

**DEBATES AND PROCEEDINGS**

OF THE

**HOUSE OF ASSEMBLY**

OF

**PRINCE EDWARD ISLAND.**

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FIRST SESSION OF THE TWENTIETH GENERAL ASSEMBLY.

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1855.

# DEBATES AND PROCEEDINGS

OF THE

## HOUSE OF ASSEMBLY.

Adjourned Session, Proceedings resumed February 13, 1855.

### SUMMARY OF PROCEEDINGS.

TUESDAY, February 13.

Hon. George Coles, Col. Secretary; Hon. James Warburton, Col. Treasurer; Hon. Edward Whelan, Queen's Printer; Hon. Robert Mooney, Registrar of Deeds; and William E. Clarke, Esq., Collector of Excise, were sworn in as Members of the House on their re-election after their acceptance of the offices set against their respective names.

Hon. COL. SECRETARY, by command of His Excellency the Lieutenant Governor, laid upon the Table a Copy of Her Majesty's Commission on the subject of the Patriotic Fund, which having been read by the Clerk, the Hon. Secretary moved that the matter be referred to the Committee of Supply. In doing so, he resumed that the House would really contribute to the object of the Commission, as had been done in the other Colonies.

Mr. COOPER opposed the motion, arguing that it was premature, the House having not as yet ascertained the amount which would accrue to the Fund from the various Public Meetings which had been held in aid of the object. The District which he represented had contributed liberally from private means, and it would be unfair to tax those who had already paid, by an appropriation of the Public Funds.

Hon. Mr. WHELAN, in reply to Mr. Cooper, alluded to the various public meetings which had been held throughout the Island, to raise contributions to that fund, at which meetings a resolution was passed, expressing the wish of the inhabitants that the Legislature should make such appropriation to the fund as the state of the revenue and the exigencies of the public service would allow; and it was a well known fact that such a resolution had been adopted by some of those meetings held in the immediate vicinity of the residence of the hon. gentleman who had last spoken. Although the subscriptions thus raised displayed a liberal and generous feeling on the part of the people of this Colony, there was no reason why the Legislature should neglect the great example set by the Parliaments of the other Provinces, especially when it is known that the various peoples represented in those Parliaments were likewise voluntary contributors to the Patriotic Fund.

Mr. COOPER thought that as the Session had but just commenced, it would be advisable to postpone any action until the aggregate amount of voluntary contributions had been ascertained.

Hon. COL. SECRETARY explained that no particular sum was now demanded. His motion being merely for a reference to the Committee of Supply, that the various meetings

manifested clearly the feelings of the people on the subject. That the returns of the different collections would show before the hon. members, but he hoped and believed that the sum voted by the House would be granted irrespective of such returns. That the revenue this year exceeded that of the last by £11,000, and that the people of the Island feeling that the brave men engaged in the war were fighting their battles, although not paid or fed by them, would cheerfully contribute what could be spared from the public purse towards the comfort and support of their widows and orphans.

Mr. HAVLAND had hoped that no opposition would have been made to the motion. Even if £5,000 had been collected out of doors, that fact should have no influence on the House, the members of which he hoped would, in their Legislative capacity, augment the sum raised for the unhappy widows and orphans.

Hon. F. LONGWORTH coincided with the last speaker, and added that they who had subscribed liberally from their private means would have no objection to a public appropriation, while they who had declined to contribute should be made to do so indirectly by the Legislative grant.

Hon. Mr. WIGHTMAN repudiated the idea of taking the amount of private subscriptions as a guide to the House in fixing the amount to be voted in supply. At a remarkably attended meeting at Murray Harbor, on the subject, not only did the people subscribe very liberally, but expressly authorized their representatives to vote for a public grant. In looking over the newspapers, he found that the sums subscribed by individuals in the Island bore a greater proportion to their means than was shewn by the returns of some parts of the Mother Country, where greater personal interest must naturally be felt in the cause.

Hon. Mr. MOONEY deprecated all allusion to the neighboring Colonies—Prince Edward Island had been treated very differently from them. They had cause for gratitude to the British Government, but this Island was down-trodden by the Imperial Authorities, and the method now proposed of augmenting the fund, by taxing the people who did not choose to contribute, and render the term "Patriotic" a misnomer.

Hon. Mr. WARBURTON thought that the amount raised elsewhere was no criterion for the House. He could speak for the people whom he represented, not twenty men there were opposed to the grant, and from his knowledge of his constituents, can state their wish that the grant should be a liberal one.



Motion then agreed to, that the Commission be referred to the Committee of Supply.

Hon. Mr. WIGHTMAN moved the appointment of a Committee on Public Accounts. The following gentlemen were appointed: WIGHTMAN, M'Donald, Perry, Whelan, Longworth, Clarke and Heviland.

Hon. Col. SECRETARY laid on the table a classified statement of the Public Accounts, by which it appears that the actual expenditure for the last year was £52,898 5s. 8½d., including the amount of £18,000 paid for the Worrel Estate, against the receipt of £46,033 16s. 6½d. Deducting, however, the purchase money of the Worrel Estate, which cannot be fairly charged against the expenditure for the year, would leave a surplus of £11,135 5s. 10½d., over the expenditure, and after paying the balance of the previous year against the Colony of £8,028 11s. 6d., would leave the sum of £8,016 14s. 4½d., clear of Treasury Notes, Debentures and unpaid Warrants.

Hon. Mr. WARBURTON laid on the table the Treasurer's Accounts for the last year. Mr. Clarke presented the Import Accounts from Bedeque. Mr. M'Donald presented the Light and Impost Accounts for the District of Georgetown—referred to Committee on Public Accounts.

On motion of the Hon. Col. Secretary, the standing order of the House requiring notice of the introduction of Bills was suspended to enable him to introduce three Bills, brought down as Government measures, viz: Tenant's Compensation Bill, Bill for appointing Sheriffs, and Bill for taking censuses, which were read a first time, and it was resolved that the Tenant's Compensation Bill should be read a second time on Thursday next, and the two others to-morrow.

WEDNESDAY, February 14.

Hon. COL. SECRETARY having presented the correspondence relative to the purchase of the Worrel estate, after the same had been read by the Clerk, said,—Mr. Speaker, as the Government deem it but right that every information, with reference to the subject-matter of the documents just read, should be furnished not only to the tenantry living on the estate, but to the public at large, I move their publication.

And I can inform the House that the Government will be able to sell the best lands, fronting on the rivers and main post roads, at 12s. 6d. per acre, and those on the Cardigan and other roads at 10s. per acre, the wilderness lands from 6s. to 10s. per acre. I will also state, sir, that the bonds formerly given to Mr. Worrel by parties wishing to purchase, and by which they agreed to pay 30s. or 40s. per acre, will be cancelled, and they will be allowed to purchase at the rate of 12s. 6d. per acre, with two years' interest on their bonds. A further boon will be granted to those tenants who are in arrears by a remission of all save two years' rent, while in many instances, eight or ten years' rent is due. To this no tenant can reasonably object. By the agreement made with Messrs. Pope & Co., all debts due from the estate were to be transferred to the Government. Sir, the Government was informed by them that they had received no money since they had purchased the property. But shortly after that statement had been made, a person came to me with a receipt acknowledging the payment of £50, and Messrs. Pope & Co. had to submit to the deduction of that amount from the purchase money.

Mr. COOPER.—I do not intend, Mr. Speaker, to object to the motion for publication. On the contrary, I think it right that all publicity should be given to the documents. I cannot, however, approve of the conduct of the Government

in concluding the purchase, without previous investigation of the title they were about to acquire.

Hon. Mr. PALMER.—Mr. Speaker, I have no objection to the publication of the papers we have just heard read; but, sir, I should like to know in what manner, and through what channels it is intended to make them public. Is it intended that they shall be published merely in the *Royal Gazette*? Sir, I hope they will appear in all the newspapers in the Island, for not only the tenantry on the estate but every man in the Colony is deeply interested in the matter. If so large a sum of the public money has been applied to the purchase of this particular property, every tenant, ay, every tax-payer, should know what had occurred. All parties, whether tenants to Lord Selkirk, Mr. Sullivan, Mr. Cunard, or any other proprietor, should know the course pursued towards the Worrel tenantry, and have a right to expect the same favor would be shown to them. I therefore trust that the correspondence will be published in all the papers, although I not believe that the Bill will be self-sustaining, nor will it confer all the benefits anticipated by its advocates.

Hon. Mr. MOONEY.—Mr. Speaker, one would suppose, from the tenor of the last speaker's observations, that the Hon. Secretary wished to restrict the publicity to be given to those documents. Sir, such never was the thought of the Hon. Secretary or the Government. We wish all the papers to publish them. I, sir, may state that I never was opposed to the purchase, although it was stated in one of the public journals that when the Executive Council was deliberating on the propriety of concluding the purchase, I was at Flinty Glen, and the Hon. Mr. Warburton in the United States. Sir, that statement is false. At the time alluded to, I was not at Flinty Glen, nor was Mr. Warburton in the States.

Mr. MCINTOSH. I am inclined to think, Mr. Speaker, that the Government were justified in effecting the purchase. It has been said that Mr. Cox was in too great a hurry to buy his land; in my opinion the same remark will apply to the government, they were, I fear, in too great a hurry also, and will find some difficulty in making all the land available. Their first duty, however, was to enquire into the title of those from whom they purchased, but I trust, Sir, that matter will be quietly settled.

Hon. Mr. LORD. Mr. Speaker, I feel satisfied that the tenantry will soon feel the good effects of the course pursued by the Government in this matter. They will no longer be compelled to take their lands under short leases at the caprice of Landlords or their agents. I agree, Sir, with the hon. Member, (Mr. Cooper) that the tenants have not hitherto received justice, but why now stir up old grievances? The Hon. Member (Mr. Palmer) seeks to make political capital against the Government by assertions, in making which I do not think him sincere, he must know that the Bill will be self-sustaining. Right glad will the people be to obtain their lands at 5s. or 6s. per acre. And I feel confident, that in 6 or 7 years not more than 1000 acres of the wilderness land will remain unsold. Why Sir, the timber alone on those lands will more than pay the price. It will be for the interest of the proprietors to sell their lands to the Government at a fair rate. Mr. Cox, by his haste, has paid some 50 or 60 per cent more than he would have had to pay, if he had waited and bought from the Government. I and my colleagues in the Government have not the slightest objection to the correspondence being published in all the papers, although, Sir, if the present position of parties in this House were reversed, I doubt whether equal liberality would be manifested.

Hon. Mr. WIGHTMAN. The question before the House,

Mr. Speaker, is simply, shall the papers be published or not? I think it right that they should appear in all the Newspapers, as it is but just to the whole people of the Island that they should be informed of the course pursued by the Government in this matter, and I say this, approving of their action in the purchase of the Worrel Estate.

Hon. Mr. PALMER.—Mr. Speaker, I did not anticipate that such a discussion would have arisen on the motion before the House, and consequently was not prepared for it. I took it for granted that the question would be brought forward in Committee of the whole House, on the general state of the Colony. I wish, as I stated before, that all publicity on the subject should be afforded to the people, as every individual is deeply interested in the matter—we have heard it often repeated, Sir, that this Bill would be self-sustaining—I for one do not believe it, it is however good policy for the Government and Hon. Members who support them, to induce the people to think that it will be so; and no doubt we shall see the parrot cry of this measure being “self-sustaining,” emblazoned on their banners at the next General Election. Time, however, will show how far this Bill is entitled to the appellation, and when you calculate the amounts of Land and School Assessment lost to the Revenue while Government retains the property, the large sums to be disbursed in salaries to Commissioners, Surveyors and Assistant Surveyors, Wood rangers, and Deputy Wood rangers, the accounts will show the measure not to be so self-sustaining as its friends predict it will be. And, Sir, I do not consider the report of the Commissioners entitled to much credit. The Government have made an improper selection of individuals to act as Commissioners; in saying this, I mean not to say any thing disparaging of them as individuals, but I do say, that men of a different stamp, and in other situations should have been appointed. One of them—Mr. Dingwell—is a land speculator and a partizan and warm supporter of the Government in this House, he has a right to purchase the lands he was employed to survey; and, Mr. Speaker, I consider the Hon. Captain Swabey a very improper person for the Government to appoint. The office of Commissioner of Public Lands, with a salary of two or three, or perhaps hereafter, four or five hundred pounds, was before his eyes, at stake on the purchase, and he should not have been appointed a Commissioner of Public Lands until the lands had been purchased by the public? Mr. Ball, too, was equally interested in obtaining the appointment. It was not to be expected that he would concur in making a report adverse to his prospects of putting fat pickings into his own pockets. On grounds such as these, Sir, I say we have not a report entitled to that confidence which would be reposed in one made by disinterested individuals, and it was the duty of the Government to have appointed as Commissioners men who were impartial and free from the influences I have mentioned; and I agree with the Hon. Member (Mr. Cooper), although I do not generally coincide with him in opinion, that the Commissioners should have investigated and reported upon the titles to the lands, and thus have put a stop to the agitation of that question. Had disinterested Commissioners reported on the validity or imperfection of the titles, the public mind would have been quieted; but now, Sir, the whole question of Escheat is revived. Who could have expected any other result from the report of such Commissioners, the mere servants of the Government, bound by regard to their pecuniary interests to report as Government wished? I repeat, Sir, my belief that the measure will not be self-sustaining, and we find the Hon. Col. Sec'y himself admitting that there may be a deficiency.

Hon. COL. SECRETARY.—Really, Mr. Speaker, I do not remember ever to have seen the Hon. Member for Char-

lottetown so good humoured and so fluent; it must be the result of his sudden agreement with the Hon. Member (Mr. Cooper). But, Sir, with reference to the objections of the Hon. Gentleman, I must inform him that the Act authorized it incumbent on the Government to appoint six gentlemen as Commissioners to report upon the value of the lands. You, Sir, were one; and does the Hon. Member mean to attribute interested motives to you? Messrs. Dingwell and Beaton were equally disinterested. And the law also expressly required the appointment of the Hon. the Commissioner of Public Lands and the Surveyor General. The Hon. gentleman has seen fit to characterize Mr. Dingwell as a land speculator, and consequently unfit to act on the commission. I deny that Mr. Dingwell is a land speculator, but were he one, it should be borne in mind that the law restricts any one individual from purchasing more than 300 acres; and the Hon. Member (Mr. Dingwell) would be acting in direct opposition to his own interest, as a speculator, if he put a high valuation on the land; no better arrangement than that entered into could have been made. The Hon. gentleman says that the Commissioners should have investigated and reported upon the titles to the land; that, Sir, was no part of their duties, they were but to estimate the value, and the investigation of the titles was the province of the Hon. Attorney General. It is unfair for the Hon. Member to attribute interested motives to the Commissioner of Crown Lands, when he well knows that the Law specifies £300 as the amount of his Salary. Why then should he stretch that amount to £500 or £600? His allusions to the present Surveyor General are equally unjust and unfounded; and, Sir, had Mr. Wright been Surveyor General, I feel sure we should have heard no such complaint. But, Sir, why did not the Government, the then leader of which, Hon. Mr. Hall, was a trustee of the Estate, conclude the purchase? I for one am quite willing to give the Hon. gentleman the benefit of his opinion, and allow him to wait till the closing of the matters of the estate, and I have no fear of the result, knowing that the Government have acted with due caution, and that, although the amount be large, the price is reasonable. Why, Sir, when I stated that the price would probably be five shillings sterling per acre, I was laughed at for making so low an estimate; and now we have purchased at five shillings currency. If the Hon. Member for Charlottetown wishes to impugn the conduct of Government in this matter, let him bring it up in Committee on the general state of the Colony, when the Government will be prepared to justify their conduct.

Hon. Mr. PALMER supposed the report would be submitted to the opinion of the House; he was not prepared to go into debate, but merely wished that all publicity should be afforded at present for the purpose of eliciting the expression of public opinion. It was the duty of the Government to bring the matter before the House. The reason why the late Government did not purchase the property, was that the trustees had sold it before that Government was appointed: this could be proved by a reference to dates.

Hon. Mr. WHELAN—I rise, Mr. Speaker, in support of the motion of the Hon. Col. Secretary, that the documents he has laid upon the Table be published, as I deem it but right that the widest publicity should be given to them, not only for the information of my constituents who are more immediately interested in the subject, but of that of the people generally, who are ardently desirous of knowing the terms on which they may obtain Land under the Act. Sir, I was amused at hearing the Hon. Member for Charlottetown state that the Government should bring the matter before the House in Committee on the general state of the Colony; in other words, should bring themselves to trial—who ever heard of such a

course being suggested? Let the Hon. Gentleman move such Committee, and I have no objection, as a supporter of the Government, to meet him and discuss the matter fully. But the Hon. Member feels that he is in a small minority and hopes by his present course to induce some supporter of the Government to move for the Committee. With reference to the observations of the Hon. Gentleman, on the amount of the Salary of the Commissioner of Public Lands, he knows right well that it is fixed by law at £300, and cannot exceed that sum. He has alluded to the great loss of Land and School tax to the Treasury, during the time the property may remain in possession of the Government. Sir, that loss cannot be very serious, when we consider that those taxes were paid up previously to the time of purchase by the Government, and now, so soon after the purchase 19,000 or 20,000 acres will be liable as before, and it is but reasonable to suppose that ere 12, ay, or even 9 months shall have elapsed, a very large portion will have passed out of the hands of the Government, and thus have contributed its proportion of Land and School Tax to the Revenue, as a great desire to purchase from Government is felt, not merely by the Tenants on the Estate, but by persons residing in Tracadie, and in various parts of Prince County, because they know that better terms can be obtained from Government than from private individuals. The hon. gentleman stated that he did not oppose the Bill: true, he did not, but he never liked it, and only declined opposition because he knew it would be hopeless; but now he seeks to paint this Bill, which he never opposed, as injurious to the best interests of the people of this Island. As soon as the land purchase bill became law, the Government of that day, which is essentially the same as the present one, advertised their readiness to purchase. The Trustees of the Worrel property did not make any offer to the Government, though they were well aware the owner was anxious to sell. He was in England, and kept uninformed of the state of things in this Island. In February last Mr. HOLL's Government succeeded the Liberals. He was one of the principal Trustees. If he and his party were disposed to put the land purchase bill in operation, they could have easily done so at that time, and have secured the Estate on terms, perhaps, as advantageous as Mr. Pope obtained, which would have been a great gain to the people. But they were opposed to the Bill, and they were deterred to let it remain as a dead letter upon the Statute Book. The hon. member, I must admit, is consistent in one particular; he intimates that the Government were hasty in effecting the purchase, that they should have waited, taken more time, &c. Why, Sir, that is a favourite plea with the hon. gentleman. When the introduction of Responsible Government was sought, his cry was 'wait, the time has not yet arrived.' The error of that opinion has been abundantly proved, and his fallacy will be manifested on this matter. Sir, by the provisions of the Bill and the course intended to be pursued by the Government, tenants can become proprietors in eleven years time; that is abundantly manifest. With reference to the remarks of the hon. member respecting the gentlemen selected to act as Commissioners under the Bill, I can only say that I know not where a better selection could have been made. Would he have the Government, in so important a matter, appoint men hostile to themselves? As the hon. Colonial Secretary has stated, and as the hon. member himself well knows, it was necessary that the Commissioner of public lands should be one; and as to the Surveyor General, if Mr. Wright had been appointed, it would have been all right. Sir, the hon. gentleman in his anxiety to damage the Government, forgets that the line of conduct insinuated as likely to influence the hon. member, Mr. Dingwell, would have an effect directly contrary to his

interests, were he, as stated by the hon. member, a land speculator, for in that case he would put as low a valuation as possible on the land; and although the hon. member has affirmed that the late government was not liable to censure for their inaction on the subject, I ask, was not an offer to sell, under the Act, made by Mr. Haviland, sen., to that Government?

MR. HAVILAND.—Mr. Speaker, I will answer that question. The offer alluded to was made to the government which composed the party now in power.

HON. SECRETARY. It was made but a fortnight before they went out of office, but before their resignation a commission was appointed and a report made.

MR. DINGWELL. Mr. Speaker, as one of the Commissioners referred to by the Hon. Member for Charlottetown, I am compelled to notice the observations he has made affecting myself, and in doing so, I can assure him that I am no land speculator nor was I ever, and nothing in my conduct can justify the Hon. Member in making the remarks he has. In discharging my duty under the Commission I acted honestly, and I tell the Hon. Member that I am, and I trust ever have been, as honest and conscientious a man as himself. It is most improper for the Hon. Member to attribute interested motives to the Commissioners who merit no such imputations.

MR. MCINTOSH. Mr. Speaker, I rise, merely to observe that I think the Government made a judicious selection of the gentlemen who acted as Commissioners; they are fully competent to estimate the value of land, and I for one am satisfied with their report. I must say, however, that in my opinion the Government were somewhat hasty in concluding the purchase, as, I believe, that had they waited a little longer, they could have obtained the land at a lower price.

MR. COOPER. The reason, Mr. Speaker of the comparatively high price paid by Mr. Cox is, that his land contained valuable improvements, it comprised 200 or 300 acres of well-fenced land, and the former residence of Mr. Worrel, &c. But my objection to the action of the Government is, that the bill makes purchasers pay for their improvements, and I certainly was under the impression that the title of Proprietors would have been investigated by the Commissioners.

On the second reading of the Sheriff's Bill, Mr. H. Haviland suggested an alteration to that part which held the sureties for a Sheriff liable for the acts of his Deputy after the death of the principal, which after some discussion was adopted without division.

February 14.

#### TENANTS' COMPENSATION BILL.

On motion of the Hon. Col. Secretary, that the House go into Committee on the Tenants' Compensation Bill—

MR. COOPER opposed the motion, on the grounds that the Bill was but a prop to the Landlords' titles. It applies merely to a certain class of tenants, those who held written leases for definite periods, while it made no provision for the relief of the large class who had short leases, or had settled on land under an implied promise of a lease, or those whose settlement had been known to the proprietor and not objected to for years. If a general measure, affecting all classes of tenants were adopted, it might be of some service, but the present Bill tends but to strengthen the position of Landlords, instead of embracing provisions to investigate their titles. The arbitrators to be appointed under the Bill, should be empowered to enquire into and report upon the rights and titles of both Landlord and Tenant, and if a

Landlord should be found to have exceeded his authority it should be known.

Hon. COL. SECRETARY said that the Hon. Member who had last spoken, had thrown quite a new light upon the Bill; he appears inclined to make it include all classes or settlers. But, Sir, this Bill is intended to apply merely to parties under agreement for rent, who may have been ejected before the expiration of the period specified in their leases. It is not proposed to extend its provisions to those tenants for short periods whose leases shall have expired; and it has been framed to meet the present settlement of the Country, and is required by the state of affairs caused by the original grants. By this Bill, if a tenant should fall into arrears of rent, it might be by outlay for improvements, he cannot be ejected for those arrears, without receiving the value of the improvements he has made upon the land. The Compensation which the Bill provides will encourage tenants to make improvements, as they will feel that they have a property in the results of their labor and outlay of capital. In cases where the value of the improvements, estimated by arbitrators, shall exceed the amount of the arrears, the tenant will receive the difference. If, Sir, the views of the Hon. Member (Mr. Cooper) be adopted, there will be no end of the matter and no beneficial conclusion can result. Better, Sir, to let this Bill pass, as we wish to benefit the tenant as far as possible. A Bill similar to this passed the House three years since; on that occasion it was maturely deliberated, and received very general support. The Hon. Member had better embody his views in a separate Bill, and not jeopardize the benefits sought by this measure, by the addition of other matters which might cause the loss of the whole.

Hon. Mr. MONTGOMERY had voted for the previous Bill, and would not oppose the present, although he did not think it would do all the good expected from it—if the Bill became Law, Landlords would not proceed against the tenants by the mode of ejection, but would sue the tenants, as for any other debt, and thus avoid the necessity of paying for improvements.

Hon. COL. SECRETARY. The objection of the Hon. Member does not affect the Bill. For supposing that a Landlord should pursue the course stated by the Hon. gentleman, the land will be sold by the Sheriff at public auction, where competition will secure to the tenant the value of his property. The Sheriff must give ample notice of the intended sale, and if the property should bring £100, and the claim of the Landlord be but £30, the balance would be paid over to the tenant: without this Bill the tenant will have no security. I have heard many instances of agents of proprietors using the influence of their position according to their political bias, and in one instance, an agent, within 15 miles from Charlottetown, threatened to turn off a tenant because he was not on the same side in politics. Pass the Bill now before the House, and should such a case occur in future, the proprietor must pay the value that the tenant has conferred upon the land.

Mr. DOUSE, I do not know, Mr. Speaker, whether the Hon. gentleman alluded to me as the agent in the case he has mentioned, nor do I care. If, however, he does refer to me, I can tell him that his probable informant, should have been the last man to have said a word in the matter. He went on the land with the understanding that he was to take a lease, he never paid a farthing of rent, and refused to execute the lease which was prepared, stripped the land of the timber, and what arbitrators, I would ask, could estimate the damage sustained by the proprietor in such a case. Talk of paying such a person for his improvements! Why, Sir, the property would have been worth much more, if he had never

gone on it. I foresee that such men will endeavour to rob the proprietors by seeking shelter under this Bill. The allusions of the Hon. Secretary to the conduct of agents do not apply to me, I have managed extensive estates now for 22 years, in this Colony, and during that time I never have, and I trust I never shall feel obliged to eject an honest tenant for arrears of rent, God forbid that I should deprive any man of the fruits of his honest industry.

Mr. McINTOSH would wish that a Bill applicable to every case that could arise affecting lands should be introduced—the present Bill did not go far enough, but he would not oppose it on that account. The Hon. Member mentioned the case of Mr. Keefe, who had located himself upon Lot 40, without a lease or written agreement as to his tenure; after several years occupation the proprietor wanted the land, but the tenant would not give up possession without being paid for his improvements, the value of such improvements was referred to arbitrators who awarded to Mr. Keefe such a sum that, after deducting the Landlord's claim for rent, he was enabled to purchase a freehold property. He mentioned this as an instance of the benefits likely to accrue under the Bill. Labor should be protected whether the laborer were under lease or not.

Hon. Mr. WARBURTON recommended the reference of the Bill to Committee.

Hon. Mr. MOONEY stated that the present discussion was unnecessary, as the Bill had been before the House twice before, and had received its sanction. If it does not embrace all that some Hon. Members may require, I am willing to take it as an instalment of justice—it is good policy to take all we can get. Such a measure is necessary for the protection of the poor tenants, for the man who goes into the woods to make a living for himself and family. That man must, notwithstanding the complaint of the Hon. Member for Belfast, about the destruction of timber, cut down trees to clear the ground for crop, build his hut and must have a little wood for fire, if he would not be eaten up by the mosquitos, (laughter.) If the Hon. Member will only give leases for 999 years, I will promise him that there will be no destruction such as he has mentioned. I can state, from my own knowledge, the case of a tenant, who owed £50 for rent, whose farm was seized and sold for the rent. It brought £80, and the Landlord received not only the amount of his claim, but took the surplus. If this measure will have the effect of relieving even 20 tenants in such cases, it should be passed, and any alteration in its details, can be effected in Committee.

The Bill was then read by the Clerk, after which the House went into Committee on it, Mr. McDonald in the chair.

## SUMMARY OF PROCEEDINGS.

WEDNESDAY, February 14.

The Hon Mr Speaker communicated to the House a letter, addressed to him by the Secretary of the Mechanics' Institute, Charlottetown, intimating, that by the rules of that Institute, the Members of the Legislature are admitted to the Lectures.

Resolved, That a committee of three members be appointed to examine what laws have lately expired or are near expiring, with leave to report from time to time, by Bills or otherwise.

Ordered, That Mr. Clarke, Hon Mr Wightman and Mr H Haviland do compose the said committee.

Mr Clarke in his place presented to the House the Impost Accounts for the District of Charlottetown, for the past year.

Ordered, That the said accounts be referred to the committee appointed to examine and report on the Public Accounts, to examine the same and report thereon.

Hon Col Secretary by command of His Excellency the Lieut.

Governor, presented correspondence on the various subjects of the Reciprocity Treaty, removal of the Troops from the Island, transfer of the Customs Establishment, and purchase by the Government of the Worrel Estate — which having been read by the Clerk, the Hon Secretary moved that the latter document be published in the papers for general information, which, after some discussion, was unanimously agreed to.

The Bill providing for taking the Census passed in committee with amendments.

The Bill to vest the appointment of Sheriffs in the Government is the order of the day.

### THURSDAY, February 15.

The Bill for vesting appointment of Sheriffs in the Government, was read a second time, and after a trifling alteration, was ordered to be read a third time to-morrow.

### FRIDAY, February 16.

The Hon Col Secretary presented to the House certain papers connected with the Worrel Estate purchase, and among others, one containing the reasons which induced the British Government not to sanction the Prince Edward Island Bank Bill.

Tenants' Compensation Bill was read a second time.

Census Bill was read a third time and passed.

Several petitions were presented, among the rest, the following from the Royal Agricultural Society:

To the Hon House of Assembly in session convened.

The Petition of the Royal Agricultural Society of Prince Edward Island.

Respectfully Sheweth—

That in the last session of the Legislature your Honorable House granted the sum of one thousand pounds for the importation of three Horses from Great Britain, but which grant, as your Petitioners believe, through some mistake or misunderstanding, was rejected by the Legislative Council.

That the Farmers throughout the Island have, during last summer, suffered much inconvenience and loss in consequence of the deficiency in the number of Stud Horses, and which inconvenience will be more severely felt during the coming summer, unless immediate measures are taken to import Horses, before the season, at which their services are required, commences.

Your Petitioners are of opinion that it is absolutely necessary to import at least six Horses, to meet the wants of the Agriculturists in the different Counties, but your Petitioners fear, that should they all be imported from Great Britain, they will not arrive on the Island until the season is partly over.

Influenced by these considerations, your Petitioners propose to import only three Clydesdale Horses, and to despatch a person in April to the United States, to procure three Horses there, and bring them to this Island by the way of Shediac, by which means there would be a certainty of having one Horse in each County, at the commencement of the season.

From the unanimity which prevailed on this subject, in your Honorable House during the last session, your Petitioners feel it unnecessary to recapitulate the arguments used in the Petition then presented to your Honorable House.

Your Petitioners therefore pray, that the sum of one thousand pounds, or so much thereof as may be necessary, be granted to this Society, for the purpose of enabling it to import six Horses during the next summer.

And your Petitioners, as in duty bound, will ever pray, &c.

On behalf of the Royal Agricultural Society.

Committee Room, R. A. Society, Feb. 7th, 1855.

### MONDAY, February 19.

Hon Mr Mooney presented a petition from Malcolm MacKenzie, School Teacher, praying allowance of his salary for six months, which had been withheld on account of the number of pupils being less than the number required by law—and the House decided to refer that and similar applications to a Special Committee to examine and report upon, and the following gentlemen were appointed as the Committee, viz:

Hon Mr Mooney, Mr Munro, Mr Dingwell, Hon Mr Montgomery, and Hon W. Lord.

Mr Perry presented a petition from James Gillanders, Teacher, which was referred to the Committee.

Hon Mr Mooney presented a petition from sundry inhabitants of Townships 14, 15, 16, and 17, praying grant in aid of individual subscriptions to build a bridge across Haldimand River.

Ordered to lie on the table.

The Hon the Speaker laid before the House the Impost and Light Duty Accounts, for the district of St. Peter's for the past year.

The Hon Col Secretary by leave introduced a Bill for establishing a Normal School and in further amendment of the free education Act, which was read a first time and ordered to be read a second time to-morrow.

After which the House went into Committee of the whole on the Tenants' Compensation Bill.

After an animated discussion an amendment moved by Mr Cooper, to extend the provisions of the Bill to Tenants whose leases had expired, was negatived by the following division.

For the amendment.—Messrs McIntosh, Cooper, Hon Mr Montgomery, Hon Mr Longworth.—4.

Against the amendment.—Hon Mr Wightman, Hon Mr Warburton, Hon Mr Whelan, Hon Mr Coles, Hon Mr Lord, Hon Mr Mooney, Hon Mr Speaker, Messrs Dingwell, Munro, Perry, Murhead, Douse.—18.

Committee rose and progress was reported when the House adjourned.

### TUESDAY, February 20.

Mr. Cooper presented a petition from J. Campbell, Teacher, Bay Fortune, praying payment of his salary for 6 months, read and referred to Committee on teacher's petitions.

Also, a petition of divers inhabitants of the Eastern section of King's County and others praying a grant to extend the New Harmony Road to the East Point, page, Lot 47, which was read.

The following petitions were received and read, viz:—By Hon Mr Mooney—from inhabitants of Township No. 50, for grant to build two Bridges, and repair road.

By Mr Laine—from inhabitants of Township 21, for grant to open a road to Mill Vale.

The following papers were submitted by the Hon Col Secretary, viz:—Report of Superintendent of the Public Works on Panmure Island Light; report of Commissioner appointed to inspect Ellis River Bridge; report of Henry Palmer, Esquire, Indian Commissioner, and letter of Theophilus Stewart, Esquire, on the subject of the Indians; report of Commissioners appointed to examine and report as to which of two lines dividing Lots No 67, 26 and 25 it will be advisable to adopt.

Report of Commissioners on proposed new line of road from Montague Bridge to Georgetown Road; report of Commissioners on intended new line of road from Argyle River Settlement to the South Shore; report of Commissioners on the practicability of selecting a line of road, avoiding three hills, on the road leading from Souris to East Point; report of Commissioners on Survey of Campbell's Cove, Lot 47; report of the Superintendent of Public Works, on repairs of Vernon River Bridge; petition of the inhabitants of Launching Place and Grand River (South Side), for the establishment of a Post Office; Account of Joseph MacDonald, for repairs to Georgetown Jail Yard Fence—referred to Committee of Supply.

Hon Mr Wightman moved the third reading of the Sheriffs' Bill, on which a very animated discussion arose, principally between the Hon Mr Palmer and the Hon Col Secretary, Mr Palmer moved that it be read this day 3 months, which was negatived, on division, and the Bill was passed.

### WEDNESDAY, February 21.

The following Petitions were presented to the House, and the same were severally received and read, viz:—

By Mr PERRY—From inhabitants of Townships 14 and 16, praying grant to build Bridge across the Southwest branch of Ellis River. Also, from inhabitants of Townships 13, 14 and 15, for aid to repair and Bridge a Road on the division line of Townships 13 and 14, from Egmont Bay to the Main Western Road.

By the Hon Col Secretary—From inhabitants of Townships 8 and 9, for aid to complete Road from Pierre Jacques to the Brae Settlement—ordered to lie on the Table.

Resolved, That the House will to-morrow take into consideration all matters relating to Roads, Bridges and Wharves.

The Hon Mr Speaker laid before the House the Report of the Visitor of Schools for the present year, of which 300 copies were ordered to be printed and distributed—one copy to each public school—the residue for the use of the Legislature and Board of Education.

The Hon Col Secretary presented to the House a letter from the Visitor of Schools, relative to the contemplated Normal School which was read, and the consideration of it was ordered to be referred to the House when in Committee on the Normal School Bill.

Hon Mr Lord, by command of His Excellency, presented to the House a Message, on the subject of the permanent tenure of office by Assistants in the public departments.

Mr Murhead presented the Impost Accounts from Cascapec, also from Richmond Bay—referred to Committee on Public Accounts.

Hon Mr Whelan presented a Petition from the Office-bearers of the Mechanics' Institute of Charlottetown, praying Act of Incorporation, and grant in aid of the Library and Apparatus.

The Hon Col Secretary introduced an Act relating to Emigrants.



THURSDAY, February 22.

The following petitions were presented, received and read, viz:—

By Mr McIntosh, from Patrick Scully, for compensation for road through his farm.

By Hon Mr Montgomery, from Jeremiah Simpson, Esquire, praying payment of his salary as Road Commissioner, part of which had been withheld by Government.

Ordered to lie on the table.

Hon Col Secretary, by command of his Excellency laid before the House the Estimates for the current year. Ordered to be referred to Committee of Supply.

The House went into Committee of the whole on all matters relating to Roads and Bridges. Mr. Haviland in the Chair. The following resolutions, introduced by Hon Mr Wightman, being reported from the Committee, were agreed to by the House:

1st. That the sum of £7000 be granted for the service of Roads, Bridges and Wharfs for the present year, including all special grants that may be hereafter granted, during the present Session.

2d. That out of the amount voted in the foregoing Resolution, the following sums be apportioned to each County, for the general service of Roads, Bridges and Wharfs, viz:—

Queen's County,	£1700
King's County,	1300
Prince County,	1300
Charlottetown Royalty,	500

3d. That the sum of £300 be granted for the contingent expenses of Roads, to be equally divided between the three Counties.

Resolved, That the sum of £200 be granted and paid under the Road Compensation Act, should the same be required.

Hon. Mr Lord presented a petition from Thomas Craig, Township 27, praying aid to open a road—referred to Road Committee.

On motion of the Hon Secretary, it was resolved that there be a special Committee to receive tenders for publishing the debates of the House on a sheet of 4 pages of the size of the journals. Hon Col Secretary, Mr Longworth and Mr. Haviland, Committee.

Agreeably to Resolution, the House went into Committee on the subject of the Patriotic Fund. The sum of £2000 was voted on the following division.

YEAS.—Hon Secretary, Hon Mr. Montgomery, Hon Mr Wightman, Hon Mr Lord, Hon Mr Palmer, Hon Mr Whelan, Hon Mr Warburton, Hon Mr Longworth, Messrs. Haviland, Muirhead, McDonald, Dingwell, Munro, Douse.—14.

NAYS.—Hon Mr Mooney—Messrs. Cooper—Perry—Laird—McIntosh.—5.

Some of the hon members who opposed the vote did not object to the principle involved, but thought the amount disproportionate to the resources of the Island.

After the division, the House, previously to adjournment, on motion of the Hon Colonial Secretary, gave three hearty cheers for Her Majesty the Queen.

FRIDAY, February 23.

Several petitions were presented, only one disposed of, which was a petition from Donald McKay, of New London, presented by Hon Colonial Secretary, praying compensation for a barn and outhouse destroyed by fire in 1852—alleged to be the work of an incendiary,—ordered to be withdrawn, the House declining to establish a precedent for such applications.

Several Bills introduced and read a first time:—From the Committee on expiring laws—An Act to continue and amend the Act relating to Herring and Alewives Fisheries—An Act to continue the Emigration Act, read a third time. Introduced by Mr Muirhead: An Act to amend the Act relating to the appointment of Coroners, with a view to an increase of their numbers. By Hon Mr Palmer: A Bill to reduce the fees taken for registry of deeds; and a Bill relating to stamped instruments the object of which is to render valid deeds and other conveyances of property in this Island, when the same may be executed in Britain on unstamped paper. Those three Bills stand over for a second reading.—The House again went into Committee

on the Tenant's Compensation Bill, and agreed to the same. Adjourned.

The House of Assembly did not meet on Saturday or Munday, the 24th and 26th February, owing to the absence from town of several members.

TUESDAY, February 27.

The Hon. Col. Secretary reported from the Committee on publishing the debates and proceedings of the House, that Mr. Hughes's tender for £1 17s 6d per sheet was the lowest, and recommended its acceptance. The report was received and adopted by the House. The other tenders were respectively £2 10s, £2 18s and £3 3s.—The Bill relating to Emigrants was read second time and passed.—The Bill relating to the rules and limits of Jails, which was merely a continuation of the old Act, was read a first and second time, and ordered to be engrossed.—The Bill for the protection of the Herring and Alewives' fisheries was read a second time and ordered to be engrossed.—The Bill provides that violations of the Act may be proved by the oath of one or more witnesses instead of two, which were required by the old Act. Act to be in force ten years.—Mr. Palmer's Bill, rendering unnecessary that deeds and other documents affecting property in this Island and executed abroad should be stamped, passed.—The Census Bill, as amended by the Legislative Council, was read a second time.—Mr. Cooper presented a petition from Charles Mullen, an old pauper—referred to the Committee on paupers' petitions. Also a petition from John Burke, of Souris, praying compensation for boats and scows rendered comparatively valueless by the erection of the new bridge. After some conversation, the petition was laid upon the Table.—Mr. Cooper also presented a petition of Fidell Pocquet, of Souris, praying compensation for land used as a road. It appeared that petitioner's land was a good deal cut up by roads, and that he had allowed the road which was the subject of the petition to be opened and used several years since. This fact, in the opinion of hon members, was a strong objection to the claim. Laid on the Table.

A discussion then arose on the presentment, by Mr. Cooper, of a petition from sundry inhabitants of the first district of King's County, praying the recovery, by the Government, of the lands which had been forfeited, and the settlement of the tenantry, who had improved the lands. The Hon. Col. Secretary entered at some length into the questions involved in the petition, for the purpose of letting the people of the country know, as soon as possible, that the Government did not intend to advocate a measure of escheat, on the ground that it was now impossible, and that even if the Legislature should pass a Bill to that effect, the Imperial Government would not sanction it. He showed that when the hon. member who introduced the petition was Speaker, a Bill for the purpose was introduced and disallowed; and cited extracts from different despatches, expressive of the determination of the British Govt. not to allow any such Bill to become law. The Hon Col Secretary and the Hon Col Treasurer attributed the petition to the efforts of designing men who went about the country for the purpose of exciting feelings on this subject, which would not otherwise have arisen. Messrs Cooper and Macintosh stated that the dissatisfaction was occasioned by the high price charged, by the Government, to the tenants on the Worrel Estate, who had been induced to believe that their lands would have been offered to them at a far lower price than they were now called upon to pay; and that the Government, by the price paid to the parties from whom they purchased, had really given a double value to the titles of the proprietors. It was alleged, in reply to this objection, that the price asked was barely sufficient to cover cost and charges; and Mr. Cooper was requested to name a day for full discussion of the question. The hon. member not being, at that time, prepared to name a particular day, the petition was laid upon the Table, with the understanding that Mr. Cooper would fix a day for taking up the whole subject.—Hon. Mr. Whelan presented a petition from a School Master, Michael Dinn, in King's County, which was referred to the Special Committee on Teacher's petitions; and Hon. Mr. Warburton, one from Mary Ann Murphy, School Teacher, referred to same Committee; and four road petitions, referred to Committee on roads. The House then adjourned.

