

fluence, they had at least the gift of common sense. He wished to protect the interests of the farmer, and would not throw open any part of the Reserves but as it was wanted for the purposes of fishing.

Mr. SPEAKER said, proprietors, from the first, had known of the Reserves; and the people now knew of them. The proprietors, thinking they would never be able to take sufficient advantage of the tenants, had, in the first place, availed themselves of the ignorance, with respect to the conditions of the original grants, of such as were willing to become lessees, by leasing to them the Fishery Reserves; and, now, that the tenantry saw how they had been cheated, and demanded a restitution of their rights, the proprietors insisted upon having the benefit of their own injustice continued to them. All that was intended by the bill was, to give the benefit of the Fishery Reserves to the persons who had cleared and improved them, when not used for the fisheries. In his demands he was willing to be limited by the Order in Council. As to the defining of the extent of the Fishery Reserves, if the Order in Council said the Reserves were not to come within the harbours, bays and inlets, he was satisfied that they should not; if, on the contrary, the Order in Council said they should extend within the harbours, bays and inlets, he would insist that they should do so. He merely demanded that the Fishery Reserves, to their proper extent, should be thrown open to those for whose benefit they were originally intended.

Mr. LE LACHEUR said, some honourable members seemed to be of opinion that according to the original grants no line of demarcation could be defined. The fact that the proprietors had even offered to buy the Fishery Reserves seemed to shew that they had a very shrewd idea as to how far they were likely to be construed to extend. The Order in Council was sufficiently clear and explicit: it says "within all bays and inlets of the sea." If he found that what the honourable and learned member for Charlottetown had to submit on that subject was in accordance with justice, he would go along with it. He (Mr. Le Lacheur) was of opinion, that if the Colonial Secretary had thought there was any ambiguity with respect to what ought and what ought not to be considered within the limits of the Fishery Reserves, he would have explained it. The only way in which he considered they could legislate upon the subject with propriety was, to take the Fishery Reserves as defined in the Order in Council. They should set no limitation to them, but take them as they found them there set forth.

Mr. PALMER said their object ought to be, clearly to explain what was to be considered within and what not within the Reserves. If they did not, they would leave the difficulty as it was. In answer to this it was said that one trial would decide the question. But he would remind honourable gentlemen that one action would merely decide the question as to one place. Every objection to yielding up any situation required for carrying on a fishery might lead to a law suit; and thus law suits might extend almost *ad infinitum*, at least so far as the Fishery Reserves extended. Nothing could be more productive of law suits than the leaving the boundaries of the Fishery Reserves so undefined as they were likely to be. Let them have no more talk about long robed gentlemen seeking to entrap within the meshes of their net; let them hear no more of the long clawed gentry seeking to drag their victims within the vortex of the law: the most rapacious of the tribe could not desire an Act more likely to serve their interests by the increasing of law suits, than the Bill which honourable gentlemen seemed anxious to introduce and carry into a law.

The Hon. Mr. POPE said, they had received from the Home Government a positive declaration that the Reserves should not be yielded up either to the proprietors or to the occupants. They must bear in mind, that while the government had said that all the reserves should be thrown open to the public for the purpose of carrying on a free fishery, it was coupled with a request that such laws should be passed as would prevent "improvident and injurious practices in carrying them on;" and unless such regulations were made we may rest assured that the government would tie them up, rather than allow such an indulgence to be made the source of endless litigation between the landlords and their tenants. They were merely wasting time unless they could draw up something in which the other branch of the Legislature could be expected to concur. The mere sending of the bill home would be sufficient to insure its rejection by the Home Government. Ought it not to be considered a grievance that fishermen should be encouraged to disturb the tenants, merely for the purpose of enabling them to prosecute the landlords? Had the bill, as last penned, gone into operation, it would have been most ruinous in its consequences. What would be a sufficient compensation to the farmer for the loss of the entire front of his farm, including, perhaps, all his meadows and marshes? Had the views entertained by the majority of the House last year on the subject of the Reserves been carried into effect, the farmers would have had reason to curse the House while it should be held in remembrance.

Mr. MACINTOSH could not see for a moment why the fishery business should only present itself to the minds of honourable gentlemen as being carried on by individuals or companies on a large scale. If he thought right, every man in the Island was to be regarded as a fisherman: every man in the Island was to have the privilege of carrying on a fishery within the Reserves. He regarded every man as a fisherman. Certain it was, that every man in the Island who had lands contiguous to the sea, was a fisherman, and that even to a considerable extent.

Mr. SPEAKER said, there had been manifested a disposition on the part of proprietors to deprive the people of all claims to the Reserves, including the marshes. The evident intention of the proprietors in leasing and selling the marshes, was to be enabled to obtain a higher price for the adjoining lands. In short, it is their determined inclination, by threat after threat, to bring the tenantry under the most servile subjection, and have them finally ruined.

