be in form in Schedule (B), or as directed by Lieutenant Governor in Council.

XXII. It shall be competent and lawful for any of Her Majesty's Queen's Counsel in this

Queen's Counsel in certain cases to sign

necessary documents, &c., to perfect Judgment or Warrants of Attorney securing duties, &c.

Island, when called upon so to do, in the absence, or in the event of the incapacity from illness, of the Attorney or Solicitor General, or when either of those offices shall be vacant, to sign all necessary declarations, pleas, bail pieces, and other papers required to be signed in order to enter up judgment in Her Majesty's Supreme Court of Judicature on any Warrant of Attorney heretofore taken by Collectors of Impost and Excise, in addition to the Recognizance by Law directed to be taken as security for the payment of Duties of Impost and Excise, notwithstanding that such Warrant of Attorney shall be directed to the Attorney General and Solicitor General only; also, to issue Execution on the same, to take all necessary steps to perfect execution, and to acknowledge satisfaction under any such circumstances as aforesaid when payment has been recovered or received.

Also to issue execution for duties secured, &c.

Warrants of Attorney already taken for duties to be valid though not in form as by Law required and sufficient to enable Judgment to be entered thereon in Supreme Court and execution to be issued.

XXIII. All Warrants of Attorney which have heretofore been taken by Collectors of Impost and Excise, in addition to the Recognizance by Law directed to be taken as security for payment of Duties of Impost and Excise, shall, notwithstanding that the same shall not in all cases be found to have been taken strictly in accordance with the directions contained in the Statutes in force respecting the same, or the taking or form of such Warrants of Attorney, be held and deemed to be good and valid, and to be sufficient to enable and authorize judgment to be entered up thereon in Her Majesty's Supreme Court of Judicature, as of the Term of the said Supreme Court, in Queen's County, next preceding the date of entering up judgment, or otherwise, as the case may be, and Execution to be issued thereon for the recovery of the amount purporting to be secured thereby, and by

the Recognizance taken at the same time therewith.

XXIV. The Tenth, Twenty-fourth, Forty-fourth, Fifty-third, Fifty-fourth, Sixty-seventh, Sixty-eighth and Eighty-first Sections of the said herein before recited Act of the Nineteenth Victoria, Chapter One, shall be, and the same are hereby repealed.

Sections 10, 24, 44, 53, 54, 67, 68, and 81 of 19 Vic., cap. 1, repealed.

XXV. Any Collector of Impost and Excise who shall neglect or omit to administer any of the Oaths prescribed in and by the Twenty-fifth, Thirty-seventh, Forty-ninth, Seventieth and Seventy-second Sections of the herein before recited Act of the Nineteenth Victoria, Chapter One, and in and by any of the sections of this Act, shall, for each and every such neglect or omission, forfeit and pay into the Treasury of this Island the sum of Fifty Pounds, for the use of Her Majesty's Government; to be recovered in the Supreme Court of Judicature in Her Majesty's name, in an action of debt, on the oath of a credible witness.

Any Collector neglecting to administer oaths to forfeit £50 for each omission.

XXVI. It shall be unlawful for any person or persons to import into this Island any indecent or obscene Paintings, Books, Cards, Lithographic or other Engravings, or any other indecent or obscene articles; and if imported, the same shall be seized and destroyed by any Collector of Impost and Excise, or Preventive Officer.

Importation of obscene paintings, &c., prohibited.

XXVII. All Fines, Penalties and Forfeitures imposed under or by virtue of any of the provisions contained in the hereinbefore recited Act of the Nineteenth Victoria, Chapter One, intituled an Act for raising a Revenue, or of this Act, and hereafter to be incurred, may be prosecuted and sued for by information of Her Majesty's Attorney General, filed in the Supreme Court of this Island.

All fines, &c., may be prosecuted by the Attorney General.

Commence-
ment and dura-
tion of Act.

XXVIII. This Act shall go into operation and be in force on the First day of May next, and from thence shall continue and be in force until the First day of May in the year of Our Lord One thousand Eight hundred and Sixty-three.

SCHEDULES to which this Act refers.

Schedule (A.)

SCHEDULE (A.)

Form of Notice of Sale of Goods.

NOTICE.

Notice of sale
of Goods.

A sale of Goods (as mentioned below) seized by me will take place at _____ on _____ the _____ day of _____

A. B., Land Waiter or Preventive Officer.

[Here insert a List of Goods.]

SCHEDULE (B.)

Form of War-
rant of Attor-
ney to be taken
to secure pay-
ment of duties,
&c.

To Her Majesty's Attorney General of Prince Edward Island, and Her Majesty's Solicitor General of the said Island, or any of Her Majesty's Queen's Counsel of the said Island, or any Attorney of the Supreme Court of Judicature therein.

THESE are to desire and authorize you, or any of you, or any Attorney of the Supreme Court of Judicature of the said Island, to appear for us in the said Court, as of _____ Term, or any other subsequent Term, and then and there to receive a Declaration for us in an action of Debt, for the sum of _____ of lawful current money, borrowed at the suit of our Sovereign Lady the Queen, and thereupon to confess the said action, or else to suffer a judgment by *nil dicit* or otherwise to pass against us in the said action, and to be thereupon, forthwith, entered up against us of Record in the said Court, for the said sum of _____ besides costs of suit ; and we do hereby further authorize and empower you, or any one of you, or any Attorney as aforesaid, after the said judgment shall be entered up as aforesaid, for us and in our names, and as our act and deed, to sign, seal and execute a good and sufficient release in the law to our sovereign Lady the Queen, her Heirs and Successors, of all and all manner of error and errors, writs and writs of error, and all benefit and advantage thereof, and misprision of error or errors, defects and imperfections what-

soever, had, made, done, committed or suffered, in about, touching or concerning the aforesaid judgment, or in, about, touching or concerning any writ, warrant, process, declaration, plea, entry, or other proceeding whatsoever, of or in any way concerning the same; and for what you or any one of you shall do, or cause to be done in the premises, or any of them, this shall be to you, and each of you, a sufficient warrant.

In witness whereof, we have hereunto set our hands and seals this day of in the year of our Lord one thousand eight hundred and

Signed, sealed, and delivered, }
in the presence of }

Deafezance to be endorsed on Warrant of Attorney.

THIS Warrant of Attorney is given and intended to secure unto our Sovereign Lady the Queen, her Heirs and Successors, the payment of the sum of of lawful current money of Prince Edward Island, on the day of next ensuing, and lawful interest thereon, from this date, at the rate of six pounds per centum per annum, and no execution is to issue unless default be made in the payment of the said sum of and lawful interest thereon in the meantime as aforesaid, on the said day of next ensuing.

Deafezance to be endorsed on Warrant of Attorney.

Witness our hands this day of 18
Witness.

CAP. VIII.

An Act for the prevention and punishment of Vice and Immorality in the City of Charlottetown.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows:

I. The City Council of the City of Charlottetown, shall have power to suppress Brothels and Houses kept for the purpose of prostitution, and to punish the keepers and inmates thereof; and for this purpose it shall be lawful for the Mayor and City Council, on satisfactory proof,

The Charlottetown City Council empowered to suppress Brothels, &c.

by order, to authorize the City Marshal or Constables to enter, by night or by day, into houses where it is known, or where there is good and sufficient reason to suspect that females are kept or harbored for the purposes of prostitution, and to take into custody, the keepers of such houses, and such lewed and disorderly persons as may be found therein, and upon conviction, to punish the offenders by fine, not exceeding Five Pounds.

Authority to
Police Court to
punish keepers
of Brothels.

II. It shall be lawful for the Police Court of the said City, upon the information of any of its officers, or upon the complaint of any individual, to summon before it, persons accused of keeping Brothels, or houses of Prostitution, and upon trial and conviction, to punish the offenders as aforesaid.

City Council
authorized to
pass Bye-Laws
for better
carrying this
Act into effect.

III. The City Council may pass a Bye-Law, or Bye-Laws for the better carrying this Act into effect, to be approved of by the Lieutenant Governor in Council.

CAP. IX.

An Act relating to Electric Telegraph communication with this Island.

[Passed April 17, 1862.]

Recital.

WHEREAS by an Act of the General Assembly of this Island, passed in the twentieth year of the reign of Her present Majesty, it was enacted that so long during the term of ten years, from the passing of the said recited Act, as the "New York, Newfoundland and London Telegraph Company," shall maintain a regular Telegraph communication between this Island and the continent of America and Newfoundland, and shall likewise, during the said period, at the cost and charges of the said Company, erect and maintain Telegraph offices and

stations at either end of the Electric Cable connecting the Island with the continent of America, that is to say, at Cape Traverse and Cape Tormentine respectively; and shall likewise provide and maintain at the said stations, for the purpose of transmitting intelligence from and to this Island, and to the Post Office in Charlottetown, at the same rate or charges as at the time of the passing of the said recited Act, were received by the said Company for the transmission of messages, there shall be paid to the said Company from the public Treasury of this Island, yearly, and every year during the said period of ten years, the sum of three hundred pounds of lawful current money of this Island: And whereas the said Company has failed to maintain regular Telegraph communication between this Island and the continent of America: And whereas the Electric Cable connecting this Island with the continent of America is, and for several months now last passed, has been defective, and no Telegraph communication has in consequence been maintained.

Further Recital.

Be it therefore enacted by the Lieutenant Governor, Council and Assembly:

I. That the Lieutenant Governor and Council of this Island shall be authorized, immediately after the passing of this Act, to publish in the *Royal Gazette* of this Island, a notice directed to the said Company, and requiring that the said Company shall on or before the first day of July next, establish and maintain a regular Telegraph communication between this Island and the continent of America and Newfoundland, and also erect and maintain Telegraph offices and stations as set forth in and required by the herein before recited Act: Provided that on sufficient cause being adduced to His Excellency the

Authority to Governor in Council to publish a notice in Royal Gazette requiring Company to establish and maintain Telegraph communication &c., between this Island &c., before 1st July next.

Proviso.

Lieutenant Governor, in Council, by the said Company, it shall be lawful for His Excellency, by and with the consent of the Executive Council, to extend the said time for any period not exceeding one month next, after the said first day of July.

Company neglecting to comply with terms of said notice &c., Lt. Governor authorised to contract with any other persons for the laying a submarine cable &c., between this Island and New Brunswick or Nova Scotia.

II. That in case the said Company shall neglect to comply with the terms of said notice, so to be issued as aforesaid, and shall not maintain regular Telegraphic communication between this Island and the continent of America and Newfoundland, or erect and maintain Telegraphic offices and stations, in the terms of the said recited Act, the Lieutenant Governor, or the Administrator of the Government for the time being, by and with the consent of the Executive Council of this Island, shall be empowered to contract with any person or persons willing to become bound for the laying a Submarine Cable between this Island and the Province of New Brunswick or Nova Scotia, and maintaining during a period of Twenty years, regular Telegraphic communication between Charlottetown, in this Island, and the principal cities on the continent of America, and for maintaining during the winter season, Telegraph offices or stations at Capes Traverse and Tormentine, and shall in such contract provide that there shall be paid to such person or persons willing to enter into such contract, and to maintain Telegraphic communication as aforesaid, yearly and every year, during the said period of twenty years, the sum of three hundred Pounds, by half yearly payments, to be made by warrant on the Treasury.

New York, Newfoundland, and London Telegraph Company neglecting, after such

III. That in the event of the "New York, Newfoundland and London Telegraph Company," after such notice in the *Royal Gazette* as aforesaid, shall have been given, refusing or

neglecting to maintain a regular Telegraph communication as required by the said Act, of twentieth Victoria, all rights, privileges and profits granted by the said Act, as well as all rights, privileges, profits and monopolies granted or allowed by the Act seventeenth Victoria, chapter four, to the said "New York, Newfoundland and London Telegraph Company," are hereby cancelled and revoked.

notice, to maintain Telegraph communication as required by 20th Victoria, to forfeit all rights &c., granted by the Act 17 Victoria cap. 4.

C A P . X .

An Act to repeal the Act made and passed in the Twenty-fourth year of the reign of Her present Majesty, chapter nine, and to further amend the Act for the transfer of the Inland Posts within Prince Edward Island.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

I. That an Act made and passed in the twenty-fourth year of the reign of Her present Majesty, chapter nine, be and the same is hereby repealed.

Repeals 24th Victoria, cap 9.

II. That after the expiration of one month from the passing of this Act, and its publication in the *Royal Gazette* newspaper of this Island, all Letters and Packets which shall be posted in the different Post Offices within this Island, and addressed to any Post Office within this Island, shall be pre-paid by stamps.

One month after the passing and publishing of this Act postage on letters &c., to any place within the Island to be prepaid by Stamps.

III. That if any Letters or Packets shall be posted in any Post Office within this Island, and addressed to any other Post Office within this Island, and the full rate or rates of postage with which such Letters or Packets may be charge-

Consequence of not prepaying full postage on letters &c., addressed to any place within this Island.

able, shall not be prepaid, or shall be paid but in part, such Letters and Packets shall, notwithstanding such non-payment or part payment of the postage, be duly forwarded to their destination, and shall be chargeable with the amount of postage due thereon, and in addition thereto, with a fine of two-pence of lawful money of this Island, for each Letter or Packet, the postage payable on which shall not have been paid, or shall have been paid but in part, which said fines, and all monies arising therefrom, shall be collected and retained to, and for the use of the Government of this Island.

Appropriation of Fines.

The Governor in Council authorised to enter into arrangements with Governments of Canada, Nova Scotia & New Brunswick, for the adoption of compulsory prepayment by Stamps of letters &c.

IV. The Governor in Council shall have full power and authority to enter into arrangements with the Governments of Canada, Nova Scotia and New Brunswick, or either of them, for the adoption and carrying out a system of reciprocal compulsory prepayment, by stamps of Letters, Packets, and Parcels, between this Island and the Provinces of Canada, Nova Scotia, and New Brunswick.

Consequence of not prepaying full postage by Stamps on letters &c., addressed to any of said Colonies after said arrangements shall have been entered into.

V. If after such arrangements as aforesaid, shall have been entered into, any Letters or Packets shall be received in any Post Office within this Island, from any Post Office in either of the Colonies of Canada, Nova Scotia, or New Brunswick, and the full rate or rates of postage with which such Letters or Packets may be chargeable, shall not be prepaid, or shall be paid but in part, such Letters and Packets shall, notwithstanding such non-payment, or part payment of the postage, be chargeable with the amount of postage due thereon; and in addition thereto, with a fine of three-pence of lawful money of this Island, for each Letter or Packet, the postage payable on which shall not have been paid, or shall have been paid but in part,

which said fines, and all monies arising therefrom, shall be collected and retained to, and for the use of the Government of this Island.

Application of
Fines.

VI. The Governor in Council shall have full power and authority to adopt and carry out a system for the transmission of small Parcels by mail, through the Post Offices within this Island, and to fix and regulate the rates and charges at which such parcels shall be conveyed and carried.

Governor in
Council autho-
rised to carry
on a system for
the transmis-
sion of small
parcels by mail

C A P . X I .

An Act to authorize the Government to prohibit the exportation of Military or Naval Stores and Provisions.

[Passed April 17, 1862.]

WHEREAS a despatch has been received by His Excellency the Lieutenant Governor, from Her Majesty's principal Secretary of State for the Colonies, requesting application to be made to the Legislature of this Island, to pass a law to prevent the exportation of Arms and Military Stores, in case circumstances should render such a measure necessary: And whereas it is deemed advisable to pass such a law: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows:

Recital.