WEDNESDAY, February 28.

The Tenant's Compensation Bill was read a third time and passed; also, the Act relating to the rules and limits of Jails, and the Bill for the protection of the Herring and Alewives Fisheries, and the Bill relating to stamped instruments, introduced by the Hon Mr Palmer, who explained the object of the Bill, which will render stamps unnecessary to the legality of instruments affecting property in this Island. Hon Mr Longworth introduced an Act for the Incorporation of Charlottetown, and in doing so the hon gentleman briefly explained the principal features of the measure. The Bill resembled that introduced last Session by the Hon Mr Palmer, and he deprecated the introduction of party feeling in its consideration. It was deemed necessary to incorporate the town, and the Bill was based on the Acts of Incorporation in other places. It was proposed to elect the Mayor from the Common Council. The Mayor, Recorder and City Clerk were the only civic functionaries to be paid. The fines and license fees would greatly diminish the expense of the municipal organization; and he concluded by observing that, as the name 'Charlottetown' would be inappropriate for a city, he would sug-

gest that the incorporated municipality be known as 'Charlottetown.' The second reading of the Bill was made the order of the day for Wednesday next.

The Jury Act, as amended by the Council, was read a first time, and ordered to be read a second time to-morrow. Hon Mr Whelan presented a petition from the inhabitants and trustees of school at Birch Hill, Lot 56, praying allowance to the teacher; also, a petition from the trustees of the Catholic school in Charlottetown, praying grant to pay off arrears of salaries due teachers previously to the school coming under the operation of the Free Education Act,—both referred to special Committee on school petitions. Mr Cooper presented a petition for allowance to teacher of school at Chepstow; also, a petition from Roderick McDonald for compensation for loss sustained on his contract in repairing a road in Township 52—laid on the table. Hon Mr Whelan, from committee, presented a Bill regulating the proceedings on controverted Elections of Members of the House of Assembly, which was read a first time. The Normal School Bill was then read a second time, and the House went into Committee of the whole upon it—Mr Perry in the chair. A very animated discussion then ensued, the general tone of which evinced approval of the establishment of such an institution.

### FRIDAY, February 16.

The Bill providing for taking the Census was read a third time and passed. Hon. Mr. Wightman presented some petitions on roads and bridges, which were laid upon the table.

#### BANK BILL.

Hon. COL. SECRETARY, among other papers, laid upon the table extracts from a despatch from Sir George Grey, giving the reasons which had induced Her Majesty's Government to withhold the Royal Assent from the Act for the incorporation of the Prince Edward Island Banking Company; and in moving that the latter document be published in the *Royal Gazette*, stated that the Imperial Government had always carefully scrutinized any measure of this nature, and it was right that they should do so. I am not surprised that the Bill did not receive the Royal Assent. The clause allowing the Bank to withhold the redemption of their own paper, was quite sufficient to destroy it. I will suppose the case of a man about leaving the Island—he wishes to get money: he takes the notes to the Bank and asks that they be redeemed; he is told that it is not convenient to pay the cash, but that he will be allowed twelve per cent. interest until they are paid. What must he do in such a case? The Bank, according to the Bill, can tell him that it is not convenient just then to take up their paper, but that he can receive twelve per cent. interest on the notes he holds. What compensation, I ask, is that to a man in the circumstances I have supposed? He wants no interest. He requires cash, and cash he must have; and this Bill would have the effect of compelling him to take the notes to a shaving-shop. The Bill is objectionable in other respects. It contains no clause limiting the amount of real estate to be held by the Bank. Such property is not required by such an institution. Specie, not real estate, should be the capital of a Bank. Their banking house is the only property of that kind that a Bank requires. Again, under this Bill, shareholders are not liable for the consequences of any mismanagement on the part of the directors, beyond the amounts of their respective shares. They should be responsible for at least double the amount of their subscribed stock. For these reasons, Mr. Speaker, I consider the British Government justified in refusing their sanction to the Bill, and I move that the paper I have presented to the House be published once in the *Royal Gazette*.

MR. HAVILAND.—I was not present, Mr. Speaker, when the document was read, and am consequently unprepared for discussing the matter now, but I must say that the reasons assigned by the Hon. Colonial Secretary for the rejection of the Bill are, in my opinion, frivolous in the extreme. Among other objections, there is one relative to the issue of small notes. Strange, indeed, to find such an objection to

this Bill, when the Banks in Nova Scotia and New Brunswick are allowed to issue such notes! and, sir, a clause similar to that allowing the Bank to suspend specie payments, on paying twelve per cent. interest during the period of such suspension, is to be found in the Acts incorporating those Banks. Why was it not objected to in their cases? But, sir, the clause was inserted, and would operate as a penalty on the Bank, and a security to the public. Any holder of its paper could sue the Bank in the same manner as any other debtor. I wish the matter to be fully discussed, when hon. members may have had time to consider the objections; at present I am not prepared to take it up.

Hon. COL. SECRETARY did not intend to enter into the discussion of the objections at that time, his only object in making the observations he had, was to shew hon. members the propriety of his motion for publication. He denied that the twelve per cent. clause was penal, for while the Bank were allowed to issue paper to thrice the amount of capital subscribed, they would be in the receipt of eighteen per cent., and deducting the twelve per cent., would still receive six per cent. on their paper, for which the public had no security. The hon. member had stated that a similar clause was to be found in the Bank Acts in the other Colonies, but there was this very material difference between those Acts and the present, that they expressly limited the period of suspension, after the expiration of which, the Charter of the Bank became forfeited, but this Bill provided no time for the resumption of cash payments. He would be willing to give a reasonable time for the Bank to obtain specie, but thought that the Charter should be forfeited after sixty days' suspension of specie payments. With reference to the hon. member's remark that the Bank might be sued, he would only observe, that the liability of the Bank to be sued would be practically of no benefit to the public, for there being no Bankrupt Law in force in the Island, after the time lost in obtaining judgment against the Bank, the creditor might find that there was nothing left on which he could realize his claim.

MR. HAVILAND.—The Hon. Col. Secretary states that the twelve per cent. clause was not a penalty on the Bank, inasmuch as they might be making eighteen per cent., and only paying twelve; but if the clause were struck out, what security would the public have? The Bank would then receive the whole eighteen per cent.

Hon. MR. LORD was opposed to the publication. He considered the present discussion a waste of time. Nearly three-fourths of the clauses of the Bill had been objected to. If we want a Bank, we had better state our wishes to the Imperial Government, and take whatever measure they may please to give us. I will not vote for the publication, Mr. Speaker, though other hon. members may. I wish to see a Bank established in Charlottetown; it is very much needed; every man in business feels the inconvenience and annoyance to which the community is subjected for want of such an institution. I know that I, for one, feel it very seriously; but really if such objections as these are to be made, we may as well abandon the idea at once.

MR. HAVILAND agreed with the hon. member who had just sat down, and supposed that under Responsible Government we were to have the management of our own affairs—the British Government would not make fish of one and flesh of the other. The Bank of Westmoreland, in New Brunswick, had similar clauses, and the Act incorporating it had passed simultaneously with our own, and had not been objected to. Talk of security to the public—why, sir, I believe there are upwards of £60,000 of foreign bank paper

afoat in the Island, and what security have the public for one penny of it?

Hon. Mr. MOONEY was present at the passing of the Bill, and, at the time, thought that there was no security for the public, and thinks so still. The 12 per cent. interest, payable by the Bank, is no equivalent to any person, whose business requires cash, and the Bank would still make a profit of 6 per cent on paper which they could not, or would not, redeem.

Hon. Mr. WARBURTON was in favor of the publication moved for by the Hon. Col. Secretary. It was right that every information on the subject should be furnished to the shareholders and the public at large.

Hon. Mr. MONTGOMERY had no objection to the publication. The Bill was no party measure, hon. members on both sides of the House were in favor of it.

Hon. Col. SECRETARY would mention that the Westmoreland Bank, and other Colonial Banks are restricted as to the period of suspension of specie payments. The Hon. Member (Mr. Haviland) had stated that £60,000 of foreign paper was in circulation in the Island. Well, if people choose to take it, Government cannot interfere, but the Government do not take it. It will not be received at the Treasury. With reference to the remarks of the hon. gentleman and the Hon. Mr. Lord, as to the right of the British Government to interpose in our local affairs, they both know that the Home Government have always exercised careful supervision over all colonial legislation, especially on the subject of Banking. The Bill was drawn up by, and for, the old Tory party, and if in operation would give that party a monopoly of the monetary business of the Island. The objections are, in my opinion, well founded, and I think that the more carefully guarded the Bill is, the greater will be the security to the shareholders and the public. Hon. members cannot reasonably expect every Bill we may pass to be assented to in England. But since the introduction of Responsible Government into the Colony, but one Bill was rejected. The One-ninth Bill was sent back merely that it might receive one amendment. That Bill should have been passed without a suspending clause. Most probably the proprietary interest was employed against it at the Colonial office.

The motion for publication in the *Royal Gazette* was then carried.

Hon. Col. SECRETARY, in presenting additional papers connected with the Worrel Estate, to be published with those he had previously submitted, stated, that since the subject had been before the House, a receipt for £30 paid to the late proprietors, had been produced to him, and he mentioned the case of a person who had purchased a portion of the Estate, containing 60 acres for £75, the interest on that sum was £22 10s. making in all £97 10s., of which he had paid to Mr. Desbrisay £56 9s. 2d., whereas had he purchased from Government under the Bill, he would have had to pay but £37 10s. for his land, and even with the addition of two years interest, would have made the cost but £45 10s. Thus showing that he had already paid about £10 more than he need have done, and had incurred a debt of £51 which might have been saved.

The House in Committee on expiring laws, decided, after a little humorous conversation, not to re-enact the Act for encouraging the destruction of Bears and Loupcerviers, by granting a bounty, but to vote a sum for such purpose in supply annually.

SATURDAY, February 17.

The Hon. The SPEAKER presented to the House a letter

and papers he had received from the Trustees of the Lunatic Asylum, which were referred to the Committee of supply.

### STUD HORSES.

The Hon. COL. SECRETARY presented a petition from the Royal Agricultural Society, praying a grant of £1000 to enable them to procure six Stud Horses, for the use of the Island. The Society contemplated obtaining three of the horses from the United States in time for the next season, and the remaining three from Great Britain in time for the following season, and he moved that the petition be referred to the Committee of supply.

Hon. Mr. LORD wished the opinion of the House to be expressed before referring the petition to the Committee.

Mr. COOPER thought it would be better that the petition should lie on the table, and the merits could be discussed in Committee of supply.

Hon. Mr. WIGHTMAN agreed with the Hon. Mr. Lord that the House should consider the matter now. The hon. member declared his disapproval of the importation of heavy horses as being unsuited to the requirements of the country. Those of lighter weight are of greater service to the people, as there is now comparatively but little heavy timber to be hauled, and he was of opinion that whatever number of horses it might be deemed advisable to import should be procured from the United States, whence they could be obtained, of the suitable kind, at less trouble, risk, and expense than from Great Britain.

Mr. HAVILAND.—The question is, shall we have horses or not?—He was prepared to support the prayer of the petition for the full sum asked. Hon. members should bear in mind that the horses would be sold, and the price to be obtained for them would probably nearly amount to the cost.

Mr. McINTOSH did not approve of heavy horses. The country does not require them. We have seen that all our heavy horses have been taken off the Island. It would be far wiser to import the kind we want for our own use. He considered the Canadian breed of horses well suited to this country. A sufficient number of them could be procured for a less sum than one thousand pounds which he considered extravagant.

Hon. Mr. MONTGOMERY was in favor of granting the whole sum asked. He considered that no appropriation more advantageous to the country could be made. Large horses were of great benefit to the country, as they were sold at high prices to the people of the neighbouring Colonies, and thus a large amount of money went into the pockets of the farmers.

Hon. Col. SECRETARY.—Mr. Speaker, hon. members may talk about the Country not requiring large horses, but I firmly believe that one Clydesdale Horse has been worth fully £100,000 to the Country. The high character of that horse's stock gave general reputation to Island bred horses, and brought to our shores purchasers at high prices from Nova Scotia and New Brunswick. The best stock is a cross between a thorough bred and a Clydesdale. Fifty pounds are now paid for a horse instead of the fifteen or twenty pounds of former years. Why, Sir, but a short time since, I sold to my hon. friend on my left a mere pony for £50.

Hon. Mr. LORD.—You did indeed. (Laughter.)

Hon. Col. SECRETARY.—And now, I know, he would not take £75 for it. King's County has now the best horse in the Island. It was imported last year. The farmers must raise large horses which will bring them high prices. The demand for our horses in the neighbouring colonies is so great, that it is no uncommon thing to see 18 or 20 horses in a string, the purchase of one man. The full sum of £1000



will be required to meet the great and increasing demand. If four horses had not been lost last year, £500 would have been all that would have been asked for this season. The reason of the rejection by the Council of the grant last year was some dissatisfaction at the individual appointed to select the horses. Some American horses are well adapted for the use of the Colony, but the Clydesdale is the breed required for market.

Mr. COOPER.—I consider, Mr. Speaker, that £1000 is a large amount to be appropriated for such a purpose, in addition to all we have already given. If the horses that have already been imported have been of as good a breed as is alleged, that breed should be preserved. If not, surely we can employ the money to more advantage. If we are always importing, and not retaining the stock in the country, we are but wasting money.

Hon. Mr. MOONEY.—Mr. Speaker, the hon. leader of the Government is always talking of the necessity of importing; he is amazingly fond of crossing the breed; he will tell you that the Agricultural Society in Charlottetown must be kept up at any expense—that we must have heavy horses. Why, Sir, I have a little mare, and I bet the hon. leader £20, that I'll take her and obtain four votes before he, on his high horse, could get round the corner; surely he would not raise a pony, a thing no bigger than a good sized bull-dog. The hon. member states that £50 is the price for horses. Now I should like to know where £50 horses are to be found. That very corporate man, Dr. Conroy, was chairman of the committee that brought in the Bill incorporating this society. If they get this £1000, then in supply they will try for £500 more, then perhaps for another £100 for Mr. Stark to lecture to the farmers.

Hon. Mr. WARBURTON differed with the hon. member who had just sat down. When in Halifax, last autumn, he was highly gratified at seeing the horses then recently imported into Nova Scotia. The benefits of the Agricultural Society were not confined to Charlottetown, but extended over the whole Island. Why, sir, the produce of the sale of horses at Beleque, last season, amounted to no less than £10,000. A neighbour of my own refused £40 for a horse. Last season £40, £50, or £60 was a common price in my part of the country.

Hon. Mr. MONTGOMERY, as representing an agricultural district, was compelled to oppose the views of the Hon. Mr. Mooney. The importation of the horses sought by the petitioners would be of great benefit to the country; he could speak more particularly for his district where no horse of the Clydesdale breed could be obtained for less than £40, while some brought as high as £60, when the old stock was not worth more than £20.

Mr. McINTOSH reiterated his objection to the amount as being too large to grant annually, although he would not deny the good that had been done, yet, in his opinion, a judicious selection had not in all cases been made. He instanced the Columbus breed, one of which he would not take as a gift, were he bound to keep him. The people of New Brunswick are our largest customers and pay the highest prices, and if we import too many horses the price will necessarily fall.

Mr. HAVILAND could not imagine Mr. McIntosh's authority for saying that this is an annual grant. There is nothing in the petition to warrant such a construction, and he considered a great deal of time had been wasted in this discussion.

Hon. Mr. MOONEY said—that it was all very well for the hon. member who had just sat down to talk about waste of time; he can waste plenty of time in arguing against giving

a bounty for killing Bears and Loupcerviers, because he represents the great city of Georgetown. Bears and Loupcerviers are but mean and insignificant subjects of Legislation for gentlemen whose attention is only given to fine horses. As to the hon. member (Mr. McIntosh) considering the vote an annual one it might as well be so henceforth and forever.

Hon. Mr. LONGWORTH was in favor of referring the petition to Committee of Supply, and hoped that the full amount of £1000 would be granted. In his opinion no wiser appropriation could be made. Regretting, as he did, that the vote last year had not passed the other branch of the Legislature, he did not think that the reason assigned for its rejection by the Hon. Col. Secretary was the true one. If his memory served him aright, it was rejected from motives of economy. Had that vote not been rejected, an application for this amount would not have been made this year.

Hon. Mr. LORD considered the Agricultural Society were wrong in importing too many horses in one year. It would be preferable to import three in each year. The amount asked by the petitioners is too much to be granted at one time. He agreed with the hon. member Mr. Mooney, that the Society had received very large amounts of public money for which the farmers generally throughout the Island had not received adequate benefit. The provision in their Act compelling them to give £20, where that amount shall have been received by private subscriptions, has not been carried out in all cases. The Society has now been ten years in existence, and it is time that inquiry should be made into their proceedings. I consider that it might be worked more for the benefit of the poor people than it has been hitherto. I will not vote against the grant of £1000, though I should prefer £500 in each year.

Mr. LAIRD considered that the present stock was as good as the country required, and that no more were necessary. At any rate, £1000 were too much, and three horses would be ample.

Hon. COL. SECRETARY was surprised to find two members of the Society, (Hons. Messrs. Lord and Mooney,) opposing the petition and finding fault with the proceedings of the Society. With reference to the objection that so much is asked for one year, hon. members should bear in mind that the petitioners do not contemplate the importation of six horses this year. They intend to obtain three from the United States in time for the ensuing season, and then propose to import three others from Great Britain in time for the next year. They previously found that it was impossible to get the horses from England sufficiently early in the spring. And, sir, notwithstanding all that has been said to the contrary, I maintain that this is a vote particularly for the advantage of the farmers in the Island, who are all benefitted, at least indirectly, by the operations of the Society. It confers benefits on the mechanics too, for the Society imports a variety of agricultural implements of the most improved construction, and the farmer who may have failed in obtaining one from the Society gives employment to the mechanic to make one from the imported model. I know not what hon. members mean, by saying the Society is of no benefit to the farmers. Why, sir, at the last fair of the Society, delegates from Societies in other places attended, and bought nearly all the good stock at high prices. Was that no benefit to the farmers? The Society imports agricultural implements and seeds which are disposed of to members lower than they can be purchased elsewhere. If the committee of management have misconducted the affairs of the Society, let the members of that Society investigate their conduct, as the remedy is in their own hands. The members

subscribed £500, and I know that the committee give up one day each week to the affairs of the Society, without reward, and I can speak from my own experience, that the accounts are regularly audited and every explanation is given, and that great attention is paid to their examination. I trust that in supply the amount will be voted. The increase in the revenue justifies the amount, and I consider the prosperous state of the revenue attributable, to a considerable extent, to the benefits the country has received from the society.

Hon. Mr. LORD explained that he did not mean to find fault with the management of the Society's affairs. He merely expressed his opinion that enquiry was desirable, in consequence of impressions which had gone abroad. He had no personal interest in the matter. He was no farmer, but had cheerfully paid his £5 a-year to the funds of the Society. The Hon. Col. Secretary should bear in mind that, in addition to the direct grants received from the House, the Society had been allowed to import articles into the Colony free of duty. The amount thus allowed, when added to the specific grants, would shew a large sum of public money in the hands of the Society, and the country had a right to full information on the subject of its expenditure, and expected it.

Mr. LAIRD was connected with the Agricultural Society from its first establishment, and was, consequently, well qualified to speak of its working. It is true that it bought implements and seeds which members formerly obtained at a lower rate than they could then purchase them at, elsewhere; but now they can be bought as cheap, and some articles, turnip seed for instance, cheaper from merchants in Charlottetown. The Society has accomplished all that was required of it, and is now no longer required. It is a real humbug now, and benefits none but those about Charlottetown.

Hon. COL. SECRETARY. The Society are already adopting the course suggested by the hon. member, Mr. Cooper, by keeping the produce of the imported stock in the country. The rams they introduced the last year were not sufficient for the demands of the country, although the Society could get no more, and their produce would be sold out in different parts of the Island. The Society has done all that could be done, under the circumstances. There was no force in the observation that the committee was composed of a majority of inhabitants of Charlottetown. That was the fault of the farmers living in other places, who should take a more active interest than they do at present in the proceedings of the Society. And, although merchants may now sell some things cheaper than the Society can import, still it exercises a wise foresight, and, by its importation tends to insure a supply adequate to the probable demands of the farmer. It was but last year that, notwithstanding the alleged cheapness of turnip seed, and the purchase by the Society of a very large supply, it was found absolutely necessary to obtain a further quantity from Pictou; and had it not been for the action of the Society, now so condemned, the country would have suffered very great loss and inconvenience.

Mr. DOUSE was surprised that there should have been any objection to the grant. As an old member, he could bear testimony to the trouble, labor and time gratuitously bestowed upon the business of the Society by the members of the Committee. He could assure hon. members that these gentlemen were not actuated by selfish motives. With reference to the objection to the amount asked by the petitioners, he might mention, that when in England last year, in compliance with a letter he received from the Secretary of the Society, he waited on a breeder for the purpose of purchasing some South-downs. The price asked was one hundred sovereigns, and

his offer of sixty was treated with contempt. He agreed with the Hon. Col. Secretary, that great benefit would result by retaining the improved breed of sheep in the country, and considered the interest and attention manifested by the people of Charlottetown to the affairs of the Society, reflected great credit upon them, and was surprised that the hon. member (Mr. Lord) should throw cold water upon their efforts for the general good. He hoped no members would object to the vote.

Hon. Mr. MOONEY being desirous that the public should be made acquainted with the proceedings of the Society, and should also know what it had cost the public, would move in amendment that the petition be referred to a Special Committee to examine and report upon it, with power to send for persons, papers and records.

Hon. Mr. PALMER.—Mr. Speaker, before the question is taken on the amendment proposed by the hon. member, I shall merely state that I have always been in favor of grants for such objects as are contemplated by the petitioners, although in some instances my advocacy has not been successful. I cheerfully vote for going into supply, and I hope a reasonable sum will be voted. Some hon. members seem to think that by referring the petition to supply, the House will stand pledged to grant the specific amount asked. But, sir, such is not the case; it will but declare the opinion of the House that something should be given. The reason why all do not equally participate in the benefits of the Society, is to be found in the narrow-minded feelings of some which prevent them entering into the affairs of the Society with spirit. If, as has been alleged, we have received benefits from the introduction of improved stock, surely, sir, the continued importation of better breeds will confer still greater advantages. I believe that every man is largely benefitted by the Society, although it may not put five shillings, or even one shilling in his pocket, directly. Even the poorest settler in the most remote district participates in the advantages, although he may think himself too poor to subscribe to its funds. On these grounds I readily support the motion to refer the petition to the Committee of Supply, and consider myself pledged to vote for a reasonable sum.

Mr. McINTOSH was not opposed to the grant on principle, but thought the amount excessive. He never opposed any measure which he thought beneficial to the country, and repelled the imputation of narrow-mindedness, as far as he was concerned; if any such spirit existed, he thought it would be found in Charlottetown. He must say that in his opinion, the people generally did not get from the Society their own.

Mr. DOUSE could not help expressing his surprise to find two members of the Committee of the Agricultural Society moving for a Committee of that House to enquire into their own proceedings. If any, surely they should know all about it. He was almost ashamed to say how many times he had sat on that Committee with one of the hon. members (Mr. Laird); the other (Hon. Mr. Mooney), was not so active as Mr. Laird. Still, it did surprise him to see them moving for such enquiry.

Mr. LAIRD knew what had been done, and the people now wished to know also. When he first became a member of the Society the funds were private property, now they receive and disburse large sums of public money, and the public should know all about the management.

Mr. COOPER.—If the Society has been productive of the benefits alleged, the country should know it, and the report of the Committee of Enquiry would shew the good that had been done. Honorable men court enquiry, and a desire for concealment argues a consciousness of wrong.

Mr. HAYLAND.—Really, Mr. Speaker, the argument of

the hon. member who has just sat down is worthy of the most astute special pleader. He will go for enquiry if every thing is properly done; and, of course, will oppose investigation if mismanagement should call for it. I am in favor of referring the petition to the Committee of Supply, and afterwards of having full investigation.

Hon. Mr. MOONEY thought that sending the petition to the Committee of Supply pledged members to support its passage. If we add the amount of articles received by the Society, free of duty, to the sum now asked, it will amount to nearly £2,000; and if the Legislature are to be prevented from investigating the expenditure of the Society, why, I ask, does the Auditor come to my office and examine the accounts there, although they may not amount to one-fourth of that sum, and the amount is not taken from the public Treasury, but paid by individuals who may have occasion to register a deed or any other instrument.

Hon. Mr. MONTGOMERY.—All parties agree that a grant shall be made. It is better then to let it go to Supply, and afterwards the hon. member (Mr. Mooney) can move for the Committee of Enquiry, although I do not consider it required, as the statement of the Society's accounts is made public every year. I do not agree with the hon. member when he states that in making this grant we are taking the people's money to give it to the Agricultural Society. That is not the true state of the case. It is the people's money, but it is given by their representatives to the people.

Hon. COL. SECRETARY had no objection, nor does he believe that any hon. member objects to enquiry. The motion is but to refer the petition to supply, after that, enquiry can be had, and if the result should shew that the Society had managed their affairs improperly, the House could withhold the grant. We know what the money is to go for, and it is generally conceded that at least two or three horses are required, and the Society wish to know the feeling of the House.

Mr. DOUSE.—Mr. Speaker, the decision of this question I consider to be of very great importance. It decides the question, are we to have horses or not? If it is considered that we are to import any, no time is to be lost. Let members consider the trouble and delay in getting horses last year.

The question was then taken on the amendment, which was negatived on the following division: Ayes; Hon. Mr. Mooney, Messrs. McIntosh, Muirhead, Cooper, Laird and Perry—5. Nays; Hon. Col. Secretary, Hon. Col. Treasurer, Hon. Messrs. Longworth, Palmer, Montgomery, Wightman, Messrs. Haviland, McDonald, Dingwall, Munro, Douse,—11. The question was then taken on the main motion, on which the House divided as follows: Ayes; Hon. Col. Secretary, Hon. Col. Treasurer, Hon. Messrs. Longworth, Palmer, Montgomery and Wightman, Messrs. Perry, Haviland, McDonald, Dingwall, Munro, Douse, Muirhead—13. Nays; Hon. Mr. Mooney, Messrs. Laird, Cooper, McIntosh—4.

The House accordingly went into committee of supply. Hon. Col. Treasurer in the Chair.

The Hon. the SPEAKER would detain the Committee but a few minutes. I will say, Mr. Chairman, that I agree with almost all that has been said by those hon. members who have spoken in favor of the grant. There was a time when I felt disposed to censure the Society. I considered that the district which I represented was not receiving a fair participation in the benefits of the Society. But, sir, I am satisfied that it was the fault of the people themselves, and the same may be said of other parts of the Island. The farmers in many places are deficient in spirit and enterprise, and will

not avail themselves of the advantages which the Agricultural Society offers for their acceptance. That Society is situated in a central situation, from which it sends its benefits through the length and breadth of the land. With reference to the observations made by some hon. members, on the management of the affairs of the Society, I feel confident that the funds have been honestly expended. I am acquainted with the gentlemen who compose the Committee of the Society, and, from my knowledge of them, I am satisfied that their conduct will stand the test of any inquiry, and I am glad to find that no charge of any thing like speculation has ever been insinuated against them. Why, sir, a detailed statement of their expenditure is published every year, and every farthing is accounted for. But hon. members should not make it matter of objection to the Society that all parts of the Island are not receiving equal benefits from its operations. It is impossible that every district should participate in the direct advantages, at the same time. Some must wait, and I, for one, am willing to rest contented till my time comes. As to the description of horses to be introduced, I think that question had better be left to the decision of the Society. The members of that body are, in my opinion, the best judges of what the country requires, and the exercise of their judgment on such matters is peculiarly their province. The prosperous state of the revenue justifies the House in voting that sum; and I feel confident that the country generally will sustain hon. members in the vote, notwithstanding the anticipations of dull times in prospect, which we occasionally hear.

Hon. Mr. MOONEY moved that the blank be filled up with £100. This amendment, however, was not seconded.

Hon. Mr. WIGHTMAN was opposed to granting more than £500, and would not go for that or any other sum unless the horses should be procured in the United States.

Mr. LAIRD thought that if they were to import any horses at all, it would be better to go to the fountain head at once. He was, therefore, in favor of obtaining the horses from Great Britain.

Mr. McINTOSH was willing to give credit to the Society for the good it had done, but considered moderation the wisest course in this as in other matters. He would have no objection to grant even £600, but thought £1,000 too much to be given in one year.

Hon. Mr. MONTGOMERY explained that the Society proposed to get three of the horses from the United States, in time for the next season, and the remaining three from England, in time for the following season.

Hon. COL. SECRETARY vindicated the propriety of the plan proposed by the Society, not to get horses from England immediately. In consequence of the demand for horses for the war, they were now held at very high prices in England, and there was no doubt that after the season was over, they could be procured at cheaper rates than were asked now. The Committee should bear in mind that, although the £1,000 should be voted, it did not follow that the Society would expend the whole of it. Their object was merely to procure six horses, and if they could get them for less than the sum now asked, the difference would not be required, and it must be recollected that the horses will be sold, and from the general spirit of competition, it is not improbable that the proceeds of the sales may exceed the cost, and if so, the Treasury will receive the benefit of the surplus. It is impolitic to restrict the Society in a matter of a few pounds, for such purposes, as every pound withheld from them was a loss to the farmers of the country. Hon. members have alluded to the management of the Society, but, Mr. Chairman, I know that the Committee get nothing but trouble and anxiety in

return for their labors, and I can assure hon. members that the loss of the three horses last year was more deeply regretted by parties in the Society than by any member of this House. The mode of distribution is the fairest that can be adopted. The horses will be drawn for by lot. Each County will have an equal chance; and I hope that the objections which have been urged will be abandoned, and that the sum will be carried by an unanimous vote.

Hon. Mr. WIGHTMAN considered that £1,000 was far too great a sum for the requirements of the country; three horses were amply sufficient, and if they imported too many, they would spoil the market. It would operate unfairly on the interests of those who had imported horses with their own means—for instance, his hon. friend Mr. Dingwall had gone to the expense of £100 in importing a horse for the benefit of his district, and the vote now asked would render his horse comparatively valueless.

The Hon. SPEAKER again alluded to the want of enterprise among the agricultural population in some districts, and alleged a great deficiency of good stock of any kind in his part of the country, to which he hoped Mr. Dingwall's steed would pay a visit next season, when he would insure him a welcome reception.

Hon. Mr. WIGHTMAN then moved, and Mr. Laird seconded, that the blank in the resolution be filled up with £600, which was carried on a division of 9 to 8. Hons. Messrs. Lord and Whelan being absent at the division, the supporters of the original motion for £1,000, argued that the resolution just agreed to should be referred back to the committee; and when these gentlemen had taken their seats it was reconsidered, and the original motion for £1,000 was agreed to. When the resolution was reported, Hon. Mr. Mooney moved a reconsideration, and protested warmly against the course adopted by the majority as unfair.

Hon. Mr. PALMER stated that the motion was irregular, and that the proper course for the hon. member to pursue would be to move to reduce the amount.

Hon. Mr. MOONEY then moved that £500 be granted, as sufficient for the purchase of three horses, which was lost, and the main motion agreed to by the House.

## SUMMARY OF PROCEEDINGS.

### THURSDAY, March 1.

The Bill in amendment of the Jury Law passed.

The following petitions were presented:—

By Hon Mr Wightman, from Angus McDonald, ferryman of Cardigan River, praying a grant to enable him to procure a boat. By the same, from George Young, for £12, loss sustained on contract for building an addition to the wharf at Saint Mary's Bay.

By Mr Laird, from inhabitants of Township 24, for grant to cut down a hill on the Centre road.

By Hon Col Treasurer, from Louis Arseneaux, praying remuneration for ferrying the mail carrier, free of charge, twice a week last season, and to be reimbursed for repairs to the scow used at the ferry. From Herbert Bell, Cascumpec, for extra work on abutment to the wharf at Cascumpec Harbor.

Mr Perry, from inhabitants of Fifteen Point, for aid to repair a road.

Mr Dingwall and others, from inhabitants of Morell, for aid to open a road from McDonald's saw mill to Alley's saw mill, head of Cardigan, and to repair the road along the East side of Morell, towards Finlay's, on the Georgetown road.

Mr McIntosh, from inhabitants of Barrow Meaux, for grant to bridge and repair a road.

A petition of Hugh McVarish, for compensation for loss of his house, on Township 42, destroyed by fire. The house had

been lent to the Board of Health for the reception of persons infected with the small-pox in that locality. Laid on the table.

The following were received and read:—

By Hon Mr Wightman, from inhabitants of Townships 51, 52, 59 and 66, for the establishment of a way office, at or near Finlay's-cross roads, Township 52.

Hon Col Treasurer, from inhabitants of Cascumpec Village, praying that a mail bag may be made up in Charlottetown, to be left by the carrier at the village. The two last were referred to the post office committee.

Mr Dingwall, from inhabitants of Township 55, for grant to open a road from the highway to Grand River, at Poplar Point.

Hon Mr Mooney, from Peter Coyle and others, of Townships 34 and 35, for opening road to Coyle's farm. The two last petitions were referred to Road Committee.

Hon Col Secretary, from Thomas O'Brien, for allowance as school teacher, at Pierre Jacques. From inhabitants of South Kildare school district, for allowance to Henry Lecky for six months' services as teacher; from divers persons, styling themselves trustees of the Union School, Cascumpec, for allowance to Henry Lecky, as teacher of their school; from Henry Lecky, for allowance for his services as teacher.

Mr. Haviland, from John Morrison, for six months' salary as teacher at Georgetown Royalty. The last five petitions were referred to Committee on School Teachers' Petitions.

The blue book for 1853 was laid on the table by the Hon Col Secretary. The Hon Col Treasurer's Statute Labor Bill was read a first time.

Mr Murhead's Bill, authorising the Government to increase the number of Coroners was passed, with an addition suggested by Hon Mr Mooney, of a clause providing that the expenses of inquests be in future defrayed from the public treasury.

Hon Col Secretary brought down a message from the Lieut Governor, accompanying copy of a despatch from Sir George Gray, on the subject of Dr Hobkirk's claim for costs incurred in prosecution of his demand against the Government for professional services rendered some years since, during the election riots at Belfast. Referred to Committee of Supply.

The hon Speaker read to the House a communication he had received, announcing the intended concert in aid of the Patriotic Fund.

### FRIDAY, March 2.

Mr Perry obtained leave of absence till Friday next.

Hon Mr Palmer presented a petition from inhabitants of Charlottetown, praying the establishment of a House of Industry, separate from the Lunatic Asylum. The petition having been read, Mr Palmer moved its reference to a committee of the whole House. This gave rise to a lengthy discussion, in which, among other matters, the propriety of enacting poor laws was fully discussed, and the feeling of the majority of the House was strongly expressed against them. The petition was, on motion of the Hon Col Secretary, referred to Committee of Supply; and a committee of nine was appointed to examine the building at present used as a Lunatic Asylum, and report to the House.

The following petitions were presented and read:—

By Mr Cooper, from inhabitants of the Red Point and Baltic settlements for grant to repair the Baltic line road, Township 5. Hon Mr Lord, from inhabitants of South Shore, Bedeque, for grant to complete a road.

Mr Munro, from inhabitants of Townships 57 and 58, for grant to complete the wharf at Orwell. From inhabitants of the Forbes' Settlement, head of Vernon River, for grant to open road through their settlement. From inhabitants of Uig, back settlement, for grant to complete road leading thence to the Murray Harbor road.

Mr Laird, from inhabitants of Township 33, for aid to repair the road from Brackley Point to the Union Road. From inhabitants of Township 21, for aid to repair road from Millvale to Haslam's.

The last seven petitions were laid on the table.

From inhabitants of Township 37, for grant to open road from Droure settlement to the head of Pisiquid River, under the Road Compensation Act. Referred to special committee.

Hon Mr Lord, from Robert Wright, for £31 11s, balance due

on contract for repairing Dunk River bridge. Ordered to be referred to the Committee to whom was referred the petition of William Howitt.

Mr Muirhead's Coroners' Bill was read a third time and passed.

The Statute Labor Bill was read second time and committed.

The following petitions were presented and read:—

Hon Mr Mooney—two—from inhabitants of French Village, Township 37; from inhabitants of Scotch Fort, Township 36.

Hon Col Secretary, from divers inhabitants of Road District No 6, Township 67.

Mr Laird, from inhabitants of New London and others.

Hon Mr Whelan, from inhabitants of Townships 54 & 55, and others, all praying aid to improve road communications, and ordered to lie on the table.

Hon Mr Lord, from James Searle Mann, of Searletown, Township 27, praying naturalization. Referred to Hon Mr Lord, Hon Mr Palmer and Mr Dingwall, as a committee to report by bill or otherwise.

Hon Mr Palmer moved to refer the Bill to reduce the fees on the registration of deeds to a committee of the whole House. This was opposed by the Hon Col Secretary and others, who contended that the proposed change was uncalled for and inexpedient, that the fees could not be reduced as proposed by the Bill, without causing a deficiency in the returns to meet the demands of the office, the increasing duties of which would probably soon require additional assistance.

Hon Mr Palmer replied with some warmth, stating that the fact of his having introduced the bill would ensure the opposition of the Hon Col Secretary and his majority. That there was a fiction banded together for the purpose of injuring his character and standing, not only in political matters, but also in his professional capacity. A very angry discussion ensued, and finally the House negatived the motion for a committee by the following division: Yeas—Hons. Palmer, Lungworth, Montgomery, Messrs Douse and Haviland—5. Nays—Hons Col Secretary, Col Treasurer, Mooney, Whelan, Wightman, Messrs McIntosh, Munro, Cooper, Muirhead, Laird and Dingwall—11.

The House then in committee took up the Normal School Bill, which was agreed to with certain amendments.

The following petitions were received and read, viz:—

Hon Mr Lord, from Peter Duffy and others, inhabitants of West Settlement, Township 27, Anderson's Road and vicinity, praying the House to place them on an equality with the inhabitants of Nova Scotia and New Brunswick, as regards the tenure of lands, to relieve them from the burden of back rents.

Hon Col Secretary, from George B. and William McKay, praying £10, balance on a contract for extending the wharf on the South-west River, New London.

Hon Mr Montgomery, from inhabitants of Richmond Village, Township 17, for grant to complete the road to the wharf at Richmond Bay.

The three last petitions were laid on the table.

From inhabitants of Grand Rustico, for grant in aid of private subscription to build bridge over the oyster bed at Wheatley River, referred to Hon Col Secretary, Mr Laird, and Hon Mr Lungworth to report next Session.

Hon Mr Whelan, from inhabitants of Township 55 and others, praying for alteration in a line of road in the vicinity of Grand River—referred to the Road Committee.

### SATURDAY, March 3.

Several petitions were presented. In supply, several resolutions for the public services were agreed to. The consideration of the amount to be assigned to the Comptroller of Customs and Navigation Laws and Registrar of Shipping, was deferred until the Governor's message shall have been discussed. Among other appropriations £1500 were voted for summer and winter mails, £500 for inland mails, and £1000 at the disposal of the Government for steamers; £60 to the keeper of the Colonial Building; £5 for public postage; £381 9s 7d for the gas fittings, painting, &c., of the Colonial Building; £100 for a packet to convey the mails between Georgetown and Pictou during the time the navigation is open; £30 for packet between Bedeque and Shediac; £600 for maintenance of Jails; £650 for lighthouses; £20 for two additional road commissioners. On the estimates for repairs and alterations at Government House, a desultory conversation took place, and a variety of opinions were expressed

by the several members who addressed the House. Hon Mr Palmer suggested the propriety of Government receiving tenders for a lease of a house for the residence of the Lieutenant Governor, and the letting the present one for about ten years, or converting it to some public use, such as a Lunatic Asylum or a House of Industry, for that period, by which time it would have become so rotten and worn out that it might be pulled down and a new one erected with the amount saved by the adoption of his plan; and a suggestion thrown out by the Hon Col Secretary, as to the propriety of the Government purchasing a piece of ground near the Government House, from the heirs of the late Colonel Lane, was generally approved of. £300 were voted for expenses of Crown prosecutions; £60 for the three High Sheriffs.

The consideration of the Lieutenant Governor's message, and the despatch on the Bank Bill, were both made the orders of the day for Friday next.