The Hon. Mr. POPE said, there was no need of exciting the minds of the Committee by mentioning the sale of the Fishery Reserves. Did the honourable the Speaker mean that the salt marshes were to be thrown open as Fishery Reserves? However he might be supported in the House, among the settlers there would be ten to one against him. To do so could be of no use but to enable agitators to encourage and to carry on the war against the proprietors. He desired them to look to the decisions in the Supreme Court. Were not the tenants who resisted obliged to pay rent for the Fishery Reserves? The Chief Justice had staked his reputation upon the legality of such decisions. He did not mean to deny that in cases where the tenants were injured by fishermen, that they ought to have a remedy against their landlords who had covenanted with them for a quiet and undisturbed possession; but the object of this bill ought to be to prevent these evils that were likely to arise from such a state of the case, so that while the rights of the fishermen were secured, the interests of the farmers and occupiers of the soil should be protected.

Mr. MACINTOSH said that the Fishery Reserves had been the first places on which settlers were located, from the preference given to them on account of the greater ease with which a livelihood could be made upon them, than elsewhere. The benefit afforded by the salt marshes had also been another inducement to this early preference. The grantees had been well aware of the Reservations in the grants; but it was reasonable to presume that the early settlers were ignorant of them, and although it was clear that the proprietors had no right to locate settlers upon the Fishery Reserves, it would now be most unjust that such settlers or their descendants should, without remuneration, be deprived of the improvements which they had been induced to make within the Reserves.

Here the Committee rose, and the chairman reported progress, and obtained leave to sit again.

The subject having been introduced by the Hon. Mr. Pope, after a short discussion it was agreed that the following Address should be presented to His Excellency the Lieutenant Governor:

To His Excellency SIR CHARLES AUGUSTUS FITZ ROY, K. H., Lieutenant Governor, &c. &c. &c.

May it please your Excellency;

The Contract with the owners of the Cape Breton, Steamer, being about to expire at the close of the present year, the House of Assembly, being fully alive to the advantage of keeping up a frequent intercourse by means of Steam with the neighbouring Provinces of Nova Scotia and New Brunswick, would respectfully request your Excellency to cause a correspondence to be opened with the Governments of Nova Scotia and New Brunswick, with a view of ascertaining how far those Provinces are disposed to co-operate with this Island in running a Steam Boat, of at least 80 Horse-Power, twice a week, between Charlottetown and Pictou, and once a week between Pictou, Charlottetown and Miramichi.

MONDAY, March 2.

Mr. Yeo presented to the House a petition of Lemuel Cambridge and other Merchants and Traders of Cascumpeque and its vicinity, praying that provision may be made for the support of a Sub-Collector of Customs at Cascumpeque.

Mr. YEO described the harbour of Cascumpeque as spacious and commodious; spoke of the quantity of excellent timber suitable for

exportation growing in the neighbourhood; of the fitness of the place for trade, of the number of vessels which, from time to time, entered the harbour, and the difficulties experienced by masters of vessels loading at that harbour, especially in the fall, when, ad- ded to the distance from a Custom House, which was not less than 35 miles, the roads were in so wretched a state as to be almost impassable. He knew of one case, where, on account of the delay in clearing out, caused by the distance to be travelled, and the bad- ness of the roads, one person had had his vessel frozen in, and lost £1500. He also noticed the loss to the Revenue by many vessels running away without clearing out at all.

The Hon. Mr. POPE supported the prayer of the petition. He would leave it to any one who knew any thing of trade and commerce. Such a person would immediately see the utility, the necessity of establishing a Sub-Collector of Customs at Cascumpeque. There was not a single section of the Island more abundant in natural and commercial resources. The land there was good, it was an excellent fishing station, and at Cascumpeque was much of the best timber in the Island. If the harbour were visited by only one or two vessels in a year, instead of numbers, as was the case, the necessity for establishing a Custom House there would not be so evident as it was. It would be strange, short-sighted, narrow-minded legislation to obstruct the prosperity of the Colony by withholding a salary of £30 or £40 a year. For the consideration of the year- ly wages of a common labouring servant, were the inhabitants of Cas- cumpeque to have their natural resources shut up, and to be deprived of all the advantages of their situation? If he were one among the inhabitants of Cascumpeque he would propose raising the salary by subscription rather than they should be without the convenience of a Custom House.