I. It shall be lawful for the Lieutenant Governor of this Island, with the advice and consent of Her Majesty's Executive Council, to prohibit, either to be exported or carried coastwise, Arms, Ammunition and Gunpowder, Military and Naval Stores, and any articles which the Lieutenant Governor shall judge capable of being converted into or made useful in increasing the quantity of Military or Naval Stores, Pro-

Authority to
Governor in
Council to pro-
hibit exporta-
tion or to be
carried coast-
wise Arms, Am-
munition, &c.

visions or any sort of Victual which may be used as food for man, by publishing a Proclamation to that effect in the *Royal Gazette* Newspaper of this Island.

Penalty.

How recover-
able.

Appropriation
thereof.

II. If any person shall export or carry coastwise, load or put on board any ship, vessel or boat any Arms, Ammunition and Gunpowder, Military and Naval Stores, or any articles which the Lieutenant Governor shall judge capable of being converted into or made useful in increasing the quantity of Military or Naval Stores, Provisions, or any sort of Victual which might be used as food for man, with intent to export the same out of this Island, or to carry the same coastwise, after the publication of any such Proclamation as aforesaid, then he shall, besides the forfeiture of the goods so prohibited to be exported or carried coastwise as aforesaid, forfeit and pay to Her Majesty a sum not exceeding Fifty Pounds, according to the judgment and discretion of the Court ; to be recovered by Bill, Plaint or Information in Her Majesty's Supreme Court of Judicature, and when recovered, to be paid into the Treasury of this Island for the use of Her Majesty's Government thereof ; and any of Her Majesty's Collectors of Impost or Controllers of the Navigation Laws, or other officer appointed to protect the Revenue, shall have power, and they are hereby authorized to seize any such goods so put on board any ship, vessel or boat for exportation, or to be carried coastwise contrary to the provisions of this Act ; and also the ship, vessel or boat in which the said Goods are laden, and to sell the same, and to pay the balance into the Treasury, deducting and retaining thereout, as a remuneration to himself, one-third part of the proceeds thereof.

C A P . X I I .

AN Act to facilitate the operation in certain particulars of the Award or Report made by certain Commissioners, to settle and adjust differences respecting some of the Township Lands of this Colony.

[Passed April 17, 1862.]

WHEREAS on the twenty-fifth day of June, in the year of Our Lord one thousand eight hundred and sixty, Her Majesty was pleased to issue to John Hamilton Gray, Joseph Howe, and John William Ritchie, Esquires, Her Royal Commission, in form and to the effect hereinafter set forth, namely :

Preamble.

(L. S.) “ VICTORIA R.

“ Victoria by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

“ To all to whom these Presents shall come, Greeting :

“ Whereas, we have been moved by the Assembly of our Island of Prince Edward, to appoint Commissioners to inquire into the differences now prevailing in our said Island, relating to the rights of Land Owners and Tenants in our said Island, with a view to the settlement of the same, on just and equitable principles. And whereas the said Assembly has further, by a resolution, dated the fourteenth day of April last, set forth its agreement to abide by the decision of any such Commissioners, or a majority of them, and to concur in whatever measures may be requisite for giving validity to their decision. And whereas it is highly desirable that the said

differences should be adjusted. Now know ye that we taking the premises into our royal consideration, are graciously pleased to nominate and appoint, and do by these presents nominate and appoint our trusty and well beloved John Hamilton Gray, Esquire, our trusty and well beloved Joseph Howe, Esquire, and our trusty and well beloved John William Ritchie, Esquire, to be our Commissioners for inquiring into said differences, and for adjusting the same, on fair and equitable principles.

“ Given at our Court at Buckingham Palace, this twenty-fifth day of June, one thousand eight hundred and sixty, in the twenty-fourth year of our reign.

“ By Her Majesty’s Command.

(Signed)

“ NEWCASTLE.”

And whereas the said Commissioners having taken upon themselves the burthen of the said Commission, did proceed fully to inquire and examine into the various matters to them thereby referred, and afterwards, that is to say, on the eighteenth day of July, in the year one thousand eight hundred and sixty-one, at Rothsay, in the Province of New Brunswick, they, the said Commissioners, did make and subscribe their Report, or Award, in writing, of and concerning the various matters to them referred, and by them examined into, a true copy of which said Report or Award is set forth in the Schedule to an Act made and passed by the Legislature of this Island, during the present session, intituled “ An Act to give effect to the Report of the Commissioners on the land question.” And whereas the said Commissioners, in their said Report or Award, have suggested as one mode of settling the differences between the Land Owners and their Tenants, named or re-

ferred to, in the said Report or Award, or intended to come within the operation thereof, that a loan of one hundred thousand pounds should be obtained to enable the Government of this Colony to purchase the Lands of the said Land Owners, and sell them to the said Tenants, and that Her Majesty's Imperial Government should guarantee the repayment of the said Loan, in the manner, and upon the conditions in the said Report or Award mentioned, or expressed; and the said Commissioners did therein, and thereby, further suggest and report, that in case the Imperial Parliament should refuse to guarantee such a Loan, or the Government of the said Island should decline to tender the securities therefor, then, as another mode of adjusting the disputes between the aforesaid Land Owners and their said Tenants, the said Commissioners did, by their said Report, award that every Tenant of the said Township Lands, owned by the aforesaid Land Owners, except as in the said Report is accepted, should have the right to purchase from his Landlord the land held by him, and that every Landlord and Tenant should have the security of a fair valuation of the land, in case of a difference.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows: In the event of any such Tenant or Lessee of Township Lands, as aforesaid, not agreeing to pay the price or sum fixed by his Landlord, at which he, the said Landlord, shall be willing to sell to such Tenant, the fee simple of the farm or land held by him, and the Tenant shall have offered a lesser sum for the same, which the Landlord has refused to accept, such Tenant shall then have the right to demand an Arbitration to be holden for the purpose of fixing a price

Mode of proceeding to arbitration in cases where landlord and tenant cannot agree upon the price of the fee-simple.

or sum at which he may purchase the fee simple of his farm, as aforesaid, and thereupon it shall be the duty of such Landlord, and he is hereby required, within ten days from the time when the Tenant shall have named his Arbitrator, for the purpose aforesaid, and shall have given notice of such nomination in writing, to his said Landlord, to name a person to act as such on behalf of him the said Landlord, (the said two Arbitrators to be both residents in Prince Edward Island), and he shall signify such nomination to such Tenant, in writing; and in case of the parties so named, or either of them respectively, refusing to serve, they the said Landlord and Tenant, or either of them, as the case may be, shall proceed to name other person or persons to act as such Arbitrators or Arbitrator, as the case may be, and so proceed, until two Arbitrators willing to serve are obtained, and give notification thereof in like manner as hereinbefore prescribed. And the parties so nominated as such Arbitrators shall, in every case, be notified thereof, in writing, by the said Landlord and Tenant, respectively; and such notice shall be in the form in the Schedule to this Act annexed, marked (A,) or to the like effect.

Form of notice to be given to parties nominated as arbitrators.

II. The persons to be chosen and appointed Arbitrators in manner, and for the purpose aforesaid, being notified of such their appointment, by notice under the hands of them the said Landlord and Tenant, respectively, or those of their agents, in manner as hereinbefore prescribed, and upon their consenting to act in that capacity, such consent to be also made known in writing by them, under their hands, to the said Landlord and Tenant, respectively, they shall be allowed ten days from the time of being so notified of such their appointment, within which to de-

Arbitrators to give notice of their consent to act as such.

Time allowed for making Award.

cide upon the price or sum at which such Tenant, as aforesaid, shall have the right or privilege of purchasing the fee-simple of his said farm, and to make their Award or decision, which when made, shall be in writing, under the hands of the said Arbitratorꝝ, and shall be in substance as in the form in the Schedule to this Act annexed, marked (B,) and shall be in duplicate, one copy for the Landlord, and the other for the Tenant ; and such Award, when so made, shall be binding and conclusive on each of the last named parties, and the price or sum fixed upon in said Award, shall be the price or sum at which such Tenant shall have the right of purchasing the fee-simple of his said farm or land ; and upon such Tenant paying, or tendering the price or sum so awarded to his said Landlord, or to the agent of such Landlord, less five pounds per centum discount, in terms of the said in part recited Report or Award of the Commissioners appointed in manner, and for the purposes aforesaid, he shall be entitled to receive from his said Landlord, an absolute conveyance of his said farm or land : Provided always, that nothing herein contained shall take from such Tenant the right or privilege of paying the said price or sum for the purchase of his said farm, in yearly instalments, in manner pointed out in the said, in part, recited Report or Award of the aforesaid Commissioners.

Form of Award

Copies of award to be served on Landlord and Tenant.

Award to be conclusive.

Tenant paying or tendering price named in Award, to be entitled to a conveyance of his farm.

Proviso.

III. Immediately after the expiration of the ten days hereinbefore specified, if said Arbitrators shall not have agreed upon a price or sum at which such Tenant as aforesaid, shall have the privilege of purchasing the fee-simple of his farm or land, and if they shall not have mutually agreed upon the choice of an umpire, it shall be the duty of such Arbitrators thereupon forthwith

Mode of proceeding where arbitrators cannot agree within the time specified, upon the amount of purchase money, or the choice of an umpire.

to attend at the residence of a Justice of the Peace, residing in the vicinity of the farm or land in question, and shall then and there proceed to appoint an umpire, who shall be chosen in manner following: each of the said Arbitrators shall proceed to name alternately, six persons who shall be freeholders, resident on the Township lands of the County wherein such Tenant's farm shall be situate, but who shall not have any Tenants under them; and from the names of the twelve persons so to be chosen, as aforesaid, the said Landlord, or his agent, and the said Tenant, shall each strike off four names, and each of the remaining four names shall be placed on a separate slip of paper folded up and placed in a ballot box, and the first name drawn therefrom, the same to be drawn by the said Justice at whose residence they, the said Arbitrators, shall have met, as aforesaid, shall be the umpire.

Ballot Box to be sealed up.

IV. It shall be the duty of the aforesaid Justice of the Peace, immediately after having drawn the one name from the ballot box, as hereinbefore mentioned, to seal up the said ballot box, with the three remaining names therein, and keep it in safe custody.

Notice to be given to umpire of his appointment.

Form of notice.

Duty of umpire

V. The said Arbitrators are hereby required to notify the person so to be appointed umpire, as aforesaid, which notice shall be in substance as in the form in the Schedule to this Act annexed, marked (D,) within three days after such his appointment, (and such notification shall in like manner be given to each person successively appointed umpire, as hereinafter pointed out in the event of the person previously appointed refusing to serve), and it shall be the duty of such umpire, within ten days after having been so notified as aforesaid, to decide upon a valuation,

and make his final award or umpirage in the premises; which award or umpirage shall be in writing, under the hand and seal of the said umpire, in duplicate, one copy for the Tenant, and the other for the Landlord, and shall be in the form in the Schedule to this Act annexed, marked (C), or to the like effect, and which award when so made shall be binding on each of them, the said Landlord and Tenant aforesaid, and the price or sum fixed upon in such award shall be the price at which such Tenant shall have the right of purchasing the fee simple of his said farm; and upon his paying, or tendering such price or sum so awarded, to his said Landlord, or to the agent of such Landlord, in such manner, and subject to such deductions as is hereinbefore prescribed, for cases where such Arbitrators as aforesaid shall themselves decide upon a valuation, he shall in like manner as therein mentioned, be entitled to receive from his said Landlord an absolute conveyance of his said farm or land, provided always as in the last case mentioned.

Form of umpire's Award.

Tenant upon paying or tendering price fixed by umpire to be entitled to conveyance of his farm.

VI. If the umpire so to be appointed as aforesaid, shall refuse to take upon himself that office, and shall signify such refusal to the said Arbitrators, the said Arbitrators shall forthwith attend at the residence of the aforesaid Justice of the Peace, as in the first instance, and make the same known to him, who shall thereupon, in the presence of the said Arbitrators, draw from the aforementioned ballot box, one from the three names remaining therein, and which process, in case of further refusal, shall again be repeated until all the four names first placed in the ballot box shall have been drawn; and in case of all four whose names shall have thus been drawn refusing to act as umpire to the said Arbitrators;

Mode of proceeding in case of umpire refusing to act.

for the purpose aforesaid, it shall be the duty of the said Arbitrators and such Justice of the Peace as aforesaid, to follow and repeat the same process, until the person so chosen shall consent to act as such umpire.

Justice before proceeding to appoint umpire to make an entry of price offered by tenant

VII. Provided always, and it shall be the duty of the Justice of the Peace before whom the said two Arbitrators shall attend before proceeding to act in the appointment of the said umpire, to make a note or entry of the price offered by the Tenant to the Landlord, or his agent, for the purchase of the land in question.

Fees of arbitrators & umpire. Fee of Justice of the Peace.

VIII. Each Arbitrator and umpire who shall be appointed in manner and for the purposes aforesaid, and who shall discharge the duties hereinbefore prescribed to him respectively, shall be entitled to receive twenty shillings for his services in that behalf; that the said Justice of the Peace before whom the umpire shall be chosen and appointed, shall receive for his services the sum of ten shillings; and that every person who shall serve any paper or notice required by this Act, shall be allowed one shilling for every such service, together with mileage for the distance travelled in making such service, such distance to be calculated from the place where said person shall receive such paper or notice for service, to the place where the same shall be served, and such mileage shall be the same as is allowed to Constables under the Small Debt Act.

Fee for serving papers, mileage, &c.

Rights of tenant where landlord neglects, &c., to name an arbitrator.

IX. If any such Landlord as aforesaid, shall neglect or refuse to name or appoint an Arbitrator, as hereinbefore required, the Tenant in such case shall be entitled to receive an absolute conveyance of his land or farm, upon his tendering to his said Landlord, or his agent, the price or sum first offered by said Tenant for the same, as hereinbefore mentioned, provided that nothing

herein contained shall take from such Tenant or Lessee the right or privilege of paying in instalments the sum last named for the purchase of the feesimple of his said farm or land.

Proviso.

X. Any person resident in this Island who shall hold a power or letter of Attorney from any Proprietor, authorising him to collect or receive rents in this Island, shall be competent and eligible to appoint an Arbitrator for such Proprietor, and to act for the said Proprietor under this Act, in all respects as fully and effectually to all intents and purposes as the said Proprietor himself, if present, might or could do.

Agent to collect rents, eligible to appoint arbitrator for Proprietor.

XI. Any Proprietor of Township lands who has already submitted himself to said Award, if under the provisions thereof, he shall desire to retain particular lands to the extent of one thousand five hundred acres, shall within six months after this Act shall go into operation, file in the office for the Registry of Deeds, in Charlotte-town, a plan and description of the lands which he shall so desire to retain; and any such Proprietor who shall hereafter submit himself and his lands to the provisions of said Award, shall file a like plan and description in said office, within six months after he shall so have submitted himself; and the lands specified in such plans and descriptions, shall be the only lands in each case which the Proprietor filing the same, shall be entitled to retain free from the provisions of this Act; and if no such plan and description shall within such time as aforesaid, be filed by any such Proprietor, he shall not be entitled to retain any such land free from the provisions of this Act.

Proprietor being party to Award may retain 1500 acres upon filing plan thereof in Register Office, within six months from passing of this Act.

