

past year has exceeded that of any previous year, and has been so much in excess of the Expenditure.

The general prosperity of this Colony during the past year, and the abundant harvest which has rewarded the labors of the husbandman, are indeed subjects of congratulation; and it is gratifying to learn that the Export of our staple commodities has exceeded that of any previous year.

The 1st, 2d, 3d, 4th, and 5th paragraphs were again read and agreed to without a division.

On the 6th paragraph being read—

Hon Mr COLES rose and said—Mr Chairman, that is a paragraph upon which all hon members will not agree. I at least will record my dissent from His Excellency's opinion as to the propriety of sending delegates to England until he had submitted the Duke of Newcastle's despatch of the 11th of July last to the House. This question is too important a matter for the Government to undertake to settle without consulting the Representatives of the people. But what do we see. Two delegates, with perhaps a minute of Council in their hands, going to the Colonial office and making a proposal less favorable than what the Government themselves had before refused in Sir Samuel Cunard's bill offering the lands at 15 years purchase. Members of the Government declared in this House that the tenantry were unable to pay that amount, and here they send home delegates to offer 16 years purchase. His Excellency, too, in his speech makes a statement which he certainly would not have done had it not been urged upon him by his Government. He says—"As the terms of commutation proposed by His Grace were in some respects *less favorable to the tenantry* than those which had already been offered by the proprietors, and as it seemed likely that little practical good would result from their adoption, in consequence of His Grace stating that they would not be compulsory on the landlords, it was deemed expedient that delegates should be sent to England to ascertain the views of Her Majesty's Government, and to facilitate a settlement of the question." Here, instead of stating that a despatch had been received, and it would be laid before the House, the Executive comes down and puts its own construction upon the document, by saying that his Grace's proposal was "*less favorable*" than that of the proprietors. This House ought to be allowed to draw its own conclusions. Besides, I contend that the statement is not correct, for by the Duke's scheme, as I shall presently show, a considerable portion of the tenantry would be enabled to obtain their lands at 8 years purchase. And here I may remark that in this House reflections have sometimes been cast upon the Duke of Newcastle; but I maintain that scarcely ever has such an able statesman filled the office of Colonial Minister, or at least one who has so studied the interests of this Island. In proof of the attention which he has given to our affairs I need only refer to his despatch of July last. To return to the question, I hold that the Government, considering the platform on which they were returned at the last election, were not warranted in making the proposal they did through their delegates at the Colonial office. They went to the hustings declaring their desire to carry out the Award in all its integrity, and saying that the peo-

ple could never afford to pay 15 years purchase,—that they ought to have the lands at 8s. or 5s. an acre. And last Session, too, they passed an address to have the Colonial Minister tried before a judicial tribunal for setting aside the Award; yet after all this, and without consulting the people, they change their policy, and send delegates to offer the proprietors 16 years purchase. I know it is unpleasant to be going back over the details of this question; but it is the fault of the Government. They promised when the first resolutions were passed in reference to a Commission that the matter would be settled in 8 months, and here we are at the end of several years apparently as far from it as ever. In April last His Excellency the Lieut. Governor transmitted the joint address of the Legislature, praying that the legality of the Award might be tested before a judicial tribunal, and in reply received a despatch under date of July 11th, which was published in the *Royal Gazette* here on the 29th of the same month. In it his Grace the Duke of Newcastle says:—

"I have received your Despatch No. 34, of the 9th of April, transmitting an address to Her Majesty from the Legislative Council and Assembly of Prince Edward Island, on the subject of the recent Land Commission.

"The Council and Assembly after stating at length the appointment of a Commission to examine into the Land Question, the nature of the recommendation or Award submitted by them to Her Majesty, and the circumstances under which certain Bills, based upon that recommendation, failed to receive her Majesty's allowance, proceed to observe, that the question whether this Award can, or cannot be made legally binding on the parties concerned is one proper for the consideration of Her Majesty's legal tribunals; and they conclude by praying Her Majesty to inform the Proprietors of land in Prince Edward Island, that unless cause to the contrary be shown before a legal tribunal to be provided by Her Majesty, a Bill giving effect to the Commissioners' Award will receive the Royal sanction. As I am not aware of any method by which this question could be submitted to any Court of Justice, and as the Council and Assembly have not suggested any such method, I considered that the course most satisfactory to them would be that of ascertaining from the Law Officers of the Crown; first, whether the so-called Award were, in itself, liable to any objection, founded upon any principle of law or equity; and next, whether it were possible, by any proceeding in law or equity, to give effect to the wish of the Prince Edward Island Legislature, by enabling the Proprietors or Tenants to show cause why Her Majesty's Assent should or should not be given to the proposed Bill.

"I transmit a copy of the answer which I have received to my question.

"You will observe that in the opinion of Sir W. Atherton and Sir R. Palmer, the report of the Commissioners is not properly to be called an Award at all; and in particular, 'that a recommendation, that the price to be paid by a Tenant for the purchase of his land should be settled, in each particular instance in which the Landlord and Tenant may differ about the same by Arbitration, is not either literally or sub-