REPORT

Of the Committee appointed by the Common Council of the City of Charlottetown, on the right of persons claiming the Common.

Your Committee appointed to report upon the nature of the claims of Persons holding possession of the Common of this City, beg respectfully to submit, that they have searched the Statutes and Records of the Island in order that they might be able to lay before the Common Council full information thereon.

It appears to your Committee, the Legislature did not at any time yield up the right they possessed as guardians and protectors of the Common of Charlottetown.

They observe however, they exercised their authority over it, for in the year 1780, being the 20th in the reign of George III., a Bill was added to the Statutes of the Island sanctioning the leasing of a certain part of the Common, rent free, for the space of ten years.

Your Committee are of opinion, the Legislature of that day, were induced to grant permission to lease the Common, with the precautionary view against fire, which might arise thereon to the Town, as at that early period the Common and suburbs were in a wilderness state, being covered with brush-wood and forest trees, there cannot be a doubt, but that the intention of leaseing the Common was, that this combustible matter should be removed.

In this opinion your Committee feel themselves confirmed, as they find the Act for leasing the Common was repealed in 1809, the the 49th year of Geo. III. forty years ago, a time when the incumbrances were removed, the desired effect of the act having been accomplished.

In searching the Records of the Register Office, your Committee find, Lieutenant Governor Fanning caused the Common to be laid off into thirty-six blocks of land, containing twelve acres each, which were granted away on certain conditions, a copy of the Grant of one of these Lots, viz., No. 10, is hereunto appended to this report and marked A. We beg to call the attention of the Council to that part of the Grant, which points out the locality, under the plea of which, the present incumbents hold possession of the Common. The Grant expressly states it to be a Lot in the Town of Charlottetown, there is no mention throughout of any land being granted in the Common. The document states, the Lt. Governor grants such a piece of land by authority given by His Majesty King George the Third, it carefully abstains from any allusion to the Common.

The paper in the Schedule, marked B., has been obtained from the Register Office; its columns show the Grantees' names, enumerates the time of Registration of the Grants, the Lots remaining ungranted &c., &c. It appears from this certificate, that the Grantees of Lots Nos. 1, 2, 5, 7, 15, 17, 19, 20, 24 and 30, complied with one of the conditions of the Grants, viz. that of Registration within six months from the date of the Grant, that the following Lots were not registered until after that period viz. 3, 4, 11, 12, 13, 16, 26, 27, 31, and 34, failing to perform which condition a forfeiture of the grant was the penalty, that Lots Nos. 6, 8, 9, 10, 18, 21, 23, 25, 28, 29, 32, and 35, have never been registered, and that the dates of Grants of Lots Nos. 10, 18, 23, 29 and 32 remain blank, and that also Lots number 25 and 33 have never been granted.

It does not appear to your Committee that any conditions of the Grants, have been complied with, excepting the Registration of the Eleven Lots just now enumerated. They deem it part of the important duty they have been entrusted with to discharge, to inform this Council, that Common Lots, No. 12, and 13, are advertised to be sold at Public Auction on Tuesday the 11th Sept. that the Grantees of said Lots have not complied with any one of the conditions, under which the claimants hold possession. Your Committee beg further to state, these Lots are lying open, and have been used as a part of the Common for some months as a ground for recreation by the Citizens—with respect to these Lots your Committee recommend, prompt steps be taken to prevent any person or persons from occupying the land; they further recommend, as a step towards this desideratum, that the Council, authorize the Mayor, immediately to issue a notice cautioning all persons from trafficking in Land within the Common of this City, without special licence from his Worship the Mayor. Your Committee further recommend a notice be issued cautioning all persons against erecting any buildings, or fixtures of any kind whatsoever upon the Common, at the peril of forfeiture of the same, as they feel satisfied the right to the Lots in the Common, will sooner or later prevail against all transgressors.

Your Committee have obtained from the Surveyor General's office, two plans of the Town and Common, on one of which is laid down, the Common as it was, previous to its being occupied, the other shows the manner in which the Common has been divided into Pasture Lots as it is now held.

