

it is resolved that a humble address be presented to Your Majesty, praying that Your Majesty will be pleased to direct a Commission 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 enabling the tenantry to convert their leaseholds into freeholds as, without infringing on the rights of the landlords, may be fairly and reasonably asked for, &c."

Resolutions of the
Assembly of Prince
Edward Island,
9th May 1859.
No. 1.

6. That in the said Despatch of His Grace the Duke of Newcastle, dated 21st March 1860, in reference to a proposal emanating from Sir Samuel Cunard and others, it is stated, "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 termination." Thus clearly implying that, without such consent being first had and obtained, his Grace did not contemplate that dissentient parties would be made liable to the award.

7. That from the said correspondence of the Secretary of State, it is likewise apparent that the Act, intituled, "An Act to give Effect to the Report of the Commissioners to be appointed on the Land Question" has been passed at the instance of Sir Samuel Cunard, and a few others, chiefly non-resident landowners, who in a letter to his Grace, dated Bush-hill House, Edmonton, 13th February 1860, state themselves "large proprietors of land in this Island," and that they "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." At the same time they submit certain suggestions of their own respecting the appointment of Commissioners, "instead of the mode proposed by the House of Assembly," which suggestions, it is needless to add, have been acted upon both by Your Majesty and by the said house.

8. That the Act in question, therefore, assumes in every respect the character of a Private Bill, passed at the instance of Sir Samuel Cunard, and some other individuals who signed the letter addressed to the Secretary of State, of date above mentioned, and on referring to Your Majesty's Royal Instructions to the Governor General of the North American Colonies, of date, Balmoral, 20th October 1854, the sixteenth section is as follows:—

"And We do further direct that you do not propose or assent to any Private Bills whereby the property of any individual may be affected, in which there is not a saving of the right of Us, Our heirs and successors, and of all bodies politic and corporate, and of all other persons excepting those at whose instance or for whose especial benefit such Bill may be passed, and those claiming by, from, through or under them."

Instructions to
Sir E. W. Head,
dated Balmoral,
20th October 1854,
s. 16.

9. That the said section of the Royal Instructions for the Government of Canada applies with equal, if not greater, force to Prince Edward Island; for your petitioner humbly submits that Your Majesty's loyal subjects, the inhabitants of this Colony, are equally entitled to Your Royal favour and protection; and former Acts of the Local Legislature, disallowed by Your Majesty, prove that the "rights of property" have not at all times been held sacred by that body.

10. That by Your Majesty's Royal Letters Patent and Instructions to Sir John Colborne, formally transmitted here for the guidance of the Lieutenant Governor of the Colony, it is distinctly enjoined that all "Laws, Statutes and Ordinances are not to be repugnant, but as near as local circumstances will admit agreeable to the Laws and Statutes of Our United Kingdom of Great Britain and Ireland;" and your petitioner humbly begs leave to submit that the sweeping provisions of the Act in question are not only repugnant to the laws and statutes of Great Britain, but are without parallel in Colonial Legislation.

11. That when responsible Government was conceded to this Island in 1851, it was expressly enjoined, among other things, that the rights of property should be respected, and the laws appertaining thereunto strictly enforced; and as appears by Earl Grey's Despatch to Sir A. Bannerman, dated 12th February 1851, that any laws bearing unjustly on the owners of landed property would be disallowed by Your Majesty. This pledge has been religiously observed in the disposal of the Rent-roll and Tenants' Compensation Acts, passed in the Session of 1855, and also of a subsequent "Act relating to the Fishery Réserves;" and Sir Dominick Daly, in his Despatch, No. 70, to the Right Honourable H. Labouchere, of date the 10th of December 1855, when explaining his conduct in reference to the two former Bills, declares he has "never been unmindful that Your Majesty's Government possesses the power of causing the laws to be respected in all parts of your dominions."

12. That your petitioner was no party to any correspondence agreeing to the appointment of Commissioners on the land question; that he never entered into stipulations of any kind to abide by their award, and was not sensible, until very recently, that there was a possibility of such award affecting him, after the plain meaning of the resolutions of the Assembly, supported by the solemn and repeated declarations of successive Secretaries of State.

13. That previous to the sitting of the said Commissioners your petitioner did not know of any existing disputes between himself and his tenants, nor has he yet been apprised of any specific charges or complaints of theirs requiring the intervention of delegated authority, armed with unlimited and indefinite discretionary power above the law of the land. And in the opinion of your petitioner, the pre-existing laws of the Island, if fairly administered, are amply sufficient to adjust all questions arising between landlords and tenants, although such laws, as modified and amended since the introduction of responsible government, are highly favourable to the latter.