Mr. RAE thought it right that the petition should lie upon the table, but said, the country could not afford to place a Custom House at the door of every merchant. He (Mr. Rae) mentioned the peculiarity of the situation of Cascumpeque: the ice's coming in in November, and the detention for a few days to clear out, frequently prevented vessels getting away at all in the fall. Whether Cascumpeque was now in a state to require a Custom House, he could not say. It had once been cut off from all land communication with other parts of the Island, but that was not the case now. There were many places in Scotland, and also in England, of much more importance than Cascumpeque, which were without Custom Houses. At one time, he admitted, it cost a vessel a week's detention while the Master went to Charlottetown to clear out. It was true, that when a vessel, in the fall, came down opposite to Princetown, and the Master went ashore to clear out, he might not be able to get aboard again. But the Western Road was now open, and, in consequence, the difficulty of obtaining a clearance was much less than it had been. It had been a matter of great grudge that a Custom House had been established at each of the extreme ends of the County. He denied that Cascumpeque had a better claim to a Custom House than some other places in the Island. Cascumpeque was not a place of so much importance as Richmond Bay, and it never would be. He alluded to the Delegation to England from Nova Scotia, and the intention of uniting, in that Province, the duties of Collector of Imposts with those of Collector of Customs. Such an arrangement was worthy the consideration of the Legislature of this Colony. These matters should be considered before they formed a final opinion. If they took up the matter, it would be well to say which ports in the Island stood most in need of Custom Houses. If Cascumpeque required one, so did St. Eleanor's.

Mr. YEO said there was business done at Cascumpeque, not by one individual, as had been hinted, but by many.

Mr. RAE replied, that if it were wished to give a true idea of the trade at Cascumpeque, it might be traced out by the returns on the table. He stated that there were not more than seven leases on the Lots bounding Cascumpeque. This fact gave no great prospect of stability to any business now being carried on there. Every man but seven might be driven away at the will or caprice of the proprietor of these Lots.

The Hon. Mr. POPE said it should be borne in mind that although there are two Custom Houses in Prince County, one of them is as much for the benefit of Queen's as of Prince County. He ridiculed the pretensions set up in behalf of St. Eleanor's. It could boast of no trade except what was carried on by a few shop-keepers or rather pedlars. They did not own more than two or three small vessels, and indeed not even so many. Would the hon. member (Mr. Rae) have the Custom House removed from Bedeque to St. Eleanor's? The gross amount of Impost Duties collected at Bedeque last year was £602; had the goods been all entered there instead of a part at Charlottetown, the duties would have amounted to £200 or £1000. This simple fact was sufficient to shew the importance of Bedeque as a place of trade.

After some further discussion, the Petition was received, and laid on the table.

Tuesday, March 3.—Mr. Speaker laid before the House two copies of Lord Durham's Report, received from the Executive Government of this Island.

Also, two works, on the Ancient History of Canada, published under the direction of the Literary and Historical Society of Quebec.

The Hon. Mr. POPE, by leave, introduced a Bill to authorize the sale, in certain cases, of Vessels and other property, seized as forfeited, under any Revenue Law of this Island.

Mr. Thomson, from the Committee appointed to draw up regulations for Packets to be employed between Georgetown and Pictou, and between Bedeque and Shediac, presented to the House a Bill, as prepared by the Committee, and the same was read the first time.

Wednesday, March 4.—The Hon. Mr. Pope, by command of His Excellency the Lieutenant Governor, presented to the House a Chart of Hillsborough Bay and the Harbour of Charlottetown, surveyed under the Colonial Statute, 2d Vict. cap. 5, by George Wright, Surveyor General, and George Peacock, Master of H. M. Ship Andromache, Commissioners appointed under the said Act.

Also, a Chart of Cardigan Bay, and the Harbour of Three Rivers, surveyed by the said Commissioners.

The Hon. Mr. Pope also presented to the House a Report made by the said Commissioners of their proceedings with reference to the above mentioned Surveys and other matters—together with the copy of a Letter addressed by Captain Baynes, of H. M. Ship Andromache, to His Excellency the Lieut. Governor, on the subject of the Fisheries in the immediate neighbourhood of Prince Edward Island.

Thursday, March 5.—The Bill to facilitate the intercourse between this Island and the Provinces of Nova Scotia and New Brunswick, by means of sailing Packets, was committed to a Committee of the whole House.

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

The Bill to authorize the sale, in certain cases, of Vessels and other property seized as forfeited under any Revenue Law of this Colony, was committed—Mr. Hudson in the Chair.

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

Friday, March 6.—Read a third time, as engrossed, the Bill intitled "An Act to authorize the appointment of Coroners in King's and Prince Counties."

An engrossed clause was offered to be added to the Bill, by way of Rider, limiting its continuance to three years from the passing thereof, and from thence to the end of the then next Session of the General Assembly.

A motion being made that the said clause be read the first time—the House divided on the question:

YEAS: Messrs. Macintosh, Palmer, Macfarlane, Forbes, D. Macdonald, Dalziel, Fraser, Macneill, Gorman, Beck—10.

NAYS: Messrs. Thomson, Montgomery, Longworth, W. Dingwell, Hudson, J. Dingwell—6.

So it was carried in the affirmative.