Your Committee note on the original plan of the Town and Common, that the Common was reserved for extending the Town, when circumstances warranted the enlargement, and that the Government farm containing 500 acres is part thereof, and finally, they conclude their labours in the belief, that no authority can be produced to prove a power existed to grant it away, without an act of parliament to that effect. This statement they respectfully submit to the Common Council, to deal with as it may deem meet; recommending its submission to the Law authority for the Corporation for his opinion thereon.

BENJAMIN DAVIES, Chairman.
ARTEMAS G. SIMS,
DONALD MCISAAC.

Charlottetown, September 8, 1855.

(DOCUMENTS REFERRED TO IN THE ABOVE REPORT.)

A.

Island St. John,

To all to whom these presents shall come greeting.

KNOW ye, that I. Edmund Fanning, L. L. D. Colonel in the Army, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island St. John and the Territories adjacent thereunto, Chancellor of the same, &c., &c., &c., by virtue of the power and authority to me given by His Majesty King George the Third, under the Great Seal of Great Britain, have given, granted and confirm, and by these presents pursuant to His Majesty's royal instructions, do give, grant and confirm unto Ephraim White and William Bowley, junior, of said Island, their heirs and assigns, all that piece or parcel of ground, Lot Number (10), say ten, in that part of the Royalty of Charlottetown, lately laid out into Pasture Lots by direction of the Lieutenant Governor and Council, and which is bounded as follows: on one end by Lots No. 3 and 4, by the road on the opposite end, and on the two sides by Lots No. 9, and 11, as appears laid down in a certain map of that part of the Royalty, so as above mentioned lately laid out into pasture lots, and now remaining in the Surveyor General's Office, by estimation containing twelve acres of land, be the same more or less, being all wilderness land with all manner of mines unopened, excepting mines of gold, silver, lead, copper and coals. To have and to hold the said piece or parcel of ground with all privileges, profits, commodities and appurtenances thereunto belonging unto the said Ephraim White and William Bowley, junior, their heirs and assigns for ever. Yielding and paying by the said Grantees, their heirs and assigns which by the acceptation hereof they bind and oblige themselves, their heirs and assigns, to pay to His Majesty King George the Third, his heirs or successors, or any person lawfully authorized to receive the same for His Majesty's use, a free yearly Quit Rent, of three-pence per acre for each and every acre so granted, that Lot Number 10, say ten, shall contain, the first payment of said Quit Rent to commence, and become payable on the Feast of Saint Michael, which shall first happen after the expiration of two years, from the date hereof, or within fourteen days after, and so to continue payable yearly, and every year thereafter, for ever, on default of this grant shall be null and void. Provided also, that this Grant shall have been registered at the Registrar Office, within six months from the date hereof, otherwise this grant shall become null and void, and the said grantees further oblige themselves, their heirs and assigns, to build on the said Lot and will within the space of two years from the date hereof well and sufficiently enclose with a post and four-rail fence, five feet high, or a good and sufficient block and rail fence of the same height the whole of the said Lot, and also that he or they shall and will within the term of two years aforesaid erect and build on the said Lot one good and substantial frame dwelling house of at least sixteen feet in length and twelve feet in breadth, with a stone or brick chimney, and also that he or they shall and will clear and improve fit for cultivation two acres of the said Lot within two years from the date hereof, and will clear and improve in like manner two acres more of the said Lot in each succeeding year, until the said Lot be cleared and improved fit for cultivation. And if the said grantees their heirs or assigns shall perform all and every the clauses and covenants herein contained, this grant shall be saved for ever from forfeiture, otherwise the same shall become and from thence-forward be absolutely and utterly null and void. In witness whereof, I have signed these presents and caused the seal of the Island to be thereunto affixed at Charlottetown in said Island, this day of in the year of the reign of our sovereign Lord George the third, by the grace of God of Great Britain, France and Ireland, king, defender of the faith and so forth, and in the year of our Lord one thousand seven hundred and

By his Excellency's command.

(Signed) THOS. DESBRISAY, Secy.

Registered.

B.