Proprietor here after submitting to Award, may reserve 1500 acres, plan to be filed within six months of such submission.

XII. Nothing in this Act contained shall have any force or effect until Her Majesty's pleasure

Suspending clause.

therein shall be known, and notification of Her Majesty's assent thereto shall have been published in the *Royal Gazette* newspaper of this Island.

SCHEDULES to which this Act refers.

SCHEDULE (A.)

Schedule A. To *G. H.* and *J. K.* of Take notice that
 we the undersigned have appointed you our Arbitrators to
 decide and adjudge the price or sum at which the under-
 signed *C. D.* shall have the privilege of purchasing the fee-
 simple of his farm of _____ acres of land held by him
 of the undersigned *A. B.*, under lease for forty years and
 upwards.
 Dated this _____ day of _____ A. D. 186
A. B.
C. D.

SCHEDULE (B.)

Schedule B. To all to whom these presents shall come,
 We the Arbitrators of Township Number _____
 in _____ County (as the case may be)
 send greeting,
 Whereas *A. B.* of _____ owner or proprietor of
 Township, or part of Township (as the case may be) Num-
 ber _____ by *E. F.* his agent (if such be the case)
 and *C. D.* of said Township Number _____ have
 mutually agreed, in accordance with the provisions of the
 Act of the 25th Victoria, chapter _____ to appoint us
 Arbitrators to award and determine the price or sum at
 which the said *C. D.* shall have the right or privilege of pur-
 chasing the feesimple of his farm of _____ acres of
 land situate on said Township Number _____ and owned
 by him the said *A. B.*, and held under lease by the said *C. D.*
 for the term of forty years and upwards. Now Know ye
 that we the said Arbitrators having taken upon ourselves
 such Arbitration, and having viewed and examined the said
 farm or land so held by him, the said *C. D.* as aforesaid,
 and fully considered the matters submitted to us as such
 Arbitrators, do by these presents, in writing, under our
 hands award, adjudge and determine that the said *C. D.*, his
 Executors, Administrators or Assigns, shall have the right
 or privilege of purchasing the feesimple of his said farm of

acres of land so held by him, under lease as aforesaid, from the said *A. B.*, at the price or sum of pounds of lawful current money of the said Island.

Dated,

A.D. 18 }

As witness our hands,
G. H.
J. K.

SCHEDULE (C.)

To all to whom these presents shall come,

I, _____, the umpire, of Township Number _____ in _____ County send greeting. Whereas *G. H.* and *J. K.*, arbitrators mutually appointed by *A. B.*, of _____ owner or proprietor of Township Number _____ in _____ County in this Island (by *E. F.*, his Agent, if such be the case,) and *C. D.*, of said Township Number _____, Farmer, for the purpose of fixing and awarding a price or sum at which the said *C. D.* should have the privilege of purchasing the Fee-simple of his Farm of _____ Acres of land, situate on said Township Number _____ owned by the said *A. B.*, and held under lease by the said *C. D.* for the term of Forty years and upwards; and whereas the said Arbitrators have not been able to agree to an award in the premises, and have appointed me their Umpire in the matters so referred to them as aforesaid, and have referred the same to the judgment and final determination of me the said (Umpire's name) accordingly. Now, know ye, that I the said (Umpire's name) having taken upon me the burthen of the said Umpirage, and having heard and duly weighed the allegations of both the said Arbitrators concerning the matter or difference between them, and having viewed and examined the said farm or land, so held by him the said *C. D.* as aforesaid, do by these presents, in writing under my hand, award, adjudge and determine that that said *C. D.*, his Executors, Administrators or Assigns shall have the right or privilege of purchasing the fee-simple of his said Farm of _____ Acres of land so held by him under lease as aforesaid, from the said *A. B.*, at the price or sum of _____ Pounds of lawful current money of Prince Edward Island.

Schedule C.

Witness my hand this _____ day of _____ A. D. 186
S. T.

SCHEDULE (D.)

To *S. T.*, of _____

Take notice that we the undersigned who were appointed Arbitrators to decide and award the price or sum at which *C. D.*, of Township Number _____ Farmer, should

Schedule D.

have the privilege of purchasing the fee-simple of his farm of _____ Acres of Land, situate on the aforesaid Township, and held by him of *A B.*, of _____, owner or proprietor of said Township, under lease for Forty years and upwards, not being able to agree to an award in the premises, have appointed you our Umpire, and hereby refer to your judgment and final determination the matter or question submitted to us as aforesaid for our decision.

Witness our hands this _____ day

A. D., 186

G. H.
J. K.

C A P . X I I I .

An Act relating to limited Partnerships.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

Limited Partnerships, for what purposes formed.

I. Limited partnerships for the transaction of all Mercantile, Mechanical, or Manufacturing business, except Banking or Insurance, may be formed by two or more persons.

Of whom to consist.

II. Such partnerships may consist of two or more general partners, who shall be jointly and severally responsible, as partners now are by law, and also of any other persons who shall contribute to the common stock, a specific sum in actual cash payments as capital, who shall be called special partners, and shall not be personally liable for any debts of the partnership, except in the cases hereinafter mentioned.

What certificate to sign.

III. The persons forming such partnerships shall make and severally sign a certificate, which shall contain the name or firm of the partnership, the names and respective places of residence of the general and special partners, distinguishing the general from the special, the amount of capital each special partner has contributed, the

general nature of the business to be transacted, and the time when the partnership is to commence and terminate.

IV. No such partnership shall be deemed to have been formed, until a certificate made as aforesaid, shall be acknowledged by the partners before a Justice of the Peace, and registered in the office of the Prothonotary, or deputy Prothonotary of the Supreme Court, for the county wherein their principal place of business shall be situate, in a book to be kept for that purpose, open to public inspection; and if the partnership shall have places of business situate in different counties, a copy thereof, certified by the Prothonotary or deputy Prothonotary for the county where registered, shall also be registered in such counties; and if any false statement shall be made in such certificate, all the persons interested in the partnership shall be liable as general partners, for all the engagements thereof.

When deemed to be formed.

V. The partners shall, for three months immediately following such registry, publish a copy of the certificate above mentioned, in the *Royal Gazette* newspaper of the said Island; if such publication be not so made, the partnership shall be deemed general.

What copy to be published.

VI. Every such partnership shall be held to continue on the original terms, unless the partners, or any of them, desire to be discharged from further liability, in which case, a certificate shall be signed, acknowledged and registered, as in the first instance, declaring their withdrawal from the concern.

Terms of constitution.

VII. The business of the partnership shall be conducted by the general partners, under such designation as they shall adopt; and if the name

Liability of.

of any special partner shall be used in such firm, with his consent or privity, or if he shall personally make any contract respecting the concerns of the partnership, with any person except the general partners, he shall be deemed and treated as a general Partner.

Rights and responsibility of Special Partners.

VIII. During the continuance of any such partnership, no part of the capital stock thereof shall be withdrawn, nor any division of interest or profits be made, so as to reduce such capital stock below the sum stated in the certificate before mentioned; and if at any time during the continuance, or at the termination of the partnership, the assets shall not be sufficient to pay the partnership debts, then the special partners shall severally be responsible for all sums by them in any way received from such partnership, with interest thereon, from the time when they were so withdrawn respectively.

Assignment when allowed.

IX. No general assignment by such partnership in case of insolvency, or insufficiency of assets for the payment of their debts shall be valid, unless it shall provide for a distribution of the partnership property among all the creditors, in proportion to the amount of their several claims, and notice thereof to be given in the *Royal Gazette* newspaper of the said Island; and the creditors within forty days after such publication, do not dissent therefrom, in writing; but debts due to Her Majesty shall first be paid or secured.

Actions, by and against whom.

X. All suits respecting the business of such partnership shall be prosecuted by and against the general partners only, except in those cases where special partners shall be held severally responsible on account of any sums by them received from the common stock as aforesaid, or

in which by the provisions of this Act, special partnerships shall be deemed general.

XI. No dissolution of such partnership shall take place, except by operation of law, unless a notice thereof shall be registered in the same manner as the original certificate, and unless such notice shall be published for six successive weeks in the *Royal Gazette* newspaper of the said Island.

Dissolution.

XII. In all cases not otherwise herein provided for, the members of limited partnerships shall be subject to all the liabilities, and entitled to all the rights of general partners.

Rights and Liabilities.

XIII. A certificate of the dividend or interest, or profits made from any such partnership, to the special partners, shall, as often as the same shall happen, be signed and sworn to, by one or more of the general partners, setting forth the amount of the actual cash payments originally subscribed and paid by the special partners, and the dividend or profits and sums of money declared payable under such statement, to each of all the partners, which certificate shall be registered in the office of the Prothonotary, or the deputy Prothonotary for the county in which the general partners reside, or wherein the business is conducted, but no such dividend shall be declared for any period less than one year.

Dividends and Profits.

XIV. The amount of profits or dividends declared under the certificate mentioned in the last preceding section, shall be deemed to be *prima facie* evidence of the sums of money received by the parties for the purposes of the eighth section.

What deemed evidence of money received

XV. The Prothonotary and deputy Prothonotaries respectively, shall each be entitled to receive the sum of three shillings and six-pence,

Publication where to be made.

for registering every such certificate, and copy certificate, as hereinbefore mentioned, and the sum of one shilling for every notice of dissolution as aforesaid, and no more.

C A P . X I V .

An Act for establishing the standard weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same.

[Passed April 17, 1862.]

Lieutenant Governor to appoint Measurers and Weighers of Grain, &c.

BE it enacted by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Lieutenant Governor for the time being, to appoint such persons throughout the Island as he may deem requisite, for the purpose of measuring and weighing all sorts of Grain and Pulse.

Standard weight of Grain & Pulse.

II. From and after the passing of this Act, the standard weight of each Winchester Bushel of Grain exposed for sale in this Island, shall be as follows: that is to say, Wheat shall weigh fifty-eight pounds, Rye shall weigh fifty-six pounds, Indian Corn shall weigh fifty-seven pounds, Barley shall weigh forty-eight pounds, Oats shall weigh thirty-six pounds, Peas shall weigh sixty pounds, Beans shall weigh sixty pounds, all such weights shall be Avoirdupois, and all such Grain and Pulse as may be imported or brought to market for sale, shall, on request of the buyer or seller, be measured and weighed by the measurer and weigher, at the place where the same shall be brought for sale, and that the said weigher and measurer shall be allowed and

paid one farthing per Bushel, the one half by the buyer, and the other half by the seller.

III. If any grain or pulse shall be imported or brought for sale within any port or place within this Island, which shall not be agreeable to the standard weight hereinbefore appointed for each sort of grain and pulse to weigh, respectively, it shall and may be lawful for the measurer and weigher, if required, either by the buyer or seller thereof, to add to each bushel a quantity sufficient to make the same weigh equal to the standard hereinbefore appointed for each particular sort; and if such grain or pulse shall weigh more than the standard weight hereinbefore appointed, it shall in like manner be lawful to deduct as much for each bushel as will make the same conformable to the said standard.

Duty of Measurer and Weigher when Grain, &c., is deficient in weight.

IV. If any person so appointed and accepting the office of measurer and weigher as aforesaid, shall be guilty of any neglect or fraud in the execution of his office, he shall for each and every offence, forfeit and pay a sum not exceeding five pounds, to be recovered before any one of Her Majesty's Justices of the Peace, for the County where the offence shall have been committed, one half thereof to be paid to the person or persons who shall sue for the same, and the other half shall be paid into the Treasury of this Island, and the person so offending shall be liable in damages to the party injured.

Penalty on Measurer and Weigher for neglect of duty

How recoverable and applied.

V. This Act shall continue and be in force for the space of ten years, and from thence to the end of the then next session of the General Assembly and no longer.

Continuance of Act.

C A P . X V .

An Act to Incorporate Victoria Lodge, No. 383, R. S., of Free and Accepted Masons of Charlottetown, in Prince Edward Island.

[Passed April 17, 1862.]

Revised.

WHEREAS a Lodge of Free and accepted Masons under the name and title of Victoria Lodge, No. 383, of Charlottetown, in Prince Edward Island, holding warrant under the most Worshipful the Grand Lodge of Scotland, in Great Britain, bearing date, the second day of August, 1858: And whereas, in addition to the moral and charitable objects which have been perpetuated by the ancient and honorable fraternity of Free and accepted Masons, from time immemorial, it is found necessary for the better management of the pecuniary affairs of the said Lodge of Free and accepted Masons, that it should be protected by an Act of Incorporation.

John William Morrison, &c., incorporated by the name of Victoria Lodge No. 383, R. S. of Free and accepted Masons of Charlottetown, P. E. I.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows: That John William Morrison, Samuel Nelson, Cuthbert Charles Vaux, Charles Young, Neil Rankin, John Herbert Turner and John Cairns, Past Masters, Masters, and members of Victoria Lodge, No. 383, of Free and accepted Masons, of Charlottetown, in Prince Edward Island, and their successors, and such and so many other persons and parties as have become, or shall become members thereof, shall be, and are hereby constituted a body Politic and Corporate, by the name of Victoria Lodge, No. 383, R. S., of Free and accepted Masons, of Char-

lottetown, in Prince Edward Island, and by that name, shall and may sue, and be sued, implead and be impleaded, answer and be answered unto, in all courts of law or equity whatsoever, and shall have uninterrupted succession, and a common seal, which may by them be changed or varied at their pleasure.

II. It shall be lawful for the said Lodge to acquire and hold land and immoveable or Real and Personal property : Provided that the Real Estate to be held by the said Lodge, shall at no time exceed in value the sum of one thousand pounds ; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and Estate as they may see fit.

To hold Real & Personal Property, &c.

III. It shall and may be lawful for the said Lodge to appoint such members thereof, as they may think proper, in such manner as they may by their bye-laws provide, for the purpose of managing the funds and property of the said Corporation, and to revoke such appointments, and substitute others in their places, as they may think expedient, and to demand and accept such security as they, from time to time, deem proper from such parties, or from any other officers appointed by the said Corporation, for the performance of their respective duties ; and to make, ordain and put in execution all such bye-laws and rules as they may think necessary for the purposes aforesaid, not contrary to the laws and regulations of the most Worshipful the Grand Lodge of Scotland, nor at variance with the laws of this Island, that the joint property or stock of the said Corporation, shall be alone liable for its debts, or engagements ; and that no member of the said Corporation shall be, or become liable, responsible, chargeable, or accountable by any ways or means for any other or greater

To appoint members thereof to manage funds & property of Corporation, &c.

What property liable for debts of Corporation.

sum of money than the amount of his annual subscription fee paid into the joint fund of the said Corporation.

How surplus
monies of Cor-
poration shall
be invested, &c.

IV. It shall and may be lawful for the Trustees of said Corporation, and they are hereby empowered from time to time, by and with the consent of the said Lodge, to be testified in such manner as may be directed by their bye-laws, to lay out and invest all such sum or sums of money as shall from time to time be collected and not required for the immediate exigencies of the said Lodge, in Real Estate, or on Mortgage, or in public or other stock, or funds, or in such other manner as the majority of said Lodge shall deem best ; and from time to time, with the like consent, to alter, sell, and transfer such securities, Real Estate or funds respectively, and otherwise to reinvest or dispose of the same, and the certificate, bill of sale, deed, or other instrument of transfer, sale or discharge of such estate, or funds, or security, shall be made under the seal of the said Lodge, and signed by the Trustees or officers of the said Lodge ; and all such investments shall be made, and securities taken, and sales and transfers made, in the corporate name of the said Lodge.