### MONDAY, March 5.

Several petitions were presented to the House. The Bill for the establishment of a Normal School, and in amendment of the Free Education Act, was read a third time. Hon Mr Lungworth and Hon Mr Palmer spoke of the necessity of some regulation being made to secure the payment of the fees to teachers. That, under the present system, parents frequently came to Charlottetown merely for the winter, and before the expiration of the time when the fees would become payable, removed from the place without paying. Others again, before the end of the quarter, would remove their children from one school to another, and thus evade their obligations, to the pecuniary loss of the teacher and the serious detriment of the pupils, who could not improve under such circumstances; and suggested that the Bill lie over till to-morrow, when some measure could be adopted to obviate the evil.

Hon Col Secretary had no objection to the Bill being deferred till to-morrow, and was of opinion that the trustees had the power to compel the payment of the fees. When the Bill was first introduced, it was his intention to have brought forward a measure for the establishment of schools on the principle of the ragged schools in operation in England. Such institutions were of very great benefit, but the Secretary of the Board of Education considered that there were difficulties in the way. He cannot, however, have ragged schools, he thought that those children whose parents were too poor to pay the fees, or would not send their children to school, should be sent to some place of education, on the certificate of a clergyman or magistrate, and that on such certificate the teacher should receive the fees from the Treasury. By this means, the children would be removed from the streets, where at present they spend most of their time, to the annoyance of the public and their own great injury. The Bill was deferred till to-morrow.

The Bill regulating the proceedings on controverted Elections was read a third time, and passed with some trifling amendments.

The following sums were voted in supply, viz:—£20 to Messenger of Executive Council. £50 for Coroners' Inquests. £150 for Luays and Beacons. £100 for Boards of Health. £300 interest on Warrants. £1400 interest on Debentures. £— for contingent expenses of the Legislative Council and Assembly. £— for taking the Census. £25 for protection of the Fisheries. £60 to two Auditors of Public Accounts. £50 to Superintendent of Public Works. £5 to Market Clerk in Georgetown. £400 contingent expenses of the Government. On the motion to appropriate sums on account of the public pews in the different churches—Mr Muirhead wished to know why it was that £14 were demanded for the English Church, while other denominations were to receive but £7; while the members of that communion were in a very small minority. Mr Haviland, and others, explained that far more accommodation was afforded by that church than any other, and that, as the Province owned the pews, the sum given was but the assessment on them. That the church would make more money from the pews if they were not the property of the Colony. Hon Col Secretary suggested that, as the Roman Catholic Church had set apart a separate pew for the accommodation of the Lieutenant Governor and family, in addition to the one for the members of the Legislature, the sum of £14 be granted instead of the usual £7. £50 for public surveys, independent of surveys under Land Purchase Act. £30 for destruction of Bears and Loupeviers, at the former rates, and under the old conditions. £25 to indigent Indians.

Hon Col Secretary proposed a vote of £100 to reimburse Sir Alexander Bannerman, that amount having been paid by him to Mr Stark, the Visitor of Schools, for the purchase of a horse, waggon and sleigh. He stated that, from the tone of Sir Alexander's letter to Scotland, requesting that a competent person be sent out to the Island, an impression was conveyed that Mr Stark was to receive his travelling expenses in addition to his salary. Mr Stark, on his arrival, discovered that such was not to be the case; and then Sir Alexander considered himself bound in honor to pay out of his own pocket the sum of £100 in lieu of travelling fees. And he (Hon Col Secretary) had no doubt that the House would not allow the late Lieutenant Governor to lose the amount. He (Hon Col Secretary) had received the amount, on Sir Alexander's order, from W R Watson, Esq., and paid it over to Mr Stark, whose receipt he held.

In answer to a question of the Hon Mr Longworth, it appeared that Mr Stark's salary commenced from the time of his engagement in Scotland; and that his passage out had been paid by the public.

Mr. Haviland was anxious to elicit the opinions of the members of the Government as it was a Government measure, and if so introduced, he was willing to support it.



Hon Col Secretary and the Hon Mr Wightman denied that it was a Government measure, and the Hon Col Secretary explained that the reason for the matter not having been brought to the notice of the House was that the money was paid just as Sir Alexander Bannerman was about leaving the Island, and that the Elections had caused it to be overlooked.

Hon Mr Palmer thought that sufficient information was not produced to the House, and consequently he would suspend his opinion, and reserve his right to oppose the resolution, if more satisfactory information were not produced.

Hon Mr Montgomery was opposed to the vote. If Sir Alexander Bannerman chose to make a present to Mr Stark, he might do so—but this application should have been made last session, and the correspondence should have been produced. Now we do not know whether the late Lieutenant Governor intended it as a present or not. The resolution passed.

## TUESDAY, March 6.

Several petitions were presented to the House, among others was one by the Hon Mr Mooney, praying an alteration in the law regulating the measure of Agricultural produce. The hon member moved that it be referred to a special committee to report by Bill or otherwise, and stated that the present law operated to the disadvantage of the farmer, as the measure by which he sold his produce was larger than in Canada, New Brunswick, Nova Scotia and Newfoundland. He mentioned that a captain of a vessel had told him that one cargo of oats shipped from the Island to Boston, measured there 103 bushels more than the quantity as put on board here. That with reference to heaped measure, the shorter staves, and consequently greater width of the measure used in the Island, admitted a greater heap than formerly. His opinions were opposed by the Hon Col Secretary, Hons Messrs Lord, Wightman, Longworth, who said that the old system was so defective that masters of vessels formerly refused to sign Bills of lading, that grain was not affected by the present act, which experience had shown to work well. Under the old system masters of vessels has used whatever measures they pleased—that now the stamping by the assayer of softwood barrels, had given great accommodation and satisfaction to the people. That compliance with the petition would render useless the standard weights and measures, which had cost much money—that no change in the law was called for by the people.

Hon Mr Lord suggested that if the hon member wished to benefit all parties he should introduce a Bill to provide for the selling of grain and roots by weight.

Mr Haviland agreed with the Hon Mr Lord, and would support such a Bill. New Brunswick had adopted the principle.

Mr McIntosh thought such a course impracticable. Masters of vessels would not be provided with the necessary weighing machines.

Mr Cooper approved of the suggestion, and hoped that the committee would report in favour of it. Some slight inconvenience might be experienced at first, but apparatus for weighing would soon be found in the vicinity of the different shipping places. Hon Mr Mooney, Hon Mr Montgomery, Messrs. Haviland, Cooper and Laird were then named as the committee.

The Hon Col Secretary communicated a letter stating that a pew had been appropriated to the use of the Members of the Legislature in the Baptist Church in Charlottetown, and mentioned that the one-ninth Bill had received the Royal Assent.

Hon Mr Wightman presented the report of the Committee on the Lunatic Asylum, and also that of the Trustees and Keeper. The Committee recommended the fitting up of those portions at present unfinished, and considered there was ample space for the comfortable and separate accommodation of both Lunatics and Paupers—which latter should be made to work on the grounds and in the building, which has space for two good working rooms—one of which should be set apart for the males and the other for the females. They also recommended the enclosing of a portion of the grounds for the Lunatics to take exercise in; and the grant of a sum sufficient to carry their recommendations into effect. They further stated their opinion, that the Government should have a more efficient control over the details of the Institution than at present. The report was adopted by the House.

The Hon Col Secretary gave notice of his intention to introduce a Bill to tax the Rent Roll of Proprietors.

In supply, £350 were voted for the Asylum and House of Industry, exclusive of the amount provided by Statute; and £10 to the Bog School.

## MONDAY, February 19.

### TENANTS' COMPENSATION BILL.

House in Committee on Tenants' Compensation Bill.

Mr. Cooper objected to the Bill as not being sufficiently comprehensive in its nature. A measure of this kind should embrace all classes and descriptions of tenants, and all descriptions of improvements. In Great Britain all tenants are protected by receiving compensation for their improvements, while this measure merely applies to those who have leases

for limited periods. There is no provision for compensating those who have settled on and improved lands without any written lease or agreement, and I contend, Mr. Chairman, that every man who spends his time and his labor in improving the lands of another, should be paid for his improvements; and the Bill should provide compensation to tenants under short leases, at the expiration of their terms, as well as for those who may be ejected during the period of their leases. Under this Bill, the proprietors may do as they please, and it seems to have been prepared with a view to prevent tenants improving, and, in reality, offers no protection. It would be better for the landlords themselves that all tenants should be entitled to compensation, for now, if a tenant can be driven off the land at any moment the proprietor chooses, he has no inducement to improve property, but may burn down the buildings and injure the land to any extent, and the present system almost tempts him to do so. I therefore move, Mr. Chairman, that the preamble of the Bill be reconsidered.

Hon. COL. SECRETARY.—I have no objection, Mr. Chairman, to the motion of the hon. member, as I have no doubt that the House is inclined to afford every reasonable protection to tenants in cases where it is sought to eject them from their holdings. I am willing to include in the Bill parties who have been in possession five or ten years, whether they have leases or not, and whether they have settled on lands with or without the sanction of the landlords. So far I am disposed to meet the views of the hon. member; but, sir, I do not agree with him in his idea of affording compensation to tenants who have long leases; for 999 years, for example. I have previously explained that this Bill is intended to apply merely to tenants whom the landlord may desire to eject before the expiration of their term, and I am confident that if we adopt the suggestion of the hon. member, we shall find that the whole measure will be disallowed by the Home Government. He had better embody his views in a separate Bill, and when that shall be introduced, they can be thoroughly discussed, and the opinion of the House expressed. But if we embody them in this Bill, we will probably find the influence of the proprietors arrayed against it at the Colonial Office, and by asking too much we shall, I fear, lose all. The despatch on the Bank Bill shows how vigilant a control the British Government exercise over Colonial legislation. With reference to the nature of the improvements, I am willing that all valuable improvements should come under the operation of the Bill, and that payment of rent for five years should entitle a tenant to its benefits.

Mr. COOPER read the title of the Bill, and maintained that his plan was preferable, that tenants should be induced to improve their lands, and compensation would stimulate them to do so. At present there is no encouragement to them, while they are liable to be turned off the land at any moment, they may be tempted to destroy every thing. Contrast this Bill, Mr. Chairman, with the preemption law in force in the United States. There, any man who goes into the wilderness and puts up his cabin, and clears the forest, is entitled to the preemption of the land he has improved, at a low rate fixed by the Government; while here, our Government charge a man twelve and six-pence an acre for the land he has himself improved.

Hon. Mr. Lord.—Mr. Chairman, I do not think that there are many twenty-one years' leases at present in force in the Island. It is true that Lord Selkirk may have some, but I believe that the greater part of those who took such leases from him have left the Island and gone to Canada. I think, however, that it is very hard that lessees for twenty-one years should be deprived of their land without compen-

ation. Such tenants will not remain to improve land for the benefit of the proprietors; and if they exercise a wise regard for their future interests, they will dispose of their present holdings and settle on the Worrel estate, by purchase from the Government, and the hon. member for Belfast will soon find them leaving him, and placing themselves in a better situation. I agree, Mr. Chairman, with the Hon. Col. Secretary, that it would be wise to let the hon. member (Mr. Cooper) introduce a separate Bill, embodying his views, and not to risk the loss of this by inserting too much. This Bill is a straightforward and honest one. It will prevent any man, be he sick, or poor, or so crippled that he cannot labor, from being turned out into the woods without compensation for those improvements on which he has expended his strength and labor. Some landlords, I am well aware, would cheerfully pay, of their own accord, to such persons what their improvements were worth, for the purpose of getting them off their property, as I know not a more painful spectacle than that of a poor settler's hut in the forest. The miserable cabin, with its wretched inmates shivering round the scanty fire, with but a few potatoes for their sustenance, is a sight which would, I know, incline me to pay liberally to clear my property of such destitution. But that should not be left subject to the discretion of any landlord—it ought to be secured to the tenant by the law of the land.

Mr. DOUSE.—As to the observations made by the hon. member who has just sat down, that tenants would be leaving me, I can only say that consideration need not disturb his equanimity. I feel very easy about myself. But, Mr. Chairman, when the hon. member was manifesting such sympathy for the unfortunate tenants, he said not one word on behalf of the unfortunate landlords; and I feel pretty certain that when he is travelling about the country looking for timber, he is not particular whose land it comes from, or whether it is under lease or not, or whether the lease be for 21 or 999 years (Laughter). I think he had better introduce a Bill to provide compensation for landlords; there would be some sense in that. I cannot recognize the propriety of paying any trespasser who may settle on land without permission of the landlord. I can inform the committee that applications to sue for land are constantly increasing, and that there are but a few leases for twenty-one years, and they were given with the view of securing to the tenant the value of his improvements, as they contained a clause by which the landlord agreed to sell the land to the tenant at a sum specified. It is not the interest of the landlord to deprive a tenant of his improvements; more money can be made of wilderness than improved land. I can tell the hon. member (Mr. Cooper), that at the time he was agitating the country on the question of Escheat, and going about setting landlord against tenant, and tenant against landlord, several tenants refused to pay their rent, and so fell into arrears; and they have since declared to me that the agitation of that question was the cause of their withholding at that time what they owed, and they have not since been able to pay. That is a specimen of the benefits the country has received from that hon. member's conduct on the Escheat question. I do not, Mr. Chairman, intend to offer any factious opposition to the Bill; in my opinion, it will do no good one way or the other, and it is all smoke (Laughter). I am, however, very glad to see the Government proprietors. As such, they will, of course, afford their protection to the rights of property (Laughter).—I must say, Mr. Chairman, that I differ from the hon. member (Mr. Cooper), when he objects to the price of 12s. 6d. per acre, as being too high. I, sir, do not think it high enough. My opinion is, that more should have been put on those lands which have a shore front, and less upon those in the interior,

which have not and cannot have the advantages the others possess. The hon. member, in his allusions to the compensation to tenants in Britain, loses sight of the great difference between the tenants there and in this country. There, a great number are mere tenants at will, liable to be turned off at any moment; and the uncertainty of such title renders it but just that the tenant should receive compensation for his improvements. Here, sir, we have no such cases; and however hon. members may talk, I contend that there is no country in the world where a poor man, if he be honest and industrious, has better prospects than in this Island. True, our winters are long, but they are healthy; and a farmer can now get a good price for his farm whenever he wishes to dispose of it. But I regret to say that all tenants are not honest and industrious, and I consider it wrong in principle to treat the idle and dishonest man in the same way that you would the industrious and honest. The latter should be encouraged, while the former should suffer the consequences of their misconduct. Why, sir, there are some tenants on the property under my management who have leases for 999 years, at 6l. an acre, and the first 10 years of that free of rent, who, nevertheless, owe 20 or 30 years' rent. What benefit are such men to the proprietor or the country? And in many of the cases of the 21 years' leases spoken of, which, as I said before, were given with the view of making the tenants proprietors, although they have paid no rent yet, they have robbed the lands of timber to three or four times the value of the price for which they could have purchased the fee simple.

Mr. LAIRD.—Mr. Chairman, I may mention that, within my own knowledge, there are on Lot 24 many tenants (probably 100), who pay rent, yet have no security for their improvements. Such persons, I maintain, should be protected by the Bill, and if they wanted to sell out at any time, should be paid for their improvements. No honest man can object to such a course, which common justice between man and man requires; and I cannot see how a clause to that effect can jeopardize the Bill.

Hon. Mr. WIGHTMAN.—Mr. Chairman, with reference to the remark of the hon. member for Belfast, that this Bill is all smoke, I must say, I do not attach much weight to his observation, as I have heard him express the same opinion in the same words when we were engaged in passing the Education Act and the One-ninth Bill. On these occasions the hon. member expressed himself to the same effect, that no benefit would result from the measures. But, sir, I consider that very great benefit will be experienced under this Bill by all those tenants whose landlords may desire to eject them; and not only will the Bill be of service to the tenants, but it will be found to be of mutual advantage to both landlords and tenants. It pays a due regard to the interests of both parties, and if a landlord should at any time wish to turn off a tenant, he can select one arbitrator, the tenant has the same privilege, and by those arbitrators, mutually chosen, the improvements are to be appraised. If, however, they cannot agree, they can select a third; and if, after that, no agreement can be arrived at, the Supreme Court settles the matter. Such a mode of action is the best that can be adapted, and I do not see how any reasonable man can object to it. With reference to the twenty-one years' leases on Lord Selkirk's property, I am happy to say that I believe the tenants are now on good terms with the agent, the hon. member from Belfast. Some years since, when the Escheat question was in agitation, the hon. member may, probably, have felt inclined to shew his power, by granting short or long leases, as he pleased, and if tenants did not choose to take them, they might go about their business. But since

that time he has reduced the rents and forgiven the arrears, with the exception, I believe, of two years, so that he is not so bad after all.

Hon. Mr. MONTGOMERY.—Mr. Chairman, the question before the committee is, shall we re-consider the preamble? Yet we are talking of amendments without knowing what those amendments are. It will be time enough to discuss them when they are brought before the House.

Mr. COOPER then proposed to amend the preamble of the Bill, so as to put tenants attorning to the landlord on the same footing as lessees, and he read the preamble as amended, and proceeded to mention the case of a tenant who had taken a lease at one shilling per acre rent, payable partly in kind, and after having gone to great expense in erecting a mill and other buildings, and making valuable improvements on the property, was actually compelled to leave the land and lose all his labor and outlay, or take a lease from another party for two shillings an acre, which he is now paying.

Hon. Mr. MONTGOMERY.—I think, Mr. Chairman, that all lessees for short periods should be protected in the value of their improvements, and that proprietors of lands held by leases of 21 years, should be compelled to pay to the tenant the value of the improvements, if that tenant pays the landlord rent. There is no doubt, sir, that the strangers arriving in the Island take short leases, in ignorance of the great difference between the circumstances of this country and that they have left. A man spending twenty or thirty years of his life in Britain, comes out here totally unacquainted with the place, and any proprietor taking advantage of his ignorance should be compelled to give good compensation for his improvements. Squatters, too, whose settlement on the land has been known to the landlord, and suffered to continue, should have a right to be paid for the increased value they had given to the property of the landlord. If the amendments can be incorporated with the Bill, without endangering it, I will support them.

Mr. McLEOD did not wish, nor did he suppose the House desired to injure the proprietors. It was but right that the man who had expended his labor in making improvements should be paid the value of them, for the improving tenant worked not only for his own advantage, but also for the benefit of the proprietor. The Bill should extend to tenants not under lease, so that if the landlord wanted possession of the land, the improvements might be appraised, and the surplus, after deducting the rent, should be handed over to the tenant, who might thus be enabled to purchase a freehold property. He could see no reason why there should be any distinction. The fruits of industry should be secured to the industrious.

Hon. COL. SHERBURN stated that a Bill to regulate the terms between proprietors and squatters had been formerly introduced by the Hon. the Speaker, and he thought it would be better that the matter should be the subject of a separate Bill. The present one applied to tenants for five years, but he did not consider that tenants taking a farm for one or two years entitled them to compensation. The hon. member (Mr. Cooper), would find that the extension of the principle of compensation to such cases would require far more machinery to carry it into practice than he at present supposes.

Hon. Mr. PALMER.—The Bill before the committee, Mr. Chairman, is, I believe, based on one introduced into the British House of Commons for the relief of the tenants at will, of whom there is a great number in Great Britain, and a very large proportion in Ireland. Those persons know when they take possession that they hold the land solely at the will of the landlord, and therefore such a measure is proper and

necessary for the protection of their rights and interests. I have been informed, Sir, that this Bill is for similar purposes. It has been rumored that it will give compensation to tenants at will. If that be the case, Mr. Chairman, it should be known—the country should be informed of it. But we have no such class in the Island, squatters are not strictly tenants at will, and I consider that those who have settled on land under a promise of obtaining a lease, should have the power to compel the landlord to grant it. It will not do to limit the classes to be affected by this Bill. If its operation be restricted to any particular class, it will be found to be but of small relief to the Country. And, Sir, I agree with the Hon. Member Mr. Montgomery, that those persons he described have as good and righteous a claim for compensation as any tenant under lease or written agreement can possibly have; at the same time I would not extend its provisions to mere wilful trespassers, who openly defy their landlords. I myself, Sir, know one township where the tenants set the proprietor at defiance, refuse to pay rent, and do as they like with the property. I would never consent to compel the landlord to compensate such men, but the class of settlers who have occupied and improved lands on the understanding that they would receive leases, are so numerous as not only to justify, but positively demand the interference of the Legislature. I say this, as my sincere conviction, for I am not personally interested either for landlord or tenant. This Bill professes to confer great benefits upon the tenants. I for one do not think that it will have that effect, nor will it be such a check upon landlords as has been said. A landlord inclined to a rigid prosecution of his claims, may still, after this Bill may have become law, harass and distress his tenant as much as he can at present. He will still have it in his power to sue for the rent, and can distrain as freely as he can now. I was not present when the Bill of the Hon. the Speaker was discussed in the House. I did not oppose that, nor do I intend to offer any opposition to the passage of this. But I repeat that, if this Bill is to realize to the people the benefits its friends claim for it, it should embrace the class alluded to by the Hon. Member (Mr. Montgomery). They comprise a very large number of the Inhabitants of the Island, and have made very extensive and valuable improvements. Why, Sir, I have frequently been astonished to find in the course of my professional business, men who have occupied for years extensive tracts of land, for which they have been paying rent, and on which they have made improvements of great value, yet have never received a lease. Men such as these should be protected and secured in their property, and I hope their interests will be as carefully guarded as those of other tenants who may have leases or written evidences of title. For I do not come here to legislate for a portion of the community, but what I would give to one I would give to all.

Mr. COOPER explained that his amendment was intended to encourage the tenant in making improvements, and to prevent the destruction of property by him, though dissatisfaction at the conduct of the landlords or a desire for revenge for some real or fancied wrong received at his hands. Those tenants who have paid rent should not be styled squatters. They are substantially and justly as much entitled to receive compensation for their improvements as those who hold leases. But, Mr. Chairman, I have known instances in which they have been turned out of the lands they had cultivated and improved, and smarting under a sense of the injustice that had been done to them, they have burnt their buildings, and even the fences, and destroyed all they could. In such a case the landlord would be put to heavy expense for fencing, which we all know costs considerable money, and my amend-



ment proposes to bring fences and any other improvements to the land within the scope of the Act.

Hon. COL. SECRETARY saw no necessity for this protracted discussion—all parties agreed on the principle of the Bill. Even the Hon. Member for Charlottetown had spoken in favour of it. He was mistaken, however, in saying that the Hon. Mr. Montgomery had first suggested the propriety of including in the Bill, those who had settled on lands under promise of leases. He himself had stated that they were to be comprised in the Bill. The Hon. Mr. Montgomery merely referred to parties having short leases.

Hon. Mr. MONTGOMERY explained that he had expressly mentioned in his observations the propriety of including in the Bill those who had settled on lands without written evidences of title, but with the understanding that they were to receive them.

Hon. COL. SECRETARY.—Yet the hon. member (Mr. Cooper) says there is no provision made for squatters, though we agree that the Bill shall apply to cases of use and occupation for five years.

Hon. Mr. PALMER.—The Hon. Col. Secretary either misunderstands or misrepresents my meaning; and he is now advocating the Bill, not as it was introduced, but as it has been amended, by including the numerous class of settlers without leases. The Bill, as introduced, did not extend to them.

Hon. COL. SECRETARY and Hon. Mr. LORD stated that they were included.

Hon. Mr. PALMER.—Then that class should know that they are included for the benefit to the hon. members, Messrs. Cooper and Montgomery. I am perfectly indifferent about the Bill, for, as I said before, I do not consider it will produce any beneficial result one way or the other.

Hon. COL. SECRETARY denied that the credit of the extension was due to Mr. Cooper. He was happy to have the support of the hon. members opposite who had declared their approval, not supposing that it had originated with himself.

Hon. Mr. MOONEY was in favor of the measure, as it would do some good for tenants. For himself, he could say that he always had, and always would support any measure that might be introduced, if he thought it beneficial to the public, no matter who brought it in. The dispute as to who was entitled to the credit of including the tenants not under lease, reminded him of the contest about the birth-place of blind old Homer, and, no doubt, in a few years we shall have warm arguments as to who was the father of this measure. If Mr. Cooper is entitled to praise, let him have it by all means. But I hope the Bill will pass, and the people will be allowed to get the benefit of it.

Mr. COOPER.—The object of the amendment is simply that all tenants should be paid for their improvements, but the Hon. Col. Secretary argued that because a man executed a lease for a limited period, he should not at the expiration of that period receive compensation. Now, it is impossible for a man on a farm, which he is improving, to save in a few years money sufficient to enable him to purchase a freehold property. It is for such reasons that I wish the amendment to pass.

Hon. COL. SECRETARY again explained that the Bill was intended to apply to all those tenants ejected before the end of their term, and would consequently include tenants even for one or two years, and reiterated his opinion that Mr. Cooper's views should be embodied in a separate Bill.

Mr. DOUSE repudiated the idea of taking the improvements from a tenant without compensation, even at the expiration of twenty-one years' lease. Such a line of conduct had never suggested itself to his head or heart. The leases spoken of had

been drawn with a clause giving the tenant a right to purchase at a fixed price at any time within the term, and many had found it to their interest to do so. It is no bad thing for a man to have £5 or £10 indorsed on his lease as part of the purchase money of the fee simple. But he was strongly opposed to legislating for the benefit of trespassers. People of that class are injurious to the best interests of the country. They not only misconduct themselves, but their bad example leads others astray.

The Hon. the SPEAKER.—Mr. Chairman, the hon. member for Belfast is merely fighting shadows. The hon. member (Mr. Cooper), does not mean to apply the benefits of the Bill to mere squatters or trespassers, as he (Mr. Douse), seems to think is his intention. The Bill applies to rent payers who may be ejected before the expiration of the period for which their leases were given, yet hon. members are occupying the time of the committee in discussions about the length of the tenancy, and whether holders of leases for twenty-one years shall receive compensation at the end of their term. Those questions have no connection with this Bill, and should be the subject of a separate measure. The more complication the greater risk of the Bill being defeated somewhere. I, therefore, will support the Bill, as it is better to get half a loaf than no bread, and it will not do to risk the fate of this measure by the addition of what may ultimately cause the loss of the whole. I would remind the committee of the fate of a Bill which this House sent to the Council. That Bill embraced the One-ninth Act and the Currency question. The Council advised us to separate them. We did so; and they then passed the One-ninth Bill and rejected the other. The introduction of other matters into this Bill may cause its rejection at the Colonial Office by the influence of a fifth power. The sooner the Bill passes the better, as enquiries are being constantly made as to whether it has become law. I will support the hon. member (Mr. Cooper), in bringing in a Bill for compensating tenants for twenty-one years, at the termination of their tenancies, and also squatters. The Bill I introduced some years since, passed by so small a majority that the Council felt it their duty to throw it out. Had that measure become law, many would have been saved from ruin who have been compelled to sell their little all and go elsewhere.

Mr. DOUSE would oppose the recognition of a trespasser as a tenant.

Hon. Mr. WIGHTMAN would support the Bill in its present shape, although it does not go as far as the hon. member (Mr. Cooper) wishes. I agree with him, however, that the labor and improvements of twenty-one years should be compensated, as well as of five years, or even one year. I am fully sensible of the hardships on those tenants who hold twenty-one years' leases, and who have complied with all the conditions of their leases, and paid their rent to their landlord, and improved their land, erected buildings and fences, and exhibited themselves in every relation as good, honest and industrious members of the community. Those men should be paid for their improvements, as well as the men who go into the wilderness under long leases, with covenants for the payment of improvements. On these grounds I shall be happy to support the hon. member (Mr. Cooper), in a distinct Bill providing relief for such tenants.

Hon. Mr. LORD.—I have no objection, Mr. Chairman, to support the introduction of a separate Bill. I think that the insertion of the proposed clause in this Act would jeopardize the whole measure. I will go heart and hand with any hon. members to provide compensation to tenants with short leases and to squatters; by which term I mean those who have no written leases. There will be found, I think, but few of that

class on lands, the title to which is good. If a man has settled on land and made improvements, a landlord with good title appears, the settler is quite willing to secure his possession by accepting a lease.

Mr. McINTOSH.—It is somewhat strange, Mr. Chairman, that there should be so much discussion on a matter on which there is a general concurrence of opinion, and it recalls to my mind the words of the poet—

“I see the right, and I approve it too;  
I see the wrong, and yet the wrong pursue.”

The only wealth of the country is labor, and it ought to be encouraged. The improvement of the land elevates the country, and that cannot be done unless the laborer's interest is secured to his benefit.

Mr. COOPER stated that it was strange that his amendment should be opposed by the supporters of the Bill, when it was in accordance with the title of it. If, instead of limiting the Bill to the tenants ejected before their leases had expired, his amendment were adopted, the Island would be a perfect garden, and inducements would be held out to the tenant to benefit himself and the landlord. Such was the principle in the Scottish laws; and if such a provision were required in an old settled country, it must be more necessary in a new one.

Hon. COL. TREASURER was opposed to the system of granting short leases, but the present was not the time for the discussion of that question. He would willingly accord his support to a Bill preventing frauds on tenants taking short leases, and hoped the hon. member (Mr. Cooper), would introduce a measure to that effect.

Hon. COL. SECRETARY.—The committee appear to be under a misapprehension. The Bill is intended to comprise all parties having a lease, an agreement, or a promise of a lease, but as some hon. members seem to doubt that, I will move a short clause expressly mentioning it.

Mr. DOUSE.—This, Mr. Chairman, I consider perfectly ridiculous. Two parties agree for a fixed rent for a certain period, and after that, one of them is to pay what was never mentioned or intended in the agreement.

Mr. DINGWALL would not support the amendment. The Bill was generally required by the country, and he would give it his support. The amendment would, in his opinion, ruin the Bill. He would support a distinct Bill for the benefit of lessees for short periods, and squatters, and hoped an Act to that effect would be introduced. It would be difficult, indeed, to exaggerate the difficulties and hardships sustained by those tenants who have gone into the wilderness and felled the forest, and cleared the land under a lease for twenty-one years, and at the end of that time have no claim for the improvements that their time and their labor had made; and I fully agree with the Hon. Col. Treasurer, that those men have as much right to protection and compensation as those who have obtained long leases.

After a few remarks to the same effect as those we have given, the Bill passed with the additional clause inserted by the Hon. Col. Secretary.

## SUMMARY OF PROCEEDINGS.

WEDNESDAY, March 7.

Hon. Mr. PALMER, seeing the Hon. Col. Treasurer in his place, would ask if any and what arrangements had been made for the payment of the military pensioners in the Island by the Colonial Government. He had been applied to by one, and he understood that several were anxious to know.

Hon. Col. TREASURER was glad that the question had been put. During his absence from the Island in the early part of the winter, His Excellency the Lieutenant Governor had received a request to appoint an officer to pay the pensioners, and had recommended that they should be paid by the Treasurer. In consequence of that recommendation, he had received a letter from Commissary General Robinson, at Halifax, requesting him to do so, and that department would repay the amount advanced. He replied, declining to assume the responsibility. Afterwards, on representing the matter to the Government, he was ordered to pay them from the Admiralty funds. He, of course, did so, and disbursed the sum of £450 sterling, under that order, a copy of which he sent to the Commissariat at Halifax. In the mean time, an officer of that department, Mr. Cochrane, arrived from Halifax with sufficient funds, viz., £530 sterling. Mr. Cochrane arrived on Thursday, and left on the following Monday, without paying a single pensioner. Twenty-five persons had not been paid. He had kept an exact statement, a copy of which he had transmitted to Halifax, and which, with the correspondence, he was ready to lay before the House. Mr. Cochrane had informed him that it was intended to send an officer from Halifax, quarterly, to pay the pensioners, as it was a rule of the Commissariat department that no moneys should be paid by any but their own officers.

Hon. Mr. WHELAN gave notice that he would, to-morrow, put certain questions to members of the Government on the subject of the fishery reserves.

Mr. DOUSE, in accordance with the understanding entered into a few days since, presented and moved an address to His Excellency the Lieutenant Governor, praying him to order an examination of the work on the extension of the wharf at Pinette, last summer. He stated that from credible parties he had received information that the contract had not been completed with, although the then Commissioner had given the usual certificate, on which the contractor had received the full amount of his contract from the Treasury.

Hon. Mr. LORD thought that the hon. member should give the House any information he possessed on the subject before asking the Government to incur the expense of sending the Superintendent of Public Works on an examination instituted on mere rumor, which might end, as the hon. member usually ends his speeches, “in smoke” (Laughter). The Commissioner was one of his (Mr. Douse's) own friends, and it was singular that he should give the certificate if the work had not been performed.

Mr. DOUSE said it was the duty of the Government to see that the work had been properly done. He had been well informed, and it was his own belief, that the contractor had not done his duty; and it, therefore, was his duty, as one of the representatives of the people, to bring the matter to the notice of the Government, and the hon. member (Mr. Lord) should be the last man to throw cold water on his motion. As to the expense of sending the Superintendent of Public Works to examine and report on the work, he would pledge himself to pay those expenses out of his own pocket if his statements were not correct.

Hon. Mr. LORD said that petitions on the subject should be before the House. It was unfair to make serious charges against a public officer behind his back. Every man should have an opportunity of justifying his conduct. The present course was like stabbing a man in the dark.

Hon. Mr. LONGWORTH thought that some evidence—not mere report—should be before the House. The matter should be adduced in another shape. If the Commissioner had acted improperly, he should be dismissed, after enquiry.

Hon. Mr. MONTGOMERY.—The address states mere report

as the cause of asking the investigation. The House should not adopt it. If, however, the hon. member for Belfast has any personal knowledge of the subject, it is his duty, as one of the representatives of the people, to bring it to the notice of the House.

Hon. Mr. MOONEY thought this motion a most ungenerous attack on an absent man. The hon. member for Belfast is always drumming about roads, bridges and wharves, even if a wharf takes the smallest slant. He (Hon. Mr. Mooney) will not gratify any member in attempting to stab a man behind his back.

Hon. Mr. PALMER.—The hon. member (Mr. Mooney), as a member of the Government, certainly took a most extraordinary view of the matter, and betrayed great ignorance of the matter. When Mr. Douse first mentioned his intention to bring the matter before the House, he told him that he thought the more proper course would be to call the attention of the Government to the subject, and if they did not interfere, then to submit it to the House. He (Mr. Douse) was told the other day that he was irregular in bringing it up in the House, and that he should address the Government. Now he is told that he is wrong in adopting that course, and that he is stabbing a man in the back; and he is told this by members of the Government! If this is not the proper place, where is he to go? What course is left for him, if he is to be thus knocked about, first in the House, then out of it? His present course is correct enough; and the opposition of the Government is strange indeed. The argument about the expense of employing the Superintendent of Public Works, is one which the Government would not like, I fear, to act upon as a general principle. Such expense incurred in the examination of public works, by competent persons, is money well laid out, even if the work should be found to have been faithfully performed, and the country will never complain of it. I thought, and still think a letter to the Hon. Col. Secretary, requesting the attention of the Government, the better course.

Hon. COL. SECRETARY thought the hon. member (Mr. Douse) had taken a proper course. He thought the Hon. Mr. Palmer's idea would give Government enough to do if they were to notice every application that might be made without proof. Mr. Douse had stated the work was not done. Let the Government send the Superintendent and examine. The expense will not be much; it may, perhaps, be found that some little extra work has not been done. The Government will dispense equal justice, and not institute one-sided investigations, as was the case last year.

Hon. Mr. WIGHTMAN thought the House was the proper tribunal. When not in session, however, the Government should be applied to, and if they did not act, then the House, at the next session, should have the matter before them. The only defect is the want of positive information; however, he would go, though somewhat reluctantly, for the passage of the address.

Mr. HAVILAND, in view of the different opinions of members of Government, on a question of responsibility, would like, for his own guidance, whenever he might be in office himself, to have a clear exposition of the proper course to be pursued under such circumstances. At present his mind was like Mahomet's coffin, in a state of suspense. (Laughter).

After some few other observations from different members, the conversation dropped, and the matter was withdrawn, on the understanding that the Government would take action on it.

Mr. HAVILAND, from the committee on the Bill for naturalising Mr. James Searle Mann, reported that the Bill should pass without fear.

The House approved of the remission of fees to Mr. Mann, but an objection was taken to the wording of the report, which might be taken as a precedent in future cases of such bills. The propriety of a general Bill for naturalising aliens, was mentioned incidentally, and the Hon. Col. Secretary, in alluding to it, expressed his opinion that it would be better to defer such a measure to next year, as it was the only thing left which we could hold out as an inducement to the people of the United States to make concessions; and he mentioned the refusal of Congress to sanction the Bill introduced by the American Government to cancel the bonds for duties on Colonial goods imported into the States.

Mr. McDONALD moved a reconsideration, in committee, of those portions of the Statute Labor Bill which had reference to the residence of the Commissioner for the district and Royalty of Georgetown. The Bill, as agreed to in committee, allowed the Government to appoint as Commissioner any one not residing in the district; and he stated that he did not desire to confine the residence of the Commissioner to Georgetown and Royalty, but merely wished that it should be within the district. Order of day for to-morrow.

THURSDAY, March 8.

The Election Bill was read a third time and passed.

The Hon. COL. SECRETARY laid upon the table the despatches signifying the Royal Assent to the One-ninth Bill and the Reciprocity Act.

Mr. McDONALD moved that the House go into committee on the reconsideration of the Statute Labor Bill, and explained that the Bill permitted the Government to appoint, as commissioner for Georgetown district, any person, whether he were a resident of the district or not. That such a course might be productive of serious inconvenience; for instance, a road contractor had frequently occasion to call upon the commissioner to examine his work, and it would be a great hardship to compel the contractor to travel long distances to find the commissioner. Another reason why it was desirable that the Georgetown commissioner should reside in the district, was to be found in the fact that he was also the commissioner of sewers in Georgetown, and in that capacity his presence was required whenever any person wished to open a sewer; and had to exercise a supervision over the wharf at Georgetown. He moved an amendment, to the effect that the commissioner should have his residence within the district under his authority; and he did not wish to restrict his residence to Georgetown Royalty, but merely intended that he should have his abode within the limits of his district.

Hon. Mr. PALMER was not present when the alteration in the old law was before the House; had he been, he would not have consented to it. In that law, residence within the district was a *sine qua non*—and he knew not for what reason, or for whose benefit the alteration had been introduced. He considered that it was but right and proper that residence in the district should be insisted on. If competent persons cannot be found in the district, it should not be erected into a separate division. On the other hand, if persons can be found duly qualified, it is unjust to appoint from other quarters. He was surprised to hear that any such alteration had been made. It would lead to abuses, and furnish just grounds of complaint. A resident commissioner has all the stimulus of self-interest to induce him to keep the roads in his own vicinity in the best state possible; remove that inducement, and a system of favoritism will be the result.

Hon. COL. SECRETARY explained that it might possibly be found desirable that a non-resident commissioner should be required for the district, as it would be necessary to appoint some one acquainted with the process of Macdonaldising, and it might be that no one so qualified could be found within the district. That the law did not specify any place of residence for the commissioner. It was discretionary to appoint a resident or non-resident. He had no objection to the amendment.

Mr. McDONALD.—The only object of the amendment is to take away that discretionary power.

The amendment passed.

House in committee on the Normal School Bill.

Hon Mr PALMER had prepared one or two clauses in amendment of the Bill, which he thought it desirable to add to it. The most important was one providing for the establishment of a free school for the education of orphans and the children of parents too poor to pay tuition fees. Such school was required. There were many poor children allowed to run about the streets, where they soon became demoralized, and it was no uncommon sight to see very young children on trial in the Supreme Court for crimes, which, had they received the benefits of education, they probably would never have committed. The proposed school was to be merely for the purpose of preparing children for higher education, and orphans would have the preference of admission.

The Hon SPEAKER thought, the other day, that the only alteration intended was to provide for the payment of tuition fees for children whose parents were too poor, from the Treasury, on the certificate of a clergyman or magistrate. Now, it appears, we are to have a ragged school. He must say Charlottetown and Royalty were pretty well off for schools. At present there were no less than 10 public and 4 private schools. Other parts have an equal right with Charlottetown. It would be better to pay the tuition fees of the poor from the Treasury than to establish another school. The establishment of a separate school for that class would cause complaint on the part of those not living in its vicinity, and the best way was to allow the children to go to any of the schools at present in operation, and pay their fees from the public Treasury.

Hon Mr MOONEY agreed with the Hon Speaker. Charlottetown and Royalty get double as much for schools as his district, and according to the last census, its population was one-sixth of the Island. He would gladly vote a liberal sum for the free education of orphans and the poor, and that would be cheaper than opening another school.

Hon COL SECRETARY said that when the Education Act first went into operation the fees were required to be paid in advance, many ragged and shoeless poor children, whose parents were too poor to pay the fees, were sent to school three or four quarters at his own expense. He had gone round to their parents, and induced them to let them attend the schools; but after a little time, the personal condition of the children was not attended to, and a distinction in the school was the necessary result. £35 or £40 will be all that will be required to obtain the services of a competent teacher. Many persons in Charlottetown pay to the present schools without availing themselves of them. He pays £9 or £10 a year. Charlottetown is not so large but that a convenient and central site may be obtained—a school to embrace all unable to pay fees, without any sectional or denominational distinction.

Mr HAVILAND would wish to know the amount raised and expended for schools in Charlottetown and Royalty, as, if the former was in excess, he would go for the proposed school; but if the reverse was the case, he would not take money out of the pockets of his constituents to establish another school in Charlottetown.

Hon Mr LONGWORTH stated that Charlottetown and Royalty did not get what they paid. They were taxed heavily—at least double what any other parts of the Island were—and there was but one school in the Royalty.