NO.	BY WHOM GRANTED.	GRANTEES.	DATE OF GRANT.	WHEN REGISTERED.	BOOK	PAGE
1	Edmund Fanning, L'. Gov	Joseph Robinson,	14th June, 2790,	13th Dec., 1796,	8	295
2	do do	John Robins,	24th Nov., 1795,	24th Nov., 1795,	8	150
"	do do	Alexander Fletcher,	5th May, 1789,	26th Sept., 1719	1	271
3	do do	Alexander Gordon,	5th May, 1789,	30th July, 1790,	2	208
4	do do	James Campbell,	5th May, 1789,	12th Sept., 1791,	3	198
5	do do	Donald McPhee,	5th May, 1791,	5th Sept., 1791,	3	194
6	do do	Thos. Desbrisay, Col ,	5th May, 1789,	Blank,	2	93
7	do do	Alex. Rind,	9th Nov., 1797,	9th Nov., 1797,	9	28
8	do do	Samuel Bagnall,	5th May, 1789,	Blank,	2	159
9	do do	William Haszard,	5th May, 1789,	Blank,	2	1
10	do do	E. White Esq., Bowley, jr.	Blank,	Blank,	2	4
11	do do	Benjamin Chappell,	5th May, 1789,	1st Oct., 1801,	10	172
12	do do	James Robertson,	5th May, 1789,	21st Sept., 1790,	2	362
13	do do	Walter Berry,	5th May, 1789,	20th Sept., 1790,	2	350
14	do do	James Douglass,	1st May, 1789,	16th Aug., 1789,	1	220
15	J. F. W. Desbarres,	William Townsend,	11th Aug., 1807,	12th Aug., 1807,	13	342
16	Edmund Fanning, Lt. Gov.	Charles Stewart,	5th May, 1789,	1st Sept., 1790.,	2	319
17	do do	James College, Lt.	26th Feb., 1811,	26th Feb., 1811,	9	293
18	do do	Hon. John Patterson,	Blank,	Blank,	2	1
19	do do	Robert Gray,	5th May, 1789,	8th Aug., 1789.,	1	213
20	do do	George Burns,	5th May, 1789,	16th Oct., 1689,	1	307
21	do do	Thos. DesBrisay, Col.	5th May, 1789,	Blank,	1	211
22	do do	Walter Patterson,	5th May, 1789,	Blank,	2	17
"	do do	Peter McGowan,	1st Aug., 1796,	23d Sept., 1796,	8	264
23	do do	Hon. John Patterson,	Blank,	Blank,	2	1
24	do do	John & Thos. Webster,	5th May, 1789,	25th Oct., 1789.	1	357
25						
26	Edmund Fanning, Lt. Gov.	John Cambridge,	Blank,	Blank,	2	8
27	do do	David Ross,	5th March, 1789.	26th Sept., 1789,	1	272
28	do do	Charles Lyons, Major,	5th May, 1789,	Blank,	2	105
29	do do	Peter Stewart, Ch. J.,	5th May, 1789.	Blank,	2	111
30	do do	John Brecken,	16th April, 1792,	16th April, 1792,	4	146
31	do do	R. Hodgson & R. Brecken,	6th Feb., 1790;	6th Feb., 1792,	5	208
32	do do	H. W. Perry,	Blank,	Blank,	2	10
33						
34	Edmund Fanning, Lt. Gov.	Thos. Wright,	5th May, 1789,	16th April, 1792,	4	149
35	do do	Alexander McMillan,	5th May, 1789,	Blank,	2	85
"	do do	Francis Longworth.	10th Aug., 1798,	10th Aug., 1798,	9	73
	A Common Lot,	no Number. See description end of this Book, p. 2.				

(*From the Halifax Morning Journal.*)

SUCCESS OF MR HOWE'S MISSION.

We learn from a contemporary, that Mr Howe has effected a loan of £150,000 sterling, from Messrs. Barings and Brothers, Brokers, London, on their own account, upon bonds of the Province of Nova-Scotia, bearing 6 per cent. interest, redeemable in ten years.

"This loan has been negociated without the usual charge of one per cent. commission on sales, also a charge on payment of interest running over 20 years, which is equal to ¼ per cent., and a further charge when the loan is redeemed of 1 per cent, in all ¾ per cent. All this will be saved, we understand, by Messrs. Barings themselves becoming the purchasers of our Debentures. £50,000 have already gone to the credit of the Provinces in the books of Messrs. Barings, and two further sums of £50,000 each, will go to the credit side of the same account, respectively on 1st October and December."