Trustees and
Treasurer to
give security
by Bond for
due perform-
ance of their
duties, &c.

V. It shall be lawful for the said Lodge to receive from the Treasurer and Trustees, from time to time, in their corporate name, sufficient security by bond, with one or more surety or sureties, or otherwise, as the said Lodge may direct, for the faithful performance of his or their duties as such, and that he or they will well and truly account for, and pay and invest from time to time, all such sums of money, funds, or other property, as may come to his or their hands, or under his or their control, belonging to the said Corporation.

C A P. X V I.

An Act to Incorporate the Roman Catholic Bishop in Charlottetown.

[Passed April 17, 1862.]

WHEREAS it is deemed just and expedient to incorporate the Right Reverend Peter MacIntyre, Roman Catholic Bishop in Charlottetown, in Prince Edward Island, for the purpose of enabling him and his successors to hold and acquire Real Estate in this Island for religious purposes. Recital.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, the Right Reverend Peter McIntyre, and his successor and successors, being the Roman Catholic Bishop in Charlottetown aforesaid, in communion with the Church of Rome, and being British born subjects, or duly naturalized, shall be, and he is hereby declared to be a body Corporate in his diocese aforesaid, in deed and in name, and the said Peter MacIntyre, and his successor and successors for the time being, by the name of "The Roman Catholic Episcopal Corporation of the diocese of Charlottetown," shall, by the same name, have perpetual succession, and a common seal, and shall have power from time to time, by and with the advice of his Vicar General, or of two Clergymen, as hereinafter mentioned, to alter and renew, or change such common seal at pleasure, and shall by the name aforesaid, from time to time, and at all times hereafter, be able and capable in law, to have, hold, purchase, acquire, possess, and enjoy, for the general use and uses, eleemosynary, ecclesiastical, or educational, of the said Church of Roman Catholic Bishop incorporated.

Rome, in his diocese, or of the religious community, or of any portion of the same community within his diocese, any Lands, Tenements, or Hereditaments within the said Island, and the same Real Estate, or any part thereof, for the purposes aforesaid, from time to time, by and with the advice and consent of his Vicar General, or of two Clergymen, as aforesaid, to let or demise by Indenture, under the seal of the said Corporation, for any period not exceeding twenty-one years, from the day of the making thereof, provided that upon any such Lease, the rent shall be reserved, and payable to the said Corporation, yearly, and every year during the continuance of the said Lease; and no such Lease shall be made without impeachment of waste, and no fine or sum in gross, shall, under any pretence whatsoever, be taken for the same, beyond such yearly rent so reserved, as aforesaid, otherwise the said Lease shall be utterly null and void to all intents and purposes whatsoever; and by the same name respectively, the said Roman Catholic Bishop, and his successor and successors shall and may be able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered in all Courts of law and equity and places whatsoever, in as large, ample, and beneficial a manner as any other body corporate, or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever; provided always that the lands, tenements and premises so to be holden by the said corporation shall not at any time exceed the annual value of four hundred pounds, in any one Parish of this Island; and further provided that the rents and profits arising from any such lands and premises, shall be applied for the uses and purposes of the

Church or Churches within the Parish where such lands are situate, and not elsewhere.

II. It shall be lawful for any person or persons within the said diocese of the said Roman Catholic Bishop, in whom or in whose name or names, any lands, tenements and hereditaments, situate, lying and being within the said Island, are now, or shall, or may be hereafter vested in trust or otherwise for the benefit of the said Roman Catholic Church, in the said dioceses, from time to time, to convey, assign, or transfer by deed under his hand and seal, or their hands and seals, in the usual legal way, all or any of the said lands, tenements, and hereditaments unto the Roman Catholic Bishop for the time being of the said diocese, by his corporate name aforesaid, to be holden by the said Bishop and his successor and successors, in his said corporate name aforesaid, for the purposes aforesaid, as provided by this Act.

Lands held in trust for Church how conveyed.

III. It shall not be lawful for the said Bishop, or his successor or successors, for the time being to make or execute any indenture of lease as aforesaid, of the lands, tenements and hereditaments acquired or held, or to be hereafter acquired or held by him under and by virtue of this Act, without the consent in writing of his Vicar-General; or in case the said Vicar-General shall be incapacitated by sickness, infirmity, or any other cause, or shall happen to be necessarily absent at the time, then of two other Clergymen to be selected or named by the Roman Catholic Bishop of the diocese; such selection or nomination, and such consent to appear upon the face of the indenture or lease intended to be executed by the parties, and to be testified by the said Bishop and Vicar-General, or two Clergymen as aforesaid, being made parties to and signing

Leases, what consent obtained for.

and sealing the said indenture of lease in the presence of two credible witnesses, as consenting parties thereto respectively.

Act not to confer Spiritual Jurisdiction.

IV. Nothing in this Act contained shall extend, or be construed to extend, in any manner to confer any spiritual or ecclesiastical rights whatsoever, upon the said Roman Catholic Bishop hereinbefore mentioned, or upon his successor or successors, or other ecclesiastical person of the said Church, in communion with the Church of Rome aforesaid.

By whom corporate powers to be exercised in certain cases

V. In case the said Roman Catholic Bishop, or his successor or successors, shall from sickness, infirmity, or any other cause, be incapable of, or be incapacitated from, performing his or their duties in his diocese, then his Vicar-General, or the person administering the diocese, shall have the same powers as are by this Act conferred upon the Roman Catholic Bishop of the said diocese.

Rights of Her Majesty and others, reserved.

VI. Nothing herein contained shall affect or be construed to affect, in any manner or way, the rights of Her Majesty, Her Heirs or Successors, or of any person or persons whomsoever, or of any body politic or corporate, or of any Church Warden, or auditors of accounts in any Roman Catholic Church in this Island, or in any way to abridge, diminish, or take away any of the rights, privileges, and advantages now enjoyed and possessed by any pewholder, or any person having any right, title, or interest in any pew or sitting in any Roman Catholic Church in this Island, such only accepted as are hereinbefore mentioned and provided for.

Suspension clause.

VII. This Act shall not come in force or be in operation until Her Majesty's Royal approbation be thereunto had and declared.

CAP. XVII.

An Act to Incorporate the Minister and
Trustees of the Presbyterian Church,
Bedeque.

[Passed April 17, 1862.]

WHEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian Church congregation, Bedeque, that its Minister and Trustees be an incorporate body.

Preamble.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say: That the Reverend Robert S. Patterson be *ex officio*, and Hugh Montgomery, Esquire, Honorable Alexander Anderson, Robert Cairns, Thomas Townsend, John Clay, and their successors in office, shall be, and are hereby constituted and declared to be a body corporate, under and by the name of the Minister and Trustees of the Presbyterian Church, Bedeque, and they and their successors in office, shall have a common seal, with power to break, change, and alter the same from time to time, as may be found requisite, and shall be in law capable of suing, pleading, defending, and answering, and of being sued, impleaded, defended and answered unto, in all Courts of Judicature, in all manner of actions, and also, of contracting, and being contracted with, relative to the lands and funds of the said corporation, and the other purposes for which it is constituted, as hereinafter declared; and may establish, put in execution, alter, or repeal such bye-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said cor-

Rev. Robert A. Patterson and others, their successors, &c., constituted a body Corporate by the name of "The Minister and Trustees of the Presbyterian Church, Bedeque," with powers to sue, make bye-laws, &c.

Four Members
to be a quorum

poration necessary and expedient for the interests thereof, and for these purposes, appoint their own chairman and other officers; four members being a quorum in all matters to be done and disposed of by the said corporation.

Mode of filling
up vacancies
occurring by
death, &c.

II. That when any vacancy in the said Trust shall arise by death, resignation, or otherwise, that the minister of the said Church shall give notice that a meeting of the members of the said Church shall be held on a given day for the election of one or more Trustees, to fill the said vacancy, or vacancies, and that the said notice shall be given in the said Church, in Bedeque, immediately after divine service, on the morning of the two Sabbaths next preceding the said meeting, and the choice of the said Trustee or Trustees shall be determined by the vote of the majority of the male members of the said Church then present, being of the age of twenty-one years or upwards.

Corporation
may contract
for and pur-
chase Lands or
personal Esta-
te, &c.

III. That it shall and may be lawful for the Trustees for the time being, to be appointed by, or in pursuance of this Act, or the major part of them, and they are hereby empowered in their several names, and under their designation of the Trustees of the Presbyterian Church, at Bedeque, to contract for, and purchase, or in any lawful mode, whether by demise, bequest, or otherwise, to acquire or obtain, either in fee-simple, or for any life or lives, or for term or terms of years, for the benefit or purposes of the said Church, any messuages, Lands, Tenements, Buildings, or Hereditaments, Real or Personal Estate whatsoever, in this Island, and to take and receive the necessary and legal conveyances, leases and assignments, devises, or other transfers thereof, respectively, to hold for, upon, under, and subject to the uses and purposes in

this Act mentioned ; and that the said messuages, lands and tenements, with the appurtenances, shall be, and remain vested in the said Trustees, subject, nevertheless, in all cases, to be used and disposed of, according to the decision of the majority of the male members of the said Presbyterian Church, for the time being, of the age aforesaid.

IV. That it shall and may be lawful for the said Trustees for the time being, and they are hereby authorized and empowered to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as the majority of the said male members of the said Presbyterian Church shall think proper, and for such prices, sums, rents, or terms, as shall be agreed upon, as well all, or any part of the said Lands, Hereditaments and Premises now held or hereafter to be conveyed to, or held by the said Trustees for the time being, as all, or any of the Personal Estate, and Property of the said Trustees, or Presbyterian Church, for the time being, and to such extent, and such proportions, and at such times as the Trustees, for the time being, shall think proper to exchange, sell, mortgage, lease, convey, or dispose of the same ; and every such deed, mortgage, lease, or conveyance thereof, executed by the Trustees for the time being, in their name of office aforesaid, under the common seal of the said corporation, shall be sufficient and valid in law, to convey to the Grantee, Mortgagee, Lessee, or Purchaser, or Grantees, Mortgagees, Lessees, or Purchasers, respectively, either in perpetuity, or by way of mortgage or lease for years, or otherwise, as the case may be, all such Estate, Title and Interest therein, as the said Trustees and corporation, or the said Presbyterian Church, now have, or are entitled

Trustees empowered to sell and exchange, &c. Real Estate, &c.

to, or they shall hold or be entitled unto, or into, or out of, any such Real Estate, or Property whatsoever, now held or hereafter to be obtained, so granted, mortgaged, leased or disposed of, or as the said Trustees for the time being, and corporation, on behalf of the said Presbyterian Church, can lawfully by such deed, mortgage, lease, or conveyance respectively, vest in the Grantee, Mortgagee, or Lessee named therein.

Corporation to retain out of Trust Funds costs, &c.

Corporation not to hold real Estate yielding over £300 stg. annually.

This Act not to affect rights of Her Majesty.

Public Act.

Continuance of Act.

V. That the said Corporation shall retain or be paid and allowed out of the Trust Funds all reasonable costs, charges and expenses incurred in and about the Trust aforesaid: Provided always, that it shall not be lawful for the said Corporation to hold Real Estate for the use of the said Church, which shall exceed in value and yield at any time more than a clear net yearly income of Three Hundred Pounds sterling.

VI. That nothing herein contained shall affect, or be construed to affect in any manner or way, the rights of Her Majesty, Her Heirs or successors, or of any person or persons, or of any Body Politic or Corporate, such only excepted as are herein mentioned.

VII. That this Act shall be deemed a Public Act and shall be judicially taken notice of as such by all Judges, Justices of the Peace and Ministers of Justice, and other persons whomsoever, without being specially pleaded.

VIII. This Act shall continue and be in force for the space of Five years from the passing thereof, and from thence to the end of the then next Session of the General Assembly and no longer.

CAP. XVIII.

An Act to change the Constitution of the Legislative Council, by rendering the same Elective.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

I. After this Act shall receive Her Majesty's Assent, no appointment shall be made to the Legislative Council of this Island, by the authority of the Crown.

No appointment to the Legislative Council to be made by Crown

II. The Lieutenant Governor in Council, immediately on receiving Official notice of such Assent, shall declare, by Proclamation, this Act to be in force, and thereupon, the appointments of all persons then holding seats in the Legislative Council, to such seats shall determine, and their places become vacant, and Writs shall be immediately issued for the Election of Members to serve in the Legislative Council, agreeably to this Act, in the form and manner used for the Election of Members to serve in the General Assembly.

When this Act assented to seats of all members of Legislative Council to become vacant, and writs to issue for election of Councillors-

III. The Legislative Council shall be composed of thirteen members, to be elected in the proportion and in the manner herein provided, that is to say : four members for Prince County, four members for Queen's County, four members for King's County, and one member for Charlottetown, and Common and Royalty thereof.

Legislative Council, how to be constituted.

IV. The several counties that return members to serve in the Legislative Council in this Island, that shall be divided into Electoral Districts, and there shall be as many Polling Divisions in each

Counties to be divided into Electoral Districts.

When a Poll re-
quired Electors
to poll in one
day.

of such Districts, at or near which a Poll may be conveniently held, as may be requisite for the purpose of Polling in one day all the Electors ; and the Poll, when a Poll shall be required, shall be taken in the said Polling divisions, at or near the places in each District, for that purpose hereinafter named and appointed.

Electoral Dis-
tricts in Prince
County.

V. The Electoral Districts in the several Counties in this Island, shall be known and described as follows, that is to say, in the County of Prince County, the First District shall comprise and include the several Townships following, that is to say, Townships numbers, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, and fifteen, and Savage Island; and the Second District shall comprise and include Townships numbers sixteen, seventeen, eighteen, nineteen, twenty-five, twenty-six, twenty-seven, twenty-eight, Princetown and Royalty, the several Islands in Richmond Bay, and Indian Island. And that for

Electoral Dis-
tricts in Queens
County.

the County of Queen's County, the First District shall comprise and include Townships numbers twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-nine, thirty, thirty-one, thirty-two, sixty-five and sixty-seven, Peters' Island and St. Peter's Island ; the Second District shall comprise and include Townships numbers thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, forty-eight, forty-nine, fifty, fifty-seven, fifty-eight, sixty, and sixty-two, and Governor's Island ; and the Third District shall comprise and include Charlottetown & the Common and Royalty thereof. And for the County

Electoral Dis-
tricts in King's
County.

of King's County, the First District shall comprise and include Townships numbers thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-

seven and fifty-six ; and that the Second District shall comprise and include Townships numbers sixty-four, sixty-three, sixty-one, fifty-nine, sixty-six, fifty-one, fifty-two, fifty-three, fifty-four, and fifty-five, Georgetown, the Royalty, Common and reserved land, Boughton Island, Panmure Island, and the several Islands in the harbor of Murray Harbor.

VI. Each of the said Electoral Districts shall return two members to serve in the Legislative Council of this Island, save and except the District of Charlottetown, the Common and Royalty thereof, which shall return one member.

Two Members
for each Dis-
trict, one for
Charlottetown.