Mr MCINTOSH thought that the reason assigned for a separate school—the distinction between the scholars—would have the effect of degrading their poorer children in their own eyes, and thus perpetuating and increasing the very evil complained of. If the children are given to understand that they are not fit to associate with the others, they will despond; oppression begets despondency. He would not, however, oppose the amendment if it was considered necessary; but he preferred the other plan.

Hon Mr PALMER explained that the amendment did not render it compulsory to send children to the proposed school. They could still attend any of the others. The present fee of 1s 6d, small as it is, is an excuse for not sending the children to school. Other countries have similar institutions.

The Hon SPEAKER would not oppose the amendment. A little discussion did good.

Hon Mr MOONEY would continue to oppose it. Charlottetown

and Royalty had plenty of schools. In fact, he had it from good authority, that one in the Royalty would be closed on account of the small number of pupils. There was great want of schools in the rural districts. In many places little children, half naked, have to travel two miles to school. But the gentlemen of Charlottetown will soon be so highly educated that a countryman will be afraid to come to town. They will all be college bred.

The amendments passed, and £40 was agreed on as the salary of the teacher; and the pupils to be received are not to be under 4 years of age, nor over 10.

An amendment, by the Hon Col Secretary, securing to the trustees the land given for sites of schools, also passed.

FRIDAY, March 9.

Mr. Munro presented a petition from Laughan McKinnon, praying aid for the purchase of seed, petitioners' barn, with contents, having been destroyed by fire.

Messrs. Palmer and Dingwell obtained leave of absence.

Hon. Mr. Longworth presented a petition from the inhabitants of the eastern part of Charlottetown, praying that the contemplated new market house may be erected on King's Square. The petition was accompanied by a list of private subscriptions, amounting to £905, in aid of the object.

Hon. Mr. Mooney presented a petition from tenants on lands on the Tracadie estate, praying that Government be authorized to have the metes and bounds of the McDonald estate surveyed, and to take possession of the lands held by petitioners, which they allege lie between the McDonald and Byrne estates. That petitioners would then purchase from Government under the Land Purchase Bill. Several objections were raised to the prayer of the petition by different members, on the grounds that compliance would bind Government to hold a general survey of the whole Island, for the benefit of any proprietors who choose to ask that their properties may be surveyed at the public expense. That there was no ungranted land between the boundaries of the respective lots. That one abutted on the other, and that the law provided a remedy for all who felt themselves aggrieved. Hon. Mr. Mooney stated that the land occupied by the petitioners was not included in either of the grants to Mr. McDonald or Captain Byrne, and that the agent of Mr. McDonald had taken the land, as he thought he might as well have it as any other. Hon. Mr. Mooney, Hon. Col. Treasurer, Messrs. Cooper, McDonald and Munro, were named as a special committee, with power to send for persons, papers and records.

The House then took up special petitions:

Hon. Mr. Mooney presented a petition from inhabitants of Township 29, complaining of the injury done to the roads by parties hauling timber on them in the summer time. The present mode of using two wheels, and attaching the log by an iron dog driven in to one end, cuts up the road; and praying the adoption of measures to prevent the continuance of the practice.

HON. COL. TREASURER.—The attention of the Commissioner should be drawn to the matter. The law enabled him to prevent the destruction of the road by such practice.

Mr. COOPER thought the better plan would be for the Government to attend to it. If the Law spoken of is on the Statute Book, the Government should see that it was enforced.

Mr. MCINTOSH thought that the present system of using two wheels was wrong, as causing great injury to the roads, and that the use of four wheels would obviate the difficulty.

Hon. Mr. WIGHTMAN said that the hon. member (Mr. McIntosh) would obstruct the whole commercial business of the country, with his four-wheeled chariots for carrying timber.

Mr. McINTOSH would not allow the hon. member to put words into his mouth that he had never uttered. He had better mind his own business, and allow him (Mr. McIntosh) to mind his. He denied that he wished to injure the business of the country, and it was unfair in the hon. member to say that he did, and he would not suffer him to do so.

Hon. Mr. MOONEY was really almost afraid to say a word, lest the hon. member (Mr. Wightman) should come down upon him. But certainly Mr. McIntosh had a right to express his opinion, and it was the duty of the Legislature to protect the roads.

The petition was laid on the table.

A petition from John Dixon, praying bounty on a mill erected by him for fulling and dyeing cloth, and a remission of duties paid on imported machinery.

Hon. Mr. WHELAN advocated the prayer of the petition, which he moved be referred to supply. Mr. Gurney had previously received a bounty on a fulling mill. The cloth manufactured by the petitioner was far superior to any that had ever been manufactured in the Island, and he doubted if it could be surpassed in any of the neighboring Colonies. Mr. Dixon had received premiums for the cloth he had turned out of his establishment. So much approved was it, that His Excellency the Lieut. Governor and the Hon. Col. Secretary had purchased large quantities of it. Whatever amount the committee might be disposed to grant as a bounty, he had no doubt they would grant the amount paid as duties on the machinery.

Hon. Mr. MONTGOMERY was opposed to referring the petition to the committee of supply. It had better be withdrawn. There were other fulling mills in the country, whose owners would have as good right as Mr. Dixon to apply to the House for money. It is true that a small bounty had been given to Mr. Gurney, but that was for the first mill to be erected in the Island. Now there were several; and all would have an equal right. He instanced another mill in Prince County, owned by Mr. Jamieson. It has been in operation three years, yet Mr. Jamieson had never applied for legislative aid, though as much entitled to it as Mr. Dixon.

Hon. COL. TREASURER would not object to the return of the duties, but disapproved of the principle of granting bounties. The grant to Mr. Gurney was provided by statute for the first mill to be erected.

Hon. Mr. WIGHTMAN could confirm the Hon. Mr. Whelan's statement. Mr. Dixon had told him that he thought, as the House had granted money to Mr. Gurney, he considered he would receive the same treatment. Mr. Dixon had expended some £600 or £700 in the erection of valuable and extensive buildings. He had also introduced from Nova Scotia workmen experienced in the preparation of superior kinds of cloth; and had that not been a benefit to the country? He hoped the House would give a return of the duties paid on the machinery, but was not disposed to go further. It was necessary that a revenue should be raised from some source.

Hon. Mr. MOONEY.—It is all very fine, Mr. Speaker, for the hon. member (Mr. Whelan) to go for granting drawbacks on duties on machinery; he will do so until he obtains all he wants on this matter, and then he will oppose any similar application. I hope the hon. member (Mr. Wightman) will not be offended, if I hint that it is just possible he may have some petition of the same kind to present. Mr. Scantlebury had imported a steam engine last year, and there was the great horse machine of Mr. Hazzard, that was to tramp out the news at the rate of nine knots an hour; and their petitions were rejected; and it will never do to establish the precedent. It is absurd to think that this House will take the

money of the public to pay bounties to persons who import articles for their own benefit and aggrandizement. If Mr. Dixon's mill is the best, he will get the most business, and not need bounties.

Hon. Mr. LONGWORTH stated that Mr. Scantlebury told him he intended to apply for a remission of the duties on his engine, and he stated to him that it would be of no use, that the House had refused to entertain such applications for the last five or six years, and even last Session.

Mr. McINTOSH was inclined to give bounty, but not drawback. A moderate premium to the man who has built a mill, will encourage others to do so, and thus the price of the manufactures will be reduced to the public. There are premiums to agriculture and the fisheries: why not to a fulling mill?

Hon. Mr. WHELAN denied that he advocated the petition by previous arrangement with Hon. Mr. Wightman, as alleged by the hon. member (Mr. Mooney). That hon. member probably judged others by his own conduct. He denied that the House had established the rule of refusing all such applications. True, they had refused a couple last year; but if they had acted in a parsimonious spirit last Session, that was no reason why they should exhibit the same feeling this year.

Hon. Mr. MOONEY was sincere in the statement he had made. I must admit, Mr. Speaker, the hon. member (Mr. Whelan) is not very troublesome to the House. He seldom favors us with his presence. He seems to waste his eloquence on such humble individuals as we are. He allows us to squabble among ourselves.

Hon. Mr. WHELAN.—Mr. Speaker, the hon. member from Flinty Glen seems to be anxious for an opportunity to attack me. This is the second time he has done so in this short discussion, and has made unprovoked insinuations, calculated to damage me with my constituents. I am accused, sir, of being seldom in my place. I believe I am here as regularly as he who prefers the accusation, and am able to perform my duties as well as he does. It is true, my voice is not often heard in this House, and, I must say, it would be more creditable to the hon. member himself, honorable to the district he represents, and useful to the country whose business he retards, if he followed my example in this respect. I do not waste the time of the House in endeavoring to exhibit myself as witty, when I am but impertinent, and thus rendering myself ridiculous.

Hon. Mr. MOONEY.—Mr. Speaker, I give notice that if the hon. member is allowed to speak again, I shall claim the right to reply.

Hon. Mr. MONTGOMERY.—If the cloth from Mr. Dixon's establishment is of so superior a quality, he will obtain plenty of customers, and do so good a business that he will need no bounty. I do not see on what grounds the House is asked to remit the duties. There are a great number of carding machines in the country, and they find the business for such mills as Mr. Dixon's, yet they have never received any aid from the Legislature.

Hon. Mr. WIGHTMAN repented his statement, that a large sum of money was annually leaving the country for the very article that Mr. Dixon's establishment was intended to supply, and that it was a benefit to the whole Island to retain the money in the country.

Mr. COOPER would prefer to amend the motion, by a recommendation to Government to remit the amount of duties. When he was formerly in the House, a bounty was given for the first fulling mill. Now, it appeared that Mr. Dixon's was the best, and he had obtained premiums for the superiority of his manufactures. If the House did not sanction



his amendment, he would vote for the petition being referred to supply.

Hon. Mr. LONGWORTH.—The business pays Mr. Dixon, I have no doubt, well enough. The reference to the Agricultural Society, has no analogy to this case. That Society is but a trustee for the public; it disburses public funds for the public benefit. But this is an application for granting the public money for the benefit of a private individual.

Mr. McDonald could not support the prayer of the petition. There is another mill of the same kind in Prince County, the duties on the machinery of which were paid, and the proprietor would have an equal right with the petitioner, to the return of the duties. If the House granted money to Mr. Dixon on this petition, they might just as well give a bounty to every saw mill in the country.

An amendment that the Hon. Mr. Whelan have leave to withdraw the petition, was carried by a majority of 9 to 4.

Mr. McINTOSH, on petition of Hugh McVarish, for remuneration for a house burnt, wished to let it stand over till he could obtain information as to the ownership. He deprecated the House deciding hastily, as their judgment might be based on imperfect or erroneous information. He was opposed by several members; and it appeared that five pounds were placed last year at the disposal of the Government, to be paid to the ascertained owner, and that amount was still in their hands. Petition withdrawn.

A petition of Peter McConnell, for balance of duties paid on goods subsequently ascertained to have been damaged, was withdrawn; the House considering that granting its prayer would probably lead to frauds in other cases.

A petition for aid to Roseneath School was withdrawn.

A petition of John Ross, a teacher of vocal music, praying aid towards the publication of a book for the instruction of learners.

Hon. Mr. WHELAN eulogised the talent and industry of the petitioner, who, he said, had instructed himself in the art of printing, and he would refer hon. members to the specimen sheets of the forthcoming book, which were laid on the table with the petition; they were executed in a style worthy of a regularly educated printer, and eminently creditable to the petitioner. The hon. member proceeded to say, that he had no personal interest in the matter, he merely wished to encourage laudable enterprise, and a small sum would be of service to the petitioner. In conclusion, he trusted hon. members would not come under the condemnation of the poet, who says—

"The man who hath not music in his soul,  
And is not moved by concord of sweet sounds,  
Is fit for treason, stratagem and spoil.  
Let no such man be trusted." (Laughter.)

Hon. Mr. MOONEY opposed the petition; and, in doing so, expressed his fondness for the art, and his high opinion of the character and labors of the petitioner, whose professional labors had been beneficial to the country. He wished him every success in life, and only opposed his petition on principle.

A petition of John LePage, third master in the Central Academy, for increase of salary, was withdrawn.

A petition of inhabitants of Lots 61 and 62, for compensation to John Gay, courier, for the loss of a horse, which died while carrying the mails, was recommended by Mr. Munro, who knew the petitioner was an industrious but poor man, and as he had lost a valuable horse in the public service, he hoped the House would grant some, even a small amount. The petition was withdrawn, the House declining to sanction the principle.

A petition of inhabitants of Lot 55, for alteration in road, was ordered to stand over.

A petition of the inhabitants of Princetown Royalty and

vicinity, for the adoption of measures to prevent hogs running at large, was referred to a special committee, consisting of the Honrs. Messrs. Montgomery, Longworth and Wightman, to report by Bill or otherwise.

A petition of the inhabitants of Princetown Royalty and others, complaining of the neglected state of Richmond Bay, and stating that the light house on Fish Island, so far from being a benefit to navigation, was calculated to mislead vessels, and praying for the appointment of a commission of pilots and other competent persons to survey and report. It was considered by the House that the information which could be obtained from Captain Bayfield, of the *Gulnare*, would render the commission unnecessary; and that the Government would turn their attention to an improved method of lighting the house on Fish Island. With this understanding, the petition was laid on the table.

A petition from Jeremiah Simpson, Esquire, formerly a road commissioner, for £2 10s., being balance alleged to be due him as such officer. The petition was supported by the Hon. Mr. Montgomery, Hon. Mr. Longworth, and Mr. McDonald. After some discussion, the petition was, on motion of the Hon. Mr. Mooney, withdrawn. The Honrs. Messrs. Montgomery and Longworth, and Mr. McDonald, voting against the motion; and the Honrs. Col. Secretary, Col. Treasurer, Mooney, Wightman and Whelan, Messrs. Cooper, Muuro, McIntosh and Mairhead, supporting it.

A petition of Laughlan McKinnon, praying aid to enable him to procure seed for the ensuing season.

Mr. MUNRO, who had presented the petition, advocated its prayer, and stated that he believed the petitioner was deserving of the favorable consideration of the House; that he was an industrious, hard working man, and although afflicted by having three deaf and dumb children, had never applied to the House for assistance. He moved that it be referred to the committee of supply. The meritorious character of the petitioner, and his claim to the charitable consideration of the House, in the unfortunate circumstances in which he was placed, was universally acknowledged by the House, and the petition was referred to the committee, with the understanding that they were to report merely on that part which referred to the destitute state of the petitioner, the House having previously decided not to grant compensation for loss by fire.

SATURDAY, March 10.

Hon. Mr. LONGWORTH presented a petition from James Anderson, of Charlottetown, praying return duties paid on Canadian flour.

#### FISHERY RESERVES.

Hon. Mr. WHELAN, in accordance with the notice he had given, would proceed to put certain questions to the Government with reference to the Fishery Reserves. A good deal of agitation on the subject has been got up, and considerable anxiety is felt, particularly among my own constituents. It is right that they should know the position in which the matter stands; and I will, therefore, ask the Hon. Leader of the Government what has been done with the proceedings instituted, two or three years ago, against the proprietors? whether they have been abandoned? If so, for what reasons? If Government has instituted proceedings against an individual living at Merel? If so, why has that individual been singled out for prosecution; in short, why has Government not proceeded against large as well as small proprietors? I trust that the Government will give full information on the questions I have put. There are, among my own constituents, a great number of small freeholders, and tenants who have small reserves, and they are naturally

anxious to know what the Government has done, and what line of action it intends to pursue on the subject, as they fear that the course adopted towards one may be pursued against others. I hope the reply will be satisfactory, not to them alone, but to the people generally, whose attention has been strongly directed to the matter of late.

Hon. COL. SECRETARY.—Really, Mr. Speaker, I wish the hon. member would reduce his questions to writing; he has asked so many, that I may possibly omit to answer some of them. I thought, from the terms in which he gave notice of enquiry, that his questions related only to the Worrel estate. I will endeavor to answer all his queries, however, as fully as I can, consistently with the obligations of my offices as Colonial Secretary and a member of the Executive Council. In the first place, I will say that there are two classes of fishery reserves in the original grants: One reserves to the Crown until the land is required for fishing purposes; the other reserves for the use of all Her Majesty's subjects engaged in the prosecution of the fisheries. The first class alone is that with which the Government intend to grapple; and their purpose is to secure to the public at large the benefits of the reserves; and to effect that, they cannot and will not favor one at the expense of all. At the time of the settlement of the Civil List Bill, the control of those reserves was surrendered to the Colony by the Crown, and the Government, being responsible to the people, will, in dealing with them, be guided by the opinions of their Representatives. The liberal party expressed their views on the matter in an address to Sir Alexander Bannerman, and the Government propose to act in accordance with those views. Several proprietors contest the extent of the reserves. In the original grants, 500 feet from high water mark are reserved to the Crown for fishing purposes; and it has been decided by the law officers of the Crown in England, that the right to the soil of the land so reserved is in the Government until so required. Several actions have been instituted by the Government to test the points in dispute, which will be tried and determined according to law. With reference to the person alluded to by the hon. member—as I presume he refers to Mr. Cox—I will briefly detail to the House the circumstances of his case. By the first proposal to the Government to purchase the Worrel estate from Messrs. Pope & Co., the Government were to receive it as fully and amply as Pope & Co. had received it from Mr. Worrel's trustees. But before the bargain was concluded, Mr. Cox, who was only a tenant on the estate, stepped in and purchased the most valuable portion of the property, because he could obtain more land from Pope & Co. than any one individual could purchase from the Government under the Land Purchase Bill. When the Government ascertained this, they considered that as Messrs. Pope & Co. were selling the best parts of the property, they should deduct from the sum agreed to be paid for the estate, the amount of Mr. Cox's purchase, which was accordingly done. They had stipulated with Mr. Pope for an allowance of 800 acres, for the fishery reserves, but as there were about 170 acres of reserves on Mr. Cox's property, he would only allow 600, and would leave the Government to deal with Mr. Cox. Now, Mr. Cox's property has a very extended front on St. Peter's Bay, and the Government took the earliest opportunity, after the completion of the purchase from Messrs. Pope & Co., to notify him to attorn to them for the reserves. They did so, as soon as possible, in order that Mr. Cox should not have it in his power to say that Government had proceeded to enforce the public claims against him without previous notice of their intention. But I am told that Mr. Cox now says that Government ought not to single him out, and that he ought not to

be interfered with any more than the smaller freeholders and tenants; and thus he seeks to excite apprehensions in the minds of those freeholders who have purchased their 50 or 100 acres from the proprietors, that the Government intends to deprive them of the small fronts of their farms. I can state, Mr. Speaker, that there is no occasion for those people to be uneasy on the subject. The Government do not intend to interfere with them, further than as recommended in the address to Sir Alexander Bannerman; but Mr. Cox's case is very different from theirs. His land has a very extensive front on St. Peter's Bay, and the general interests require that the Government should see that the reserves on so large an extent are secured to the public. And what have the Government done to Mr. Cox, that justifies the agitation that has been got up on this matter? Why, sir, they have simply given him notice to attorn to them, and, had he done so, he could, at a moderate rent, have retained the exclusive possession of the reserves until they should be required for fishing purposes. He has refused to do so; and has thus left Government no alternative but to assert their rights. Mr. Cox knew, when he purchased, that the Government had a right to the reserves, and that Messrs. Pope & Co. could not, and did not sell them to him. I will state also, Mr. Speaker, that it is the intention of the Government to introduce a Bill to prevent proprietors from exacting rent from tenants for reserves. That measure, however, will probably be introduced next Session—as time must be allowed for the settlement, by the courts of law, of the points in dispute; otherwise, the tenants might be subjected to suits at the instance of the Landlords before the rights of the crown were ascertained. It is better for them to go on as at present, until the points in dispute are disposed of, than to subject themselves to the annoyance and expense of going to law. But Mr. Cox says it is unfair for the Government to make any difference between his case and theirs. His case, Mr. Speaker, is very different from that of the small freeholders and tenants, who only occupy four or five acres of reserves. And Government would be doing an injustice to the public, if they allowed him or any other man, to step in and purchase the most valuable reserves, to an extent that he well knew he could not obtain under the Land purchase Bill. He has no right to complain of the Government for instituting proceedings against him. He well knew that the Government would claim the reserves, and that he did not purchase them from Messrs. Pope & Co. And now he is only asked to acknowledge their right, by the payment of a small annual rent, until they may be required for Fishery purposes, as specified in the original grants. With reference to the question put by the hon. member, whether Government intended to make any distinction between large and small proprietors, I can only say, that, up to the present time, the Government has not come into contact with any of the large proprietors. When parties have required wilderness lands on the sea-coasts of the Island, for fishing purposes, Government has granted them licences of occupation, and proprietors have not interfered. One individual refused to take a licence from the Government, but took a lease from the proprietor. He will be called upon to attorn and pay as other tenants. In one instance, at Cascumpec, a very valuable fishing station has been let by the proprietor to an American. He will be called upon to attorn to Government, if he decline to do so, he will be treated in the same manner as the proprietor. The Government have nothing to do with him. They only look to the party who is in possession of the reserves. All that can be done will be to make the parties in possession attorn till the reserves are required for fishery purposes. I have now, I trust, answered

TUESDAY, February 20.

## SHERIFF'S BILL.

The Bill was read a third time, and on motion that it pass—  
 Hon. Mr. PALMER.—I rise, Mr. Speaker, for the purpose of declaring my opposition to the passing of the Bill, and as far as I have been able to understand the grounds alleged by the hon. leader of the government for the introduction of this measure, I consider the reasons advanced unfounded and insufficient to justify the change sought to be effected by this Bill, and calculated to produce the very evils it professes to remedy. The great objection urged against the continuance of the present mode is, that it causes the appointment of partial Sheriffs, and that objection conveys a grave and unmerited reproach on the high official personages with whom the appointment has hitherto rested. At present, Sheriffs are appointed by the Lieut. Governor and the Chief Justice, and those functionaries are responsible for their conduct, not to this House, it is true, but to their superiors. The imputation upon those gentlemen, implied by the introduction of this Bill, is so apparent, that it is unnecessary to allude to it more particularly. While the Lieut. Governor and the Chief Justice are under a grave responsibility, and bound by solemn oaths, they cannot, and it is not to be supposed that they will, appoint as Sheriffs partial individuals. But, sir, once transfer the power of appointment to the Government—and that a party Government—and then you will have partial Sheriffs. No longer will impartial and disinterested men be found filling those offices. They must then be partial, appointed by a party, bound to carry out the views and wishes of a party, none but violent political partisans will be appointed, while the Lieut. Governor and the Chief Justice are impartial. The case will be different when the appointments shall be made by the leader of a political party, who cannot, and will not, appoint disinterested men. I regret the change. In other colonies the High Sheriffs are seldom removed. Such is the case in Nova Scotia, unless the system has been recently altered. Hon. members have been induced to form erroneous anticipations of the results that will follow the working of this Bill; and I prophecy, and I am seldom wrong in my predictions, (laughter.) that, as I said before, the Bill will cause the very evils it is professedly intended to remove. I move that the Bill be read a third time this day six months.

Hon. Col. SECRETARY.—I have no objection, Mr. Speaker, to the hon. member for Charlottetown indulging in as many prophecies as he pleases; but I think I could recall to his recollection a good many instances where his predictions have not been quite correct. Why, sir, it is impossible that the Liberal party can be worse off, in the matter of Sheriffs, than they have been hitherto, under Sheriffs appointed by the Chief Justice—a member of the old Tory party. The appointment, in effect, is solely with the Chief Justice—on one occasion he put down on the list three names, but took care to put down the names of two individuals who were not likely to serve. The Governor could do nothing. What did we see at the General Election before the last? There Mr. Sheriff Bins made an illegal return: he did not return the candidate who had the majority of votes; but he returned, as having a majority of votes, the candidate of the minority. The party of the hon. member was then in a majority in the House, and would not allow the return to be laid before them. The Hon. Col. Treasurer, who was at the time Col. Secretary, brought it down, and really, sir, so opposed were the majority to its reception, that I wonder they did not commit the hon. member to custody for breach of privilege. A change in the present system is absolutely necessary. The present mode is not in force in the neighboring colonies. In Nova Scotia, which

the questions of the hon. member to his satisfaction, and that of his constituents, and the people generally. And I repeat, that there is no necessity for the agitation and excitement which has been raised in the minds of the holders of the smaller lots. Government do not intend to deprive them of the water fronts of their properties, but will merely ask a small rent till they are required, as set forth in the address of the House of Assembly to Sir Alexander Bannerman.

Hon. Mr. WHELAN was satisfied with the tenor of the statements of the Hon. Col. Secretary, but regretted that he had not introduced the Bill he spoke of without waiting for the decision of the suits that had been instituted.

Hon. Col. SECRETARY explained that such Bill, if enacted previously to the rights of the Government to the reserves, and their extent were ascertained, might lead to confusion, and place the class to whom it was intended that the Bill should apply, in a state of uncertainty and anxiety, as to their rights. It was better that the disputed questions be first settled, and Government were anxious to have them set at rest as soon as possible.

The conversation then dropped.

An act for the incorporation of the Mechanics' Institute of Charlottetown was read the first time, and referred to committee on private bills to report on.

Hon. Col. SECRETARY presented a petition from Robert Robertson, which was read and referred to the committee on School Teacher's petitions.

Mr. HAVILAND moved to refer to the committee of supply, a petition from the inhabitants of Georgetown, praying aid to purchase a Fire Engine and a grant to open new roads. This was strenuously opposed by the Hon. Mr. Mooney, who contended that it was an application for public money for the benefit of private individuals. That they who owned property in Georgetown should protect it at their own expense. That it was the duty of the House to vote public monies for public objects. This view was opposed by several members, who instanced the various public buildings and places of worship in Georgetown, which justified the petitioners in applying to the House; that Georgetown was the second Town in the Island, and contributed more to the revenue than any other place, save Charlottetown. It was finally referred to committee of supply.

A petition of Patrick Scully, for compensation for the value of land used as a road, was referred to the members of the district.

A petition of James McLeod, of New London, one of the contractors for building the bridge over Mill River, praying the House to make good the deficiency, on the subscriber's list, of those who refused to pay their respective amounts, and those who had died, or left the Island, was rejected: The majority of the House considering that the petitioner took the list of the subscribers at his own risk, and that he had the power to compel payment from those who had refused, and he had no right to ask the House to make good the deficiency.

A petition of the Inhabitants of Princetown Royalty, against the present system of granting licences, was referred to a special committee, consisting of the Hon. Mr. Montgomery, Hon. Col. Treasurer, Messrs. McDonald, Haviland and Muirhead, to report by bill or otherwise.

A petition of the Inhabitants of Georgetown for aid to a packet, and for extension of a wharf, was referred to the members of the district.

The House went into committee on the Act consolidating and amending the Act relating to the wharf in Georgetown, and other wharves.



the hon. member has instanced, the appointments of Sheriffs are made by two Executive Councillors and the Chief Justice. That system might be far more offensive to the Chief Justice than the plan proposed by the Bill; for, in that Province, the Chief Justice can be at once out-voted in the selection. In New Brunswick they took the appointment out of the hands of the Chief Justice, and vested it entirely in the Executive Government of the Province. No Government can exist with Sheriffs hostile to them, and independent of the Government for their appointments. Why, sir, at the last general election, one of the Returning Officers at Wheatley River Bridge, in my district, who was a land agent, and politically opposed to myself, refused to conduct the election. He well knew that I should receive a handsome majority of votes at his polling place. When I was informed of that, I was fifteen miles distant from the polling place, and I at once proceeded there, and found the Returning Officer and his Poll Clerk enjoying themselves in a proprietor's house. He positively refused to go on with the election. I then requested the Poll Clerk to hold the poll, as he was authorised by law to do. He declined as expressly as the Returning Officer. Then, sir, as about 500 or 600 electors were there waiting to record their votes, it was deemed necessary to get up a requisition to the magistrates to hold the poll. Under that requisition, between two hundred and three hundred votes were recorded; and then, about five o'clock in the afternoon, the Returning Officer, with his Poll Clerk, made his appearance, and consented, at length, to do his duty; and the large number of votes taken before the magistrates were struck off; and, sir, the conduct of Mr. Binns, when in office, was one continued course of open, undisguised hostility to the Government, whose officer he was. They were the subjects of his constant abuse in every public house in Charlottetown. It would be impossible to continue such a man in office. And, sir, if the Government, under the system proposed by the Bill, should make improper appointments, they are responsible to the people; but at present, there is no responsibility any where. Suppose, Mr. Speaker, that a serious disturbance should occur—for instance, a riot arising during the heat of an election—what confidence could be placed by Government in a Sheriff like Mr. Binns? But, sir, I may tell the hon. member that the Government do not expect, and would not allow Sheriffs of their appointment to act as he has alleged that they would, or as Mr. Binns has done; they would be required to support and enforce the laws and preserve the peace. In conclusion, I trust that the arguments of the hon. member will not influence this House to reject the Bill now before it.

Hon. Mr. WHELAN.—Although the discussion at this stage of the Bill is irregular, I think I may assure my hon. friend, the Secretary, that the arguments advanced by the hon. member for Charlottetown are not at all likely to influence the opinions of hon. members at least on this side of the House. The hon. member for Charlottetown knows that the House approves the measure and there is no doubt of the result. I must say, sir, that I was surprised that there was no opposition from the hon. member and his party, in the previous stages of the Bill, as it involves a principle dear to the heart of every Englishman, Irishman and Scotchman. I shall briefly refer to the two objections urged by the hon. gentleman against the Bill. His first observation that it conveys a reproach upon his Lordship the Chief Justice, is of no weight. We ought to, and I hope we always will, pass any measure which we may deem necessary and conducive to the public good, irrespectively of the feelings of any individual, no matter what his official and social position may be, and a good measure should not be defeated, even if, as the hon. member alleges, of this Bill,

it should actually convey a censure. I will admit, sir, that in all probability under this Bill, Sheriffs will be appointed from among the supporters of the political party who may, at the time of the appointment, be in power. That has always been the case hitherto, and sir, I maintain that it is absolutely impossible to find gentlemen fit to fill these offices who have not their party feelings. And however the hon. member may argue, he knows and hon. members around me know, that it is unreasonable to expect that a Tory Government will appoint a Liberal Sheriff, or that a Liberal Government will select a Sheriff from the ranks of the Tories. All parties have hitherto had to bear with partizan Sheriffs. The conduct of the hon. member for Charlottetown and his party, when they held the reins of Government, affords the best justification for this measure, and the strongest argument in its favor. And, sir, this is not the first occasion on which the principle of this Bill has been brought under the consideration of the Legislature. Six or seven years ago I introduced a Bill based on the same principle; and although it passed this branch of the Legislature, it was rejected at the other end of the building. And, sir, I ask who appoints the Chief Justice? Is it not the Government of the Colony? And if they appoint that officer, can any reason be assigned why the same Government should not have the appointment of Sheriffs? They should have the right of appointing and controlling the conduct of all public officers. Yet we are told, that we are conveying a reproach on the Chief Justice? The assertion is not entitled to consideration. There will always be political parties, and the Chief Justice himself is not devoid of party predilections and sympathies. Before his elevation to the Bench he took his side in politics, and identified himself with one political party, and it is not to be supposed that he is or can be uninfluenced by the reminiscences of old associations. In speaking thus of that gentleman, I mean no disrespect to him. On the contrary, I entertain much respect for him, not the servile feeling of a sycophant, but a sincere respect which a man may feel, and may express without self-abasement. I, sir, was not opposed to his appointment. But the Chief Justice has given us Mr. Binns as Sheriff, and may impose upon the people others who will act as he did. I can assure the hon. member and those whom I am addressing, that the Liberal party would not appoint such a man as Sheriff. Government will exercise discretion in filling the office, and their responsibility to the people is the best guarantee that they will exercise it wisely and with a due regard to the just and proper discharge of its duties.

Hon. Mr. MOONEY.—Mr. Speaker, the hon. member (Mr. Whelan) is not correct in stating that the hon. member for Charlottetown was in power at the time his Bill was rejected. That Bill was introduced in 1851, when the Liberal party held the reins of Government. It is well known that the attention of the House has been turned to the conduct of Sheriffs for the last three or four years. They have always been appointed by the political party who might be in power at the time, and this Bill will make no difference in this respect. I would not for a moment call the hon. member (Mr. Palmer) a Tory (laughter), or that he would interfere with the appointment of Sheriffs. His Government might just suggest to the Chief Justice the name of any one whom they might wish to have appointed, and the Chief Justice could send that name to the Governor. Sheriffs should not be dabbling in politics; their duties are due equally to the people and the Government. I support the Bill, believing it to be absolutely necessary, and that it is unconstitutional and dangerous to the liberties of the people, that a minority in opposition should have the power to appoint public officers.

It is easy for them to find some paltry tool to do whatever they may wish, and embarrass the Government.

Mr. COOPER approved of the principle of the Bill. The Government are now responsible to the people. Let them be responsible for the appointment of Sheriffs, as well as for other officers. The Chief Justice is not responsible, and, therefore, the present system is void of all responsibility. I consider that the Hon. Leader of the Government has suffered quite enough under the old system to satisfy himself of the necessity of a change.

Hon. Mr. LONGWORTH.—Mr. Speaker, I do not think that individuals should be appointed Sheriffs because they may be adherents of Government. They should not be selected with a view to their supporting the Government, but to carry out the laws fairly and impartially; and I must say that the observations that have been made with reference to Mr. Binns and the present Sheriff of Queen's County, are unfounded, and not deserved by either of those gentlemen. I deny that there is any ground for the imputation of partiality that has been made against Mr. Binns. I consider his conduct, in the matter of the scrutiny between the Hon. Col. Secretary and Mr. Beer, and the return of the writ, correct, and that he did the best that could be done, under the circumstances. Both parties demanded a scrutiny. At the time appointed, Mr. Beer attended, but the Hon. Col. Secretary did not make his appearance. A special return thus became necessary, and Mr. Binns returned Mr. Beer, as having the majority, but submitted the matter to the judgment of the House of Assembly. As to the remark of the Hon. Col. Secretary, that the House would not take action on the writ, why, Mr. Speaker, the Hon. Col. Treasurer, who was at the time Col. Secretary, and who brought it down, would not say in what way it was introduced to the House. I agree with the hon. member (Mr. Whelan), that we shall in future have partisan Sheriffs, if this Bill becomes law, and that conviction induces me to differ with the hon. member who spoke last, when he advocates their appointment by Government. I fear that many and serious evils, hitherto unknown in the country, will result from the Bill.

Hon. COL. SECRETARY.—Mr. Speaker, I may state in answer to the remarks of the hon. member (Mr. Longworth), that by the Election Law, the Sheriff is to return to the House the proceedings and details of the scrutiny, and he is liable to a penalty if he wilfully return the wrong party. I believe that Mr. Binns had received a guarantee to save him harmless if he made the return; and, sir, it was the duty of the Col. Secretary to lay before the House, as soon as possible, the writ, as the return expressly referred it to the House for their decision.

Mr. McINTOSH.—Mr. Speaker, I approve of the change, which, I think, will be a great improvement, and, I hope, will give satisfaction to the people of the Colony; and I do not see that the Bill casts any reflection upon the Chief Justice. In giving it my support, I can truly state that I have no such feeling. But this is the age of improvement, and the alteration is required in this Island, if not in other countries. Why, sir, when I first heard of the partiality of the Sheriff, in making the return he did, I almost despaired—I thought we might as well give up every thing, Responsible Government, escheat, and all.

Hon. Mr. PALMER.—I cannot, Mr. Speaker, sit still, and let the remarks of the Hon. Col. Secretary, with reference to the Chief Justice and the Sheriffs, to whom he has alluded, go forth to the country uncontradicted. I repeat, sir, what I said before, that there are no sufficient grounds adduced for the passing of the Bill, but there are the strongest and best reasons for maintaining the present system. But now, because

the Hon. Col. Secretary fancies that he has been unjustly treated by the Sheriffs, he, not unnaturally, feels anxious to have the appointments in the hands of the Government. But reasons must be found, if they do not exist, for the proposed change, and those charges are trumped up against individuals as a pretence, though the true motives are apparent through the flimsy disguise. Mr. Bourke, I admit, made a mistake in not furnishing the returning officer with instructions; but that omission, on the part of the High Sheriff, should not be made the ground of attack upon the returning officer, who was justified in his refusal to open the poll, if he was not fully authorised. The Hon. Col. Secretary endeavors to stab that individual behind his back, by representing him drinking and enjoying himself at the time he asked him to hold the poll. Whatever he might be doing at that time, has no bearing on the case, for, as I said before, he was justified in not holding the poll, and, I have no doubt, whiskey is as well liked in Bastico as it is in Charlottetown. I admit that the Sheriff was guilty of a culpable neglect in omitting to send the necessary papers to the returning officer, but that does not prove that he was partial, and, consequently, disposed to favor one of the candidates at the expense of the other. If such desire existed, his course would have been equally injurious to his own party. With reference to the charges against Mr. Binns, they have often been made, and as often disproved. I consider, Mr. Speaker, that Mr. Binns was not only justified in the course he pursued, but that he was actually driven to it. A scrutiny was demanded, and at the time appointed, one of the candidates treated the Sheriff with contempt, by declining to appear. Now, sir, all votes must be either good or bad; all bad votes are to be considered nullities; and when the Sheriff appoints a certain time for scrutinizing those votes, if either of the candidates do not appear, he may consider their absence as an admission that they have no proof to sustain their objections to their opponent's votes, and that they cannot substantiate the legality of their own votes which have been objected to. In noticing the remarks that have been made as to the conduct of the House of Assembly of that day, on the writ returned by Mr. Binns, I trust, sir, that I shall never see the day when the Government shall dictate to the House of Assembly on a matter of their own privileges; if they are once allowed to do so, we shall soon see them dictating the time, manner and nature of the votes to be given. If a candidate be a member of the Government, or one of its supporters, there should be no difference made between him and the poorest man whom the confidence of the people may send to this House. They must both enter at the same door. The election law upon the statute book is clear and explicit upon the mode of returns to be made of writs for the election of members, and the course to be pursued is not so much matter of privilege as of law, which all are bound to obey. The House could do nothing else than they had done. Sir, I am indeed surprised to hear the charge of favoritism that has been made against his Lordship the Chief Justice, but his character is too well known for such imputation to have the effect of injuring him in public opinion. But, sir, there do exist feelings against him in the breasts of some who now attack him. What did we see at the last Supreme Court in Charlottetown? Two individuals who had been convicted of violating the laws of the country, were allowed to be absent when their sentences were imposed. One of them, doubtless, found it convenient to absent himself from the country to avoid the humiliation of receiving, in open court, an address from the bench on the impropriety of his conduct; while the other, holding a high and influential position, was walking about the streets of Charlottetown.

That, sir, was the first instance of sentence being passed on any one, being at the time in Charlottetown, and not present in the court. Had that been the case of a poor man, he would have had to appear in open court, in the degraded situation of a convicted criminal; and, sir, had the individual to whom I have reference, been compelled to do so, as he should have been, it would, probably, have been better for him. Instead of having to pay a trifling fine, he would, in addition, have had to listen to a good, wholesome lecture, shewing him the position in which his conduct had placed him, and that the law could not be violated with impunity by him or any others. But, sir, what evidence of partiality or prejudice does that case afford? Is the Chief Justice to be attacked because in that case he was too lenient? Yet this is done. I should not have made those remarks, Mr. Speaker, had it not been for the imputations thrown out against the Chief Justice, and I could not suffer them to pass without refutation.

Hon. Mr. Lord.—Really, Mr. Speaker, I do not see the necessity of wasting the time of the House in this discussion. Some allowance should be made for the hon. member for Charlottetown, and his party, feeling sore, but as they have been sufficiently punished by the people, I think they may be allowed a little indulgence in this House. But this discussion is, I fear, the first approach to the style of debates of three or four years since. I hope we are not to have a renewal of those discussions. I see no reason why gentlemen cannot discuss this or any other question, and give their reasons pro and con without personal bickerings. I will merely express my approval of the Bill, which I consider a great improvement, and I will admit, that I presume we shall have party men as Sheriff, and if so, we certainly cannot be worse off than we have hitherto been.