The Country will be pleased to hear of the success of Mr. Howe's mission, as very many doubts were entertained by shrewd Capitalists regarding the credit of the Country in the home market. This loan will give the Railway Board command of sufficient means to carry on Railway operations for the next eighteen months, when a further loan, to the extent of £650,000 strling, may be negotiated."

The Arrival of this cheering intelligence will give an impetus to Railway operations, and increase public confidence in the Board of Commissions. So far the whole work progresses satisfactorily, and we look forward to a speedy completion of the line from a Halifax to Windsor. We can fancy the locomotive with its long train of cars steaming its way, for the first time, to the beautiful and picturesque town of Windsor. If it could sing, this would be its song:

With lungs of fire and ribs of steel,
With sighing valve and groaning wheel,
With startling scream, and giant stroke,
With showers of sparks and clouds of smoke,
I come with my huge *Omnibus*,
Like an express from Erebus;
So clear the track, the bell is ringing
Music to the song I'm singing.

The Guardian Genius of Railways, who a few years ago set all the British speculative world agog, drawing fancy lines on maps, and gigantic schemes and plans on paper, of projects which, if carried out, were to be fraught with immeasurable benefit to individuals and communities, and whose magical wand, was, for a time, lost sight of amid the din of war, seems after a transitory visit to various European countries, to have wended his way across the Atlantic, and recommended operations on an expansive scale in the Northern hemisphere of this new continent, where a practical field more fitted to his industrial exertions appears to await him.

"In the Ohio Basin, in the Mississippi Valley, on the Atlantic slope of the Alleghanies, on the western Canada, on the shores of the St. Lawrence—from the Saguenay to Panama—from Halifax to San Francisco—everywhere, one subject on the American Continent now rules the public mind—the making of Railways."

We are free to admit the immense benefits ultimately accruing from Railway communication, even in long tracts of uninhabited district. There is no doubt, then, when a Railway breaks in upon the gloom of a depressed and secluded district, new life and vigour are forthwith infused into the native torpor—labour now reaps its own reward—the long desired market is obtained—the hitherto useless waterfall now turns the labouring wheel, now drives the merrier spindles—the cold and hungry are now clothed and nourished, and thus are made susceptible converts to a system, the value of which they are not slow to appreciate.

In America, it is the Steamboat and Railroad which have peopled the North-west, and by granting facility of access, and by securing a reward for labour, have diffused a degree of comfort and prosperity unprecedented in history. Villages have sprung up, as it were by magic, and the sound of the anvil and hammer are now heard where before undisturbed silence reigned supreme in the forest and plain.

The *Chicago Tribune* of the 24th, says: Revelations have been made to us by one who is entitled to know the designs of the Kinny expedition, which leave no room for doubt, that a descent upon Cuba is the ultimate object of the party now in Greytown, and their friends and backers in the States. To this end they are now building vessels, purchasing stores and enlisting recruits all along our Atlantic coast, though the latter are gathered principally in Louisiana, and other slave States. Their efforts are seconded by the Cuba-Juntas in New York and New Orleans, which furnish the principal part of the funds needed for the enterprise.

THE OFFICERS OF THE "TIGER."—The thirteen British naval officers and midshipmen belonging to the unfortunate *Tiger*, who were not so lucky as their First Lieutenant to be set at liberty and write a book on Russia, but were detained prisoners of war, have at length also been liberated, and arrived at Stettin last week, *via* Dantzic, on their way to England. They have been exchanged against a similar number of Russian officers of equal grades, and were accompanied to the frontiers of Prussia, where they were set at liberty by a picket of Cossacks. They were prisoners of war for five months, and were obliged to swear by the honour of their swords to remain inactive, and take no part in the war for seven months more.—On their arrival at Stettin, twelve of these gentlemen proceeded on immediately to Berlin for England. Lieutenant Seymour was the only one of the party who preferred resting a day from the fatigues of his journey before returning home.

On the night of the 14th, a terrific hurricane furiously swept over the Mosquitto coast, involving the total loss of H. B. M.'s sloop-of-war Wolverine. Her cutter reached San Juan de Nicaragua on the 16th, with despatches to the steam frigate Busrard, lying in that harbor, to render immediate assistance—and she left for the scene of disaster as soon as steam was got up.