VII. Every male person of the age of twenty-one years or upwards, who shall own a freehold or leasehold property, of the value of one hundred pounds currency, or who shall own lands partly freehold and partly leasehold, amounting together in value to one hundred pounds currency, and who shall have been in possession of the same for a period of at least twelve calendar months previous to the teste of the Writ of Election, shall be entitled to vote for a member to serve in the Legislative Council of this Island, and shall vote at the place or places at which he ordinarily votes at the election of a member or members of the House of Assembly, under and by virtue of the laws now in force relating to the election of members to serve in the General Assembly.

Electors quali-
fication and
place of voting

VIII. Every Elector qualified to vote in the Electoral District, under this Act, in which he resides, shall vote at any election in such District in the Polling Division in which he resides and not elsewhere ; and the Oath of qualification to be administered to, and taken by every such resident Elector, when required, shall be in the form following :

Resident Elec-
tor to vote pol-
ling division in
which he resi-
des.

Forms of qualification for Resident Elector.

I, *A. B.*, do swear that I am by law qualified to vote at this Election for the Electoral District of _____ (as the case may be,) in the County of _____ County, in the right of the property or title which have now been taken down in the Poll Book and read to me, and that I have not polled or given a vote for any Candidate at this election within this or any other Polling Division, and that the place of my abode is at _____ in the Electoral District of _____ County, (as the case may be,) and is according to the best of my knowledge and belief within this Polling Division. So help me God.

Elector not residing in District to vote in Polling Division where qualification situate.

IX. Every Elector qualified to vote in any Electoral District, in which he does not reside, shall vote in the Polling Division in which the Property on which he claims to vote for such Electoral District is situate, and not elsewhere; and the Oath of qualification to be administered to and taken by every such non-resident Elector, when required, shall be in the form following :

Form of qualification Oath of non-resident Elector.

I, *A. B.* do swear that I am by law qualified to vote at this election for the Electoral District of _____ County, (as the case may be,) in right of the property and title which have now been taken down in the Poll Book and read to me, and that according to the best of my knowledge and belief the said property lies in this Polling Division, and that I have not polled or given my vote for any Candidate at this election, either in this Polling Division, or any other Polling Division in this Electoral District, and that the place of my abode is not within this Electoral District. So help me God.

Present Election Laws for Members of Assembly, &c.,

X. The Laws relating to the election of members of the House of Assembly, as far as regards the issue and return of Writs of election,

Sheriff's Returning Officers, the powers and duties of the Sheriffs and Returning Officers, and of Election and Poll Clerks, the Administration of Oaths to Electors, the prevention or punishment of offences committed at elections, or with respect to elections, to controverted elections, and to all matters connected with or incidental to elections shall, except where such laws may be inconsistent with this Act, apply in analogous cases to elections of Legislative Councillors.

to apply to Election of Legislative Councillors.

XI. No person shall be eligible, or shall sit or vote as a Legislative Councillor, unless he be a British subject, of the full age of Thirty years, and shall have been a resident in Prince Edward Island for at least Five years at any time prior to the teste of the Writ of Election.

Qualification for Legislative Councillors.

XII. At every Court to be holden for opening any election under this Act, every Candidate proposed shall, before the said Court be determined or adjourned, subscribe and take the following Oath before the Sheriff or Presiding Officer, who is hereby required to administer the same :

Oath to be taken by Candidate.

I, *A. B.*, do swear that I am a British subject of the full age of Thirty years, and that I have been a resident in Prince Edward Island, for a period of five years, prior to the teste of the Writ issued for holding this election.

Form of Oath.

So help me God.

XIII. And every Candidate who shall refuse or neglect to take and subscribe such Oath as hereinbefore prescribed, shall be incapable of being elected at such Court, or of being returned as a Legislative Councillor, under this Act ; nor shall the name of any such Candidate be entered or recorded in the Poll Books ; or if so entered,

Consequences of Candidate refusing to take Oath.

the same shall be expunged at or before the close or adjournment of such Court as aforesaid.

Disqualifica-
tion in certain
cases.

XIV. No person shall be elected a Legislative Councillor who is a public defaulter, or shall have been convicted of a Felony or of any infamous crime.

Members of As-
sembly ineli-
gible.

XV. No member of the House of Assembly shall be elected a member of the Legislative Council, and *vice versa*.

Forfeiture of
seat of Elective
Councillors in
certain cases.

XVI. The seat of an Elective Legislative Councillor shall be forfeited in any of the following cases: If he be a Public Defaulter, or become a Bankrupt, or Insolvent, or take the benefit of any Law whatsoever in relation to Insolvent Debtors, or be convicted of Felony or of any infamous crime.

Periodical
Election of
Members.

XVII. The periodical election of a member of Council for the Electoral District of Charlottetown shall take place every eighth year; and the periodical election of one member for each of the other Electoral Districts shall take place every fourth year, dating from the first election of the Council; and every such election shall be made within Twenty days of the anniversary of the day on which the Act shall have come into operation.

Determination
by Lot of the
order for re-
election of
Members.

XVIII. In order to such periodical election, one of the members for each Electoral District, except that of Charlottetown, to be determined by Lot during the first Session of the Council shall be deemed to have been elected for four years, more or less; and all other members of Council, except as hereinafter mentioned, shall be deemed to have been elected for eight years, more or less, from the date of his election; provided that every such member shall retain his seat until the election of his successor.

XIX. Any Legislative Councillor may resign his seat by writing, under his hand and seal, addressed to the Lieutenant Governor or other Administrator for the time being of the Colony.

How Legislative Councillor may resign his seat.

XX. In case any seat in Council shall from any cause, become vacant more than three months before the same would have become vacant by periodical retirement, the President and several members of the Council shall have the same powers and duties in respect to the election of a new member to supply such accidental vacancy as the Speaker and several members of the House of Assembly in respect to any accidental vacancy in that House: Provided that the writs for such election shall be made returnable within Fifty days at furthest from the issue thereof.

Powers of President, &c., in case of vacancy

When writs for Election returnable.

XXI. Provided also, that every such new member shall vacate his seat in the Council at the time when it would have been vacated in course of periodical retirement by the member whose place he occupies.

Proviso.

XXII. In all cases former members shall be capable of re-election, if otherwise qualified.

Former Members re-elected.

XXIII. If any member of the Council shall be absent from his place in the Council for one entire session, without the leave of said Council, his seat shall be declared vacant on the first day of the next ensuing session, in case such member shall then be still absent, and notice of such vacancy shall be given to the Lieutenant Governor, and proceedings thereupon taken, as hereinbefore provided for.

Seat of any Member to be declared vacant if absent for entire Session.

XXIV. The laws of this Island relating to the vacating of seats of members of the House of Assembly upon the acceptance by them of

Laws of Assembly as to vacating seats on acceptance of

offices, &c., to
apply to Legis-
lative Council.

office of profit or emolument, shall, under the same circumstances, apply to the vacating of the seats of Legislative Councillors under this Act.

Oath to be
taken by Coun-
cillor.

XXV. Every Legislative Councillor shall, before taking his seat, take the following oath :

Form of Oath.

I, *A. B.*, do sincerely promise and swear that I will be faithful, and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Island, dependent on and belonging to the said United Kingdom, and that I will defend her to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against her person, crown and dignity ; and that I will do my utmost endeavor to disclose and make known to Her Majesty, her heirs and successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her Majesty, or any of them, and all this I do swear without any equivocation, mental or secret reservation ; and renouncing all pardons and dispensations from any person or persons whatsoever to the contrary.
So help me God.

Crown to have
no power to dis-
solve Council.

XXVI. The Crown shall have no power to dissolve the Legislative Council when elected under this Act.

Council to ap-
point President

XXVII. The Legislative Council shall appoint a President from its own members.

Powers, privi-
leges, &c., of
Leg. Council,
and of members
individually.

XXVIII. Every member of the Legislative Council shall hold his seat for the term and subject to the provisions for vacating the same herein expressed ; and the Council as a body, and its members individually, shall possess and continue to exercise and enjoy all the authority, powers, privileges and honors now exercised and

enjoyed by the Legislative Council of this Island, except as otherwise provided by this Act.

XXIX. The presence of the President and of at least six members shall be necessary to constitute a meeting for the exercise of the Powers of the Council, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the Rules of the Council shall prescribe.

Number present necessary to constitute a meeting.

XXX. All questions which arise in the Legislative Council shall be determined by a majority of votes of the members present, other than the president; but when the votes are equal, the president shall have the casting vote.

Mode of determining questions.

XXXI. The Legislative Council may establish rules for its government, and the attendance of its members, it may punish members for disorderly conduct or for a breach of its rules, and with the concurrence of two-thirds of all the members, may expel any member for cause: Provided that the rules and orders of the Legislative Council existing at the time this Act shall come into operation, shall continue in force, as far as applicable, until abrogated or altered.

Authority to make rules.

Power of expulsion, &c.

Proviso.

XXXII. Each general election of members of the House of Assembly shall make a new parliament as heretofore.

Every general election to be a new Parliament.

XXXIII. The thirty-fourth section of the hereinbefore recited Act, of the nineteenth year of Her present Majesty's reign, chapter twenty-one, shall be, and the same is hereby repealed.

34th Sec. of 19th Vic., Cap. 21, repealed.

XXXIV. This Act shall not go into operation, nor be of any force or effect, until Her Majesty's assent thereto shall be known, and notification thereof published in the *Royal Gazette* newspaper of this Island.

Suspending Clause.

CAP. XIX.

An Act to authorize Grants of the Shores of this Island.

[Passed April 17, 1862.]

Preamble,

WHEREAS commercial enterprize in this Island would be much encouraged by the granting to public Companies or private individuals parts of the hitherto ungranted sea shore of this Island, or the shores along the Bays and Rivers thereof for the sites of Breakwaters, Wharfs, Slips and other such useful purposes. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, namely :

Lieut. Governor in Council authorised to issue grants of portions of the sea shores, &c., with or without conditions.

I. It shall be lawful for the Lieutenant Governor, by and with the advice of the Executive Council, to cause to be issued in Her Majesty's name, and under the seal of this Island, from time to time, as shall appear necessary, to any Corporation, public Company, or private person or persons, any grant in fee, or for life, or lives, or any lease for any term of years, at any reserved rent, of any part or parts of the hitherto ungranted portions of the sea shore of this Island, or the shores of the Bays and Rivers thereof, and with or without, and subject or not to any conditions, restrictions or limitations to be contained in such grants or leases, and at and for such price, consideration or yearly rent to be expressed in such grants or leases as to the Lieutenant Governor, in Council, shall appear just and reasonable.

No grants, &c., to be issued without the written consent of the owner of land fronting

II. Provided that no such grant or lease shall be made without the consent of the owner or owners of the farm, lot, or land in front of and abutting upon which such parcel of the shore

required to be granted shall be situate, the said consent to be in writing, under the hand or hands of such owner or owners, and signed in the presence of one or more credible witness or witnesses : Provided further, that the power intended to be hereby conferred on the said Lieutenant Governor, and Council, shall not extend to the shores or flats adjoining Charlottetown proper.

on the shore required to be granted.

Not to extend to shores, &c., adjoining Ch. Town.

III. Every tenant in fee-simple in possession, or tenant in tail general in possession, and every tenant in possession of a term of years in which not less than forty years shall be unexpired, shall be deemed an owner of such land for the purpose of giving such consent as aforesaid.

Meaning of the term owner of land.

IV. The Government of this Island shall have power, and it is hereby authorized, to impose upon such Grantee or Lessee of any part of the coasts or shores of this Island, under this Act, all such conditions as may be deemed necessary to protect the rights of the public in and to any highway, which may have been acquired by use or otherwise, along the shore or coast where any such grant or lease may be made.

Government may impose conditions on grantee, &c., to protect rights of the public.

V. Provided always, that nothing in this Act contained shall be held or construed to affect or in any manner to interfere with the right of any person to obtain from the owner or person entitled under the Report or Award of the Commissioners, appointed by Her Majesty upon the Land Question, to any lands on the coast of this Island, formerly known as the Fishery Reserves, any portion of the said Fishery Reserve Lands in accordance with the terms and provisions set forth in the said Report or Award of the said Commissioners, the said Report or Award having been made and dated at Rothsay,

Nothing in this Act to interfere with the Fishery Reserves.

in New Brunswick, on the eighteenth day of July, in the year of our Lord One thousand eight hundred and sixty-one.

Suspending
Clause.

VI. Nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known and published in this Island.

C A P . X X .

An Act to Incorporate the Minister and Trustees of the Presbyterian Church at Elliot River, Township Number Sixty-five.

[Passed April 17, 1862.]

Preamble.

WHEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian Congregation, Elliot River, Township Number Sixty-five, that its Minister and Trustees be an Incorporate Body.

Certain persons incorporated under the name of "The Minister and Trustees of Presbyterian Church, Elliot River.

To continue in office until 1st Tuesday in January, 1863.

To have a common seal.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say: That the Reverend William Ross be ex-officio and Ewen McMillan, Richard Burdett, Donald Currie, David McEwen, Donald McLeod, and Norman McKenzie, and their successors for ever, shall be and are hereby constituted and declared to be a Body Corporate under and by the name of "The Minister and Trustees of the Presbyterian Church, Elliot River," and shall continue in office until the first Tuesday in January in the year of our Lord One thousand eight hundred and sixty-three, and they and their successors in office for ever shall have a common seal, with power to break, change and alter the same from time to

time, as may be found requisite ; and shall be in Law capable of suing, pleading, defending and answering, and of being sued, impleaded, defended and answered unto in all Courts of Judicature, in all manner of actions ; and also of contracting, and been contracted with, relative to the Lands and Funds of the said Corporation and the other purposes for which it is constituted as hereinafter declared, and may establish, put in execution, alter or repeal such Bye-Laws and Regulations as shall not be contrary to the Constitution and Laws of this Island, or the provisions of this Act, as may appear to the said Corporation necessary and expedient for the interests thereof, and for these purposes appoint their own Chairman and other officers, three members being a quorum in all matters to be done and disposed of by the said Corporation.

Capable of pleading, &c.

Three members to form a quorum.

II. After the passing of this Act there shall be chosen annually, and on the first Tuesday in January in each year, three persons from among the ecclesiastically constituted office-bearers in the Congregation, and likewise also three persons whose qualification for office shall be in all respects the same as that of electors as hereinafter mentioned, making six in all, who shall be together with the Minister of the Congregation, or in case of a vacancy, the member of Presbytery appointed to moderate in the session during such vacancy, in lieu of the Trustees appointed in this Act, the Body Corporate of the said Congregation.

Trustees to annually chosen, &c.

III. The first election under this Act, shall take place on the first Tuesday in January, in the year of our Lord one thousand eight hundred and sixty-three, and it shall be the duty of the existing Trustees, and they are hereby re-

Election to be held annually on the 1st Tuesday in January

Notice of such Election, how, and when to be given.

Meeting to choose a Chairman.

Qualification of votes for Election.

Vacancies occurring by death or otherwise, how filled up, &c.