Hon. COL. SECRETARY.—Mr. Speaker, the remarks that have been made with reference to myself, by the hon. member for Charlottetown, call for a reply. He has stated that I accused the Chief Justice of favoritism. Sir, I said no such thing. I said he was a partizan, and I can prove it by referring to the recollection of the hon. member, the time when the Government of the day proposed to elevate him (the Chief Justice) to the rank of Queen's Counsel, and he refused to accept the honor, because his political party to which the hon. member belonged advised him to decline. Doubtless the hon. member gave him one of his scornful glances, and would not consent that he should receive the favor at the hands of a Government to which he was in opposition, although his commission as Queen's Counsel had been received in the Colony. What but political partizan-ship induced him to refuse? I can understand the feelings that suggested the remarks of the hon. member, about the sentence imposed on me in the last Court. Doubtless it would have gratified his spleen to have seen me even in the dock, and to have heard me censured from the bench. That might have gratified his feelings of hatred of me for the public defeats, and humiliations he has sustained at my hands. But, Mr. Speaker, notwithstanding all he has said about the affair, I will ask what were the circumstances of the case? A blackguard insulted me, and I took the only satisfaction a gentleman can obtain from a blackguard. I gave him a kick and a box on the ear, and for so doing I had to pay a fine altogether disproportionate. I say, Sir, with confidence, that the records of the court contain no statement of a fine so large, imposed for so trifling an offence. And, Sir, the grand jury who found the Bill of indictment were summoned by a Sheriff who was a political opponent of my own. And at the time the occurrence took place I was but a private individual. I held no official position, nor was I a member of the Legisla-

ture. And, Sir, the hon. member's argument in excuse of the conduct of the returning officer is absurd. He says that Mr. Bourke had omitted to send him any instructions, and that he did not know the names of the candidates. Why, Sir, how did he know that he was appointed returning officer, unless he had received instructions from the Sheriff? He had stuck up his handbills shewing that he was returning officer, and if the Sheriff had not forwarded the names of the candidates, he could have easily have sent to the Sheriff, and have obtained them. No, Sir, that is not the true reason—the whole was a preconcerted plan to prevent my election—it was well known that that polling place, was the strongest for me, of any in my district, and the Tories imagined, that if they could prevent the votes being taken there, they might manage by some means or other to get a majority in other places—there never was such tyranny and injustice in the Island. Yet, forsooth, we are told by the hon. member that the returning officer did his duty! Oh yes! and Mr. Sheriff Binns did his duty, when he made a return in disregard of the law—that law states that the party having a majority of votes shall be returned by the Sheriff, and the Sheriff can only strike off the votes which are given at wrong polling places. The reason I did not go on with the Scrutiny, was, that it was not demanded in the time limited by law. The Sheriff should have returned me, as having the majority of votes. But the party well knew the result, and made their calculations very cunningly. And I have heard of one long gentleman going to an hotel in Charlottetown, where one of the members who had been elected as a Liberal was staying, to induce him to *vot*. He succeeded, but too well, and the desertion of his party, and betrayal of his constituents by that individual, gave the hon. member for Charlottetown a majority. I firmly believe, Sir, that bribery to a large extent was at work. For, while Mr. Binns' return of Mr. Beer was astonishing all men, I heard that he had stated he did not care, he was prepared to pay the penalty. But what has been the judgment of the County upon those men now? Look at the state of these benches—in those days they would be crowded by the Tory supporters of the hon. member and his party, now we scarcely see more than three or four of them. It may be that their consciences keep them away. And, Sir, I hope that the judgment the people have passed upon those men, will teach their representatives, that punishment will follow the betrayal of the trust reposed in them. The object of the Bill is to enable the Government to protect the rights of all, maintain the impartial execution of the laws, and protect the public peace. Contrast, sir, the difference between the last election in Charlottetown with the scenes which used to be exhibited on similar occasions. At the last general election, the people were peaceable and quiet. In other times, when the hon. member was in power, unnecessary expense was incurred in providing a *posse* of constables; and he had the military at the barracks ready to march against the people with loaded muskets and fixed bayonets. Such proceedings were highly injurious to the character of the Country, and an insult to the people whose conduct did not render those preparations necessary, as the last elections manifested. This Bill will merely give the Government a Sheriff on whom they can rely upon to uphold the laws.

Hon. Mr. MONTGOMERY.—I must say, Mr. Speaker, that the charges which have been made against the late majority are unfounded, and that their conduct is not liable to the reproach that has been thrown upon it. Had the Hon. Col. Secretary come before the House by petition, as any other candidate, he would have had an impartial hearing. But perhaps he felt his position was too high to allow him to adopt such a mode. As to his remarks on the selection of

the grand jury, in his case, he must know that the Sheriff has no power to select the jurors; that the names are handed in to the Clerk of the Crown, and that he draws the names of those who are to serve. It is not true that Mr. Binns was guaranteed. He acted on his own judgment of the law, and received no guarantee. I am afraid we shall have worse men in office than Mr. Binns; I have known him well, and I am not acquainted with a better man. We shall have partizan Sheriffs now more than ever. In saying this, I do not mean any particular allusion to the party now in power, but I speak with reference to the appointment of Sheriffs by party Governments, generally. In New Brunswick, the Sheriffs are very seldom changed; they are not deprived of their offices on a change of government. Party spirit should not influence a government in the appointment of such an officer. In the case of Mr. Binns, the Government had the choice of three names, and that gentleman was selected, because he was considered to be the best qualified for the office.

The Bill passed—Hons. Messrs. Longworth, Palmer and Montgomery, voting against it.

## SUMMARY OF PROCEEDINGS.

MONDAY, March 12.

Hon COL TREASURER read to the House a note he had received from Captain Bayfield, R. N., accompanying a very valuable book of statistics of the United States, which he presented to the Legislative library.

The Hon COL SECRETARY alluded to the limited benefits derived from the present system of managing the library. When the Legislature was not in session, it was open but two days in each week; and, frequently on those days, the librarian was not present when his services were necessary. He admitted that the salary at present paid was utterly inadequate to secure the regular attendance of a librarian, and thought the Government should appoint a competent person. As the library is at present managed, officers of the Government frequently experience great inconvenience from not having access to it when they may require it.

Hon Mr LONGWORTH admitted the inconvenience to the Government, and approved of increasing the usefulness of the library, by having it kept open every day. That improvement could not be expected while the librarian received but £10 a year, as at present. But he considered that the library committee was the proper tribunal to appoint the librarian, and not the Government, as suggested by the Hon Col Secretary.

Hon COL SECRETARY replied to the effect that the province of the committee was merely to manage the details of the library, as to importing books, etc., but that the Government, being now responsible to the House, should have the appointment of the librarian, as of other public officers. He supposed the case of a librarian, appointed as at present, dying during the recess of the Legislature, in what position would the library be left?

Mr COOPER agreed with the Hon Col Secretary, that while the Government are responsible to the Legislature, they should have the appointment of the librarian as a public officer. It was understood that the committee would acknowledge the sense of the Legislature on the valuable present of Captain Bayfield, and would admit him to the free use of the library.

The Normal School Bill was read a third time and passed.

The Hon COL SECRETARY could now congratulate the country on having perfected as good and efficient a system of free education as was to be found, he believed, in any part of the world.

The Bill for the naturalization of Mr James Searle Mann, was read a second time.

Mr McDONALD presented a petition from the inhabitants of Brown's Creek, Lot 58, praying that the House would not accede to the prayer of the petition previously introduced for the imposition of a tax on timber floated over mill dams.

The report of the committee on Patrick Scully's petition for

road compensation, was referred to the members of the Opposition's district.

Mr HAVILAND introduced a Bill for applying the principle to the Legislative Council. The hon member moving that it be read a first time, briefly explained the principal points, which are, that as soon as the Bill shall have received the Royal Assent, no appointment to the Council, by authority of the Crown, shall be made until the receipt of the Royal Assent, the Government in their proclamation, declare the Bill in force, and the members of the then Council become vacant, and writs shall be issued for the election of members to serve in the Council, viz: One from each electoral district, and one from each of the Townships, Royalties and Commons of Charlotte-town and Georgetown. After organization, the Council shall apportion the constituencies into three sections, to be distinguished by numerical order, to be determined by lot at the expiration of three years, the members for section No. 1 shall go out, and writs issue for successors; at the expiration of the next period of 3 years, the members for section No. 2 shall go out, and the next 3 years, No. 3 will be treated in the same way. After this first rotation, a Councillor to hold his seat for nine years, with power to vacate; in case of vacancy arising, not from natural determination, a writ to issue for an election for the unexpired period, unless when a vacancy shall have occurred within a year of the expiration of the original term, members eligible to election. The qualifications of a member are as follows:—He must be a British subject, of at least thirty years of age, resident five years in the Island, and owner of freehold or leasehold estate of the clear value of £— and must, before taking his seat, deliver to the Clerk of the Council a schedule of his qualifications, and the evidences of his title. The qualifications of an elector are, that he shall be a British subject, twenty-one years of age, resident three years in the Island, and one year next before the election in the district in which he votes, and entitled to the present possession and use of, or have an interest in real estate of the clear value of £—. Titles of electors to be registered six months previously to election. Elector to vote only in district in which he resides. The Crown to have no power to dissolve the Council. The Council to appoint its own President. President and six members a quorum for dispatch of business, but a less number may meet to adjourn from day to day. President to have a casting vote. Seats vacated, on intimation to the President of the members of a wish to resign, or on a member becoming a subject of any foreign power, or bankrupt, or insolvent, or a public defaulter, or attainted of treason, or convicted of any infamous crime. A two-thirds vote may expel a member for cause.

The second reading was made the order of the day for Monday, the 19th inst.

The House then took up the question of the disposal of the sum of £2,200, appropriated for special grants to roads and bridges.

The Hon COL SECRETARY and other members for Queen's County, advocating the propriety of giving £800 to them, and £700 each to King's and Prince Counties. That the central situation of the County, and the extensive business of Charlotte-town, the capital of the Island, caused the roads and bridges in Queen's County to be more used by the public of the whole Island than either of the others, and under all the circumstances, the extra £100 was very moderate. That Poplar Island bridge, which though in Queen's County, was of as much benefit to Prince County, would alone require more than that amount. That the wharfs at the opposite side of the harbor would require extensive repairs. That the greater population of Queen's County rendered necessary a larger appropriation than other Counties required.

Hon Mr WARBURTON moved in amendment that the £2,200 be equally divided between the three Counties, which was carried, the members present from King's and Prince Counties voting for it. They contended that Queen's County had already received £900 more than either of the other Counties, and that should be deemed sufficient; that the sum apportioned to each by equal division, £733 6s 8d, would not be sufficient for the requirements of King's and Prince Counties. Several members expressed their objection to the division, on the ground that the

plan proposed was directly adverse to the principle on which the amount had been voted in supply, namely, for special purposes.

### TUESDAY, March 13.

The Bill incorporating the Mechanics' Institute, Charlotte-town, was read a third time and passed.

The Bill naturalizing Mr James Searle Mann, was read a third time and passed.

Mr Muirhead obtained leave of absence till Saturday, and Hon Mr Whelan till Friday next.

### THURSDAY, March 15.

Hon Mr MOONEY presented a petition from inhabitants of Ten Mile House, Lot 35, praying for the establishment of a court of escheat.

Mr PERRY presented a petition from Patrick M Power, post-master at Summerside, praying that his salary be raised to £23. Referred to post office committee.

The House went into committee of the whole on the Bill regulating the public wharfs, and the scale of wharfage for all the public wharfs except those in Charlottetown, was fixed at the following rates, viz: on all vessels from 10 to 30 tons, 1s per day; from 30 to 60 tons, 1s 6d; from 60 to 80 tons, 2s; and the additional sum of 3d on every 20 tons admeasurement beyond that amount.

### FRIDAY, March 16.

Hon Mr MOONEY presented a petition from Daniel Scott, praying a grant of £4 19s, for railing on Poplar Island Bridge. The petitioner stated, that on entering into the contract for repairing the bridge, he not understand that he would be required to build a railing on the abutments. That when petitioner met Mr Williams, the then commissioner, at the bridge, that gentleman informed him that the railing was required for the whole extent of the bridge; that he explained that the abutments were in so decayed a state as to render of no use a railing on them; that Mr Williams then told him to erect a railing on the plank covered portion of the bridge, and to fasten down the planks in lieu of the rail on the abutments. That he accordingly did so, but that Mr Williams refused to certify that the work had been performed, and that Mr Williams had received the amount asked by the petition from the Treasury, and had, of course, retained it to his own use. Hon Mr Mooney, in moving that the petition be referred to the committee of supply, stated that when he received the petition, he wished to get all the information he could obtain from the parties, and on enquiry of Mr Williams, he was informed that the reason why he did not certify, was because the work was not done according to contract. That he had not received the money, but had no doubt that Mr Scott was under the impression that he had, and that he was desirous that it should be brought before the House.

Hon. COL. SECRETARY was opposed to referring this or any similar petition to supply. Here we have a man make untrue allegations against a public officer, charging him with having embezzled money. The petitioner chooses to prevent other men getting the contract by bidding down to too low a figure, and then his only way of avoiding the loss, is by setting up the pretence that he did not understand that the railing was to be placed on any part of the bridge but the planked portion. That bridge has given more trouble and annoyance to the Government than any on the Island. If, as the petition alleged, Mr. Williams had told him he would never receive a tender from him in future, he was quite right in saying so, and he wished a rule of that sort were adopted generally. The present practice is for several to combine, and put in different tenders, to prevent others from getting the contract, and then the lower ones withdrawing until the highest of the party is accepted. The petitioner was contending with Mr. Williams all summer. At last, Mr. W. and the superintendent of public works put up the railing. The railing put up by the petitioner was down almost as soon as it was erected.

Hon. Mr. MOONEY stated that he did not mean to convey any charge against Mr. Williams, who had told him that the petitioner had probably been informed that he had received the money, and was desirous that the petition should be laid before the House. But really the sum is so small, that sooner than have any discussion about it, he would, if his road scale had not been made up, give the amount out of his district road moneys.

Hon. COL. SECRETARY said that there were parties in the neighbourhood of that bridge, who combined to prevent any stranger from getting contracts on it, and did the work so badly that it was really a disgrace to the county. Repeated complaints had been made to the Government, who had been solicited to make the bridge at least passable. It was costing the country £200 or £300 a year.

Mr. COOPER was opposed to referring the petition to supply. If people take contracts, when they do not intend to do the work according to the terms of the contract, it is time such a system was stopped. But the House would be paving the way for applications of this nature if they vote the public moneys on petitions like the present.

Hon. Mr. MONTGOMERY thought it most improper for the House to entertain such a petition—containing as it does, a serious charge against a public officer. He trusted it would not be allowed to go to supply.

Mr. MCINTOSH agreed with the last speaker. It would never do for the House to interfere between the Commissioner and Contractor. Such a course would be casting reflections on the Commissioner, and taking his business out of his hands. Let the contractor settle with the commissioner. There may be a desire on the part of some people, to combine to get a contract in the way stated by the Honorable Colonial Secretary, and then when they fail, to fall back upon the House for a grant. It would be a very bad precedent to establish.

Hon. Mr. LORD, though not generally in favour of paying anything beyond the amount of the contract, was bound to say he considered the case of the petitioner a peculiar one. The petitioner by his contract was required to drive certain piles, and lay the stringers, and prepare a certain length of the Bridge, and to put up a temporary rail to last for one year. The abutments at each of the ends were covered with bushes and clay. Now there never had been a rail on those parts, and Mr. Scott naturally thought that the railing specified in his contract, was to be put up on wooden portion only, and consequently declined to rail the clay covered abutments. He (Mr. Lord,) saw Mr. Scott at the bridge, and certainly did not think that the railing was to be erected on the abutments. But the contract named a railing for the bridge—under the circumstances he thought the petitioner should be paid. As to the rail not standing long, there was no use of attempting to put up a permanent rail, while the vessels made fast to the bridge. No rail could stand the strain, and in fact it would be wiser and cheaper to build a proper wharf for the accommodation of vessels, than to allow the bridge as at present, to be almost destroyed every year by vessels made fast to it. In making these remarks, he did not for a moment mean to cast any reflections on Mr. Williams, who he had no doubt acted from a sense of duty.

Hon. COL. TREASURER considered that the House should decide at once. The petition should not be entertained by the House.

Mr. MOONEY thought that the petition was entitled to the consideration of the House. Mr. Scott, the petitioner was well known, and he had come before the House, with a solemn affidavit, stating that he did not understand that the railing was to extend along the abutments. Mr. Williams, the Commissioner, did not say that Mr. Scott might not be entitled to



the sum asked by the petition, but had merely declined to certify, as the work had not been done as specified in the contract, which the petitioner swears that he did not understand.

Hon. COL. SECRETARY.—Mr. Scott knew quite well that he would have to put up the railing, the whole length of the bridge, as specified in the contract, the contents of which he was well aware of, as he had it before him a week before he signed it.

Hon. Mr. MOONEY, rather than divide, would give the amount from the road money of his district, although, it would involve the necessity of re-arranging the whole of the scale, which was already prepared.

Hon. COL. TREASURER moved that the petition be rejected, which was carried without division.

#### HOUSE IN COMMITTEE OF SUPPLY.

Hon. COL. SECRETARY moved that £5 be granted to Mary Ann Williams, a young woman who had lost her arm by a threshing machine.

Hon. Mr. WIGHTMAN moved £34 8s. 7d., balance due Dr. Hobkirk; £60 for the Speaker, and £30 each for the Members of the House, with the usual travelling expenses.

Hon. COL. SECRETARY said that he considered the Speaker, as the head of the House, should be placed in the same relative position as those holding the same office in the other Colonies. In Nova Scotia and New Brunswick the Speaker receives £200 or £250, and he is expected to entertain the members of the Legislature and other public functionaries. The House were now to consider whether £60 were sufficient to enable the first commoner of the country to dispense the official hospitalities which his situation required. It was not to be expected that it should be one from his private means. The state of the revenue justifies an addition to the present amount, and although I think £100 little enough, I will propose that the motion be reconsidered, and the blank be filled up with £75.

The sum of £75 was then carried—Hon. Mr. Mooney declaring that he would oppose it when it came up in the House.

Hon. COL. SECRETARY moved that £3 be placed at the disposal of Jeremiah Simpson, Esq., for the relief of the McKay family. Carried.

The sum of £24 to the Rev. Alexander Sutherland, for the relief of 25 poor persons. Carried.

The sum of £6 10s. to David Johnston, for the relief of 4 indigent persons. Carried.

The sum of £8 10s. to Alexander Laird, Esq., for the relief of 5 poor persons. Carried.

Mr. MUNRO reported on the petition of Laughtlan McKinnon, Lot 50, recommending that be granted to enable him to purchase seed grain and other necessaries to maintain his destitute family, three of whom have been deaf and dumb from their birth.

Hon. Mr. MOONEY moved that the blank be filled up with £20; and he did so, as he thought it would be wrong to give such a man as the petitioner some paltry sum, which might have the appearance of classing him with the list of paupers. The petitioner had clearly shewn that he did not deserve to be ranked among the common class of those who petition the House for pecuniary relief. The petitioner is an old man, 67 years of age, and although he has been so afflicted in his family, he has never before applied to the House for assistance, nor would he have done so now, had not his property been destroyed by fire.

Hon. Mr. LORD had no doubt that the petitioner was a deserving man, but he feared the precedent they were about

establishing would lead to many applications of a similar nature.

Hon. Mr. WIGHTMAN had no doubt that the petitioner had been heavily afflicted, but from what he had understood, he had reason to believe that the petitioner had received very liberal contributions from his neighbors and others, who had been very charitable. In consideration of that assistance, he thought £10 would be sufficient, and therefore he moved in amendment that the blank be filled up with that sum.

Mr. MCINTOSH.—Charity would lead him to deal liberally with the petitioner, but he knew that his neighbors had been very generous to him.

Mr. COOPER had heard that circulars and petitions had been circulated among the neighborhood of the petitioner, and he thought that this system of private subscriptions and public aid might cause a man to be a gainer by the loss of his property, and might lead to the wilful destruction of property. It would be a hardship and injustice to make the people pay, through the House, after they had voluntarily contributed a liberal sum; and he was of opinion that it was referred to supply merely for the purpose of providing seed grain for the petitioner.

Mr. MUNRO.—Perhaps the hon. member who has just sat down may not be aware that the petitioner has had the burden of supporting three deaf and dumb children, and has done so without ever making application to the House for assistance. It is fortunate for the House that cases of such distress are rarely brought to its notice.

Mr. PERRY instanced the case of a family on Lot 15, who had three deaf and dumb children, yet there were no more hard working people in the country.

It was here stated that the three children of the petitioner were idiots.

Mr. DOUSE could bear testimony to the good character of the petitioner. He was a most industrious and honest man, who had worked hard all his life, and if hon. members would contrast the change in his worldly circumstances, that occurred in a few minutes, from a spark which fell from the pipe of a man who came to buy a horse, and which destroyed the fruits of a life of industry, they would not grudge £20.

Mr. COOPER.—If the petitioner had come before the public in one way, he would know how to act; but having already applied to the public through the means of individual subscriptions, it should be made known. That would be an objection to the House granting any thing.

Hon. COL. SECRETARY recollects, some two or three years ago, a subscription was got up to recompense a man for the loss of an old horse. The sum raised enabled him to get a freehold farm. The petitioner's list of subscriptions amounted to about £50 at the time he subscribed to it. He considered that they might be establishing a bad precedent, but he would, under all the circumstances, not oppose £10.

Hon. Mr. WIGHTMAN then moved that the sum of £300 be placed at the disposal of the Government for the purchase of a portion of the property of the late Col. Lane, which was carried.

The Hon. SPEAKER was not present when the vote of £75 for his salary had passed the committee. Had he been so, he would have opposed any increase. He had reasons for wishing that no addition be made to the sum heretofore allowed; with which, however, he would not trouble the committee, but would move a reconsideration, and then, that the blank be filled up with the usual amount, £60.

This was agreed to.

Hon. Mr. MONTGOMERY's Bill for preventing swine running at large in Princetown and Royalty, was read a first time.

WEDNESDAY, February 22.

## PATRIOTIC FUND.

On motion of the Hon. Col. Secretary, the House resolved itself into Committee of the whole on consideration of the royal commission of the Patriotic Fund. Hon. Col. Treasurer in the Chair of the Committee.

Hon. COL. SECRETARY.—Mr. Chairman, the nature of the commission may induce some hon. members to suppose that this is brought before the House as a Government measure, and that the Government intend to take an active part in carrying a grant to the objects of the commission. Such is not the case; I am happy to say that there is no necessity of Government using its influence in this matter. There is no doubt on my mind that the House are disposed to vote a liberal sum, and the expression of public opinion, as manifested at the various meetings which have been held in different parts of the Island, shews very clearly that the people generally are desirous that this House should act with liberality, and give in proportion to the means at our disposal, as large a sum as any of the neighboring Colonies. Canada has given £20,000, Nova Scotia, £2,000, and New Brunswick, £4,000 sterling; and sir, I, as a member of the Government, responsible to the people, propose a sum nominally equal to Nova Scotia—viz., £2,000 currency. I do not consider that is too much, considering the prosperous condition of the Treasury. This sum, though it may at first appear large, will not be found very great, when reduced to sterling money; but it will, when added to the private subscriptions, place the Island in a position in which it will compare favorably with the other Colonies, and thus give us a higher character in Great Britain. Some hon. members have intimated to me their opinion that £500 currency would be sufficient; but, sir, that amount converted into sterling would be hardly worth giving. We have now a surplus in the Treasury amounting to £8,000, and I feel satisfied that £2,000 of that will not be objected to, when we reflect that it is to go to relieve the necessities of those whom the chances of the war now raging in Europe may have rendered widows and orphans; and, sir, they who are to receive it are not all strangers to the people of the Island. They are the widows and orphans of Englishmen, Irishmen and Scotchmen, who have many relatives and acquaintances among ourselves. They are fighting our battles, for, Mr. Chairman, believe me, our rights and liberties would not be as secure as they are at present if the arms of the Czar should be successful, and he should gain the ascendancy in Europe, which he seeks, and the desire for which has led to the present war. England is taxed to bear the burden of the military and naval expenses of the empire, and it is not to be expected that she should, unaided, provide for the widows and orphans too. I trust that on mature consideration of the use to which the money is to be applied, and the flourishing state of our revenue, no hon. member will consider the sum I have named too much for us to give. I will, however, move the resolution in blank; and before I sit down I must say, in my opinion, Nova Scotia has not done her duty in this matter. She has a large and increasing revenue. She has granted but the sum of £2,000, notwithstanding her great boasting and her braggadocias at the time of the celebrated Restook war, when she voted £100,000 in aid of New Brunswick. She should have given very liberally to this fund, for she has benefitted very greatly by the military and naval expenditure of the British Government, which, in fact, may be said to have built Halifax.

Mr. HAVILAND.—Mr. Chairman, I have much pleasure in seconding the motion of the Hon. Col. Secretary, and I hope

that the blank in the resolution will be filled up with the sum he has named. This is no party question; it is a matter where all should meet on one common ground. All are equally interested, and the rights and liberties of us all, whether English, Irish or Scotch, or their descendants, are concerned; and, therefore, Mr. Chairman, do I trust that the £2,000 will be voted unanimously; that there will, in such a cause, be no paltry higgling about a few pounds in contributing our mite to support the Mother Country in this struggle for life or death in which she is engaged. Some hon. members may not regard the war in that light; but I ask them, if the Emperor of Russia should be victorious, what institutions would be introduced into Europe? Some may think that we, in this Island, have no concern in the result of the contest, and cannot be affected by it, whichever way it may terminate. I think, sir, that a little reflection would lead them to a different conclusion. If once the Russian eagle float in triumph over Constantinople, liberty ceases to exist. One despot, then, would control the whole of Europe. Let it be borne in mind, that in this case there is no dictation. We are merely invited to join in the national offering. We are bound, in honor and in duty, to act liberally, and, in doing so, we are but discharging a debt we owe to the people and government who have so long protected us. More particularly incumbent is it upon us to signify, by a liberal grant, our sympathies with Great Britain in the conflict in which she is engaged, when we consider that the great Republic near us manifests her feelings in favor of Russia, in the hope that, should the Czar triumph, she may grasp us. Now, let us give proof of our opinions by voting as large a sum as we can reasonably afford. I, for one, have no hesitation in voting for £2,000. In doing so, I feel I am but doing my duty, and with that conviction I will act, even at the risk of my seat in this House, if my constituents should not approve my conduct.

Mr. COOPER.—Mr. Chairman, the purport of the commission, as I read it, is a request for charitable contributions. Now, sir, the people themselves have voluntarily subscribed, with great liberality, and it is unjust to take the money of those who have already contributed. The neighborhood in which I reside has been very liberal, and I do not think we can be charitable at others expense. When the people were applied to, they gave freely and generously, and we should not now take from them for charity their money, which is required for public purposes, such as roads, bridges and schools, and should not be voted away for such objects as the present.

Hon. Mr. WIGHTMAN.—I agree, Mr. Chairman, with the remarks of the hon. member for Georgetown (Mr. Haviland), that this is a matter in which party feelings should not interfere, and that it is desirable that the vote on the resolution should be unanimous. As to the amount to be granted, I think £1,500 or £2,000 would be a very liberal sum for us to give. Canada may well give her £20,000. She has a revenue of eight or nine hundred thousand pounds, and New Brunswick and Nova Scotia have each revenues much larger than ours, and I think we ought not to go beyond £2,000 at the farthest.

Hon. Mr. PALMER.—Mr. Chairman, I cheerfully give my vote for the sum named, although it is larger than I anticipated; but hon. members voting for it will be justified, in the opinions of all right thinking men. We have, sir, a flourishing revenue, and the country generally is in the enjoyment of a high degree of prosperity, and, at a time like this, we should bear in mind the long and beneficial participation our country, though small, has enjoyed, in the paternal consideration of the British Government. That Govern-

ment has extended to us its protection and its means. Let us remember the length of time during which our civil list was paid from British taxes. Look at the protection afforded to us by the troops she has sent out to our shores. Look at the fostering care her naval force has extended to the fisheries on our coasts, whenever and wherever it was required. Why, Mr. Chairman, gratitude alone for the benefits we have received should induce us to vote a handsome sum for the relief and comfort of the widows and orphans of those brave men who fall in the struggle for the good of us all, and in which we are equally interested with those in Britain. Sir, the very fact that among those who have already met a soldier's death on the battle field, there are to be found names of men known and esteemed among ourselves, should excite our sympathies, and induce us to come forward in this matter in no niggard spirit. Sir, the battle field has its horrors and scenes of agony and suffering, but let hon. members reflect for a moment on the spectacles presented at many a hearth-stone, now rendered desolate by the casualties of war, and, sir, I do not think they would hesitate in supporting the motion for the whole amount proposed. True, sir, we do not witness the sad spectacle of the actual sufferings of the afflicted families, survivors of those who have fallen, but we can imagine the sad situation of those whose guardians and protectors have lost their lives in their country's cause, and the scarcely more distressed state of the wives and children of soldiers, left at home to live as best they can, while their natural guardians are risking their lives at the cannon's mouth.

Hon. Mr. MOONEY.—Mr. Chairman, I am opposed to this resolution, and shall record my vote against it. I do so on principle. We have no right to vote the public monies for such purposes; and the Fund is not entitled to be called "Patriotic," if it is to be made up of the money taken from the people, without their consent. There is very little patriotism in that. This resolution assumes that the people approve the grant by the House, of the public monies for this fund. Now what is the true state of the case? In the first instance, the people were applied to, and they responded generously to the call—but not content with that, we find, after getting all that could be obtained from individuals, they come here for a public grant. It is simply asking a man, did you pay? if he says, yes, "then we will make you pay again," if no, "then you shall be made to pay whether you like it or not." It is very easy for hon. members to vaunt of their patriotism, when they can support the character of patriots at the public expense.

Mr. HAVILAND.—Mr. Chairman, I must express my surprise at the extraordinary argument of the hon. member who has just sat down, and I am indeed astonished that a member of the Executive Council should give utterance to such sentiments. Although I have not, and may never have the honor of a seat in that Council, my duty to my country, and my feelings as a British subject, would induce me to declare that the fund is eminently entitled to the designation "Patriotic." And, Mr. Chairman, in proof of that, I would only ask, how long would our liberties and institutions stand, if Britain should have to succumb to the Czar? And I contend that hon. members will be justified in voting the sum of £2000, on principles of profit and loss; that the interests we have at stake in the issue of the mighty struggle, call for the exhibition of all the patriotism of hon. members who, I hope, will prove their real and genuine love of their country, by voting for the amount, and risking the approval or disapprobation of their constituents, and regardless of being returned to seats in this House hereafter.

Hon. Mr. WHELAN.—I have listened, Mr. Chairman, with surprise and sorrow to the remarks which have fallen from my hon. friend, the member for the Second District of Queen's County. Sentiments such as he has expressed would be creditable to no man—much less to a British subject and a member of this House; but far, far less still to a member of Her Majesty's Colonial Government. He says he is opposed to a grant in aid of the Patriotic Fund "on principle." Sir, I am in favor of such a grant "on principle," and I think it will be found that my principle is much more defensible than that of the hon. member's. He says, likewise, that voting away the money of the people of this Colony to relieve the widows and orphans of our countrymen in the British Islands, involves no patriotic feeling. I differ with the honorable member. I think that if any thing ever deserved the name of patriotism—and patriotism, too, of the purest and loftest character—it is the spirit which has prompted, and the spirit which responds to, the appeal made by Her Majesty to the benevolence of all her subjects, on behalf of those who are rendered fatherless and husbandless by the war now raging in the East, not for the honor and glory of her own name alone, but for the maintenance of freedom against the encroachments of a despotic and barbaric power. How often are we called upon to exercise the discretion with which, as representatives of the people, we are invested, in voting sums of the public money for purposes of which our constituents have had no previous knowledge. But this case is an entirely different one. Our constituents were not only aware that this subject would come before the Legislature, but in many instances, at public meetings, they took occasion to express their desire that the grant in aid of the Patriotic Fund should be a liberal one. That proposed by my hon. friend, the Secretary, is indeed eminently so. I myself should not have ventured to suggest so large an amount; but it being proposed, and meeting, as I know it will, the concurrence of both sides of the House, I will not propose a smaller amount. I declared before now my determination to vote for any sum which a majority of the House might think proper to offer, and certainly I will not falsify my declaration by asking for a less liberal grant. Nor do I believe my constituents will censure me for sanctioning so large an appropriation of their money. It is often wasted for far less useful and less honorable purposes—purposes, I regret to say, that are too often made subservient to the electioneering tactics of some hon. members. Sir, I did not expect that there would be much, if any debate on this subject, and consequently came to the House unprepared for it. I knew that the proposal for a grant of money was to come from a member of the Government, and was satisfied that it would be agreed to without much discussion. I joined in the hope expressed by the hon. and learned member for Georgetown, that when we came to discharge a duty sanctified by the pure spirit of charity, and which appealed to the holiest feelings of our nature, the demon of discord would have vanished from these walls—our rivalries and party feeling would have been forgotten, and that we should have cordially united in performing an honorable and generous act. But since the opposition to the proposed grant comes from my own side of the House, and from one whom I am ashamed to see differing, on this subject, with the Government of which he is a member, I shall take the liberty, sir, of saying something about the war, and more particularly about the brilliant achievements and dreadful sacrifices of those brave men who have fallen in battle, and whose widows and orphans are thrown upon the bounty of the British empire—trusting that my honorable friend may learn to entertain more generous senti-



ments than those he has expressed to-night, and that he may form a more correct opinion as to what really constitutes patriotism. It is not necessary to enter into a review of the causes of the war, nor yet to criticise the management of it—an humble member of a Colonial Legislature like ours may entertain as strong opinions on these points as any other subject of the Empire; but he feels that, as the result of his dependent condition, his voice can exercise no influence over the counsels of his Sovereign, nor leave any durable impression on the minds of the nation. Whether this isolation of interests and ideas is calculated to secure the strength and stability of the empire, and to elevate the colonial character, is another topic, the discussion of which may be likewise appropriately deferred. The war I believe to be a just and righteous one—that England and France have entered upon its prosecution with no mercenary, selfish or ambitious designs, is evident from the conduct and language of ministers at Westminster and Versailles throughout the protracted and vexatious negotiations which preceded the expedition to Varna—negotiations of which the people of England and France had become heartily weary long before the declaration of war. Never did the British public so vehemently clamor for war—never did they rush into a contest with so much enthusiasm, nor display such boundless liberality in providing the means necessary to secure success. The British nation thought—and events have since proved them to be right—that Lord Aberdeen's government placed too much reliance on their diplomatic skill, and by their tardiness in preparing for offensive operations, were permitting the Czar to seize advantages which would be of the utmost importance to him in carrying on the war. Turkey was not merely menaced by her powerful antagonist, but her territory was invaded and despoiled—the authority of the Porte over the Greek population audaciously usurped, and its subjects massacred, before Turkey and the Western Powers fully awoke to the perils which environed them. Even then, England and France—who were bound by treaty to protect and defend their invaded ally, but were more solemnly enjoined by a sense of what was due to the threatened liberties of Europe, to arrest the progress of the despotic autocrat—even then England and France were disposed to humor the ambitious Czar, and to restore peace on terms the most disreputable and the most disastrous to their injured ally—terms which conceded every thing to Russia, and afforded no satisfaction to Turkey for present injuries, nor constituted the smallest guarantee for future security. These terms were: 1st—the immediate evacuation of the Principalities; 2d—the renewal of the old treaties; and 3d—the communication of the firmans relative to the spiritual advantages granted by the Porte to its non-Mussulman subjects. These were the bases of negotiation a little more than a year ago. The Porte modified these terms, but the Emperor Nicholas rejected them in toto. It is well he did so; his power might still overshadow Europe—the prestige of his name still overawe weak cabinets, and retard the progress of free institutions—the cloud of despotism would hover over the continent as darkly as it did when the conquering legions of the first Napoleon swept its fertile fields and sported with the crowns of feeble despots—when unhappy Poland became the victim of a conspiracy the most foul that ever disgraced crowned heads and ministers of state—and still later in 1848 and '49, when that Austria, which, true to its old perfidious policy, is now about turning its arms against Russia, found assistance in the bayonets of that powerful, but not more despotic, neighbour to extinguish the flame of discord and subdue the spirit of independence with which the Magyars threatened to overwhelm the House of Hapsburg. It is well that Russia did

not conclude a peace on the terms proposed in January, 1844—the gallant and successful defence of Silistria would not have occurred to raise the drooping spirits of the Moslem troops—the Aland islands would not have been captured and their apparently strong forts destroyed—nor would the Crimea have been occupied, nor the glorious battle of Alma fought and won, nor displays of heroism made, such as were witnessed at Bala Clava and Inkermann, not surpassed for their brilliancy and success during the most warlike and chivalrous period of the world's history. The evacuation of the Principalities—the first condition of the proposed treaty, of January, 1854—immediately followed the defeat of the Russians before Silistria, and must be regarded as the immediate consequence of that defeat,—the other two conditions, if agreed to, would leave Russia as powerful in the East as she had ever been; the “renewal of the old treaties,” (the second condition) would only perpetuate the pretext which Russia had advanced for constantly undermining the authority of the Sultan, and harassing his subjects—treaties which secured to Russia the navigation of the Danube, and which excluded the ships of other European nations from the Bosphorus. The “communication of firmans” regarding the Greek Christians (the third condition), was a mere screen, for Russia would still exercise as much control as ever over the Greek population. But since the war has assumed an aspect favorable to the allies, notwithstanding the disasters in the Crimea—the sad consequences of no timely and efficient provision having been made for the health and comfort of the troops,—since Russia has been defeated in every engagement fought upon her own territory as well as upon Turkish soil,—since she has been forced to fly from the Principalities, been ejected from the Aland islands, and her almost invincible fortress in the Crimea well nigh dismantled, which cost millions of money in its construction, and from which she could securely menace the commerce of every other European nation in the Black Sea,—since her hordes of Cossacks, led by her ablest generals, and stimulated to desperation by copious draughts of raki, were unable to bear up under the steady valour of the British and the dashing gallantry of the French, whose combined forces were hardly one to five of the enemy,—since the ports of the enemy have been blockaded, her towns bombarded, her commerce crippled, her magnificent fleet—the “invincible armada” of modern Europe, partly submerged in front of Sebastopol, and partly powerless within the harbour of Cronstadt,—since such have been the results of the first campaign, it is no wonder that Russia is now disposed to make peace on terms favorable to the allied powers. The last English mail but one brought intelligence that Prince Gortschakoff was empowered to negotiate a peace on the following terms:—

“First, That the protectorate hitherto exercised by Russia over the Principalities of Moldavia, Wallacia and Servia, shall cease; and that the privileges granted by the Sultans to those dependencies shall, in virtue of an arrangement with the Sublime Porte, be placed under the collective guarantee of the Powers.

“Second, That the navigation of the Danube, as far as its outfall into the Black Sea, shall be delivered of all restriction, and submitted to the principles consecrated by the acts of the Congress of Vienna.

“Third, That the treaty of July 18, 1841, shall be revised in concert by the high contracting Powers, in the interest of the European equilibrium, and in the sense of a limitation of Russian power in the Black Sea.

“Fourth, That no Power shall claim the right to exercise any official Protectorate over the subjects of the Sublime Porte, to whatever site they may belong; but that France, Austria, Great Britain, Prussia and Russia, shall lend their mutual co-operation, in order to obtain from the initiative of the Ottoman Government the consecration and observance of the religious privileges of the various Christian communities, and turn the generous intentions manifested by his Majesty the Sultan, to the account of their various co-religionists, so that there shall not result therefrom any infringement of the dignity and independence of his Crown.”