Several other Bills were passed, without opposition, and sent to the Council.

Mr. Speaker laid before the House several papers relating to the importation and sale of Live Stock, by the Central Agricultural Society, in conformity to a vote of the House of Assembly passed in the year 1838.

Saturday, March 7.—Mr. Rae, pursuant to leave given, presented a Bill to continue and make valid in Law all manner of process and proceedings that should have taken place in the Supreme Court at Georgetown, during the last July Term—and the same was read the first time.

A motion being made, that the said Bill be now committed to a Committee of the whole House;

Mr. Longworth moved, by way of amendment, that the said motion be for the present withdrawn.

The House divided on the motion of amendment: YEAS: Hon. J. S. Macdonald, Messrs. Palmer, Longworth, Beck, Arbuckle, Hudson—6.

NAYS: Messrs. Rae, Macintosh, Clark, J. Dingwell, Macfarlane, Macneill, Gorman, W. Dingwell, D. Macdonald, Forbes—10.

So it passed in the negative.

Mr. Palmer then moved, in amendment to the main motion, to strike out the word "now," and at the end of the question to add the words "upon Monday next."

The House divided on the motion of amendment: YEAS: Messrs. Palmer, Longworth, Hon. J. S. Macdonald—3. NAYS: 14.

So it passed in the negative.

The House accordingly resolved itself into the said Committee.

After some time spent therein, the Committee rose without reporting. So the Bill was lost.

The rest of the day was spent in Committee on the Fishery Reserves Bill.

Monday, March 9.—This day was chiefly occupied with routine business.

Tuesday, March 10.—Ordered, That Mr. Longworth have leave to introduce a Bill to amend the Act, 7 Will. 4, cap. 3, relating to Merchant Seamen.

A Petition of Peter Macaulane, of Charlottetown, was presented to the House by Mr. Rae, and the same was received and read; setting forth, that he has been harassed by impositions and overcharges, as will appear by the several documents annexed to the Petition; and praying that measures may be adopted, in order that such overcharges may in future be prevented.

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

Mr. Le Lacheur, from the Committee to whom was referred the Petition of William Scott, of Township Thirty-four, complaining of being debarred from all access to any public road, except by sufferance of the owners of the adjoining lands, and praying relief—with power to report by Bill or otherwise, presented to the House a Bill, as prepared by the Committee, to provide for the opening of Roads to farms shut out from access to any public road—and the same was read the first time.

Resolved, That this House do now resolve itself into a Committee of the whole House, on the further consideration of the Bill for the regulation of the Fishery Reserves in this Island.

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

Wednesday, March 11.—Two Messages from His Excellency the Lieutenant Governor:

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

FIRST MESSAGE:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, the Returns of Statute Labour for the past year, accompanied by Reports of the Commissioners of Roads of the state of the Roads and Bridges within their respective Districts; also, an account of the application of the moneys appropriated to this service for the past year; and the Lieutenant Governor, as heretofore, leaves it to the discretion of the House to vote the sum requisite for the services of Roads and Bridges for the current year. The Lieutenant Governor, at the same time, recommends to their favourable consideration a Petition, numerous and respectfully signed, praying for a Bridge across the Wheatly River, at the Oyster Beds—an object of great public convenience, if it can be obtained at a reasonable outlay.

The Lieutenant Governor also transmits two other Petitions—one from the Inhabitants of Crapaud and Sable, praying for a Road to the place of shipment in Crapaud Harbour; the other of Malcolm Morrison, of Township No. 45, praying for remuneration for loss alleged to be sustained by him, in consequence of the Road from the North Side to Souris running through his land, together with the Report of the Commissioner of the District, upon the subject matter of each Petition—to be dealt with as the local information possessed by the House shall enable them to advise.

As the Contract entered into with Mr. Richard Bagnall, for keeping in repair the Western Road, to the verge of Queen's County, is about to expire, the Lieutenant Governor submits, for the consideration of the House, whether it would not be expedient to make provision for receiving a similar Contract, to include the Bridges on the same Road.

The Lieutenant Governor further brings under the notice of the House, that by the terms of the Road Compensation Act, a Proprietor cannot be called on for the payment of the sum assessed upon his wilderness Land, on the opening of a new Road, until the Road is completed; and he is of opinion, that if the Legislature would sanction the advance of the sum necessary to open any new Road, the Public service would be greatly facilitated, and the rate of making such Road be much reduced, as will appear by the Reports of the Commissioners of the North and South Sections of District No. 1, upon a recent conditional letting of the Road from Hill's Mills to Lot No. 1, and the Road on the Division Lines of Lots 7 and 8, herewith transmitted.

Government House, March 10, 1840.

SECOND MESSAGE:

C. A. FITZ ROY, Lieut. Governor.

The Lieutenant Governor lays before the House of Assembly, the Estimates for the services of the current year,