Common Seal, and all other Property to be vested in Trustees, &c.

quired, to request the Minister or Moderator of the session, in case of a vacancy, or the Clerk of session, in case of the Minister or Moderator's absence, to give notice of such election to the Congregation at the time of Divine Service, on two Sabbaths preceding such election; and in case of a vacancy, such notice shall be given by the Clerk of session, by inserting the same in the *Royal Gazette* or other Newspaper published in Charlottetown, and shall state the time and place of holding such election, at which time and place the meeting shall choose a chairman. All the male adherents in the Congregation from twenty-one years of age, who may hold a pew or half a pew, and not in arrears, or who may be contributing from fifteen shillings and upwards annually, and not in arrears, shall be qualified to vote at such election, the chairman of the said meeting having a casting vote in the case of an equality; and the names of the persons elected shall be duly recorded on the minute-book of the Corporation; any vacancy that may occur during the year by death, resignation, removal or otherwise, shall be filled up by the Trustees, such filling up being valid until next annual election; any one or more or all of the Trustees may be re-elected, and the election to be in the usual mode of electing in the Congregation by open vote. If it should so happen that the election of Trustees shall not take place on the first Tuesday in January, then the existing Trustees shall continue in office till the expiration of the year.

IV. The seal of said Corporation, and all deeds, books, minutes, vouchers, obligations, securities for moneys, and all and every description of property, really and truly belonging to the Congregation shall, immediately after the

passing of this Act, come into the custody and possession of the above named Trustees, and shall be by them transferred to their successors immediately following them in office as Trustees.

V. It shall and may be lawful for the said Corporation to contract for and purchase, or in any lawful mode, whether by gift, grant, devise, bequest or otherwise, to acquire or obtain either in fee-simple for life, or for any term of years, for the benefit of said Congregation, any messuages, lands, tenements, buildings, real or personal estate whatsoever in this Island, and to take and receive the necessary legal conveyances, securities, and transfers thereof, and which said messuages, lands, tenements, and hereditaments, real and personal estate, shall be and remain vested in the said Corporation, to be used and disposed of however in all cases according to the decision of the majority of the Congregation qualified to vote as above, in the election of Trustees.

Corporation may contract for and purchase lands or personal Estate, &c.

VI. It shall not be lawful for the said Corporation to hold Real Estate for the use of the said Congregation, which shall exceed in value and yield at any time more than a clear net yearly income of One Thousand Pounds currency of this Island.

Corporation may hold property to the annual value of £1000 P. E. Island currency

VII. It shall and may be lawful for the said Corporate Body, for the time being, and they are hereby authorized and empowered, to grant, sell, lease, exchange, mortgage, convey or dispose of to such person or persons as the majority of the qualified voters in the Congregation shall think proper, and for such prices, sums, rents or terms as shall be agreed upon, the whole or any part of the said lands and premises, now held, or hereafter to be conveyed to, or held by said

Corporation empowered to sell and exchange, &c., Real Estate, &c.

Trustees, and to such extent and proportion as the existing Trustees shall think proper; and every Deed or Conveyance thereof, executed by the said Trustees in their name of Office, under their common seal, shall be valid in Law to convey for years, or otherwise, all such estate, title and interest as the Corporation have, or may hereafter have in the same.

C A P. X X I .

An Act to Incorporate the Minister and Trustees of the Presbyterian Church, Brookfield, Township Number Twenty-three.

[Passed April 17, 1862.]

Preamble.

WHEREAS it is desirable for the efficient management of the Temporal affairs of the Presbyterian Congregation, Brookfield, Township number twenty-three, that its Minister and Trustees be an Incorporate body.

Certain persons incorporated under the name of "The Ministers and Trustees of the Presbyterian Church, Brookfield."

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say, That the Reverend William Ross be *ex officio*, and Donald Mackinnon, Malcolm Macdonald, William Henderson, John Macrae, Donald Campbell, and Murdock Macsween, and their successors for ever, shall be, and are hereby constituted and declared to be a body corporate, under and by the name of "The Minister and Trustees of the Presbyterian Church, Brookfield," and shall continue in office until the first Tuesday in February, in the year of our Lord one thousand eight hundred and sixty-three, and they and their successors in office forever, shall have a common seal, with

To continue in office until the 1st Tuesday in February, 1863

power to break, change, and alter the same from time to time, as may be found requisite, and shall be in law capable of suing, pleading, defending, answering, and of being sued, impleaded, defended, and answered unto in all courts of Judicature, in all manner of actions, and also, of contracting, and being contracted with, relative to the lands and funds of the said corporation, and the other purposes for which it is constituted, as hereinafter declared; and may establish, put in execution, alter or repeal such bye-laws and regulations as shall not be contrary to the constitution and laws of this Island, or the provisions of this Act, as may appear to the said corporation necessary and expedient for the interests thereof, and for these purposes, appoint their own chairman and other officers, three members being a quorum in all matters to be done and disposed of by the said corporation.

To have a common Seal, capable of pleading &c.

II. After the passing of this Act, there shall be chosen annually, and on the first Tuesday in February, in each year, three persons from among the ecclesiastically constituted office bearers of the congregation, and likewise also, three persons from among the members or adherents qualified to vote, as hereinafter mentioned, being six in all, who shall be, together with the Minister of the Congregation, or in case of a vacancy, the member of Presbytery appointed to moderate in the session during such vacancy, in lieu of the Trustees appointed in this Act, the body corporate of the said congregation.

Trustees to be annually chosen, &c.

III. The first Election, under this Act, shall take place on the first Tuesday in February, in the year of our Lord one thousand eight hundred and sixty-three, and it shall be the duty of the existing Trustees, and they are hereby re-

Election to be held annually on the 1st Tuesday in Febr'y.

Notice of such Election, how and when to be given.

Meeting to choose a Chairman.

Qualification of voters for election.

Vacancies occurring by death or otherwise, how filled up, &c.

Common Seal and all other property to be vested in Trustees, &c.

quired to request the Minister or Moderator of the session, in case of a vacancy, or the clerk of session, in case of the Minister or Moderator's absence, to give notice of such election to the congregation, at the time of divine service, on two sabbaths preceding such election; or in case of a vacancy in the pulpit, by inserting the same in the *Royal Gazette*, or other newspaper published in Charlottetown, stating the time and place of holding the same, at which time and place the meeting shall choose a chairman. All the male adherents in the congregation, from twenty-one years of age, who may hold a pew, or half a pew, and not in arrears, or who may be contributing from fifteen shillings and upwards, annually, and not in arrears, shall be qualified to vote at such election; and the names of the persons elected shall be duly recorded on the minute book of the corporation. Any vacancy that may occur during the year, by death or otherwise, shall be filled up by the Trustees, such filling up being valid until next annual election. Any one or more or all of the Trustees may be re-elected, and the election to be either by ballot or open vote. If it should so happen that the election of Trustees should not take place on the first Tuesday of February, then the existing Trustees shall continue in office till the expiration of the year.

IV. The seal of said corporation, and all deeds, books, minutes, vouchers, obligations, securities for monies, and all and every description of property, really and truly belonging to the congregation shall, immediately after the passing of this Act, come into the custody and possession of the above named Trustees, and shall be by them transferred to their successors immediately following them in office as Trustees.

V. It shall and may be lawful for the said corporation to contract for, and purchase, or in any lawful mode, whether by devise, bequest, or otherwise, to acquire or obtain either in fee-simple for life, or for any term of years for the benefit of the said Church, any messuages, lands, tenements, buildings, real or personal estate whatsoever, in this Island, and to take and receive the necessary legal conveyances, securities and transfers thereof, and which said messuages, lands, tenements, buildings, real or personal estate, shall be, and remain vested in the said corporation, to be used and disposed of however, in all cases according to the decision of the majority of the congregation qualified to vote as above, in the election of trustees.

Corporation may contract for and purchase lands or personal Estate, &c.

VI. It shall not be lawful for the said corporation to hold real estate for the use of the said congregation which shall exceed in value and yield at any time more than a clear net yearly income of one thousand pounds currency, of this Island.

Corporation may hold Real Estate, &c., to the annual value of £1000 P. E. Island currency.

VII. It shall and may be lawful for the said corporate body for the time being, and they are hereby authorized and empowered to grant, sell, lease, exchange, mortgage, convey or dispose of, to such person or persons as the majority of the qualified voters in the congregation shall think proper, and for such prices, sums, rents, or terms as shall be agreed upon, the whole or any part of the said lands and premises now held or hereafter to be conveyed to, or held by the said Trustees, and to such extent and proportion as the existing Trustees shall think proper; and every deed or conveyance thereof, executed by the said Trustees, in their name of office, under their common seal, shall be valid in law, to con-

Corporation empowered to sell and exchange, &c., Real Estate.

vey for years or otherwise, all such estate, title, and interest as the corporation or the said Presbyterian Church have, or may hereafter have in the same.

C A P. X X I I .

An Act to promote Vaccination.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

Lieut. Governor to appoint Superintendants of Vaccination for Ch. Town, Royalty and Common, Georgetown & Common, and Summerside.

I. From and after the passing of this Act, it shall be lawful for the Lieutenant Governor in Council, and he is hereby required to nominate and appoint one competent Medical Practitioner for each of the following places in this Island, to be superintendant of Vaccination therein, namely : for the City of Charlottetown, and the Common and Royalty thereof, for Georgetown, its Common and Royalty, and for the Town of Summerside.

Superintendent to appoint place within his District for performance of Vaccination.

II. Each and every superintendent so to be appointed, shall within four weeks after receipt of such his appointment, appoint a convenient place within his District, for the performance at least once in each month, of such Vaccination, and shall take effectual means for giving, from time to time, to all persons resident in each of the said Towns, Commons or Royalties, respectively, due notice by advertisement in the *Royal Gazette*, of the days and hours at which he, the said Medical Practitioner, or superintendent, will attend once at least, in each month, at such place, to vaccinate all persons not successfully Vaccinated, who may then appear there; and also of the days and hours at which such Medi-

Notice to be given of time of attendance at such place by Superintendent to Vaccination, &c.

cal Practitioner will attend at such place to inspect the progress of such Vaccination, in the persons so vaccinated.

III. The father or mother of every child born in any of the said districts who shall be under the age of twelve years, at the time of the passing of this Act, or who shall thereafter, be born in any of the said districts for which such superintendents, or Medical Practitioners shall be appointed as aforesaid, after the first day of July, in the year of our Lord one thousand eight hundred and sixty-two, shall at some such appointed time within three Calendar months after the passing of this Act, or after the time of the birth of such child—as the case may be—or in the event of the death, illness, absence, or inability of the father and mother, then the person who has the care, nurture, or custody of the child, shall at some such appointed time within four Calendar months after the passing of this Act, or the birth of such child, take, or cause to be taken, the said Child, to the superintendent, or Medical Practitioner as aforesaid, in attendance at the appointed place in the district in which the said child is resident, according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless such child has been previously vaccinated by some legally qualified Medical Practitioner, and the vaccination duly certified; and such superintendent, or Medical Practitioner so appointed shall, and he is hereby required thereupon, or as soon after as it may conveniently and properly be done, vaccinate the said child.

Parents and Guardians of Children under 12 years of age &c., to take them within certain time to Superintendent to be Vaccinated.

IV. Upon the eight day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person hav-

Eight days after Vaccination

Children to be taken before Superintendent to be inspected.

ing the care, nurture, or custody of the said child as aforesaid, shall again take, or cause to be taken, the said child, to the said superintendent by whom the operation was performed as aforesaid, in order that such superintendent may ascertain by inspection, the result of such operation.

Superintendent to grant Certificate of successful Vaccination of child.

V. Upon, and immediately after, the successful vaccination of any such child as aforesaid, in any of the said districts, after the said first day of July, in the year of our Lord one thousand eight hundred and sixty-two, the superintendent, or Medical Practitioner, who performed the operation, shall deliver to the father or mother, or other person having the care, nurture, or custody of the said child, as aforesaid, a certificate, under his hand, according to the form in the Schedule to this Act annexed, marked (A), that the said child has been successfully vaccinated; and such certificate shall, without further proof, be admissable as evidence of the successful vaccination of such child, in any information or complaint brought against the father or mother of such child, as aforesaid, for non-compliance with the provisions of this Act.

Form of Certificate.

Certificate to prove itself.

Where Child not in a fit state for Vaccination Superintendent to grant Certificate to that effect to parent, &c.

VI. If any superintendent, or Medical Practitioner, appointed as aforesaid, shall be of opinion, that any child brought to him, as aforesaid, is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care or nurture, or custody of such child, as aforesaid, on demand, and without fee or reward, a certificate, under his hand, according to the form in the Schedule to this Act annexed, marked (B), that the child is in an unfit state for successful vaccination, and such certificate, or

Form of Certificate.

any similar certificate, of a legally qualified Medical Practitioner, respecting any child born, as aforesaid, shall remain in force from thence until such future day as shall be named by such superintendent, and the father or mother of said child, or the person having the care, nurture, or custody of the said child, as aforesaid, shall take, or cause to be taken, to the said superintendent, the said child, on such day, and at such place, as shall have been named by such superintendent for vaccination, and if the said superintendent deem the said child to be then in a fit and proper state for such successful vaccination, he shall forthwith vaccinate it accordingly, and shall upon, or immediately after, the successful vaccination of such child, deliver to the father or mother of such child, or other person having the care, nurture, or custody of such child, as aforesaid, a certificate under his hand, according to the form in the Schedule to this Act, annexed, marked (A,) that such child has been successfully vaccinated; but if the said superintendent be of opinion that the said child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture, or custody of such child, as aforesaid, a certificate under his hand, according to the form in the Schedule to this Act, annexed, marked (B,) that the child is still in an unfit state for successful vaccination; and the said superintendent, so long as such child remains in an unfit state for vaccination, and unvaccinated, shall, at the expiration of every succeeding period fixed by him, in manner aforesaid, deliver, if required, to the father or mother of such child, or to the person having the care, nurture, or custody of such child, a fresh certificate, under his hand, according to the said form in the Schedule to this Act,

Certificate to remain in force until day named by Superintendent, when again to be taken for Vaccination.

If child vaccinated, certificate to be given to parents, &c.

Form of certificate.

If child still unfit for vaccination certificate to that effect to be given to parents, &c.

If at expiration of every succeeding period child still unfit certificate to be granted.

Production of certificate, or of one from any Medical man, defence against proceeding for non-compliance with this Act,

annexed, marked (B), and the production of such certificate, or of any similar certificate, from any legally qualified Medical Practitioner, shall be sufficient defence against any complaint brought against the father or mother, or person having the care, nurture, or custody of such child, for non-compliance with the provisions of this Act.

Where child proves unsusceptible of vaccine disease, certificate to be given to Father &c.

VII. In the event of any superintendent, or Medical Practitioner, appointed under the provisions of this Act, or any other duly qualified Medical Practitioner, being of opinion that any such child, as aforesaid, that has been vaccinated by him, is unsusceptible of the vaccine disease, he shall deliver to the father or mother of such child, or to the person having, as aforesaid, the care, nurture, or custody of such child, a certificate under his hand, according to the form in the Schedule to this Act, annexed, marked (C,) and the production of such certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or other person having the care, nurture, or custody of such child, for non compliance with the provisions of this Act.

Form of certificate.

Certificate to be defence in proceedings against Father for non-compliance with Act.

Fee for Vaccination.

VIII. In no case shall there be taken any greater sum than one shilling, currency, for the successful vaccination of any one person, which shall include the certificates required by this Act.

Counterfeiting or altering &c. certificate, to be forgery, &c.

IX. Every person who shall forge or counterfeit, or in order to forge or counterfeit, shall erase or alter any superintendent, or Medical Practitioner's certificate given under this Act, or shall utter, or use any such forged counterfeited, altered, or erased, certificate, knowing the same to have been forged, counterfeited, or

erased, or altered, with intent to defraud, shall be deemed guilty of forgery, and shall suffer the pains and penalties now by law inflicted upon persons guilty of the offence of forgery.