My hon. friend opposite favours me with a sneer, and is perhaps, inclined to ask, what has all this to do with the question of providing for the relief of the widows and orphans of those who have fallen during the campaign? It has this to do with it: the war being a necessary and righteous one—a war forced upon Great Britain and France, and on the success of which depends the liberties of Europe—it is well we should bear these facts in mind, because they are calculated to induce on our part a more liberal spirit in throwing in our vote towards the relief of those whose holiest ties have been torn asunder, and whose humble homes have been rendered desolate and drear by the cruel ambition of the Czar. The close alliance which has taken place between France and England, and the recent entire severance of Austria from Russia, are not the least momentous events of the present war. The magnitude of the resources of the two former countries—those of each being doubled, as it were, by the alliance—the readiness with which those resources could be directed against a common foe, and the valour which a forty years' peace could not enervate or diminish—have given as much surprise to the allies themselves as to the rest of the world. Russia, baffled and beaten on her own territory—her fleets rendered useless—her ports blockaded—her fortresses destroyed—her prestige departed, and her despotic tendencies checked by the ingratitude of her ancient ally Austria—while Britain and France, in close alliance, are the authors of those achievements—are circumstances well calculated to fill with hope those other nations of Europe whose liberties had been altogether destroyed, or trembled before the frown of the oppressor. It cannot be expected that Russia will display so magnanimous a disposition as ever again to back Austria in her crusades against liberty, and her stupid and demoralizing attempts to perpetuate despotism. Italy, Hungary and the inferior German Powers will no longer stand in such awe of Austria as they did while she could lean upon Russia for support. The heterogeneous population of Austria—if Austria desires to preserve the integrity of her empire, and desires to become stronger and mightier than ever—must be ruled in such a manner as to secure their willing obedience and attachment. She must abate her iniquity to Hungary—she must discontinue and discountenance such barbarities as have rendered the names of Haynau and Radetsky deservedly infamous in Hungary and Italy. And surely these will be advantages to the cause of freedom and civilization. The sympathy of Russia, not only lost to Austria, but Russia irritated and ready to take advantage of any outbreak in the Austrian empire—with Italy panting for an opportunity to assert its independence—and no prospect of encouragement to her despotic views from England and France, Austria must either cease to be the barbarous scourge of weaker nations, or must cease to be a nation of any considerable power herself. But whatever territorial changes and alterations in the map of Europe may be caused by this war, there is one change which we may all sincerely deprecate—a change in the mutual relations of France and England. Two of the most polished and enlightened countries of Europe, with constitutions which guarantee civil and religious liberty to all—and, united, constituting a power too mighty to be resisted, their proximity to each other admirably fits them to be the guardians and encouragers of free institutions elsewhere. Opposed to each other, they have fought the most memorable battles recorded in history, and now joined by the closest bonds of friendship and of interest, they have accomplished, side by side, feats of arms in the Crimea, which will not pale when contrasted with the glories of Crecy, Poitiers and Azincourt. The French chivalry, with their countless hosts, did not confront

the armies of the Black Prince and the Fifth Henry—which bore about the same proportion to the numbers of the French armies as the allies bore to the Russians—with more assurance of signal triumphs than animated the hosts of Cossacks led on by Menschikoff and Liprandi at Alma and Bala Clava; but the instances of personal daring displayed by the allies crossing the Alma, while its narrow stream, now become classic, ran crimson with their blood, and driving the Russians from their almost impregnable position on the heights, and their subsequent achievements at Bala Clava and Inkermann—surpass all that history records of Crecy and Azincourt. The hon. member opposite questions the patriotism of contributing to the relief of the widows and orphans of those who have been struck down in the terrific conflicts to which I have just alluded. Was there no true patriotism in the breasts of the gallant troops who, fighting for their Sovereign and their common country—for liberty and right, encountered and overcame the most appalling disadvantages in their first battle in the Crimea? The heights of the Alma—where Menschikoff, with every assurance of success, had entrenched his legions—were deemed inaccessible, or from which he thought at least the allied armies would not dislodge him if the conflict continued for weeks; nevertheless, in three hours those heights were captured—the Muscovite hosts were scattered like chaff—the valorous spirit of the allies rose superior to every danger—difficulties of position were forgotten, or if thought of, overcome as soon as thought of—the cool intrepidity of the British and the dash and enthusiasm of the French battalions, were elements of power more serviceable than mere numerical strength or superiority of position. The valour which distinguished the knights of Crecy and Azincourt never shone with brighter lustre than when the same spirit nerved the arms of their descendants and their rivals on the blood-stained heights of the Alma. Is it patriotism in us, then, to refuse the widows and orphans of those valiant men the poor pittance that may help to keep them from starvation? It is not necessary for me to remind you of the still more sanguinary, and perhaps more splendid engagement fought a little more than a month later at the now ruined village of Bala Clava. In reading, as I have done, repeatedly, the details of that engagement, I have felt proud to think that my countrymen there displayed more than their accustomed heroism—I have been proud to consider myself even a subject of the Sovereign who had such soldiers in her service. It is an interesting coincidence that the battle of Bala Clava was fought on the anniversary of the battle of Azincourt—so often the theme of song and the groundwork of romance. That memorable event occurred on the 25th of October, 1415—the French were more than five to one of the English, but they were signally defeated, as every schoolboy knows. On the 25th of October, 1854—four hundred and thirty-nine years later—the descendants of the two armies, now associates and brothers in arms, achieved a victory over the Russians which will shed a greater lustre upon the page of history than that of Azincourt. But though our French allies at Bala Clava evinced no lack of their ancient spirit when brought into the heat of war, the brunt of battle bore upon the arms of the British and Irish troops. They, indeed, gathered nearly all the laurels, as they sustained nearly all the loss. We all remember the magnificent charge of the Inniskillen Dragoons and the Scotch Greys—when they rushed at the compact lines of Russian cavalry, twice as long and three times as deep as their own, the latter affecting to despise and threatening to annihilate the dauntless hearts of the Greys and Enniskilleners. But with a cheer which thrilled to every breast, and a shout that rang out through the valley, they dashed into the

midst of the enemy—his flanks closed upon them—for a moment they were lost, but in the next, with uplifted sabres, the remnant of them were seen cutting their way through his broken and confused squadrons. It was a wonder that even one of that little band escaped through the apparently solid rook of Russian cavalry. But British valour had not yet been put to its severest test until Lord Cardigan's Light Brigade—counting only six hundred sabres—made that stupendous charge upon the Russian gunners, which was the crowning feat of the battle of Bala Clava.

“Then shook the hills with thunder riven,  
Then rushed the steeds to battle driven,  
And louder than the bolts of heaven,  
Far flashed the red artillery.”

With thirty guns, bulching forth destruction in front, and an oblique fire from the batteries on both sides of them, which moved down rider and horse at every stride they took, that handful of men rushed into the smoke of the batteries, cutting down the gunners at their posts, and returning all that was left of them, breaking through a column of Russian infantry, and scattering them like chaff. I need not remind you of the fearful loss sustained by the gallant brigade on that occasion. We all remember it too well. Of six hundred who went into action, scarcely two hundred returned. The heroic exploit of those who survived, as well as of those who perished, will live in the remembrance of posterity as long as the language survives which chronicles their chivalrous deed. This disastrous charge may not have been necessary to bind victory to the banners of the allies, and may have been the result of a lamentable blunder on the part of Lord Lucan, or of Capt. Nolan, whose life was sacrificed at the commencement of it; but it nevertheless gives proof of the most extraordinary heroism and self-devotion on the part of the English and Irish soldiers. It is an episode in the annals of warfare for which there is no parallel. I will not trespass upon your attention to recall any of the incidents which distinguished the subsequent battle of Inkermann. We all know the odds against the allies were fully as great, if not greater than at the previous battles,—that the British and French numbered only about 14,000 men, opposed to a force variously estimated from fifty to seventy thousand, who were encouraged by the presence of two sons of the Emperor, but notwithstanding, the triumph of the allies was as complete as on any of the previous occasions. I must, however, ask your permission to say a few words upon another and totally different branch of the subject. Many persons seem to think that this war is not a popular one with Her Majesty's Irish Catholic subjects. If the allegation be untrue, as I sincerely think it is, now is the time to meet it. I cannot see why the war should be unpopular with the Catholics of the Empire. At least one-third of the army now in the East are Irish Catholics—some of them being led by the ablest and most distinguished Irish generals, such as Pennefather, Torrens and Sir DeLaoy Evans—the latter having received in person the thanks of Parliament for his gallant services in the Crimea. A large contingent of the army are Scotch Catholics—the 92d and 93d Highlanders, for example, who performed at Alma and Inkermann such prodigies of valour under their veteran and devoted leader, Sir Colin Campbell. The Fighting Eighty-eighth—the Connaught Rangers—all Catholics, that have moistened every battle field in Europe with their blood, maintained more than their ancient glory in the Crimea—and the Welsh Fusiliers, that were so desperately cut up at the battle of the Alma, were nearly all Catholics. Then there were the Enniskillen Dragoons, a mere handful of fire-eating devils who charged and routed a myriad of Russian cavalry at the battle of Bala

Clava—the warm Celtic blood fired their hearts, and the ancient faith of the Celtic race beamed upon their souls. It would be difficult to enumerate a tithe of the sacrifices made by Catholics since the commencement of the war. Why, the fall of Silistria, in which the Turks displayed so much bravery, was mainly stayed by the arm of an Irish Catholic—poor James Butler, whose life fell a sacrifice in the gallant achievement with which his name is now inseparably connected. And in the wild charge of the Light Brigade at Bala Clava, how many a Catholic spirit winged its way to the other world—poor Captain Nolan, who conveyed the rash order to charge, being nearly the first Irish soldier that paid the penalty of that disastrous exploit. But then there are the French army—they are all Catholics. They do not hesitate to fight against the ruthless oppressor of the followers of their ancient creed. It is impossible that Catholics, indeed, any body, can have any other feeling than that of deep indignation towards the autocrat of Russia, who has too often, perhaps commanded, the most atrocious barbarities against Catholics in his empire. A monster that would allow a large number of poor helpless nuns to be publicly whipped at Minsk—to be left to suffer the most execrating torments from cruelties repeatedly inflicted—to be dragged and kicked about by ruffian hirelings, and to be finally left to starve, because they would not conform to the Greek schism—can have no claim to the sympathy of the smallest portion of civilized society. I deny, then, Sir, that this war is unpopular with Her Majesty's Irish Catholic subjects. Why, in Ireland the Irish Catholic Bishops and Archbishops were the very first to lend their powerful influence to the movement for raising a Patriotic Fund on behalf of the widows and orphans of the British and Irish soldiers in the Crimea. If the war were unpopular—if fatal to Catholic interests, the heads of the Catholic Church would not be the first to manifest their desire for its success, as they have done. If there be, however, on this side of the Atlantic any prejudice against the cause of the allies—and if there be, I certainly trust it is not widespread—it must be owing to the irritated feelings against the English Government with which the unhappy children of Erin so often fly from oppression and wretchedness in their native land to find a refuge and home in the New World. Ireland, unfortunately, has not been ruled as she ought to be, at the hands of the Government whose supremacy her loyal sons are now fighting to maintain, and it may be natural enough that a sense of wrong and the remembrance of a cruel oppression should awaken feelings in the exile's heart not favorable to England, feelings which no change of time or scene can obliterate. Whatever my own feelings may be as an Irish exile, they never did and never can check my warmest aspirations for the success of the allied arms, and the complete and overwhelming humiliation of Russia. Sir, I apologize for having delayed the Committee so long, especially since, as just brought to my recollection by an hon. friend, some hon. members have an engagement out to dine.

Hon. Mr. MOONEY.—Mr. Chairman, the hon. member may be in a hurry to go to Government House to dinner after the attack he has made on me, but I shall endeavor to give him his supper before he goes. He seems to think more of the Czar than he does of his own constituents; and, sir, when I heard the hon. member for Belfast cry “hear,” “hear,” to some parts of his speech, I thought of Mr. Lawson's favorite quotation “*tempora mutantur*.” The times are changed, indeed, when that hon. member takes the Hon. Mr. Whelan under his wing. But he is welcome to him, and may transmogrify him into any thing he pleases. I am sure I do not care what he makes of him. But I can tell him that charity begins at home, and there are plenty of

widows and orphans in the Island who require all the sympathy and benevolence we can apply to their misfortunes. It is only the other day that a tree fell upon a poor man and killed him; that man's family needs our sympathy quite as much as the widows and orphans of the soldiers who may die during the war. The hon. member has been very liberal of late years, but I remember in 1853, when it pleased the Almighty to send hailstones through the length and breadth of the land, that hon. member could not succeed in getting even £30 for some of his own constituents, to enable them to procure seed grain and potatoes for the ensuing spring, as the destruction of their crops had left them destitute of both; yet he can stand up in his place in the House and waste our time in long speeches to persuade us to give £2,000 to the Patriotic Fund, as it is called. Why, only the other day he opposed the grant of £7,000, for roads and bridges, as being more than we could afford, but now, we can easily spare £2,000 to send to England! But whenever an application is made to the charity of the House on behalf of any poor cripple, then his cry is—"Oh! we cannot give money for any such object; if we do, we shall be ruined entirely." And, Mr. Chairman, I do say most distinctly, that no Irish Catholic ever dictated to me how I should vote, nor even asked me what course I intended to take. I oppose the grant on my own independent conviction that it is wrong to support it.

HON. MR. WHELAN.—Mr. Chairman, the hon. member for the Second District of Queen's County has thought proper to censure my conduct for the vote I am about to give on this question. For that vote I shall be responsible to my constituents, whose judgment I do not fear, and while such is the case, I have little respect for the censure of the hon. member. When rising to address you he promised to give me a supper, but it turned out, sir, to be a little of the old and rather unsavory hash which the hon. gentleman is so much in the habit of doling out to members of this House, and administering, perhaps, with a little additional cooking, to his admiring friends at Plinty Glen. He charges me with having wasted the time of the House in making a long speech. Such a charge comes with a bad grace from a man who is perpetually pestering the House and retarding the public business with long windy harangues on any and every topic that may come up, seldom listened to in this House and hardly ever read by the public. As to the charge of extravagance which he has preferred against me, I tell him that I have ever been in favour of liberal appropriations for measures calculated to improve and elevate the character of my adopted country. The hon. member has, however, a somewhat peculiar mode of dealing with the public funds. If a large amount of money, which can be used for the purposes of corruption is required, then he is all liberality, but if any application is made for a grant for any literary or other meritorious object, he at once manifests a narrow and parsimonious spirit. He has likewise charged me with having opposed the grant for roads and bridges. Sir, it is not true. There was no division taken upon that subject, and I did not utter one syllable against the grant, while the hon. member "wasted the time of the House with long speeches" about it, that have been long since forgotten. I am further accused of opposing the demands of charity made upon this House, and turning an unwilling ear to the cry of the cripple and the unfortunate. The accusation, Sir, is as untrue as any of the others I have just refuted. I have never, either in my public or private capacity, refused to succour and relieve the miseries of the poor; and I defy and challenge the hon. member to point to one solitary instance wherein I have acted in this House in the manner he has represented me.

When the hon. member feels inclined to make another attack upon me, I hope he will confine himself to the truth.

HON. COL. SECRETARY.—I had hoped, Mr. Chairman, that no angry feeling would have arisen on the discussion of the resolution, and that we would have come to an unanimous vote. I do not think that the objections to the principle of the resolution are confined to the Irish Catholics. I have heard more opposition from the members of other creeds. In fact, I believe the hon. member (Mr. Mooney) himself, is the only Catholic from whom I have heard a word in disapproval. When, Sir, I am told that this fund should not be termed "Patriotic," I ask, what more patriotic object ever occupied our attention, or what can more encourage and support the brave men who are fighting our country's battles, than the knowledge that if they fall, their widows and orphans will be cared for. And I will ask the hon. member (Mr. Mooney), who will reap the most benefit from this fund? I tell him, Sir, the widows and orphans of his own countrymen—for the returns shew a greater number of Irishmen than of any other country among the killed and wounded. But, Mr. Chairman, in the distribution of the fund, there is not, and God forbid there should be any distinction of country or creed. It is intended for all, and will be disbursed to all. And I hope the hon. member, for the sake of the political party to which he belongs, for the sake of the country he left, and for the credit of that he came to, will withdraw his opposition, and allow the vote to pass unanimously. There should be no difference on such a question; there is none in England. Even on the Battle-field the sword of the proudest and bravest of Britain's nobles flashes beside the musket of the private soldier. In proposing the amount, I did not, nor should the committee take into consideration what England has done for us. It should not be regarded in the light of a return for favors received. It is not for us to say whether the war is right or wrong in its origin or management—enough to know that our country is engaged in war, and knowing that it is our duty to give what aid and encouragement we can to her armies, if only to save the disgrace of a defeat. The sum, it is true, appears large, but we can afford it. I will confess that I was almost afraid to mention it to my hon. friend (Mr. Whelan). It has never been mooted in the Government, and the Lieutenant Governor himself had no idea what amount I intended to propose. In conclusion I repeat that we ought to give the sum named, as it will be applied for the benefit of our fellow subjects.

MR. DORSE.—Mr. Chairman, I must remark that during the long period I have had a seat in this house, now some 14 years, this is the first occasion in which I have heard a member of the Executive Council of the Island express such sentiments as have fallen from the hon. member, Mr. Mooney. Sir, I am surprised that the Government should have among its members such a man. Sir, when I listened to his observations, I was ashamed of him, and almost of the country which had him as a member of government. Were I the Lieutenant Governor, I would at once dismiss him from the Council. But, Sir, I was proud to hear the hon. member, Mr. Whelan. The remarks he made with reference to the Irish Catholics, did him much credit, and never did I listen to him with so much pleasure, as when he was displaying his great eloquence in so noble a cause. I for one, Mr. Chairman, am prepared to give the resolution my hearty support, and as to the amount, it will be but 3d. or 4d. on each inhabitant of the Island. And I hope the hon. member, Mr. Cooper, will yield a little, and permit the vote to pass unanimously; if he does so, he need not fear that he will ever be upbraided by his constituents or the public at large.

MR. COOPER.—Hon. members should not, Mr. Chairman,

be carried away by a speech. I repeat that this is an appeal to our benevolence, and we cannot be benevolent if we have to display our benevolence by taxing the people. There are others suffering besides the widows and orphans of the soldiers dying in the war, and the people have themselves contributed already, as much as they could afford, and I observe that at the Georgetown meeting, they resolved to contribute a number of pairs of woollen socks for the comfort of the troops in the Crimea. These circumstances shew that the grant by the House is improper, as taking the money of those who have already aided the object as far as they thought their means justified them.

Hon. Mr. LONGWORTH.—I rise, Mr. Chairman, merely for the purpose of expressing my agreement with the hon. members who have advocated the resolution, and declaring my hearty support. I support it cheerfully and gladly. The amount I do not consider excessive; it is but about 5 per cent. on our revenue, and we must remember that it is not given for the purpose of carrying on war, but to relieve the misery and destitution of widows and orphans. The British Government do not call upon us for any specific sum, there is no dictation as to what amount we are to give—that is left to ourselves. And, Mr. Chairman, I felt truly sorry to hear the remarks of one hon. member, in opposition to the grant. Much as I regretted, and disapproved of the spirit of his observations, I was glad that they were not made by a son of the soil. I believe that were the sum larger my constituents would not find fault with me for according it my support, and if they should, I cannot blame myself for discharging what I consider to be my duty to myself and my country, by assisting to place the Island in a higher position with the people and Government of Great Britain, than she at present occupies, which will be the effect of a liberal vote on this occasion.

Mr. LAIRD.—Mr. Chairman, I differ entirely from the hon. member who has just sat down. We are here as the representatives of the people, and the people have been directly applied to, and have given what they thought fit. If they choose to give to this fund, they have a right to do so, and may give what they please, but this House has no right to grant anything to such purpose.

Hon. Mr. MONTGOMERY.—Mr. Chairman, as one member of this House, I feel satisfied that in voting for the grant of £2000, I shall be supported by my constituents and the people generally, and I must say, Sir, that I am sorry that there should have been any opposition to a grant of this nature. In reading the reports of the proceedings in this matters that have taken place in the Legislature of Canada, New Brunswick and Nova Scotia, I find that the grants have been carried unanimously, and although some opposition has been expressed this evening, I trust that no record of it will be found on our journals.

Mr. McINTOSH.—Mr. Chairman, we should not, in a matter of this nature, allow ourselves to go beyond our means—at the time that I heard that Nova Scotia had given £2000, I thought she was very liberal, and I think so now. If the sum proposed had been less, there would have been less time spent in this discussion, and there might be just as much patriotism. We should bear in mind that we are not equal to the other colonies which have been alluded to. I am a Catholic myself, and am willing to do all that I think we can. But we must not, like the frog in the fable, try to swell ourselves to the dimensions of an ox. I think that every heart would go for £1000.

Hon. COL. SECRETARY.—Then the hon. member does not oppose the principle of the grant, he merely objects to the amount.

Mr. McINTOSH.—I do not object to giving something for the object of the commission, but I think we cannot afford £2000.

Hon. Mr. LORD.—Mr. Chairman, I think £1,000 sterling would be a sufficient sum for the committee to appropriate to the fund. That amount would be a very fair sum for us to give, in proportion to what has been contributed by other Colonies. However, sir, as the amount has been fixed, I am willing to support it; it is but right that we should manifest our feelings of sympathy with the mother country in the struggle in which she is engaged. And I must say, that I regret that there should be any difference of opinion among members of the Government in a question which involves, as this does, the character and reputation of the country. In such a cause all should go hand in hand, and I, for one, would be ashamed to wait and ask my constituents what sum I should give towards this fund, while there is weeping and lamentation at so many hearths. The amount raised by individual subscription should not, in my opinion, enter into our consideration on this resolution. This House, as representing the people, should make a public recognition of the claims of those to whose solace the fund is to be applied, and a public declaration of our sympathy with our fellow countrymen in the great contest in which every British subject is, or ought to be, deeply interested.

Hon. Mr. MOONEY.—Mr. Chairman, the hon. member, no doubt, is sincere when he expresses regret that any opposition should be offered to the resolution by any member of the Government, but I can assure him and the committee, that while I have a seat in this House, I should be very sorry to be tied down to act at the will of any one, whether the hon. member for Belfast or Lord Selkirk. I have not the slightest fear of his Lordship's boots or shoes.

The Hon. SPEAKER.—Mr. Chairman, as this discussion has been protracted now to a considerable length, I think the question had better be taken at once. It is a matter wholly of sympathy, and the lateness of the hour induces me to suggest that no further debate be had.

The question was then put, and the blank in the resolution filled with £2,000.

## SUMMARY OF PROCEEDINGS.

SATURDAY, March 17.

Mr COOPER presented a petition from the inhabitants of the Second District of King's County, praying the establishment of a Court of Escheat; and after it had been read, he moved that the land question and the state of the Colony be the order of the day for Wednesday, the 21st inst., which was opposed by Hon Col Secretary, Hon Mr Whelan and others, as far as related to the state of the Colony. They argued that such a motion conveyed a censure on Government, and stated that they had no objection to the consideration of the land question being the order of the day named. This view was combated by Mr Cooper, Mr Haviland, Hon Mr Longworth, Hon Mr Montgomery, Mr McIntosh and others, who denied that the censure was implied by the motion, and maintained that the nature of the land question, the fact of the whole island being affected by it, and the interest universally felt by the inhabitants, rendered it peculiarly the subject for a committee on the state of the Colony. A warm discussion took place, at the conclusion of which, the motion for committee on the state of the Colony was refused—Messrs Cooper, McIntosh, Laird, Haviland, Hon Mr Longworth and Hon Mr Montgomery being the minority; and the Hon Col Secretary, Hon Col Treasurer, Hon Mr Whelan, Hon Mr Wightman, Messrs McDonald, Munro, Perry, Mooney, the majority. The land question was made the order of the day for Wednesday next.



MONDAY, March 19.

Hon COL SECRETARY laid before the House a despatch relating to the admeasurement of shipping, which was read.

Post Office returns, and the report of the superintendent of public works on the claim of James McLeod, for extra work on Mill River or Fifo's Ferry Bridge, and the arbitration thereon, by which it appeared that £160 had been awarded to the petitioner, and moved that it be referred to the members of the district. Carried.

Hon MR MOONEY, in presenting a petition from certain inhabitants of Townships 35 and 36, praying for the establishment of a court of escheat, stated that during his absence from Town on Saturday last, it had been handed to Mr Cooper, and the parties stated that he could not be found. Sir, I am not so small as to put people to much trouble in finding me, nor so very silent but that I may be heard. I have never shrunk from my duty, but have often been here in my place, advocating the rights of the people, when the hon. member (Mr Cooper) was *non est inventus*. This petition has been got up by a few worthless fellows, and some of them have always done their utmost to keep me out of the House, and I do not consider myself bound to dance attendance on such men. I am not afraid to express my opinion on this or any other subject which may come before the House, and whatever my opinions may be as to the desirableness of escheat, I have no hesitation in expressing them. And I say now, Sir, and I hope my words will go forth to the country, that I would vote for escheat, and support it to the utmost of my power, if I thought it could be obtained, and I would at once resign my seat in the Executive Council, and the office I hold, if they interfered with my action on it, but I believe the British Government will not allow a court of escheat to be established, and I ask this House if we can wage war against that Government? It may be very well for some of the grandees about Charlottetown to get up those petitions, but I warn them that they may carry their *dogbery* too far with the people, and poor, simple, unoffending men may, in the absence of a military force, be buoyed up with the hope that they could resist the laws of the land. But before parties take upon themselves to destroy the peace of society, they should be sure that they can repress any outbreak that may arise from this agitation. They think that they'll bother me, and that because they are signed by some of my own constituents, I dare not oppose them; but, Sir, I can tell them that whenever my constituents call on me to resign, I shall give up my seat and office at once. This agitation, Mr. Speaker, has not for its object the good of the people, but it is expected to disarrange the Government and to put every thing into confusion. They think that because we have no military force in the Island they can easily collect numbers of men for any object, but I can tell them that though it may not be difficult to excite the people, it may not be quite so easy to restrain them. Talk of my not opposing the Government! why, Mr. Speaker, I recollect on one occasion, when I stood in opposition to the Government, with the hon. member for Charlottetown (Mr Palmer), alone beside me, though I must admit, it is not often we are found on the same side. (Laughter.) I am not very good in my Latin, but the quotation that "Hazard's Gazette" applied to me the other day, that "times are changed," applies to the hon. member, (Mr Longworth), for the times are indeed changed with him since he said that the child unborn would curse the day that escheat was ever named in the Island. But I suppose he has seen the evil of his days, and will do better for the time to come.

Hon MR LONGWORTH.—Mr Speaker, if the recollection of the hon. member were as accurate on the subject of his own political character, as he would induce the House to believe that it is on mine, I am inclined to think that he would not stand much higher in his own estimation than he does in that of the public. I can tell him that I never opposed the establishment of a court of escheat. I was opposed to the violent agitation for extreme measures. I defy that hon. member to shew that I ever raised my voice against a court of escheat; it was never asked. I was opposed, not to the court, but to the violent measures of the hon. member (Mr Cooper), who, in those days, went, not to establish a court of escheat, but to forfeit the lands. I do not intend to express my opinion now on the subject of escheat, but

I do not see how any honest man can object to the establishment of a court of escheat. The hon. member may taunt me as he pleases, but I can tell him that if he should rake up every word I have ever said in this House, he would not find the record of a declaration such as he made on Saturday last, that he was not an independent member. (Hear.) I never said that a seat in the Executive Council or a Government office would destroy my independence. I never was and never would be bound hand foot to any Government in consideration of some paltry office.

Hon MR MOONEY.—Mr Speaker, it is a pity the hon. member's memory is so bad, that I must ask permission to explain. I deny, Sir, that I said I was bound. I said the hon. member (Mr Cooper), was an independent member. By that I meant that he was not a member of the Government. That is the parliamentary sense of the word, and I have the authority of a great Lord in the House of Commons, who said, Mr Huue was an independent member. It is very easy to twist one's words to a meaning they were never intended to convey; but though I cannot quote Latin, I can read Walker, and he says that an independent man is an unbiassed man. And I say, Sir, that a member of a Government owes a duty to his colleagues, which prevents him from acting, in many instances, as a member not connected with Government.

Hon MR MONTGOMERY, in presenting a petition from inhabitants of Richmond Village, praying aid towards a road from the village to the shore of the Bay, stated that some years ago the people had subscribed liberally towards the construction of a wharf, and the Government had granted a sum to the same object. It appeared that the road was unfit for travel. The petition had been intrusted to him, he knew not for what reason. He had shewn it to the members of the district, the Hon Mr Lord and Mr Muirhead, who he perceived by their report had made no provision for the road, and he moved that it be read.

Hon MR LORD would recommend the hon. member to allow the members of the district to mind their own business. They are the best judges of the local necessities of the district, and he considered that the money which had been granted for the wharf had been thrown away. If the hon. member had any money to spare, he would be at perfect liberty to appropriate it to the road.

MR MUIRHEAD could tell the hon. member, (Mr Montgomery,) that he knew as much about the matter as himself. He denied that the petition had been shewn to him, and now, as his road scale was made up, he would not consent to alter it.

Hon MR MONTGOMERY said it was possible he might know as much as the hon. member. Perhaps, however, he did not approve of the petition having been intrusted to him. He could not tell the reason for it, unless the petitioners had no confidence in their own representatives. He was under the impression that the Hon Mr Lord would have made some appropriation to the road. The present neglected state of the road was productive of serious injury and inconvenience to the inhabitants of Richmond Village.

MR MCINTOSH thought that the petition had better be read.

Hon MR LONGWORTH was surprised at the expressions which had fallen from the Hon Mr Lord, to the effect that the members of the district were the only judges of the matter. He could tell him that the House were to decide.

Hon MR LORD had no objection to grant a small sum, but did not know if he had it to spare, but would not object to giving £5 or £6, if that would do.

Hon MR MONTGOMERY had felt it his duty to present the petition.

Hon COL SECRETARY.—If his constituents did not choose to entrust their petitions to their own members, he would let them take their chance.

MR MCINTOSH wished that the petition be read, that he might know how to vote.

MR HAVILAND agreed with Mr McIntosh, that it should be read. It was the duty of the House, when their attention was called to any matter, to examine it carefully, and form their opinion after mature consideration of the facts. He repudiated the idea of not interfering with the local matters of any member's district. He had always understood that the principle on

which their position in the House was based, was that each was to act for the interests of the whole Island.

Hon Mr LORD did not know how the petition came to the Hon Mr Montgomery. Several of the petitioners were supporters of himself and had voted for him. He supposed that they must have great confidence in the tact and influence of the hon member in the House, to get money for them. He would state that the road mentioned in the petition was three-fourths of a mile in length, and about one-fourth of that distance was across a marsh. After having, he admitted, simply voted £40 or £50 for a wharf, he went to look at the road, and, from what he saw, was satisfied that a few pounds would be of no use; that in fact it would be so much money thrown away. If anything were given, it would require a special grant of probably £100. As to the wharf spoken of, it would be necessary to have half a mile of wharf to load a vessel of 200 tons at. He could understand how the petition had been got up, by a few individuals at a hole and corner meeting.

Hon Mr MONTGOMERY knew nothing of any hole-and-corner proceedings. The petition had been handed to him, and he was asked to present it. He had told the parties who applied to him that they had better take it to the Hon Mr Lord. He must say that hon. member had expressed strange opinions on the subject. If the wharf were so useless as he had represented it, why did he vote public money for it? After so much had been done, hon. members should not object to completing the road.

Hon Mr LORD stated the reason why he and his then colleague (Mr Pope), had voted for the grant was, that a subscription list, amounting to £70 or £80, had been handed in, and he did not believe a quarter of it had been paid. Had they known the true state of the case, they would not have given a farthing. He hoped nothing would be given for a new wharf until a competent survey of a site had been made.

Hon Mr LONGWORTH knew the locality, and had loaded a vessel of 200 tons there.

Hon Mr PALMER hoped that, if a wharf was to be built, it would not be erected on private property—that the wharf and the road would be public property. The hon member strongly denounced the doctrine that the minority were to be considered as not entitled to representation in the House, and that their applications should not be listened to. He would never subscribe to such sentiments. On the subject of the petition he would express no opinion, as he did not know the merits.

Hon Mr LORD closed the discussion by denying that his words would bear the construction hon members were inclined to put upon them. He wished justice to be done to all, though some, he believed, scarcely deserved it. (Laughter.) But he did not think proper to give any money to the road this year. There was none to spare. If the Charlottetown members have a surplus it would be gladly received. He had no fear of his sentiments going abroad to the country, and hoped the Reporter would take down his observations.

The House went into committee of the whole on the Bill for incorporating Charlottetown.

## TUESDAY, March 20.

House in committee on the Act relating to the opening of Highways.

Hon. Mr. WIGHTMAN explained the object of the Bill, which was the provision of a summary method of settling the amount of compensation for land taken for a public highway, by arbitration; and if the occupier of land refused to allow the road to be opened, after tender of the appraised value of the land, he was liable to a fine of ten pounds.

Hon. Mr. LONGWORTH objected to the Bill as being framed so as to have a retrospective effect, he would have no objection to the Bill if it had merely a prospective application.

Hon. Mr. WIGHTMAN.—A Bill on the subject had been introduced in the late short Session, the objection to which was that it was retrospective. The present measure was not, in his opinion, retrospective.

The Hon. SPEAKER did not consider the principle of the Bill objectionable, but having carefully read it, was of

opinion that it was susceptible of a retrospective application. He could see nothing in the Bill to prevent such construction. The law, as it at present stood, required some alteration. Under the present system, there is no summary mode of compelling a man to allow a highway to be opened across his land. The Supreme Court at present is the only tribunal to which resort can be had in cases of obstruction. This Bill may apply to a case in the district in which he is Commissioner. Obstructions to a road were raised in 1853, and now in 1855, a Bill is introduced, applicable to that case, in which proceedings had been taken under the existing law. If the Bill were adopted in its present shape, it would be optional with the Government to abandon the present proceedings and throw upon him, as Commissioner, what he considered a duty they themselves should perform. He recommended a short clause to prevent retrospective effect. The other parts of the Bill he considered necessary, for, in his own district, he had been informed that parties had openly set the law at defiance.

Hon. Mr. LONGWORTH considered that, however defective the present law might be, the House should not, in endeavoring to remedy it, violate the principles of justice, which would be the case if they enacted an *ex-post-facto* law. The House should not remedy the present law at the expense, and to the injury, of those who had acted under the law as it was. It might be that the parties alluded to had acted wrongly, but if so, it would be unjust for the House to pass a law in 1855, affecting acts done under a different law in 1853. The parties refused compensation under the present law, and let them take the consequences of such refusal; proceedings have been instituted against them, which are still pending, and now this Bill says they must take the compensation they previously refused.

Hon. Mr. LORD.—According to the hon. member (Mr. Longworth), a defective law can never be remedied.

Hon. COL. SECRETARY said a short clause would obviate the objections. The word "proceedings" in the Bill was intended to apply to action taken previously to an appeal to law, and consequently did not embrace legal proceedings. He instanced a case on Lot 67: The commissioner has taken proceedings by making his report; in that and similar cases the Act would apply.

The Hon. SPEAKER.—The Bill takes away the right of appeal.

Hon. Mr. PALMER did not see that the additional clause was required. If the Bill were drawn on the principles on which all legislation should be based, this discussion would have been unnecessary. It is quite right to pass a Bill for cases of future compensation, but when compensation has been already awarded, a measure of this nature is not necessary, and should not apply. In the cases in which legal proceedings have been instituted, it is better that some little expense should be incurred than that the great fundamental principles of law should be violated, to deprive individuals of their legal rights. If the parties alluded to have done wrong, let them suffer; it is right that they should; but the House should not deprive them of an appeal to the law in force at the time they took the responsibility of their conduct under the law of the day, and to no other law should they now be made amenable.

The SPEAKER moved a declaratory clause against retro-spection. Carried.

On the clause providing that the tenant receive a reduction in his rent proportionate to the value of the land taken for a public road—Hon. Col. Treasurer explained that under the Tenant Compensation Bill, the tenant received compensation only for improvements, not for land which might be

taken for roads, and for which land he was liable to pay rent. He mentioned an instance of a tenant who offered the land for a road, if the proprietor would reduce the rent *pro rata*. The proprietor refused to make any reduction. He mentioned this merely as one instance which had come under his own knowledge. Doubtless, there were many similar instances. And he thought it would be a very great hardship to take from a man, for the public benefit, the land for which he was paying rent, and still leave him liable to the proprietor for the rent of it.

Hon. COL. SECRETARY.—The proprietors, by the original grants, were bound to give up land which might be required for roads, and it is but just that the tenant should be protected from paying rent for land taken for public roads. The production of a certificate from the commissioner should entitle the tenant to the benefit of a proportionate reduction.

MR. COOPER.—The proprietors should either have made the roads themselves or have left land for them. In Township 55 there was no difficulty; there the roads had been laid out; but every session the House is applied to for new roads to be opened.

Hon. MR. WRIGHTMAN.—In cases where the proprietors hold extensive tracts of land, it is their duty to give roads. The original grants contain a reservation for public highways, and the proprietors would only be consulting their own interests by reserving roads, as those roads would materially enhance the value of their properties. He saw, however, a difficulty as to the practical working of the clause; for instance, if a proprietor were not disposed to allow the reduction of the rent, although arbitrators may be appointed to value the land, and may appraise it sufficiently high, still there was no power to compel the proprietor to make the deduction. In one case, he had asked the proprietor if he would be willing to allow for roads; that gentleman stated that he would. That was an individual case; others might not; and a rule of general application should be made, so that no man should be at the arbitrary caprice of his landlord.

Hon. MR. MOONER.—If such be the case, the House are but wasting time in useless talk. There is no use legislating on the subject unless we can compel the proprietors to yield. Tenants now have to pay rent for land already taken from them for roads, and in the original grants, the proprietors were bound to reserve lands for roads, if required for the public benefit. Why should a man be compelled to pay rent for land used and travelled on by every one? It is easy to ascertain the quantity of land taken for a road, and the proprietor should be compelled to contribute to the public requirements by a reduction of the rent on land which was to be used for the benefit of the public generally.

Hon. MR. LORD would support the clause. He had often thought the clause upon the statute book a hardship upon tenants, inasmuch as it compelled them to suffer roads to be opened through their land, for which they would have to pay rent. In consequence of the opening of such roads, the tenants have to incur great expense in fencing, etc., and if there is no provision for reduction from the rent, there should be. It is not only the duty, but the interest of the proprietors, that proper lines of road through their lands should be laid out. He mentioned one instance in which unsuccessful efforts had been made for two successive years to open a road through Lord Selkirk's property. The reason that it had not been done was, that his Lordship's agent, the hon. member for Belfast, had refused the right of way unless the commissioner would pay £6 or £7.

Hon. MR. PALMER.—If the original grants reserved to the Crown land for roads, such reservation meant only roads necessary for the public. It could not be construed to mean

roads to any extent, without end or limitation. He considered that the House had no right to take the land for which the tenant had agreed to pay rent to the landlord. We cannot interfere with their arrangements. Some roads are laid out, not because the public require them, but only for the benefit of a few individuals. It is all very well for hon. members to confine their sympathies to the cases of tenants, but it should be borne in mind that proprietors have to pay a heavy land tax, and are required and compelled to pay that tax on the very land used as a road by the public. In some instances the land has been seized and sold for the tax. If the jury estimate the present loss to the tenant, what more is required? But if the compensation is to be estimated on the basis of the perpetual loss of the land, and the amount assessed on that principle, the tenant might be the gainer at the expense of the proprietor.

MR. McINTOSH did not think that there was a desire to open more roads than were necessary. It is absolutely necessary that roads should be opened to enable settlers to have access to their farms; and when the different Townships were laid out, they were not so scantily measured but that there was enough for roads included. There should be no hesitation in taking from the proprietors what was required for roads, and giving the tenant the proportionate reduction from his rent.

The Bill was agreed to with amendments.

A memorial of the Royal Agricultural Society, recommending a tax on dogs running at large in Charlottetown and Royalty, was referred to Hon. Mr. Palmer, Hon. Mr. Longworth, and Mr. Haviland, as a committee to report by Bill or otherwise.

On the consideration of the petition from the inhabitants of the eastern section of Charlottetown, that the proposed new market house may be erected on King's Square—Hon. Col. Secretary stated that it might be as well to defer the matter till the Town was incorporated, but if country members thought their constituents would be benefited, they would give a sum towards the market house. He might be considered by some as having an interest in advocating the erection on King's Square, but he had not; he would prefer that the Square be kept clear. However, the subscription list accompanying the petition was very large; it would save nearly £1,000; and he understood that the expense of constructing cellarage—necessary if the building was put up on Queen's Square—would not be required on King's. It was, however, for the House to decide the site. If it was intended to ornament Queen's Square, it should be kept clear. He thought it were better to purchase a site, and not encumber the Squares. True, Queen's was convenient, and people had become accustomed to it as the market place, and a little inconvenience might be experienced at first from the change. If King's were adopted, it would be blocked up equally as Queen's. All towns had some reserved places.

Hon. MR. LORD thought the site on Queen's Square was decided by the committee last year. He had no personal interest in any particular situation. It would not affect his business to the amount of forty shillings a year, but it would make a great difference with those who had to bring their produce to Town across the ferries. They would have to pay perhaps two shillings a load for cartage from the wharf to King's Square. As to the liberality of the subscriptions, the subscribers knew that the market house on King's Square would enhance the value of their properties far more than the amounts subscribed. If it were not so, he did not believe they would have given a penny. He denied that King's Square was in the centre of the Town. He would rather see the market house off the Squares altogether. But there was

another question, and one of some importance: Where was the money to come from? The inhabitants should be appealed to on the subject of a site. He had no doubt the House would give a sum for the general accommodation and advantage. As to the expense of the cellarage on Queen's Square, let hon. members consider that cellarage would afford room for three stores worth, probably, £50 a year each. He deprecated the removal of the market to King's Square, as ruinous to the value of property in the vicinity of the present market.

Mr. HAVILAND said the removal would not injure his business. He would not sanction a market house on any of the Squares. Better to purchase a site. But he agreed that Mr. Lord's question—"where is the money to come from?"—was very important. As representing the inhabitants of Georgetown, he would not consent to grant the whole amount. The House should not allow the Squares to be filled up; if they did, he warned them that in a few years they would deeply regret it. He thought that an Act should be introduced to prevent the occupation of the Squares.

Hon. Mr. PALMER agreed with Mr. Haviland, that the Squares should not be encumbered, but no Act was necessary; an Act would be necessary to authorise the occupation, and he hoped such Act would never be sanctioned. If it were, members would incur the reproach of posterity for their short-sighted policy. The best plan, in his opinion, would be to authorise Government to make enquiries for an eligible site. He believed the Fanning garden might be purchased for a reasonable sum, and he could see no objection to that. Its situation was in every way convenient. He was decidedly opposed to taking any of the Squares for a site for the market house. If, however, he had to act on a comparison on evils, he would prefer the lower or Hillsborough Square. He hoped, however, that House would not sanction the building on any of the Squares.

Hon. Mr. WIGHTMAN would never consent to vote public money for the purchase of a site. The most that should be granted by the House was a vote in aid of the building. He thought that there was sufficient room where the present market house stands. He was opposed to removing it to King's Square. The subscriptions, no doubt, amounted to a large sum, but the petitioners had subscribed merely to benefit themselves. At present he considered it premature to select a site; that had better be deferred until the Town should be incorporated; then get the opinion of the municipal authorities.

Mr. LAIRD.—The country was interested in the matter equally with the Town. He approved of Queen's Square, as more roads led from that than any other, and the site was fixed there last Session. The subscribers had not come forward with their subscriptions to benefit the public, but they wanted to have a market at their own doors, to enhance the value of their properties.

Hon. Mr. MOONEY had always seen the market in the centre of a town. He had no idea of his constituents having to pay for carting their produce to Town. There was land enough without purchasing a site. As to the doctrine of the member for Charlottetown (Mr. Palmer), that the land could not be used as a public market, he would ask why a public market could not be built on public property? He would not vote from the public funds either for the purchase of a site or the erection of a building, if it was to be handed over to the corporation. A noble donation, indeed, to tax his constituents for using a market house themselves had built.