X. If any father or mother, or person so having, as aforesaid, the care, nurture, or custody of any such child, as aforesaid, shall not cause such child to be vaccinated within the periods prescribed by this Act, or shall not on the eighth day after the vaccination has been performed, take, or cause to be taken, such child for inspection, according to the provisions in this Act, respectively contained, then such father or mother, or person having the care, nurture, or custody of such child, as aforesaid, so offending, shall be liable to a penalty not exceeding ten shillings, to be recovered on summary conviction, as hereinafter prescribed.

Penalty for not causing child to be Vaccinated, or taking child for inspection, &c.

XI. Every penalty imposed by this Act shall and may be recovered with costs of suit, before any two of Her Majesty's Justice of the peace, for the county wherein the offence on which the penalty is imposed, shall have been committed; or if in the City of Charlottetown, before the Mayor, or any two City Councillors, on the oath of one or more credible witness or witnesses, and shall and may be levied by warrant of distress on the offender's goods and chattels; and in default of goods and chattels whereon to levy, it shall be lawful to commit the offender to the common Jail, of the County wherein such offence shall have been committed, for any period not exceeding six months.

Mode of recovering Penalty

Where no goods, &c., to levy upon, offender may be committed for six months.

XII. After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence

After 2 months from conviction, Father &c. of child to

be again liable for non-compliance with this Act in respect of the same child.

Certificates under this Act to be defence.

Proviso.

Superintendent to prepare a return every six months to be laid before Lt. Governor.

against any complaint which may then be brought against the same, or any other person, for non-compliance with the provisions of this Act, in respect of the same child; but the production of the certificate under the hand of the superintendent of the District, or other legally qualified Medical Practitioner, according to any of the forms in the Schedule to this Act, shall be a sufficient defence against any such complaint: Provided always, that if the certificate produced in the form in the Schedule to this Act annexed, marked (B,) in production thereof, shall not be a sufficient defence, unless the vaccination be thereby postponed to a day subsequent to that on which the complaint is brought.

XIII. The superintendants, or Medical Practitioners appointed under, and for the purposes of this Act, shall once in every six months, make up a return of the number and ages of persons successfully vaccinated within their respective districts, together with a report of all such particulars relating to the subject of vaccination, and the extension of its practice, as may be deemed necessary, and shall furnish the same to the clerk of the Executive Council, to be laid before His Excellency the Lieutenant Governor, in Council.

SCHEDULES.

FORM (A.)

I, the undersigned, hereby certify that
 the Child of _____ aged _____
 of _____ in Prince
 Edward Island, has been successfully vaccinated by me.

(Signed) *A. B.*

Dated this _____ day of _____ 186

FORM (B.)

I, the undersigned, hereby certify that I am of opinion
 that the child of of
 aged is not now in
 a fit and proper state to be successfully vaccinated, and I do
 hereby postpone the vaccination until the
 day of

(Signed) *A. B.*
 Dated this day of 186

FORM (C.)

I, the undersigned, hereby certify that I am of opinion
 that the child of of
 is unsusceptible of the vaccine disease.

(Signed) *A. B.*
 Dated this day of 186

CAP. XXIII.

An Act for vesting all Estates and Property
 occupied by or for the Naval Service of
 the United Kingdom of Great Britain
 and Ireland, in the Lord High Admiral,
 or the Commissioner for executing the
 office of Lord High Admiral of the said
 United Kingdom for the time being.

[Passed April 17, 1862.]

WHEREAS divers messuages, lands, tene-
 ments and hereditaments have been at Preamble.
 various times purchased for the use of the
 Naval service of the United Kingdom of Great
 Britain and Ireland, and conveyed to several
 different persons in trust for Her Majesty, and
 Her royal predecessors, and Her and their heirs
 and successors, and the same have been placed
 under the charge of the Commissioners for exe-
 cuting the office of Lord High Admiral of the
 said United Kingdom for the time being, and it

is expedient that the same, and all other messuages, lands, tenements and hereditaments that may be hereafter purchased, or in any manner used and occupied by or for the said service, should be vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being. Be it enacted by the Lieutenant Governor, Council and Assembly, as follows :

All Lands, &c., conveyed &c. to any persons in trust for Her Majesty for the use of the Naval service to become vested in the Lord High Admiral, &c., in trust for Her Majesty's service.

I. From and after the passing of this Act, all messuages, lands, tenements and hereditaments, erections, buildings, and property whatsoever, which have been conveyed to, or are vested in any person or persons, or are held, or in any manner occupied by, or in the name of any person or persons in trust for Her Majesty, or Her royal predecessors, and Her or their heirs or successors, for the use of the Naval service of the said United Kingdom, or of any of the departments of or belonging to the said Naval service, by whatever mode of conveyance, or by whatever title, or for whatever estate or interest therein, the same shall have been conveyed, or be vested, held or occupied, together with the rights, members, easements and appurtenances to the same respectively belonging, shall be, and become, and remain, and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates and interests of, and in the same respectively, in trust for Her Majesty, Her heirs and successors, for the public service.

II. From and after the purchase and conveyance, grant or demise thereof, all other messuages, lands, tenements and hereditaments which shall at any time or times hereafter be purchased, taken, held or occupied by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, or by any person or persons, by his or their order, for the Naval service of the said United Kingdom, or of any of the departments of, or belonging to the said Naval service, and all erections and buildings which shall then, or may be thereafter erected or built thereon, with the rights, members, easements and appurtenances to the same respectively belonging, shall in like manner be and become, and remain, and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, and his or their successors in the said office, according to the respective nature and quality of the said messuages, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

All Lands, &c. hereafter purchased to become vested in the Lord High Admiral, &c., in trust as aforesaid.

III. Upon the death, resignation, or removal of the present Commissioners for executing the office of Lord High Admiral of the said United Kingdom, or of any of them, or of any future such Commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages, lands, tenements and hereditaments, respectively, shall become vested in and be held by the succeeding Commissioners for executing the office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession according to the respective nature and quality of the

Upon the resignation, death, &c., of Commissioners, &c. or Lord High Admiral, Lands &c. to become vested in their successors.

said messuages, lands, tenements and hereditaments, and the several estates and interests of and in the same respectively, in trust as aforesaid.

All conveyance of property for the Naval Service to be conveyed to the Commissioners under the name of "The Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland.

IV. In all deeds, conveyances, leases, contracts and other instruments touching any estate, property, matter or thing relating to the Naval service of the said United Kingdom, or to any department under the control of the Commissioners for executing the office of Lord High Admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names, and all such deeds, conveyances, leases, contracts and other instruments wherein the said Commissioners shall be so described, and the execution or signature thereof, by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein, and had executed or signed the same.

Power to sell and exchange, &c

V. It shall and may be lawful for the Commissioners for executing the office of Lord High Admiral aforesaid for the time being, or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of, or let, or demise any of the messuages, lands, tenements and hereditaments respectively which shall be vested in them under or by virtue of this Act, with their respective appurtenances, either by public action or private contract, and in due form of Law to convey, surrender, assign, or make over, or to grant or demise the same respectively, as the case may require, to any person or persons who shall be

willing to purchase or take the same respectively, and also to do any other act, matter or thing in relation to any such messuages, lands, tenements and hereditaments which they or he shall deem beneficial for the public service in relation thereto, or for the better management thereof, which might be done by any person or persons having a like interest in any such messuages, lands, tenements or hereditaments.

VI. It shall be lawful for the said Commissioners for executing the office of Lord High Admiral aforesaid, for the time being, or the Lord High Admiral aforesaid, for the time being, and they are hereby authorized and empowered to bring, prosecute and maintain any action, suit or other proceedings at law or in equity for recovering possession of any messuages, lands, tenements or hereditaments by this Act vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof, under any demise from the said Commissioners, or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of Her Majesty, and also to bring, prosecute or maintain, or to defend any other action or suit in respect of or in relation to the said messuages, lands, tenements or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto, and that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland," without naming them; and no such action or suit shall abate by the death, resignation or removal of such Commissioners, or any of them, or of such Lord High Admiral, any law, custom or usage to the

Commissioners
empowered to
sue, &c.

Commissioners
&c. entitled to
pay, and liable
to receive,
costs, &c.

contrary notwithstanding; and the said Commissioners or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs, where judgment shall be given against the Crown, in any such action, suit or other proceeding in like manner, and subject to the same rules and provisions as though such action, suit or other proceeding had been had between subject and subject.

C A P . X X I V .

An Act for the Naturalization of Aliens.

[Passed April 17, 1862.]

BE it enacted by the Lieutenant Governor, Council and Assembly, as follows :

Who may be
naturalized.

I. Any person of Foreign birth, having resided in this Island for seven years, shall, upon taking and subscribing the Oath hereinafter prescribed, be entitled to all the privileges of a natural born subject of Her Majesty. Such Oath shall be as follows, videlicet :

Form of oath.

“ I, *A. B.*, of do swear that I have resided seven years in this Island, without having during that time been a stated resident in any Foreign country, and that I will be faithful and bear true Allegiance to the Sovereign of Great Britain and Ireland, and of this Island, as dependent thereon.”

So help me God.

And shall be administered by a Judge of the Supreme Court of Judicature, in open Court, during the term or terms thereof, and at the

same time subscribed by such person in a book to be kept for the purpose.

II. The Judge administering such Oath shall cause a Certificate thereof to be transmitted to the office of the Colonial Secretary, which shall be entered in a Book to be kept for that purpose in his office; and a copy of such Certificate, certified under the seal of the Island, shall be sufficient proof thereof, and of such person being admitted to all the privileges aforesaid, in all Courts whatsoever.

Judge to file certificate of oath.

Proof, how made.

III. If any person shall falsely swear to the facts of residence in such Oath contained, he shall be guilty of perjury, and liable to the penalty incident thereto; and upon conviction, shall forfeit all the privileges to which he might have been entitled under this Act.

False swearing perjury, &c., Penalty &c.

IV. Every Woman married to a natural born British subject, or naturalized person, shall be deemed to be naturalized, and shall have all the privileges of such subject.

Women when Naturalized.

V. A fee of ten shillings shall be paid by the person naturalized, to the Colonial Secretary for entering the said certificate of the Oath in the said book, to be kept as aforesaid; and for every copy of such certificate, certified under the seal of this Island, the sum of sixteen shillings and eight pence, the said fees to be applied to and for the use of the Government of this Island.

Fees for entering certificate of oath, &c.

VI. Nothing in this Act contained shall have any force or effect until Her Majesty's Assent thereto shall be signified, and notification thereof shall have been published in the *Royal Gazette* newspaper of this Island.

Suspending clause.

C A P . X X V .

An Act to regulate the proof of certain Documents in actions wherein certain Corporations doing business in this Island are parties.

[Passed April 17, 1862.]

Preamble.

WHEREAS in actions against Corporations, or of any Body Politic or Corporate, not being established or incorporated within this Island, upon any contract or engagement entered into by the said Corporation, or Body Politic or Corporate, doing business in this Island, by their known accredited Agent or Officer, the proof of such contract or engagement is very difficult to be obtained, owing to the necessity of the seal of such Corporation, or Body Politic or Corporate, and the signatures of the Officers of said Corporation, or Body Politic or Corporate, being strictly proved in those cases where the existence of such Contract or Engagement is put in issue; and whereas a total defeat of Justice might be occasioned for want of such strict proof as aforesaid.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, as follows :

What to constitute sufficient proof of contract entered into by Corporation or Body Politic not established within this Island.

I. From and after the passing of this Act, upon any trial of any cause before any Court in this Island, wherein it shall be necessary to prove any Contract or Engagement entered into by any Corporation, or Body Politic or Corporate, doing business therein, not being established or incorporated within this Island, and it shall only be necessary for the party or parties, Plaintiff or Plaintiffs, Defendant or Defendants, seeking to prove such Contract or Engagement,

or to put the same in evidence before such Court, to prove that such Contract or Engagement has been duly signed or issued by the accredited Agent or Officer of such Corporation, Body Politic or Corporate in this Island, and upon such proof having been given the Court before which such trial shall be had, shall admit the same in evidence, and the same shall be considered as duly proved without any further or other evidence of the execution thereof by such Corporation, Body Politic or Corporate, any law, usage or custom to the contrary notwithstanding.

C A P. X X V I.

An Act for appropriating certain monies therein mentioned for the service of the year of our Lord one thousand eight hundred and sixty-two.

[Passed April 17, 1862.]

May it please Your Excellency;

WE Her Majesty's dutiful and loyal subjects, the House of Assembly of Prince Edward Island, towards appropriating the several supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted:

I. And be it therefore enacted by the Lieutenant Governor, Council and Assembly, that by and out of such monies as from time to time shall be and remain in the Public Treasury of this Island, there shall be allowed and paid for the services herein mentioned, the several sums following:—

£5083 for salaries &c., under Statute.

A sum of five thousand and eighty-three pounds, to pay the salaries and allowances by statute.

A sum not exceeding seven thousand pounds, for the service of Roads, Bridges and Wharfs, for the present year, including all special grants, the same to be appropriated to each County, in the following manner :

£1300 for Queen's County and Royalty of Charlottetown. Queen's County, including Charlottetown and Royalty, one thousand and three hundred pounds.

£1100 for Prince County. Prince County, eleven hundred pounds.

£1100 for King's County. King's County, eleven hundred pounds.

£1200 special grant for Queen's County. Special grant for Queen's County, twelve hundred pounds.

Prince & Kings County £950 each. Special grant for Prince County, nine hundred pounds.

Special grant for King's County, nine hundred and fifty pounds.

£100 for New Roads, &c. Opening new Roads, under the Road Compensation Act, one hundred pounds.

£300 for contingent expenses of New Roads, &c. Contingent expenses of Roads, Bridges and Wharfs, to be equally divided between the three Counties, three hundred pounds.

A sum sufficient for Education. And a sum sufficient for Education, under the laws relating to Education, for the present year.

£200 Salary of Master of P. of Wales' Col. And a sum of two hundred pounds to defray the salary of the Master in the Prince of Wales' College.

£35 House Rent for Prof. Inglis. And a sum of thirty-five pounds, to defray the house rent of Professor Inglis, of the Prince of Wales' College.

£20 to Infant School, Georgetown. And a sum of twenty pounds to the Master of the Infant School, Georgetown.

- And a sum of twenty pounds towards the support of the Bog School, Charlottetown. £20 to Bog School.
- And a sum of one hundred and fifty-six pounds twelve shillings and two pence, at the disposal of the Government, to be paid agreeably to the report of the House of Assembly on Teachers' Petitions. £156 12s 2d to Teachers as per report of Assembly.
- And a sum sufficient for Summer and Winter Mails. Sum sufficient for Summer & Winter Mails.
- And a sum of nine hundred and fifty pounds for the conveyance of the Inland Mails. £950 for inland postage.
- And a sum of fifty pounds to defray the expense of Public Postage. £50 for public postage.
- And a sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly, for the present year. Sum sufficient for expenses of Legislature.
- And a sum sufficient, out of the amount voted for the expenses of the Legislature, to pay the Speaker of the House of Assembly, seventy-five pounds, and each of the members, thirty pounds, for their attendance during the present session, together with their usual travelling charges in coming to, and returning from the House of Assembly. £75 to Speaker and £30 to each Member of Assembly.
- And a sum of five hundred pounds at the disposal of the Government, to be paid to paupers, according to a scale agreed upon by the House of Assembly. £500 for Paupers according to a scale.
- And a sum of fifty pounds to defray the expenses of Boards of Health for the present year. £50 to Board of Health.
- And a sum of one hundred pounds at the disposal of the Government, to procure a sailing Packet between the Ports of Georgetown and Pictou, during the time the Navigation may remain open. £100 for Packet between Georgetown and Pictou.