Hon. COL. SECRETARY advocated the propriety of keeping the Squares as clear of incumbrance as possible. He was

inclined to agree with the hon. member for Charlottetown (Hon. Mr. Palmer), that if either of the Squares were appropriated to a market, Hillsborough should be selected, as being nearer than the others to the water. As to the petitioners being interested, all those who accompanied their petitions for public improvements, with lists of subscriptions in aid, were interested in the private and individual benefits expected to result. The amount subscribed was very large; but it would not do to act on the principle that because private subscriptions had been liberal, therefore no public aid should be afforded. Being desirous that the trees in Miss Fanning's garden should not be destroyed, as he understood they could be transplanted to Queen's Square with safety, he had applied to Mr. Henry Hazard for them, for the purpose of ornamenting the Square. That gentleman had very kindly promised to give them for that object. If Queen's Square were decided on for the new market house, it would be lumbered up with building materials, and after the building was completed, if the Square should be, as was contemplated, surrounded by an iron railing, the market people would be fastening their horses to the railing, &c. In no other countries is the market house in immediate proximity to the public buildings. In a few years, the increase of the Town will leave no open spaces but the Squares for the inhabitants to get fresh air. It had better go to supply, and it can be discussed there.

Hon. COL. TREASURER.—There were no constituents in the Island less interested in this question than those he represented, but notwithstanding that, he would not oppose the grant of a reasonable sum. He would prefer the purchase of a site to the occupation of any of the Squares, but he would not be justified in supporting a grant of such amount. The market house ought not to be built on any but Hillsborough Square. Some years ago, he had been anxious that a wharf should be erected at the foot of Prince Street. Had that been done, it would have been a great convenience.

The Hon. Mr. PALMER moved that the petition of the churchwardens and vestry of St. Paul's Church, in Charlottetown, praying that the Act 3 Wil. 4, cap. 20, be altered, so as to allow the power of assessment on pews for the purpose of defraying the ministers' salary, and to change the period of holding the annual public meeting to Easter, instead of Whitsuntide, as at present, be referred to a special committee to report by Bill or otherwise.

The Hon. COL. SECRETARY had no objection to that portion of the petition which referred to the change in the time of holding the annual meeting, but he was opposed to giving power to assess for the salaries. The petition had been brought in, solely because Dr. Jenkins had chosen to exercise his franchise in a way the parties petitioning did not like. The individuals who got up this petition were the same who obtained his removal from the church. And this petition is but an attempt to assess the pewholders for the Minister's house rent. At the meeting which had been held by the Bishop, I expressly stated to His Lordship that he had better obtain a guarantee for the Minister's house rent. The Bishop, before he consented to remove Dr. Jenkins, insisted on the rent being secured, and some hon. members in this House now think they can relieve the parties from their obligation. The great objection urged for Dr. Jenkins' removal, was that he had voted for a Catholic.

Hon. Mr. LONGWORTH.—That is not true.

Hon. COL. SECRETARY.—It is true; that reason was assigned by one of the party.

Hon. Mr. LONGWORTH.—That is not the reason.

Hon. COL. SECRETARY.—The principle of coercion has always been an injury to churches, and the House, by sanc-

tioning a tax for the house rent, would be inflicting an injury on the church. I hope the majority will set their faces against this attempt at coercion emanating from the minority.

Hon. Mr. MONTGOMERY.—It is unfair in the Col. Secretary to allude to the minority as he has done. This is the first time I ever heard of the matters just stated, and the Hon. Col. Secretary is not justified in making the assertions that he has made with reference to the minority. For myself, I can truly say I have no objection to Dr. Jenkins.

Hon. Mr. PALMER.—I presented the petition, and would at that time have moved for a special committee, but so little aware was I of the grounds of the petition, that the statements of the Hon. Col. Secretary are entirely new to me. I had no communication with any one on the subject, and I did not think it right to move on the petition until I knew how far the petitioners wanted to go. I was absent at Georgetown, and did not know that such a petition was to come before the House, until it was put into my hands by a member of the other branch of the Legislature. I do not pledge myself to any particular action on the petition, as up to the present time I have had no opportunity of acquiring the information necessary to enable me to form a correct opinion on the subject. It may suit the purposes of the Hon. Col. Secretary to excite prejudice in this matter, and he may be desirous of serving his own ends, by attributing to the petitioners such motives and feelings as he has done, but I do not think they are actuated by such feelings, and if he wishes to consult the feelings of the Rev. Dr. Jenkins, it might have been wiser for him to have left his name out of this discussion, and not have called attention to his political conduct. I, however, am willing to spare that gentleman's feelings, though I would be justified in not doing so. That matter may, however, be discussed hereafter. I have not promised to support the prayer of the petition, but if Dr. Jenkins's name is again dragged in, I will not hesitate to review his conduct in connection with the remarks of the Hon. Col. Secretary, who has chosen to bring him before the public.

Hon. COL. SECRETARY.—The Rev. Dr. Jenkins does not fear the censure of the hon. member for Charlottetown. That hon. member has said that he was ignorant of the facts I stated, with regard to the occurrences at the meeting for the removal of Dr. Jenkins; that my statements were new to him. Sir, that hon. member was present at the meeting, and I recollect that, when the Bishop said that such a law of assessment would never be carried in Nova Scotia, that hon. member himself told His Lordship that it would pass here without any factious opposition.

Hon. Mr. PALMER.—That statement is positively untrue.

Hon. COL. SECRETARY affirmed the truth of his assertion, and after very positive mutual contradictions, the petition was referred to the Hons. Messrs. Palmer and Longworth, and Mr. Haviland, as a committee to examine and report by Bill or otherwise.

A petition of James Anderson, of Charlottetown, praying remission of duties of duties paid on Canadian flour, was referred to committee of supply.

Hon. Mr. WHELAN presented a petition, in addition to one already referred to the committee of supply, praying a grant to Mrs. Cullen, widow of a former Clerk of the House, and Secretary of the Central Board of Health. He read the last petition as part of his speech, and stated that it was a specific claim for services rendered to the Board for a period of sixteen years, during which the deceased, Mr. Cullen, had been the regularly appointed Secretary at a salary of £10 a year, of which the petitioner alleged he had never received a farthing.

Hon. Mr. MOONEY could not believe the allegation in the petition. He was intimately acquainted with the late Mr. Cullen during the first Session he (Hon. Mr. Mooney), had a seat in the House, and he thought that in the repeated private communications he had had with him, that had Mr. Cullen considered that he had such claim, he would have mentioned it. Mr. Cullen was a man who required any money that he had earned. All who had any claims upon the House were generally prompt enough in preferring them. He did not mean to speak disparagingly of Mr. Cullen; on the contrary, he was one of the most talented men he had ever known. After his death, in 1848, the petitioner obtained £20, and year after year her claims are brought before the House. He considered that the office of Secretary to the Board of Health was merely an honorary one; there was not much to do. If the petitioner came before the House for relief, in consideration of indigent circumstances, he would be prepared to assist her, but would not recognize any claim as widow of a Clerk of the House, or as widow of a Secretary to the Board of Health.

Mr. COOPER spoke highly of the talents of Mr. Cullen, and mentioned the services he had rendered to the House from his knowledge of the proper modes of proceedings.

Hon. Mr. WHELAN thought that the Hon. Mr. Mooney's argument, that Mr. Cullen had no claim because he had not mentioned it to him, had arisen from ignorance of the fact that Mr. Cullen was probably not quite so fond of talking of himself as that hon. member. (Laughter.) As their acquaintance was but for one Session, it is probable that the hon. member was not so intimately acquainted with Mr. Cullen as he might desire to be. The Board of Health may probably have deferred paying Mr. Cullen.

Mr. McINTOSH thought that attention should be paid to the petition on the score of humanity. It seemed that there was a regular appointment of Mr. Cullen as Secretary, at a fixed salary, and there certainly was no proof that it had been paid.

Hon. Mr. PALMER would support the petition, although Mr. Cullen had not made him his confidant. The deceased had stated, in his presence, that he had claims on the Board of Health. He had been a member of that Board when Mr. Cullen was Secretary; that gentleman had devoted much of his time to the Board, attended meetings, recorded proceedings, &c. He may have had good grounds for not preferring his claims. Nothing appears to shew that he had abandoned them. He agreed that Mr. Cullen had rendered great services to that House and the country. He had been Clerk, Deputy Clerk, and Reporter to the House, and the petition of his widow should not be slighted. The Board of Health would have paid him, but had not funds, and probably the knowledge of that fact rendered Mr. Cullen reluctant to press his claims.

Hon. Mr. MOONEY.—The hon. member (Mr. Whelan), would support any petition if it would only read well. In 1848, petitioner applied as the widow of the late Clerk, not as the relict of the late Secretary of the Board of Health.

The petition was referred to supply, with the understanding that the committee would report in full of all claims of Mr. Cullen on the House.

A petition of Louis Arseneaux, ferryman, for aid towards repairing scow, was rejected.

It was considered inexpedient to grant the prayer of the petition of Hugh McDonald, sub-Collector and Comptroller of Navigation Laws at Georgetown, praying for a building to be used as an office.

Petition of Prosper Gallant, lighthouse keeper at Cascumpec, for a grant for fuel, was referred to supply.



A petition from the inhabitants of Lot 65, praying the establishment of an efficient ferry accommodation between Rocky Point and Charlottetown, was referred to a special committee, consisting of the Hon. Col. Secretary, Messrs. Lord, Longworth, Wightman and Mooney, to report by Bill or otherwise.

The petition of inhabitants of Lot 29, on the subject of the injury caused to the roads by the present practice of hauling timber in summer, was referred to the Hon. Messrs. Mooney, Lord, Wightman, Montgomery, and Mr. Laird, as a special committee, to report by Bill or otherwise.

Hon. Mr. Wightman, Messrs. Cooper and McIntosh, were appointed a committee on the petitions on the subject of imposing toll on timber floated through the waste-gates of mill dams.

It was deemed inexpedient to comply with the petition from the inhabitants of the Northern side of King's County, praying division of the County.

Hon. COL. SECRETARY introduced a Bill for taxing the rent rolls of proprietors. Read a first time; ordered to be read a second time to-morrow.

### WEDNESDAY, March 21.

Mr Munro presented a petition from inhabitants of Belfast, Murray Harbor Road, and others, praying the establishment of a Court of Echeat. Referred to the House when in committee of the whole on the land question.

Hon. COL. SECRETARY brought to the notice of the House that the writ for the election of a member for the Second Electoral District of Prince County, had not been returned as the law required. The election took place on Monday last, and the mail did not leave St Eleanor's till Tuesday morning. The law states that, while the House is in session, the writ shall be returned forthwith, even if all the poll books may not have been returned to the Sheriff. The law allowed the Sheriff to adjourn from to day for forty days, if a scrutiny were demanded when the House was not in session; but if no objection was made, he was not required to withhold the return forty days; but while the House was sitting, it was necessary that the writ be returned forthwith. It was well known that Mr Clarke had been elected, and was now waiting to take his seat. It was equally well known that the Sheriff was an active political partizan, and had manifested an active opposition to Mr Clarke on the day of nomination: It would be absurd in the Government to continue such a man in office. He had heard it hinted that it was intended to prevent Mr Clarke taking his seat this Session, by withholding the writ for forty days. In order to let Sheriffs know that they must do their duty, and that they must not prevent a constituency from being represented, he would move the following resolution:

Whereas a writ having been issued for the return of a member to serve in this Assembly, in place of William Clarke, Esquire; and the election for such member having been held, and the day of declaration held on Monday last, the 19th March instant; and whereas, by the fifty-fifth section of the Act H Vic., cap. 21, the Sheriff is required, when the House of Assembly is in Session, to return his writ forthwith, notwithstanding any deficiency in the return of precepts or poll books, and such return is not yet made, notwithstanding that sufficient time has elapsed since the day of declaration for the return of such writ. Therefore

*Resolved*, That the Speaker do issue his warrant to bring the Sheriff of Prince County, or his Deputy, to the Bar of this House, with the said writ of election forthwith.

Mr COOPER.—Mr Speaker, although it is the undoubted province of this House to protect the rights of the people, it is equally our duty not to act with unmerited harshness to individuals. I consider that the resolution to send the Sergeant-at-arms to deprive a man of his liberty, based on mere rumour, would be an act of oppression. I am willing to go as far as any one in support of the due claims of this House, but I never will consent to arrest any man on mere report. If there were

an affidavit before the House, we might have some grounds to go upon; but as it is, we should not take such serious action on mere rumour. The declaration was made on Monday, and the mail left on the following morning. I would recommend that a letter be sent to the Sheriff, requiring him to return the writ, and in all probability we would have it here on Friday next.

Hon COL SECRETARY.—Mr Speaker, no affidavit is required. The law states that the writ must be returned forthwith. It is evident that the law has not been complied with. As to the letter suggested by the hon member (Mr Cooper), it would be of no use. The Sheriff would not receive it till Friday, and no reply would reach Charlottetown till the following Tuesday when, perhaps, the answer would be found to the effect that the Sheriff was not bound to return the writ till after the expiration of the forty days, and I contend, Sir, that the resolution is not liable to the objections of the hon member, that it is oppression, and that it will deprive a man of his personal liberty on mere report. It is no such thing; it is merely in the nature of a subpoena or summons for a witness to attend and give evidence in a court. I cannot for a moment see the hardship alluded to by the hon member.

Hon Mr MONTGOMERY.—Mr Speaker, I differ from the Hon Col Secretary in his construction of the law. I do not think that the Sheriff is compelled to return the writ within the forty days. And further, Sir, this House is not the tribunal to which this matter should be referred. It is the duty of the Government to look to it, and see that the Sheriff does his duty, if he does not, Government have power to compel him. How do we know that a scrutiny has not been demanded by the candidate opposed to Mr Clarke? The declaration was made only the day before yesterday, and the mail left yesterday morning at an early hour. I can imagine many good reasons why the Sheriff could not have sent down the writ by the mail. I consider the issuing of the warrant in this case would be a violation of law. There is on the statute book law to punish Sheriffs for not doing their duty, and I would recommend that the law alluded to take its course.

Hon Mr PALMER.—Mr Speaker, I will admit that, if our modes of proceeding on matters relating to elections were based on long prescriptive usage and customs, the House might feel itself under the necessity of acting in a matter of this nature, in such manner as to carry out its views of what it might consider right and just; but, sir, we have plain and explicit provisions, as to all matters connected with elections and the returns of the writs by the sheriff. The law containing those provisions binds this House as much as any law binds the poorest and humblest in the land. And I warn you, Mr Speaker, that if you issue the warrant in accordance with the resolution, you will do so at your peril.

The Hon SPEAKER.—I am rather surprised at the observation which has just been made by the hon member, but I can assure him that, while I am Speaker, I consider myself the organ of the House; and if they agree to the resolution, I shall issue the warrant in compliance with it.

Hon Mr PALMER.—That is all very well, Mr Speaker, as far as you are concerned. The House will, of course, save you harmless, but notwithstanding that, the warrant is not authorized by law, and, if it were, it should not issue on mere unsupported statements of individuals, more violent partisans than the sheriff. What justification is there for waving this iron rod over the sheriff, because he has not met the wishes of the majority? How are we to decide now that his conduct has been irregular? There is no specific day named for the return of the writ. Although the Act may be construed to prevent an adjournment when the House is in session, how do we know what cause the sheriff may have for not having sent the writ? He may, sir, at this moment be engaged in holding a scrutiny; and I will not take the world of any member of a party to deprive a man of his liberty and drag him to the bar of this House, a prisoner, until I am satisfied he is not doing his duty. Monday was the day of declaration. On that day he would have to sum up the votes, and if all the returns were not in, I think it is a question, notwithstanding the confident assertions we have heard, whether he should adjourn his court, or send his return forthwith. The hon member read the 40th section of the Act. This section, Mr Speaker, does not state

statement in the resolution is not binding.

Hon Col SECRETARY.—There is not the section referred to.  
 Hon Mr PALMER.—I know no other that does, and I will not sanction such a resolution unless special reasons be adduced. It may be necessary for the sheriff to draw a lengthy special return, which may occupy him a whole day. Are we to say, that he must close his proceedings hurriedly and imperfectly to meet a particular mail? I repeat, Mr Speaker, that there is no information before the House to justify us in passing this resolution.

Hon Mr WIGHTMAN had no desire for the adoption of harsh measures. It was hard to tell what might have occasioned the delay. He was willing to suspend any action of the matter till Friday, when, if the writ were not received, he considered the House would be justified in sanctioning the issuing of the warrant. I remember the time of Mr McAday's election for Georgetown—he took his seat the very day after his election, there was no delay in that case. It is wrong that a sheriff should be allowed to deprive a constituency of the services of its representative. And I cannot coincide in the opinion of some honorable members, that the warrant would be a measure of severity. I look at it merely as a subpoena. If the officer can give a satisfactory reason for not having returned the writ, no injury or injustice will be inflicted on him; and if his reasons should appear to this House to be frivolous, then he should be punished.

Hon Col SECRETARY.—It is a mistake, Mr Speaker, to say that this is a measure of severity. I deny that it deserves that appellation. It is nothing more than a subpoena. Committees of this House have power to send for persons to give evidence before them, and this is nothing more than a summons to the sheriff or his deputy. As to the statement of the hon member for Charlottetown, that we have no power to compel the attendance of either of those officers, all I can say is, that if that is his legal opinion, he will receive it. If he was in a majority and one of his party was thus delayed in taking his seat, he would not advocate the least course he wishes us to take on this occasion. The 53th section states that the returns shall be made as hereinbefore directed; that clearly refers to the 40th section, which mentions that the return must be made forthwith. The whole affair is a manoeuvre to prevent Mr Clark from taking his seat.

Mr ANDERSON. I am sorry, Mr Speaker, that any party feeling should have been manifested in the discussion of a question of this nature. Hon members should approach such a subject with coolness and dispassionate deliberation. As to the lapse of the lawyers, it has not much weight with me. In this House it is the duty of every hon member to judge for himself and act on his own convictions. I am not advocate for harsh measures, but consider punctuality desirable and necessary. I agree with the hon member, Mr Wightman, that we had better wait until Friday, by which day the writ may be received. If it is not on that day, we may proceed as we are now requested.

Mr HAVILAND.—It is all very well, Mr Speaker, for hon members to sneer at what they are pleased to term "Lawyer's logic," but I can tell hon gentlemen, that if they had had their own way, their rights and privileges would have gone long ago. They may thank lawyers for the liberties they enjoy. Let them look at the position of right passed in the reign of the First Charles—the Bill of rights, passed in the reign of William the Third, and which has been appropriately termed the second Magna Charta. That Bill was framed by the great lawyers, Lord Somers, Sergeant Maynard, and others. All British history shows that lawyers have ever stood up for the liberties of the people against the Crown. And sorry, indeed, am I to find a Government styling itself as endeavouring to oppress overgrown individuals, and to carry their views, advocating a course of action worthy of the Star Chamber. The record at your back, Mr Speaker, is sufficient to justify this House in rejecting the resolution. By that charter it is declared that no man shall be deprived of his liberty, save by the judgment of his peers. If the Hon Col Secretary will take the trouble of reading the report of the case which was tried in Newfoundland—which report is in the library—he will find that this House have not the power, the exercise of which he now

intends to send for persons, I can tell him that committees can only summon or request individuals to attend, but they cannot compel them for non-attendance. If the warrant should issue, and the question of the right of the House should ever be tried in a court of law, thank God we have impartial judges to whom to look for a decision. They will not allow their judgments to be biased by the heat of party politics; and, Mr Speaker, I put it to hon members of both sides of the House, if we are not asked to act prematurely? It is admitted that the declaration was only made on Monday. How are we to know that it has been found necessary to make a special return? There may be no lawyer on hand, but if there were, the writ might be seen here. The mail left St Eleanor's only yesterday morning, and we should at least manifest common courtesy to the public, by allowing him a reasonable time to perform the duties of his office. The Government need not be so very anxious, for a day or two, to add one to the ranks of their supporters. They have, I am sure, a sufficiently large majority at their back.

Hon. Mr. WHELAN.—I must express my admiration, Mr. Speaker, of the vehement declamation of the hon. member for Georgetown. The eloquent eulogy which he has passed on the members of his profession does him great credit; but notwithstanding his historical allusions to the eminent services rendered to the cause of liberty by lawyers, I must beg leave to recall to his recollection an act of tyranny and oppression, to the commission of which he was a party. Does he recollect the time when he sanctioned the exercise of the authority he now denounces, by voting for the issue of the warrant of the Speaker against eight or nine members of the House, then in opposition to his party, when that party were really not numerous enough to constitute a quorum of the House? That was then his mode of vindicating the rights of members. Did the House then hear his indignant denunciations against trampling on the liberties of individuals, or his warm praises of the great constitutional lights which shone forth as beacons to freemen? No, Sir, his tone was pitched in another key. But, Sir, to come to the point before us: It is well known that the Deputy Sheriff, Mr. Campbell, is a warm political partisan, and it is equally well known that a certain party here are interested in preventing Mr. Clark from taking his seat, and Mr. Campbell, it has been said, is using his official position to produce that effect. I deny that there is any thing harsh in the resolution, and under that impression, I will cheerfully go forward, and I submit, with all due deference, to the superior attainments of the hon. member for Georgetown, that he should find some difficulty in finding authority to justify the Hon. Mr. Speaker in withholding his warrant, if the resolution shall receive the support of a majority of this House. As to waiting till Friday next, I will not consent to it, as I believe there is a deliberately concerted plan to keep Mr. Clark from his seat.

Mr. HAVILAND.—Mr. Speaker, the hon. member (Mr. Whelan), has thought fit to recall to the recollection of the House, a circumstance which took place years ago, and has been pleased to style the action of the House of that day an act of tyranny, and he has asserted that I am advocating principles to-day adverse to what I supported on the occasion to which he has alluded. I tell him that his assertion is not correct. There is no similarity between the two cases. The first was the exercise by the House of its undoubted jurisdiction over its own members. The House had the right to act as it had done in that instance, but the present case is widely different. I stand here now as the defender of the rights of the people outside of the walls of this House, and I repeat that there is no authority for the action we are called upon to take. We have no right to send the sergeant-at-

...to arrest the Sheriff or his Deputy on the reason alleged.

Hon. Mr. WARBURTON would support the resolution, as he considered the circumstances fully justified it. (A laugh.) Hon. members may laugh, but I consider it no subject for merriment, that a member should be kept from taking his seat, and his constituency remain without the benefit of his services. I believe, Mr. Speaker, that there is no doubt of Mr. Clarke having been returned by a majority of about 120. The declaration was made on Monday, and the writ could and should have been returned. It is known that the Deputy Sheriff made himself very conspicuous in opposition to Mr. Clarke, and I have reason to believe, excited himself to prevent voters recording their suffrages, by swearing many of them when they came to vote. This he had no right to do, as the law only authorises him to administer the oath to a vote objected to by one or other of the candidates.

Hon. Mr. LONGWORTH.—Mr. Speaker, I consider that we are called upon to adopt a most arbitrary and foolish course. We are prejudicing the Sheriff, by saying that he is not acting in accordance with law, while we have not the slightest evidence to advance as the foundation of that opinion. The only reason for that resolution is advanced by the Hon. Col. Secretary, and that amounts to no more than that he has heard so and so. The Hon. Col. Treasurer may talk about its being no laughing matter, but I fear it will be if we issue the warrant. I am inclined to think the Deputy Sheriff will laugh at the warrant and the Sergeant-at-arms also. By the law as it stands, the Sheriff is liable to heavy penalties for misconduct, and if he has done wrong I am not the one to defend him, but I will not sanction the illegal assumption, by this House, of the power to drag any man to its bar. Such a proceeding would disgrace the Star Chamber that has been alluded to, and be worse than any act of theirs of which a record has come down to us.

Hon. Mr. LORD would wish to have the resolution read. (This was done by the Clerk.) I consider, Mr. Speaker, that this is a matter of very great importance, not only to this House but to the country at large. It is not the first time that hon. members have had to submit to the improper conduct of Tory Sheriffs. We have before this had our attention called to the doings of Mr. Sheriff Binns, then Mr. Bourke, and now we have Mr. Deputy Sheriff Campbell. The hon. members for Charlottetown (Hon. Mr. Palmer), and Georgetown (Mr. Haviland), say that we have no power. I want to know on what authority they base their opinions. They produce none; and I contend that if we have not the power we ought to have it, and it is high time we had. I do not for a moment doubt that it is a preconcerted plan to keep Mr. Clarke from his seat, but perhaps it would be as well to defer the issue of warrant till to-morrow, as the writ may be received to-night. If it is not, then we can send for the Sheriff, and if he will not attend, we can take the right of the House, and after that, the matter will be referred to the learned gentlemen of the bar. Meanwhile, I do not intend to ask the members of the bar or the judges how I am to act in this matter. We, I trust, have no disposition to act arbitrarily, but it is only right that we should shew those determined obstructives that we will not allow them to practise deception to the injury of the people. If the writ is not down this evening, I will consider that it has been intentionally kept back, and the assertion that there is no mail to-night, has no weight with me. If there is no mail, it becomes the duty of the Sheriff to bring it down himself. The hon. member for Georgetown stated that perhaps we were anxious for Mr. Clarke to take his seat at once, to add strength to the Government. Mr. Speaker, I

...are sufficiently strong in this House to render such a plea unnecessary.

Mr. McINTOSH.—Mr. Speaker, my remark about lawyers was met somewhat noisily, perhaps with at least as much noise as reason. The hon. member for Georgetown, when he named the great lawyers, forgot to tell us that either Lord Coke or Sir Matthew Hale cautions the people not to entrust their privileges to the lawyers. (Laughter.)

Hon. Mr. MOONEY.—Mr. Speaker, it appears that this House has all powers at one time, and none at all at others. Hon. members may talk about there being no precedents for bringing Mr. Campbell before the House. I am not very anxious for Mr. Campbell's appearance before the bar, as I know how it will end. He will just blarney a little, say it was merely a mistake, and then he will be told he may go home, and we will pay his expenses. We all recollect the case of Sheriff McCallum; in that case he intentionally withheld the affidavit which he knew the law required should be annexed to the writ, and because I said that we could not clear him, I was held up as the worst man in the world. The hon. member for Georgetown is very fond of preserving the legal rights of parties, and says "thank God, we have independent judges," but I can recall to his recollection the time when he and his party treated the law with contempt. There is the opinion of the present Chief Justice and Judge Peters, then Attorney and Solicitor Generals, they treated that opinion with contempt, and maintained that the power of the House was supreme, and in a House of only ten members and the Speaker, although the law requires twelve to constitute a quorum, they decided on arresting eight or nine members, and then, to crown their tyranny, they had not the courage to put a record of their proceedings on the journals.

Several other remarks were made by different members, and it was decided that the warrant should be despatched to-morrow morning. Nays—Hons. Messrs. Longworth, Palmer, Montgomery, Wightman, Messrs. Haviland, Cooper, Laird. Yeas—Hon. Col. Secretary, Hon. Col. Treasurer, Hon. Mr. Lord, Hon. Mr. Whelan, Hon. Mr. Mooney, Messrs. McDonald, Dingwall, Munro, Perry, Muirhead and McIntosh.

THURSDAY, March 29.

### COURT OF ESCHEAT.

After the order of the day had been gone into, Mr. Cooper moved, that the Speaker leave the Chair, and Mr. McDonald be Chairman of Committee of the whole House. Mr. Coles moved in amendment, that Mr. Haviland take the Chair.

Mr. HAVILAND objected as unfair to place him, one of the minority in the Chair, on a question of this importance.

Mr. COLES thought Mr. Haviland from his long experience and parliamentary knowledge, best suited to take the Chair on the occasion, Mr. McDonald was a young member.

Mr. HAVILAND was much obliged for the compliment, but stated his unwillingness to take the Chair, as he wished to speak to the question.

Mr. COLES urged the question, which being put was carried in the affirmative.

One of the petitions being read, praying for a Court of Escheat.

Mr. COOPER rose and said, anything from him would be of little use, unless he shewed authorities, he would therefore first shew the condition of Forfeiture.

"And the said Grantees further bind and oblige themselves, their heirs and assigns, to settle the said Lot or Township hereby granted, within Ten Years from the date hereof, with Protestant settlers, in the proportion of one person to every Two Hundred acres—said Protestant settlers to be introduced from such parts of Europe as are not within His Majesty's dominions, or to be such persons as

have resided within His Majesty's Colonies of America, two years antecedent to the date hereof. And if the said Grantees shall not settle one third of the said Lot, or Township in proportion aforesaid, within four years from the date hereof, then the whole of the said Lot or Township shall become forfeited to His Majesty, his heirs and successors, and this grant shall be void and of none effect."

Sir Alexander quoted a despatch of Lord Glenelg's to show that as far back as the year 1787, the Inhabitants have sought the enforcement of the forfeiture, the settlement of the Tenantry in fee simple.

"This impression would seem to have originated as far back as the year 1787, and it may have derived some confirmation from the course pursued with regard to the forfeited Lots Nos. 15 & 55."

About the year 1800 and up to 1802 the Ministers conceded that point, which we have in Governor Fanning's Speech.

"I have the satisfaction to inform you, from the highest authority, that the public affairs of this Island have already attracted the attention, and been brought under the consideration of His Majesty's Ministers, in a manner highly favourable to the late humble and dutiful representations, made on behalf of the inhabitants, respecting the many large, unsettled, and uncultivated tracts of land, in this valuable Island."

A Bill was passed for the purpose of revesting the forfeited Lands in the Crown, 2d April, 1803. About this time the Governor and others bought many Townships for small sums, and then they destroyed the Act which had the Royal assent.

[From proceedings of the House of Assembly 1805.]

"Resolved, That the proceedings of the Legislature of this Island, in passing the two Acts, namely, for enforcing the due and regular payment of Quit Rents—and for revesting His Majesty with the unsettled Lands of this Island—were in direct conformity with His Majesty's Royal Pleasure, signified by His Secretary of State, to the late Lieutenant Governor, General Fanning."

"Resolved, That it appears to this Committee, and that they have the strongest reason to believe, that the Royal Assent to the said Act for revesting His Majesty with such Lands as are or may be liable to forfeiture within this Island, has been graciously afforded by His Majesty."

This agitation continued until the year 1806.

On Tuesday, 2d December, 1806.—Ordered, on motion of Mr. Holland, that a Committee be appointed to draw up the heads of a new Bill, for the effectually revesting in His Majesty such Lands in this Island as are liable to Escheat."

The proceedings appear to have been quashed as the Committee made no report. In the year 1816 it appears, that the Governor made proclamation for the regular payment of Quit Rent, and to alter the conditions of the grants.

"Whereas by my Proclamation, issued on the First day of October, 1816, it was notified that it was intended on the part of the Crown, to fix a Scale for future payment of Quit Rent, would commence on the 25th June in that year, and that the first half-yearly payment would be demanded on the 25th day of December following."

"The further pleasure of His Royal Highness is, that the Proprietors of Township Lands shall be released from the obligation imposed by their original Grants of settling them with Foreign Protestants, provided that within Ten years from December 1816, the Lands shall have been settled with other persons in the proportions specified in their original Grants."

About the same time Townships (15) and (55) were revested in the Crown by Escheats.

In the year 1825, Dr. McAulay moved for leave to bring in a petition from upwards of eight hundred inhabitants of this Island, praying that this House would address his Majesty, humbly to request, that his Majesty would be graciously pleased not to grant any further indulgence to the Proprietors of Townships to settle the same, than as already intimated by proclamation in the year 1816. Leave being granted, the said petition was read and ordered to lie on the table.

Dr. McAulay, Chairman of the Committee reported, that this committee considers the interference of the House with the measures of his Majesty respecting the enforcing or remitting the conditions of the Township grants in this Island, as at present premature.

The report of the Committee shows that the House considered any proceedings on the Land question premature. The land question was again revived in the year 1832, and in the year 1833, the census was taken showing the No. of settlers in

fee, and the No. of Tenants and Squatters upon each Township. Township 17 had 99, No. 28 had 94, settlers in fee simple.

The Attorney and Solicitor general were examined, touching the power of the Lieutenant Governor, to appoint a Court of Escheats and forfeitures.

Q. Is it your opinion that the Representative of His Majesty is competent to appoint a Court of Escheats in this Colony?

A. I am of opinion that it is competent for the Representative of His Majesty in this Colony to appoint a Commissioner or Commissioners of Escheats within the same.

Q. Were such Courts appointed, would it be necessary to regulate their proceedings by a law of the island?

A. If such Courts were established, I am of opinion that it would be proper and necessary to regulate their practice and proceedings by law, and particularly to define the period of notice to be given, and how given, before proceeding to take an Inquest of Office for the purpose of revesting in His Majesty any Lands within this Island; and such law should also limit and fix a period for parties to come in and traverse any Inquest so taken.

Q. Is it your opinion that the Representative of His Majesty is competent to appoint Courts of Escheat in this Island?

A. Unquestionably.

Q. Were such Courts appointed, would it be necessary to regulate their proceedings by a Law of the Island?

A. It would not be absolutely necessary, it being the prerogative of the Crown to appoint all Courts of Justice, and to regulate their proceedings, provided they are conformable to the known laws of the Island; but it would be highly advisable, inasmuch as a regular course as well of re-investing the Crown with the Lands liable to Escheat, as to point out the mode in which those who think themselves aggrieved may traverse the Inquisition.

In 1838, the Lieut. Governor submitted to the House of Assembly, a correspondence between the Colonial office, and Sir Charles Saxton conveying the following information.

In regard to the second Query which you have submitted, I have to inform you, that His Majesty's Government cannot undertake to make a fresh Grant to Proprietors redeeming their Quit Rents.

The first point upon which you desire information is the mode in which parties desirous of effecting a commutation of their Quit Rents should proceed, in order to effect that object. Upon this subject, I have to refer you to the authorities within the Colony, by whom the details of the plan will be arranged, and to whom the commutation money should be paid.

This despatch of Earl Grey, 12th Feb, 1851, will leave more than one interpretation.

"Six.—On your proceeding to assume the Government of Prince Edward Island, I am particularly anxious to direct your attention to a question which, perhaps, affects more than any other the political and social well-being of its community.

It appears to me of the highest importance that some satisfactory arrangement of it should now take place, when the inhabitants of the Island are soon about to exercise a still larger share of control over its public affairs than they have hitherto enjoyed.

I allude to the subject of the Landed Tenures.

"But while thus maintaining the law, you will also use the influence which you may possess to induce the owners of lands and their tenants to come to an amicable arrangement with each other, and give your best assistance, with a view to passing any legislative measure which may be required to complete such arrangement; but you will not fail to recollect, and to impress upon the Legislature, the necessity of abstaining from the introduction into such laws of any provisions which may infringe upon the rights of property.

Contrast this Despatch of Earl Grey with the report of the Earl of Durham, who was sent to British North America to report the evils which existed in the governments of the several Colonies.

One of the most remarkable instances of evils resulting from profuse grants of land is to be found in Prince Edward's Island. Nearly the whole of the island (about 1, 400, 000 acres) was alienated in one day, in very large grants, chiefly to absentees, and upon conditions which have been wholly disregarded. The extreme improvidence which dictated these grants is obvious; the neglect of the Government as to enforcing the conditions of the grants, in spite of the constant efforts of the people and the legislature to force

...the attention the evils under which they laboured, is not less so. The great bulk of the island is still possessed by absentees, who hold it as a sort of reversionary interest, which requires no present attention, but may become valuable someday or other through the growing wants of the inhabitants. But in the mean time, the inhabitants are subjected to the greatest inconvenience, nay, to the most serious injury, from the state of property inland. The absent proprietors neither improve the land, nor will let others improve it. They retain the land, and keep it in a state of wilderness.

"The history of Prince Edward Island, so far as relates to the system of land-granting, is most brief. The whole of the land was granted in one day to absentee proprietors upon terms which have never been fulfilled. To this original profusion may be attributed all the evils under which this island has laboured, and to which, in spite of unremitting exertions on the part of the provincial legislature to enforce upon the Home Government the necessity of applying some remedy, it is still exposed. In every other colony there has been such a degree of laxness upon the part of the Government as in equity to preclude it from any enforcement of the original conditions upon which grants were made; but in Prince Edward Island scarcely at any time have five years been suffered to elapse without some appeal to the colonial minister, praying that the Crown would resume the grants it had made, (as a measure not merely legally justifiable, but as the only measure that could free the Province from the evils that those excessive grants had inflicted. Upon one occasion the representations of the Assembly temporarily prevailed; process of escheat was adopted, and two townships were resumed by the Crown; but the influence of the absentee proprietors prevailed with the Home Government to stop the measures which had been commenced, and from that time to the present nothing has been done to enforce the settlement of the grants; the greater number of which yet remain chiefly in a wild state.

The repeated efforts of the legislature of the island to compel the fulfilment of these grants, induced the Home Government, at the same time that it refused to accede to the measures proposed for that purpose, to recommend another measure as a substitute. Accordingly, Lord Goderich, when Secretary of State for the Colonies, suggested that a tax should be imposed upon all wild land, and this suggestion was repeated by Lord Stanley, and at a later period by Lord Glenelg. The Assembly, regarding such a measure as inadequate, declined at first to entertain it, but at length, finding that there was no chance of obtaining the sanction of the Imperial Government to any bill for the escheat of the waste lands, they passed an Act imposing a tax of 4 s. per 100 acres. This Act was returned for the allowance of the King in Council, and upon the representations of the absentee proprietors, such allowance was refused."

To understand the rights of property in wild Lands in a New Country, I shall quote from the highest Law authorities.

"And the art of agriculture, by a regular connexioned consequence, introduced and established the idea of a more permanent property in the soil, than had hitherto been received and adopted. It was clear that the earth would not produce her fruits in sufficient quantities, without the assistance of tillage: but who would be at the pains of tilling it, if another might watch an opportunity to seize upon and enjoy the product of his industry, art, and labour?"

The only question remaining is, how this property became actually vested: or what it is that gave a man an exclusive right to retain in a permanent manner that specific land, which before belonged generally to every body, but particularly to nobody. And, as we before observed, that occupancy gave the right to the temporary use of the soil, so it is agreed upon all hands, that occupancy gave also the original right to the permanent property in the substance of the earth itself; which excludes every one else but the owner from the use of it. There is indeed some difference among the writers on natural law, concerning the reasons why occupancy should convey the right; and invest him with this absolute property; Grotius and Puffendorf thinking that this right of occupancy is founded on a tacit and implied consent of mankind the first occupant should become the owner; and Barbouac, Titius, Mr. Locke, and others, holding, that there is no such implied assent, neither is it necessary that there should be; for that the very act of occupancy, alone, being a degree of bodily labour, is, from a principle of natural justice, without any consent or compact, sufficient of itself to gain a title." — *Blackstone's Commentaries*.

Mr. Locke says, "that the labour of a man's body and the work of his hands, we may say, are properly his. Whosoever then he removes out of the state that nature hath provided and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property." (On Gov. c. 2.)

"This universal principle we find well described in the Laws of Manu, Son of Brahma. "Sages, who knew former times, pronounce cultivated land to be the property of him who cut away the wood, cleared and tilled it; and the antelope, of the first hunter, who or who mortally wounded it." Sir Wm. Jones, 341.

In taking a review of the Extracts which I have read, I may remark, that wherever the royal assent is given to any acts or document, it is given in council, and will be found upon the most close enquiry, to be just and equitable. But whenever we find, that Ministers or Governors have made use of the name of the Sovereign to serve one party, and injure others, all such acts are contrary to the royal intentions, and in opposition to good government.

By the conditions of the Grants, the Grantees were to settle their Grants within four years, with Foreigners, or the Grants were void and of no effect.

Aliens could not be Freeholders, and to place British subjects in the position of aliens, would deprive British subjects of their birth-right; but this was not intended by the grants, wherein it is made plain, that if the Grants were not settled with foreigners, within four years, the grants were void, and the lands were to revert to the Crown; this is the express act and order from the Sovereign, and if it had been obeyed, or acted upon, British subjects would have obtained land directly from the Crown.

The first petition of the people, for an Escheat of the forfeited lands, commenced in the year 1787, and it appears to have been followed up, until their applications received the favorable consideration of the Home Government, in the year 1802, when instructions were given to the Governor here, that the forfeited Lands should be re-vested in the Crown.