£20 to Commissioners of Treasury notes &c.

And a sum of twenty pounds to the Commissioners for issuing Treasury Notes, should the same be required.

£75 Salary of Superintendent of Public Works.

And a sum of seventy-five pounds to defray the salary of the Superintendent of Public Works, for the present year.

£60 to Auditors of Public Accounts.

And a sum of sixty pounds to defray the salaries of two Auditors of Public Accounts, for the present year.

£770 for Light houses.

And a sum of seven hundred and seventy pounds to defray the expenses of the following Lights and Lighthouses: Point Prim, Panmure Island, Richmond Bay, Cascumpec, Summerside, Saint Paul's and Scattarie Islands Lights, and the Block House Light, Charlottetown.

£40 to reimburse Corporation for Wharf.

And a sum of forty pounds to reimburse the Corporation of Charlottetown, for loss of Wharfage, in consequence of the Mail Steamer occupying the head of Pownal Street Wharf during the present year.

£75 for Rent of Bonded Warehouse.

And a sum of seventy-five pounds to defray the rent of the Bonded Warehouse, Charlottetown.

£20 for Rent of Bonded Warehouse, Summerside.

And a sum of twenty pounds to defray the rent of the Bonded Warehouse, Summerside.

Sum sufficient for buoys for Hillsborough Bay.

And a sum sufficient to improve the buoying of Hillsborough Bay.

Sum sufficient for collecting Light duties.

And a sum sufficient to improve the mode of collecting Light and Anchorage duties, should the same be required.

£300 for Telegraph Compa'y

And a sum of three hundred pounds for the Telegraph Company, should the same be required.

And a sum of ten pounds to defray the Salary of the Assayer of Weights and Measures, for Queen's County, for the present year. £10 salary of Assayer of Weights, &c., for Queen's Cy.

And a sum of three hundred pounds to pay Land Waiters and Preventive service for the present year. £300 for Land Waiters, &c.

And a sum of eighteen pounds to pay Medical Attendants for the three County Jails, for the present year. £18 for Medical attendants for Jails, &c.

And a sum of one hundred pounds to pay the Salaries of the Keepers of the three County Jails. £100 salaries for Keepers of Jails.

And a sum of fifteen pounds to pay the Matron of Queen's County Jail. £15 for Matron Queen's County Jail.

And a sum of sixty pounds to pay the Salary of the Keeper of the Colonial Building. £60 to Keeper of Colonial Building.

And a sum of five hundred pounds to defray the expenses of the three County Jails. £500 for expenses of Jails.

And a sum of twenty pounds to pay the Salary of the Messenger of the Public Offices. £20 to Messenger of Public Offices.

And a sum of twenty pounds to pay the Salary of the Messenger of the Executive Council. £20 to Messenger of Executive Council.

And a sum of five pounds to defray the allowance of the Market Clerk at Georgetown. £5 to Market Clerk at Georgetown.

And a sum of one hundred pounds, or so much thereof as will amount to two pounds for every pound paid by subscribers, towards the funds of the Royal Agricultural Society. £100 to Royal Agricultural Society according to subscription.

And a sum of sixty pounds to defray the allowances of the three High Sheriffs for the present year. £60 for Sheriffs

And a sum of three hundred and fifty pounds to defray the expenses of Crown Prosecutions and Crown Officers' fees, for miscellaneous services and Juries, and for the discovery of offenders. £350 Crown Prosecutions, &c.

- £20 to Crier of Supreme Court. **A** a sum of twenty pounds to pay the Salary of the Crier of the Supreme Court.
- £90 for Coroners' Inquests. **And** a sum of ninety pounds to defray the expenses of Coroners' Inquests.
- £100 to Govt. House Commit. **And** a sum of one hundred pounds to the Government House Committee for disbursements in and about Government House.
- £30 to Keeper of Bonded Warehouse, Charlottetown. **And** a sum of thirty pounds to pay the Salary of the Keeper of the Bonded Warehouse, Charlottetown.
- £7 10s. to Harbour Master Charlottetown. **And** the sum of seven pounds ten shillings to pay the Salary of the Harbor Master, Charlottetown.
- £100 for Gas and Lamps. **And** a sum of one hundred pounds to defray the expenses of Gas and Lamps during the present year.
- £57 for Gate keeper at Govt. House. **And** a sum of fifty-seven pounds for wages and fuel for the Gate Keeper at Government House for the present year.
- £52 for salary &c. Signal Station, Ch. Town. **And** a sum of fifty-two pounds to defray the Salary and disbursements at the Signal Station and Barracks, Charlottetown.
- £400 for efficient organization of Volunteer Force. **And** a sum of four hundred pounds at the disposal of the Lieutenant Governor for the payment of Staff Officers and Drill-serjeants, in the purchase of ammunition and accoutrements, and in the storage and preservation of the Arms furnished by Her Majesty's Imperial Government, and generally in such other services as may from time to time appear necessary to the Commander-in-Chief for the efficient organization and maintenance of the Volunteer Force.
- £10 to Rev. A. McLean for John McLeod and family. **And** a sum of ten pounds to the Reverend Alexander McLean, of Belfast, to assist in providing for the care and maintenance of John McLeod and his wife, over eighty years of age,

also their son a lunatic from the cradle, a cripple son and idiot daughter, and two other daughters weak and infirm, and in the most indigent circumstances.

And a sum of five pounds to Thomas A. Dougan, to reimburse him certain expences incurred in prosecuting James Keife for refusing to act as a Constable, when requested by Dougan to aid him in executing a warrant.

£5 to Thomas Dougan for expences prosecuting James Keife, &c.

And a sum of eight pounds at the disposal of the Reverend Dougald McDonald for the relief of three idiot women, named McDonald, residing near Horse Head, Lot One.

£8 to Rev. D. McDonald for Idiot women named McDonald.

And a sum of five pounds to Mr. Valentine Needham, Postmaster, Bay Fortune, for the use of William Burke, an old public servant, who has become crippled.

£5 to V. Needham for Wm. Burke.

And a sum of nine pounds to Patrick Ryan Barret for supporting an old pauper, named James Doolan, from the ninth day of November last to the seventh day of March, instant, and also for expenses connected with his funeral.

£9 to Patrick Ryan for supporting, &c.. James Doolan.

And a sum of two pounds to Doctor Mackieson for Medical aid and Medicines to an unfortunate man, named James McWilliams, who was badly frozen in February, in the year 1861.

£2 to Dr. Mackieson for attendance &c. on J. McWilliams.

And a sum of five pounds to the Honorable John Hamilton Gray, M. P. P., to reimburse him in part of an expenditure paid to the Honorable William Lord for the passage of an unfortunate emigrant, named James McWilliams, who was badly frozen in the month of February, in the year 1861, and left destitute for six months in this City.

£5 to Hon. J. H. Gray in part for passage money of Jas. McWilliams.

£3 to Angus McLennan, Postmaster, Cherry Valley, for extra services.

And a sum of three pounds to Mr. Angus McLennan, Postmaster at Cherry Valley, as a remuneration for extra services in travelling to meet the Mail Carrier in the years 1860 and 1861.

£50 for Colonial Building.

And a sum of fifty pounds to defray the cost of repairs to the Colonial Building.

£150 for Buoys and Beacons.

And a sum of one hundred and fifty pounds to defray the expense of Buoys and Beacons for the present year.

£20 for Public Surveys.

And a sum of twenty pounds to defray the expense of Public Surveys during the present year.

£750 for public Printing and Stationary.

And a sum of seven hundred and fifty pounds, or as much thereof as may be required to defray the expenses of Public Printing and Stationery for the present year.

£1500 for interest on Debentures.

And a sum of one thousand and five hundred pounds to pay the interest on Debentures for the present year.

£2000 interest on Treasury Warrants.

And a sum of two thousand pounds to pay the interest on Treasury Warrants for the present year.

£900 for Lunatic Asylum.

And a sum of nine hundred pounds, inclusive of the allowance by Statute, to defray the incidental and contingent expenses of the Lunatic Asylum for the present year.

£100 for Fuel for Public Offices.

And a sum of one hundred pounds to defray the costs of Fuel for the Public Offices and Legislature for the present year.

£400 for expenses of Ex. Government.

And a sum of four hundred pounds to defray the contingent expenses of the Executive Government for the present year.

£10 for Boat for Panmure Island Light-house.

And a sum of ten pounds at the disposal of the Government to purchase a Boat for the use of Panmure Island Light House.

And a sum of fifty pounds to the Trustees appointed to superintend the erection of the new Grammar School in Georgetown, the said sum to be drawn when the building is ready for the reception of pupils.

£50 for Grammar School, Georgetown.

And a sum of one hundred pounds at the disposal of the Government to discharge the balance of the liabilities incurred by the Commissioners of the International Exhibition, the Government having already advanced five hundred and seventy-five pounds for said object.

£100 to Commissioners of International Exhibition.

And a sum of sixty pounds at the disposal of the Government for the purpose of purchasing a Cup or Urn, to be offered as a Prize and competed for by the Volunteers of Nova Scotia, New Brunswick and this Island during the present year.

£66 for Prize Cup for Volunteers, &c.

And a sum of twenty pounds to Messrs. Irving and Warren towards reimbursing them for building new Boats for conveying mails and passengers across the Straits of Northumberland.

£20 to Messrs. Irving & Warren for Mail Boat, &c.

And a sum of fifty pounds at the disposal of the Government to be paid to William C. Bourke, as an encouragement to him for running a new Steam Boat (now in preparation) from Charlotetown to Mount Stewart Bridge, on the Hillsborough River, during the present season, while the navigation of the said River remains open, for the conveyance of Passengers and Freight, provided such Steam Boat shall continue to run semi-weekly during the season, touching and stopping for at least five minutes at Cranbery Point, Fort Augustus, McConnell's and Apple-tree Wharfs on the passage up and down said River.

£50 to Wm. C. Bourke for running Steamer between Ch. Town and Mt. Stewart Bridge

And a sum of fifty pounds at the disposal of the Government in aid of a Steam Ferry Boat

£50 for Steam Ferry Boat at Georgetown.

between Georgetown, Montague and adjacent Rivers, for the coming season, provided said Steam Boat is placed on the route and continues plying thereon, semi-weekly, during the opening of the navigation

And a sum of forty-five pounds be granted to pay the following Postmasters, namely :

£45 to various Postmasters :	The Postmaster at Georgetown, ten pounds.
Geor'town £10.	The Postmaster at Summerside, ten pounds.
Sum'erside £10	The Postmaster at St. Eleanor's, five pounds.
St. Eleanor's £5	The Postmaster at Princetown, five pounds.
Princetown £5	The Postmaster at Cascumpec, five pounds.
Cascumpec £5	The Postmaster at Port Hill, five pounds.
Port Hill £5	The Postmaster at Tignish, two pounds and ten shillings.
Tignish £2 10s	

The Postmaster at Souris, two pounds and ten shillings,—over and above the amount of their salaries and per centage for the past year.

And a sum of seventy-two pounds to defray the expenses of Pews in the different Churches in Charlottetown in the following proportions, namely :

£16 Episcopal Church.	Episcopal Church, sixteen pounds.
£14 Roman C. Church.	Roman Catholic Church, fourteen pounds.
£14 Church of Scotland.	Church of Scotland, fourteen pounds.
£7 Prince St. Presbyterian Church.	Upper Prince Street Presbyterian Church, seven pounds.
£7 Queen Sq. Presbyterian Church.	Queen's Square Presbyterian Church, seven pounds.
£7 Wesleyan Church.	Wesleyan Church, seven pounds.
£7 Baptist Ch.	Baptist Church, seven pounds.

And a sum of fifteen pounds to Hugh Logan, late Jailer of King's County Jail, as compensa-

tion for the summary manner in which he was dismissed from his office. Jailer, King's Cy. Jail, &c.

And a sum of ten pounds to Mrs. Anne Cullen, widow of the late William Cullen, formerly Clerk of the House of Assembly. £10 to Mrs. A. Cullen.

And a sum of four pounds to Patrick D. Rogers, an old, infirm and crippled soldier. £4 to Patrick D. Rogers.

And a sum of ten pounds at the disposal of the Government to support Richard Cochran, a pauper, now under the care of John Quirk, of Charlottetown. £10 for support of R. Cochran.

And a sum of five pounds to the Honorable the Chief Justice for the relief of two idiot children of Mary Kelly. £5 to Chief Justice for two Idiot Children.

And a sum of five pounds to the Honorable Patrick Walker towards the support of James McCarron, an aged and destitute cripple. £5 for Hon. P. Walker for Jas. McCarron.

And a sum of four pounds to James Forsyth, Esq., towards the support of Jacob Hayden, a lunatic, residing near Cascumpec. £4 to James Forsyth for J. Hayden, &c.

And a sum of five pounds to Mr. William McKay, of Township Number Twenty-one, for the relief and support of his son and daughter, both of whom are deaf and dumb. £5 to Wm. McKay for support of deaf and dumb children.

And a sum of eight pounds to the Reverend Cephas Barker in aid of the support of an idiot son of Widow Harding. £8 to Rev. C. Barker for son of widow Harding.

And a sum of five pounds to John McDougald, of New London, towards the support of himself and his aged wife, both being over ninety years of age, and who have no relatives to aid in their support. £5 to John McDougald and wife.

£10 to Govern-
ment for amnt.
paid Campbell.

And a sum of ten pounds to the Government to indemnify them an amount paid Daniel C. Campbell, of Montague Bridge, pursuant to an Address from the House of Assembly to the Lieutenant Governor, in the session of the year 1861.

£30 for relief
of indigent In-
dians as follow:

£15 to Rev.
Mr. Roy.
£10 to Rev.
D. McDonald.
£5 to Rev. J.
McDonald.

And a sum of thirty pounds at the disposal of the Government for the relief of indigent Indians, to be divided as follows :—Fifteen pounds to the Reverend Mr. Roy, of Prince County ; ten pounds to the Reverend Daniel McDonald, of Queen's County ; and five pounds to the Reverend F. J. McDonald, of King's County.

£30 to Legisla-
tive Library.

And a sum of thirty pounds to the Legislative Library Committee for the purchase of Books and other expenses connected with the said Library.

£175 to enlarge
Lunt. Asylum.

And a sum of one hundred and seventy-five pounds at the disposal of the Government for the purpose of enlarging and improving the Lunatic Asylum in this Island so as to afford increased accommodation to the inmates of that Institution.

£150 to Com-
missioners for
reprinting the
Laws.

And a sum of one hundred and fifty pounds to the Commissioners appointed in the year One thousand eight hundred and sixty, to superintend the consolidation and reprinting of the Laws of this Island, in part payment.

£10 for support
of Matilda
Myers & Patk.
Cody.

And a sum of ten pounds at the disposal of the Government to meet the expenses incurred and to be incurred in the support of Matilda Myers and Patrick Cody, now inmates of the Quarantine Hospital.

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