In the year 1838, Lord Glenelg signified, that the government could not make a new grant, and consequently could not alter the conditions of the first grants by any indulgence. In the year 1839, the Earl of Durham the Governor General of this island, gave in his report to the Queen, to show, that to resume the forfeited grants was not only legally justifiable; but the only way to relieve the people from the evils, the grants have inflicted. And according to the purchase Bill, which received the royal assent lately; it is enacted, that the government shall not purchase any lands, until the title has undergone an investigation, and it was the opinion of the Crown Law Officers in the year 1832, that the Governor had full power, to constitute a court of Escheats and forfeitures, to investigate the titles of land liable to forfeiture. This is the first side of the case which is perfectly in accordance with royal intentions, and now for the other side of the case which is contrary to the Royal intentions. When the people were applying to the Home Government, for an Escheat of the forfeited Lands, between the years 1787 and 1802, they in their innocence believed, they had the Governor and the Colonial authorities on their side; but they were greatly deceived, for when an Escheat was apparently on the point of being granted, it reduced the value of the Grantees' claims to a mere trifle, and while the Colonial authorities and leading men in the Island, appeared to go with the people for an Escheat, they were negotiating with such of the Grantees (as were not in the secret) for their Townships, and when they, the colonial authorities, had a sufficient number of Townships in their own hands, the Bills which the legislature had passed in the year 1803, with the Royal assent, which was to reinvest the Crown with the forfeited Lands, were destroyed after they were returned to the Island, it was said, by the Governor himself, General Fanning, and by such means British subjects were deprived of their birth right, by conspirators. Working men wanted land, and they had no other way to obtain land, but as aliens, to become tenants, but as the people were dissatisfied with the Colonial authorities, and new proprietors, it became necessary for them to remove the blame from themselves upon Ministers, and accordingly the Governor obtained dispatches from the Colonial office and made proclamation in the year 1818, giving the grantees indulgence for ten years, to settle their grants with any persons; but although the Governor gave indulgence to



some of the grantees, he did not give it to all, and although he bound the Tenantry, he did not bind himself, for about the same time the indulgence was proclaimed, he escheated two Townships, to give grants of Land, to his family and dependants, for them to sell again to working men. I believe the despatches from Ministers have been sought for by the colonial authorities, and proprietors, to discourage all application for an Escheat of the forfeited Lands, and Minister's despatches in general, will bear two or three constructions, and although they have discouraged an Escheat, they have never said, that we are not entitled to it. Earl Grey, in his despatch says, he is bound to adhere to the decisions repeatedly given by his predecessors; but no decision has been given: a decision in a case, where the liberty and property of fifty or sixty thousand people are at stake, must be settled by higher authorities than a Minister's despatch. Now, if the first side of the case is consistent with the British constitution and honorable to the sovereign, the latter is quite the reverse. By the first, British subjects would have retained their birth-right, and their freedom, and would have obtained land from government at a moderate price to be paid into the Treasury, for public improvement. By the latter, British subjects have been treated as aliens, and made bondsmen to defaulters, who gained £100 a man for deceiving him; or one pound an acre for the land he had forfeited, which sums went to reward impostors, and enable them to corrupt a party to serve them; if the first was the advice of faithful public servants to the sovereign, the latter is the actions and language of traitors. I need not quote the charter, which is printed up behind the chair. For I think it will be allowed, that in the compact between the sovereign and the subjects, that the sovereign shall not treat the subjects as aliens, nor authorize one subject to make bondsmen of other subjects, so as to deprive them of their property, neither shall the sovereign authorize any Minister or Governor to dig a pit, or lay a snare for working men coming into this Island, which they, as a matter of course, must fall into and be deprived of the improvement they make upon the land, nor shall any servant of the Crown forbid the laws to be put in force, which law would release British subjects from bondage and restore them to their rights, of which they have been deprived; such acts when perpetrated are not to be imputed to the sovereign, they are the acts of traitors, who disobey and dishonor the sovereign, and bring the imperial government into disrepute.

When persons having no other claim to the Land but a forfeited grant, and no authority in law or equity to demand rent but a corrupt Colonial Government, to suspend the Law by an unconstitutional despatch from Ministers; so that the title of the Land should not be tried, it became an easy matter for impostors to deceive ignorant labouring men, and make them believe that they were the owners of the Land and had an indulgence from the sovereign to make any persons attorn to them. But this is not the truth, it is quite the reverse; it is a deliberate falsehood with a fraudulent intent to deprive British subjects of their birth-right, and to a share of the public Land; but such acts are not to be imputed to the sovereign, they are the acts of a colonial government, corrupted by the property extorted by fraud from the people, with a license from Ministers to suspend the trial of the title to the Land, and employ troops to collect the rents imposed by fraud!!

Yet that same Minister, Earl Grey, in his Despatch, says, that the settlement of the Land Question is a matter of the highest importance to the political and social well-being of our community; but the Honourable, the Leader of the Government, says, it is a mere will-o'-the-wisp; and a majority of this House, the Representatives of those defrauded and oppressed men, decided, that the subject was unworthy of being considered in Committee on the State of the Colony.

But, the witticisms of the Leader of the Government, with his will-o'-the-wisp, and loose-fish, although they are not the most elegant phrases, are very significant; and if rightly understood, may throw some light on the subject.

What I have understood by a will-o'-the-wisp, is a light floating or dancing over bogs and pits, and bewildering travellers who follow it, in expectation of its being the light of a house where they might find a comfortable lodging to rest in, generally find themselves in a bog, and the indulgence of 1810, and Minister's Despatches on the Land Question, were all will-o'-the-wisps to bewilder the people and lead them astray, and not only the labouring people, but their Representatives also.

But when the Honourable Colonial Secretary, speaks with so much contempt of the two or three loose-fish, I can only infer, that he means that the rest are in his net or have swallowed the bait, and taken the hook. But if it is so, it is a poor prospect for the defrauded Tenantry, to find their Representatives upon the hook, or in the net of the Colonial Secretary. But, if it should prove true, that their Representatives have other ends to serve than the interests of their constituents, the people will have to take their case into their own hands, and make a better return next time. It is my desire, as much as my duty, to support Responsible Government, but it is not parties but principles that direct me, for instance, when it is intended to pay the expenses of one Branch of the Legislature without making them elective, they are no longer responsible to the people in any way, and when the Government dispense with one part of an Act, and execute another part, that is, to purchase the Land without an investigation of the titles, this is not liberal of the Government as they professed, but the reverse, they are supporting defaulters and deceivers and punishing the deceived and defrauded, and therefore, I cannot support such measures neither shall bait, hook, or net drag me into supporting the like. The highest Law authorities say, that it is a principle of justice, allowed by mankind in general, that whoever reclaims Land from its natural wild state, and brings it under cultivation at his own cost and labor, has the best right to the Land. But our Colonial Government, having left the forfeited Land in the hands of the defaulters, and the ungranted and reserved Lands, for any impostor to assume an ownership over it, without cost or labour, and if they can, by any means of deceit, make the labouring man attorn to them as their Landlord, our Government maintains, that any such attornment, however fraudulently imposed, gives defaulters and impostors, the best title to the Land, together with the Tenant's improvements. In the Earl of Durham's the Governor-General's Report, it is declared, that for the Crown to resume the forfeited grants, is not only lawful and justifiable, but the only way to free the people from the evils such grants have inflicted.

But our liberal Government maintains, that the only way to settle the people, is for the Government to purchase the Land, not from defaulters and impostors, at first hand for three shillings an acre, but at second hand, and at double prices from forestallers at 6s an acre, so that they may sell it again to the defrauded people, at twelve shillings and sixpence an acre. In the purchase Bill it is enacted, (and that Act has the Royal Assent) that before the Government can purchase any Land, the Commissioner shall cause the title of such Land to be investigated, and report the results, of such investigation to the Government, but the Government have thought proper to dispense with that part of the act, and being a secret Council, they investigated the titles to suit purposes, they examined the transfers but all the Government knew that the land was forfeited, but they professed making the tenants pay 12s 6d an acre for their land to an investigation of the titles according to Law.

The fifth section of the Purchase Bill, declares that

It shall be the duty of such "The Commissioner of Public Lands," from time to time, when any such tender for the sale of lands shall be referred to him by the Lieutenant Governor in Council, to examine into the same, and the descriptions and particulars thereof, and to investigate, or cause to be investigated, the title of such lands, and he shall make a report of the result of such examination and investigation to the Government.

If the Government were to purchase the rest of the Land at the same price it would incur a debt of £300,000, to be paid by labouring people who were defrauded by defaulters im-

posters and forestallers for purposes of corruption. But if the titles of the Lands were publically investigated it would in all probability yield from £100,000 to £150,000 for the Colonial Treasury to be employed in public improvements, and the Resolution which I am to move is to carry out the investigation of the titles more generally according to the intentions of the act.

Mr. COOPER, then moved the following Resolution which was seconded by Mr. Laird.

"Whereas Her Majesty has been graciously pleased to give her assent to an Act for the purchase of Lands on behalf of the Government, and it is provided in the Fifth Section, that it shall be the duty of the Commissioners to investigate, or cause to be investigated, the Titles of such Lands, and make a report of the results of such examination and investigation to Government; and whereas the Titles of such Lands were to have been made perfect by the performance of certain conditions, Resolved, Therefore, that a Court of competent Jurisdiction be appointed to investigate and decide upon the Titles of all Lands liable to forfeiture, and also, to try the fraud in practice, to make British subjects Tenants upon forfeited Lands, instead of aliens as intended by the grant.

HON. COL. SECRETARY.—Mr. Chairman, after the long written address with which the hon. member has favored the committee, I shall direct his and their attention to a few dispatches and other documents which have a bearing on this subject, and of the nature of which the hon. member was well aware, although it did not suit his purpose to refer to them. As I think he is a little astray on this subject, I shall endeavour to set him right, and before adducing the documents I have alluded to, I will ask him, if he was not pledged to his constituents not to agitate this question?

Mr. COOPER.—No.

HON. COL. SECRETARY.—Then all I can say is, that I have been misinformed, for it has been stated to me that the hon. member was pledged not to propose or advocate any measure which did not meet the approval of the liberal party. He knows that this measure has not their approval, and thus his constituents are deceived by him.

Mr. COOPER.—I deny it.

HON. COL. SECRETARY.—Why, his election under such a promise proves the truth of my assertion, and I can say further that he stated on the floor of this House, that he was pledged to support the liberal party. The hon. member seems to be very sore on the subject of my expression the other evening about the "loose fish," and has thought fit to insinuate that those of the liberal party who do not choose to go with him on this question are acting from improper motives; that, as he expresses it, they are entangled in the meshes of a Government net, and have taken the bait. It is just possible, Mr. Chairman, that in agitating this question, he saw, in imagination, a rich bait waiting for his acceptance. The observation about the "loose fish" were made by me in the discussion of a totally different question, the Legislative Council pay bill but, sir, I contend that he is now even something more than a "loose fish" in the liberal ranks, for he cannot deny that he was pledged not to go for any measure which should not be approved by the liberal party. As to his observation, that the men of to-day are not the men of yesterday, implying that I have changed my opinions on this subject, I can tell him that no member of the House can vote on this question with more freedom than myself.

From my first introduction into public life to the present hour, I have always stated that I would not vote for Escheat. And I have so expressed myself, not that I was unfavorable to it, but because I considered that the agitation of the question would be productive of no good result, as the object was unattainable. Believing that Escheat was impracticable, I have introduced and carried other measures for the benefit of the people at the expense of the proprietors. This course

I promised my constituents at my first election that I would pursue. They approved of it and returned me, and I have been returned to this House at every subsequent election, and I have followed the same policy of dealing with the land question, moderately, but to some practical effect. Under these circumstances I consider myself at perfect liberty to oppose the resolution of the hon. member and in doing so, I shall endeavor, as the common saying is, to give it a *black eye*. (Laughter.) The hon. member has attempted to prop up his case, and injure the Government, by asserting that, before the purchase of the Worrel Estate, they did not comply with that section of the Land Purchase Bill, which requires the investigation of titles previously to any purchase by Government. Now, Mr. Chairman, I ask this Committee, and I ask that hon. member himself, what foundation is there for such a declaration? If the titles to that estate have not been investigated, what is the meaning of the paper before the House, containing the opinion of the Hon. Attorney General on the subject? But, sir, that hon. member has admitted by his votes on Bills introduced into this House, and supported by himself, that Escheat could not be attained. When the Worrel Estate was offered to the Government, the question of Escheat did not enter into their consideration, nor was it requisite in investigating the titles, that the validity of the original grants should be tested. That question the Government considered settled. It was but necessary to ascertain the legality of the different titles down from the original grants to the parties then owning or claiming the property. That was well known and understood by the people at the time, but now the hon. member, in his endeavor to damage the Government he was pledged to support, declares that the validity of original grants should have been tested by the Government, prior to the purchase. I maintain, sir, that, in the negotiation and purchase of that estate, the Government have manifested all the prudence and caution which any honest and careful man would apply to his own private business. It is not necessary for the Government to do more than to shew the reasons why it considered the investigation of the validity of the original grants unnecessary. The Government, in negotiating for the purchase of the Worrel Estate, were justified in considering that the question of Escheat had been settled by the previous action of the Legislature of the Colony. In proof of that, I will refer to the preamble of the Act which was passed in 1837, imposing the first land tax. One part of that preamble is as follows:—

"Whereas by a Despatch from the Right Honorable Lord Glenelg, His Majesty's Principal Secretary of State for the Colonies, bearing date the tenth day of August, one thousand eight hundred and thirty-six, His most gracious Majesty was pleased to disallow the establishment of a Court of Escheat in this Island, and to suggest the imposition of a tax on all granted lands in this Colony, as a remedy for the serious evils arising from the non-settlement of large tracts of land, held by the grantees from the Crown; and it being just and reasonable that the said lands should contribute towards the general revenue of the Colony, the burthen of which has hitherto been chiefly borne by the resident colonists only; and as such a tax would have the desired effect of compelling the grantees either to settle or dispose of their lands without delay."

Now, sir, that preamble shews the opinion of the people of the Colony, as expressed by their representatives, that the question of Escheat was considered, at that time, as settled, and that the principle of taxing the lands of proprietors should be adopted in lieu of the agitation for a Court of Es-

document which the hon. member has read, for I will not call it a speech, he has stated that we had nothing to produce in opposition to the establishment of such Court but despatches of Colonial Ministers, which he further argued were not of sufficient authority to relieve the proprietors from the obligations imposed upon them by the conditions contained in the original grants,—but, before I have done, I think I shall be able to shew that the British Government have expressed a positive determination not to allow the establishment of a Court of Escheat in this Colony. The Act of 1837, the preamble of which I have read, was passed in accordance with the spirit of a despatch from the then Colonial Minister, and was, thus, a declaration on the part of the Legislature that the question of Escheat was no longer a subject of agitation, and that the country acquiesced in the views entertained by the British Government on the subject. But, Mr. Chairman, the hon. member and those who support him on this question, should be consistent, and to test the sincerity of their attachment to the principle of Escheat, I will call their attention to the record of the proceedings at a meeting of the Commissioners of trade and plantations, with reference to the town and pasture lots of the Towns and Royalties in this Island, which took place on the 8th July, 1767, we there find the following resolution:—

“Resolved, That it be recommended that the above mentioned Town and Pasture Lots be granted in Fee Simple, under the Seal of the Province of Nova Scotia, to such person or persons as will give proper security to build within a reasonable time upon the Town Lot; and to enclose and fence and properly clear for Pasture, the Lots set apart for that purpose; but no one person to have a Grant of more than one Town and Pasture Lot.”

Now, Sir, if we are to go back and take action upon the original grounds of forfeiture, namely, that the conditions in the grants were not complied with, we ought to forfeit nearly every town and pasture lot in the Town and Royalty of Charlottetown, because the conditions annexed to, and forming part of the grants of them, were not complied with. When Lieut. Governor Smith issued a proclamation, to the effect that those lots on which buildings had not been erected, in compliance with the terms of the grants, I believe that mere huts were erected on some of them, but the greater portion of the lots were not built upon. Will the hon. member say that it is desirable, or that it would be fair or just to the owners of property in Charlottetown and Royalty to escheat their lands on the plea that the original terms of the grants had not been complied with? He will not say so; but I maintain that the principles he advocates would lead to such result. The principle, applied to measures of a general and extended operation, should hold good in cases of minor importance, and I will suppose the case of the hon. member letting a house or lot in Charlottetown or Royalty: he asks his rent, and the tenant turns round and refuses to pay, alleging, as a reason, that the conditions in the original grant of the lot from the Crown had not been complied with. Would he consider it right or reasonable that his tenant should set up such a plea against the man from whom he had received his house or land? I think that the hon. member would feel the injustice of depriving him of the property for which he had paid his money, on the ground that some one or other, long since dead and buried, had not done his duty. Again, Mr. Chairman, in 1839, I find the following extract in an answer by the then Lieut. Governor, Sir Charles Fitzroy, to an address which had been presented to him from the inhabitants of King's County. Sir Charles Fitzroy was in

favor of a fair and equitable arrangement of the relations between the tenants and the proprietors, and manifested a great regard for the interests of the farmer as ever Colonial Governor did or could exhibit. He even issued a circular address to the proprietors, and that very address was made use of to increase the cry for escheat. In the answer to which I have alluded, we find the following passages:—

“I cannot help expressing my disappointment at your having reverted to the question of escheat. This question has been already so fully discussed, and the decision of the Sovereign and the Home Government so firmly and unequivocally expressed—and so very recently, in the letter from Her Majesty's Secretary of State for the Colonies, dated 1st May last, which letter has been published for general information—that I did hope this subject would not have been revived. As this decision is founded upon no partial or prejudiced advice or reports, but upon the broad basis of the security of all property, it would be as useless, as it would be unbecoming to that character for plain dealing which I hope on all occasions to maintain, were I to hold out to you the slightest hope of being able to obtain the object of your wishes.”

“I wish, on the present occasion, to take the opportunity of making myself fully and clearly understood, in order, as far as may be in my power, to prevent you from any longer entertaining delusive hopes; but I would not have you depart with the impression on your minds that I am not fully aware, and that I do not sympathise with and lament the distress under which many of you are labouring; and I most cheerfully and cordially offer you my mediation with your landlords, and with the proprietors of lands in this Island generally, to obtain for you such liberal terms as will be for the mutual advantage of both landlord and tenant. Should my remonstrances, joined to those which have been made before my appointment to this Government, induce your landlords to extend the hand of conciliation, and shew in earnest that they feel for your situation, and are not inattentive to your interests, I implore you to meet their advances in the same spirit.”

In the first of the two paragraphs I have read, we find the refutation of the hon. member's insinuation, that reports were sent to the Imperial Government, adverse to the wishes of the people, and despatches were sent out in accordance with those underhand communications. There is no equivocation in the language of the passages I have just read—they are the plain declarations of Her Majesty's representative—that Escheat will not be conceded. The hon. member himself has been sent to England on two separate occasions, to urge the adoption of his views upon the British Government, and he well knows with what success. The expenses of his first mission were provided by a general subscription of the people. His report is in print, and although I cannot lay my hands upon it at present, I will read a portion of the answer he received from Sir George Grey, then under Secretary of State for the Colonies, by order of Lord Glenelg, the principal Secretary:—

“Downing Street, 25th August, 1838.

“SIR;—I am directed by Lord Glenelg to acknowledge your letter of the 16th instant, offering some observations in regard to the terms proposed by certain proprietors of land in Prince Edward Island to their tenants.

Until Lord Glenelg shall be informed of the manner in which those terms have been received by the tenants, he must decline canvassing the question with any third party. But in order to prevent misconception, his Lordship takes this opportunity of apprizing you, that it is not the intention of Her

Her Majesty's Government to establish a general Court of Escheat in Prince Edward Island, or to take proceedings for enforcing the forfeiture of the lands on which the original conditions of the Grants have not been complied with. After very fully considering the subject, Her Majesty's Government decided, and announced their decision, that such a course would be inconsistent with justice, with sound policy, and would tend only to unsettle the minds of the Inhabitants of Prince Edward Island, and to shake the rights of property in that Colony."

In this document we find it expressly stated, "that it is not the intention of Her Majesty's Government to establish a general court of Escheat for Prince Edward Island," and the avowed declaration of that Government in opposition to the measure advocated by the hon. member. But he says that this is but the expression of the individual opinion of the Secretary of State for the colonies, and that it is, therefore, not to be regarded as the decision of the Imperial Government. Sir, I ask what words can be used more expressive of the decision of the Government of Great Britain? Does it not emphatically declare that the Government will not sanction the establishment of a court of Escheat? And is not that declaration conveyed through the only proper channel by which the Government can officially communicate its decision,—namely, the Colonial Office? It is very easy for the hon. member to rise in this House, and say that we have nothing more than despatches embodying the views of individuals against Escheat; but, Sir, I can show to the satisfaction of any one, that, from the date of the letter from which I have just read to the present time, we have explicit and decided declarations of the Imperial Government, that they will not countenance the institution of a court of Escheat. The hon. member has stated that, in 1816, the Home Government granted an indulgence by which the proprietors received an extension of time for the settlement of their lands; he has not, however, told us, whether he bases his argument on the original default or on the violation of the terms of the indulgence. Now, Sir, if the Government had the right in 1816 to grant a further time for the compliance with the conditions which formed part of the original grants, they also had the power to do away with those conditions altogether. If the hon. member bases his argument on the non-fulfilment of the conditions within the extended period specified in the indulgence of 1816, he cannot, with any pretence to reason or consistency, deny the authority of the Crown to abrogate the conditions altogether. I might as well say, that if I sell a piece of land, and take a mortgage for the price, payable in three years, and afterwards choose to allow the purchaser six, that he would have a right to say that the land was forfeited and that I had no claim to it, because the original conditions of the bargain had not been complied with.

Well, Mr. Chairman, after the hon. member had received his answer from the Colonial Office, and returned home, the reason he assigned for the failure of his mission was that he had not appeared in Downing Street in an official character, that he was there merely as a private individual—in short, that the House of Assembly had not delegated him to represent the views of the people on the subject. What did we see then? The House sent him on his second mission. On that occasion, I believe, the hon. member did not deem it desirable to reside in the fashionable and more aristocratic districts of London, but took up his abode in the more commercial parts of the metropolis. However that may be, the answer of the British Government was conveyed, not to the hon. member, but to the Lieutenant Governor of the day. The purport of that answer was, as the hon. member and others know, in opposition to Escheat. And now, Sir, let

me direct the attention of the committee to what took place in 1841. In that year the hon. member was one of a large majority in the House, and, more than that, was Speaker. In the session of that year a bill was introduced by the hon. member's party, the object of which was that the British Government should purchase the lands from the proprietors, and the investigation of their titles formed no part of its provisions. I will read to the Committee the preamble of that Bill, in order that they may estimate at their proper value the objections the hon. member has made to the Government, in reference to its action in the purchase of the Worrel Estate:—

"Whereas the House of Assembly of this Colony hath for several years last past endeavoured to procure a forfeiture of the several Townships in the same, on the grounds that the grantees thereof, and their heirs and assigns, have not complied with the conditions of the original grants from the Crown, and hath repeatedly solicited the Imperial Government to direct the establishment of a Court of Escheat in this Colony for that purpose; and whereas such solicitation and request of the House of Assembly hath been refused, and no other means appear at present feasible or attainable to procure relief to the Tenantry from the pressure of large arrears of rent sought to be enforced against them by the said grantees, their heirs or assigns, than by the purchase of the rights of the said grantees, their heirs and assigns, by the Crown."

Now, Mr. Chairman, I ask where is the difference between the principle of this Bill and the Land Purchase Bill in force at the present time? The hon. member may talk about forestallers stepping in and enhancing the price to the Government. We could not, Sir, compel parties to sell their property, we had but to decide upon the purchase of what should be offered to us, and only ask from the settlers what the land cost the country. But, Mr. Chairman, it may be as well to see the opinion of the House on the question in 1841. On the Journals of that year I find, under the date of the 17th February, that on a motion that the Bill be read that day three months the House divided as follows: Yeas—Mr. Palmer, Hon. J. S. McDonald, Mr. Longworth; Nays—Mr. J. McDonald, Mr. Dalziel, Mr. Gorman, Mr. Montgomery, Mr. Rae, Mr. Fraser, Mr. Clark, Mr. McLean, Mr. LeLacheur, Mr. Forbes, Mr. McIntosh, Mr. Beck, Mr. McLean and Mr. McFarlane. Now, Sir, at that time, it might have been possible to have obtained Escheat, if there had not been so much division among parties in this House and the Island. That Bill, as the division shows, received the support of fourteen members, while only three recorded their votes against it. It was introduced while the hon. member was Speaker, by his own party, and submitted and carried with his consent and approval, and yet, forsooth! with that preamble, which I have just read, staring him in the face, he still talks of obtaining a Court of Escheat, and says there is nothing against it but Colonial Ministers' despatches! Why, Mr. Chairman, I would ask if Lord John Russell's despatch in 1839, the year in which the hon. member was a delegate to England, does not state as plainly and emphatically as words can, the determination of the Imperial Government not to sanction Escheat in this Island. The Home Government has been so often applied to for the establishment of a court of this nature, and they have so firmly and constantly refused to allow it, that the agitation of the question is not only useless, but mischievous, as leading the people to imagine that they can obtain what will never be ceded. I am satisfied that this House has it in its power to mitigate the hardships on the tenantry arising from the original grants: that remedy is by taxing the lands of the

proprietors. Under that system, the proprietors will be glad to come in and offer their lands to the Government under the Land Purchase Bill. The Home Government has been so often applied to on the subject of Escheat, that it is useless to agitate the question further, and we should turn our attention to the best practicable mode of relieving the tenantry from the inconveniences arising from the original grants.

I shall now, Sir, request the attention of the committee to the report of the hon. member, submitted to the House on his return from his second mission to England, which is as follows:—

“From the opinions I had entertained for the settlement of the Land Question, that a settlement could not be made without the sanction of the British or Colonial Legislature; and as Ministers were not inclined to submit the question to the Imperial Parliament, nor to give any answer to a Delegate from the House of Assembly of Prince Edward Island, it appeared to me that the views of Her Majesty's Government, communicated to the Lieutenant Governor “through the regular channel of official correspondence with that officer,” would, in all probability, convey sufficient instruction to enable the House of Assembly to legislate for the settlement of the people, with some confidence that their measures would meet the views of the other branches of the Legislature; and, as it was not likely that I would receive any further instruction from the House of Assembly until the end of the Session, I therefore deemed it proper to return to the Island.

“Before I left London, I applied to Counsel for advice on behalf of the Tenantry, on the plea of the forfeiture of Grants and Reserves for the fishery; but the Counsel declined to give an opinion, as I had not the laws of the Island with me, to enable him to see whether or not any of the Colonial Statutes went to confirm the Grants, or the purchase of them by other persons.

“I also applied to Joseph Hume, Esq., M. P., to enter into arrangements with that gentleman for bringing the grievances of the Colony before Parliament, and delivered to him copies of the correspondence that had passed between me and the Colonial Office: and he, on the perusal of the correspondence, frankly declared his willingness to do all that laid in his power for the settlement of the Colony, and was pleased to add, by way of advice and instruction—it appeared to him, the oppression of Tenantry, by persons who had not performed any of the conditions of the Grants, was a question at law, which would ultimately be given in favour of the Tenantry; if not in the Island, it would, if the suits were carried to the Courts in England, as he could not see how the Crown, who was the Trustee for the people, and the judge sworn to administer impartial justice between subject and subject, could refuse to put the law in force against the proprietors, to forfeit the land, and deliver the tenantry from a bondage which originated from a neglect of the Crown Officers to perform their duty—that for the Courts of the Island to take advantage of such neglect, which compelled British subjects to submit to bondage, and then by law to compel them to perform any obligations the proprietors had exacted, appeared a case of such iniquity, that he (Mr. Hume) had not heard of the like being sanctioned by the British Government.

“I stated that the tenantry were too poor to go to law with the proprietors—that it was equally as impossible for the tenantry to obtain justice by law as it was for them to pay the rent. Mr. Hume said, “then your House of Assembly should address your Governor, and inquire for the Instructions the Minister has sent; and if they will not afford

redress, inquire whether any Court in the Island will take cognizance of the non-performance of the conditions of the Grants, to forfeit the land and relieve the tenantry; and if you do not obtain a satisfactory answer from your Governor, the House of Assembly should examine the officers of your Courts of Justice (if you have any), and inquire by what authority they are prevented from enforcing the forfeiture of the Grants against the proprietors; and if they are prevented, inquire in like manner by what law or authority they can reconcile it with justice to compel the tenantry to submit to the demands and exactions of the proprietors; and if you find, upon such examinations, that your Courts will not afford relief to the tenantry, and that your Council will not agree to an Act for the settlement of the people, it would be proper for your House of Assembly to examine several of the proprietors, as to whether they are the grantees, or hold their right by purchase or inheritance—the terms on which the tenantry hold of them—the rents received, and in arrears; and also examine a portion of the tenantry as to the treatment they have received.

“A report of such examinations, as your House of Assembly may think necessary, in support of the charges they intend to prefer, and a list of the Documents forwarded to the Colonial Office, from the earliest periods, for redress of those grievances; and also, a list of the despatches in answer to such applications, together with a petition to the British Parliament, will be sufficient for me to bring the matter before Parliament.”

“In case the House of Assembly should not be disposed to follow the foregoing recommendations, or, if it is followed; and, through any utmost event, prove unsuccessful, there has been another plan suggested to me for redress of our grievances.

“Several gentlemen, with whom I have conversed on the subject, are of opinion that the delay of Ministers to redress our grievances, has for its object to induce the people of this Island to seek for annexation to Nova Scotia; and the delegates from that province, whom I met in London, and several influential gentlemen of their House of Assembly, whom I afterwards met in Halifax, declared that if the people of the Island were inclined to be annexed to Nova Scotia, they would do every thing in their power to have the inhabitants comfortably settled, and that the Island would be allowed a full share of representation, in proportion to the extent of territory and population—all which is respectfully submitted.”

Well, Mr. Chairman, the hon. member having got the opinion of Mr. Hume, the House passed a resolution in 1841, to the House of Commons, praying the grievances arising from the land question might be redressed. That House took no action on the petition, and the hon. member was encouraged with the Home Government, the proprietors and all hands, that in his report, which I have just read, he was willing to annex the Island to Nova Scotia. (Laughter.) And, Mr. Chairman, I do not know what better answer to the assertion of the hon. member that we have only the opinion of individuals who might be holding the seals of the Colonial Office at the time, to shew in opposition to his views, and that the British Government have not decided against the measure which is the subject of this evening's discussion, than the despatch which I will read to you from the journals of 1842. I think that expresses the decision, not of the then Colonial Minister, but of the British Government, and I request hon. members to observe that it expressly mentions the determination of Her Majesty's Government. That despatch is as follows:—



Downing Street, 25th June, 1841.

"Sir,—I have to acknowledge the receipt of your despatch of the 5th May last.

"I have to acquaint you, in answer, that Her Majesty's Government, having reviewed the whole progress of the discussion regarding the tenure of land, have arrived at the following conclusions:—

"First.—That the original terms of settlement were impracticable; and that any escheat at the present day, on the ground of the failure to fulfil such conditions, would be unjust.

"Secondly.—That Her Majesty's Government consider it right to state, that the Crown has not at its disposal any funds out of which the lands could be purchased by the Crown, to be afterwards sold or granted to the tenants.

"Thirdly.—That the terms proposed by Mr. G. R. Young, or terms equivalent to those, seem to have been acceded to by the great majority of proprietors.

"Fourthly.—That under these circumstances, the best course which Her Majesty can recommend is, that the Assembly and Council should turn their attention to the improvement of the resources, and the encouragement of the growing wealth of Prince Edward Island, and leave to the gradual operation of time the settlement of a question which offers no sound footing for direct legislation.

"Lastly.—I have to state that Her Majesty is not disposed to blame any party for the mode in which this discussion has been prosecuted; but Her Majesty's anxiety for the welfare of the Province makes her desirous to see the termination of a fruitless and irritating contest.

"I have the honor to be, Sir, &c. &c.,

"J. RUSSELL."

Now, Sir, I would ask what language can be more explicit?

It states that the question had been reviewed; now, who reviewed it? Why, Her Majesty's Government. And it further states that Her Majesty's Government, after "having reviewed the whole progress of the discussion regarding the tenure of land, have arrived at the following conclusions:" and then proceeds to declare the conclusions; and we find there the positive and express declaration that it would be unjust to escheat the lands, on the grounds that the original conditions were not complied with, and alleging that those conditions were impracticable. And, Mr. Chairman, the endeavour of the hon. member to make it appear to the country that the Legislature had never given up the principle of Escheat, is as susceptible of refutation as his assertion that the British Government have never declared their opposition to it. Why, Sir, at the risk of being considered as occupying too much of the time of the Committee, by a reference to what is well known to many hon. members, I will direct their attention to the journals of 1843. In that year, when the House was in committee on a Bill introduced by the hon. the present Speaker, and generally known as the "Squatter's Bill," the following amendment was moved, and by whom? by the hon. member himself! Here is the preamble of his amendment, as entered on the journals, and the record that he moved:—

"Mr. Cooper moved that the Bill be recommitted, for the purpose of amending the same, by striking out all after the word "Whereas," in the said Bill, and substituting the following in lieu thereof:—

"Her Majesty's Ministers have stated in their Despatches that the conditions contained in the original grants were impracticable, and that it would be unfair to deprive the proprietors of such grants of the land for the non-performance of such conditions; but as the proprietors have imposed conditions upon persons who have improved the land, which are

so oppressive as to deprive such persons of the benefit of their improvements, it is, therefore, not only necessary, but just and equitable, that while the proprietors of such grants are allowed to retain the fee simple of the land so granted in its wilderness state, that persons who have cleared such land, and brought it into a state fit for cultivation at their own cost and labour, and have erected buildings thereon, should be secured in their improvements by a settlement upon the land."

That amendment embodies the principle of the Tenant's Compensation, of which the hon. member has chosen now to say he disapproves, and I contend, Mr. Chairman, that no man of common honesty and intelligence can view the extract I have just read in any other light than as a declaration by the hon. member himself, and of his party, that the question of Escheat was considered at that time finally settled. Although I think I have already adduced documents sufficient to shew the recorded declarations, not of Colonial Secretaries individually, but of the British Government not to grant escheat, I shall refer to the despatch of the present Earl of Derby, then Lord Stanley, and Secretary of the Colonies, dated the 14th July, 1842:—

"In obedience to Her Majesty's commands, I have to acquaint you, for the information of the House of Assembly, that Her Majesty's Executive Government must decline to interfere any further in the question in debate between the grantees of lands in Prince Edward Island and their tenantry; experience having sufficiently shewn, that no beneficial result is to be anticipated from any such interference."

Then we find the announcement of the determination, not of Lord Stanley, but of Her Majesty's Government. Now, Mr. Chairman, after so many decided expressions of the opinion of the Home Government, I put it to this House and to the hon. member himself, if it is not useless to agitate this question further. He knows well what reception our previous applications have received, and let him consider for a moment who it is that now holds the seals of the Colonial Office? Why, Sir, Lord John Russell, the man whose opinions I have read to you. Is it likely that the Government, of which he is a leading member, will consent at this day to grant a Court of Escheat? That hon. member knows it is not; and I regret that the minds of the people are agitated on this question. Had it not been for parties exciting them, and holding out false hopes, every thing would have gone on quietly, and the Land Purchase Bill, the Education Act, and the proposed Bill for taxing the rent rolls of proprietors, would have had the effect of inducing a reasonable and equitable settlement of the tenantry. I do not believe any member of the present majority is pledged to support the motion, and I am sorry my hon. colleague intends to vote for it. I know that his constituents never asked him to do so. As to the petitions having much influence on the minds of hon. members, I know how they have been got up. A few individuals in Charlottetown prepare them and send them through the country, telling the people that they are to have free lands. The movers in the matter know that the prayers of the petitions cannot be granted, and that Escheat is out of the question; but they get up this excitement merely to upset the present Government. The people sign the petitions without consideration, and in proof of the facility with which signatures can be obtained, I may mention to the Committee, as a fact, that the hon. member for Belfast (Mr. Douse), has now from his constituents two lists of names, to put to any petitions he may please, and for or against any measure he chooses to support or oppose. But, Mr. Chairman, at the risk of being considered tedious, I will read from the pamphlet published by the hon. member, an extract from

Lord Grey's despatch to Sir Alexander Bannerman, in 1851—the despatch commonly called the "Bloody Despatch:"—

"Without going into detail, it is sufficient for me here to remind you that repeated applications have been made, at different times, to Her Majesty's Government, to consent to deprive the proprietors under the original grants of their estates, on the ground of their having escheated to the Crown by reason of the non-fulfilment of conditions. These applications have been resisted on the 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 decisions 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. Nor on the other hand could they consent to entertain any measure, such as has occasionally been suggested, of buying up and extinguishing the rights of proprietors, or any portion of them, at the expense of the Imperial Treasury.

"The subsisting rights of parties cannot, therefore, be altered in any other manner than by that of equitable adjustment; and while the law continues as at present, it is our duty to enforce obedience to it, by the firm exercise of the authority entrusted to you, and by the employment, if necessary, of the military force at your command; should any extreme case occur, you may even apply to Sir John Harvey for an additional force to put down any attempt at resistance to the law."

After such declarations, I would like to know if any hon. member really believes Escheat practicable? Can it be supposed that after those repeated decisions the British Government will turn round and undo all it has previously done, and take away from individuals the property, in many instances purchased on the faith of those very decisions? No man of proper judgment would seriously entertain the idea for a single moment. The hon. member for Princetown (Hon. Mr. Montgomery), who voted for the Bill in 1841, to which I have referred, was in the House at the time the Land Purchase Bill was passed, and he never said a word as to the fifth section requiring Government to test the validity of the original grants. The Government, from the Bills passed in this House on the subject of the land question, were bound to adopt, as a rule, the legislative admission that the question of Escheat was finally settled. In taking the course I have on this question, God knows I am uninfluenced by any feeling in favour of the proprietors. Up to the present time, I have received and braved their most determined opposition, so that if I entertain any personal feeling to warp my judgment, and give a bias to my action, it would be a desire to do what lay in my power to injure them. But I have no such feeling. It is but natural that the proprietors should use all their influence against laws affecting their properties; that is of course to be expected; and I hope that the question will be disposed of to-night calmly and dispassionately. It has been so thoroughly sifted at the Colonial Office and in the Island, that the committee can close the discussion to-night. I have ever been anxious to adopt all practicable measures for the benefit of the tenantry, as the Bills I have introduced and the votes I have given will abundantly prove; and I think that the Bill I proposed to bring in, compelling landlords to record their titles, will be a substantial boon to the people. At present a tenant, after taking a lease, or purchasing the fee simple of his land from one

person, representing himself as proprietor, finds that he has to pay it once or twice again to subsequent claimants. By that Bill the tenant will be able, by referring to the Registry Office, to ascertain who is entitled to receive his money. Such measures as those are beneficial to the tenant, and can be obtained; while this question of Escheat is, to use the term of which the hon. member (Mr. Cooper) gave us the definition—a mere "will o' the wisp." I shall not at present, Mr. Chairman, trouble the committee with any further remarks, but shall conclude by declaring my intention to vote in opposition to the hon. member.

Mr. COOPER.—The despatches on which the hon. member has laid so much stress, are not of much weight now, since we have got Responsible Government. In the times when these despatches were sent out, they were framed in accordance with the despatches previously sent from the Colony, of which the people were not aware. When in England I could get no reply from the Colonial Office until a despatch had been received from the Island, and, Mr. Chairman, I assert that that despatch is a secret to this day. There is one great argument in favour of investigation of the original titles, that is, the fact that it was assented to in the time of Lieut. Governor Fanning. If conceded then, why should it be withheld now? And notwithstanding the assertions of the Hon. Col. Secretary, I maintain that a despatch only binds the Minister, and not the Government of which he is a member. It is not to be considered as an act or opinion of Her Majesty's Government. You will find that where the action of the Government is taken on a matter affecting the Colonies, it is done in Council. [The hon. member here instanced the form used in giving the Royal Assent to Acts of the Colonial Legislatures, when the Sovereign and members of the Privy Council are present.] And I maintain that no title can be deduced except from the original grants; if they are void, no transfer from one to another can create a good title, or convey what the original grantee had it not in his power to give, and the only way to try the title is by the intervention of a jury, and if it is found to be bad, they can declare it so.

Hon. COL. SECRETARY.—Then, according to that doctrine, no proprietor has a good title. If I am not mistaken, the hon. member himself has purchased lands in the Island.

Mr. COOPER.—Yes; from the Crown. The land was escheated.

Hon. COL. SECRETARY.—Well, suppose the case of a private individual about purchasing a piece of land from another—what would be his course? He would employ his lawyer to investigate the title. And where is the lawyer to be found who would not consider the original grants valid, after those despatches and admissions of the House which I have read? The Government employed their own lawyer, the Hon. Attorney General, and he has done his duty. The hon. member still argues against the effect of a Secretary's despatch, and instances the case of a Bill receiving the Royal Assent. True, that is the Act of the Government, but the decision of that Government is conveyed to the Colony through the proper channel—the Secretary of State for the Colonies—and several of the despatches I have read, expressly mention the decision of "Her Majesty's Government."

Mr. LAIRD.—Mr. Chairman, the Hon. Col. Secretary said he was sorry that I was going to support the motion for a Court of Escheat, and said my constituents never asked me to vote for it. When we were trying to get Responsible Government, the opinion of my constituents was, that I should first do what I could to obtain that, and they never told me to vote against Escheat. With reference to the remarks about the investigation of the titles by the Government

under the Land Purchase Bill; I helped to put the fifth section into it, and I think it the best part of the Bill. I see no reason why the Government should not investigate the original grants as well as any of the other documents. I am sure the Bill expresses that plainly enough. I have no wish to break up the Government while they do their duty; but I must say, Mr. Chairman, that it is not fair to blame me as breaking my pledge to support the Government. The people, by their petitions to this House, have shewn the course they wished members to pursue.

HON. COL. SECRETARY.—Mr. Chairman, the hon. member (Mr. Laird), seems to speak as if he introduced the clause providing for the investigation of the titles into the Land Purchase Bill. Why, Sir, that clause was in the Bill when it was introduced by the Government, and the hon. member voted for it. He has said that the petitions before the House relieved him from his pledge to support the present Government. But how were those petitions got up? They were got up by Mr. Cooper. Look at his letter addressed to myself, and published in his pamphlet. The hon. member (Mr. McIntosh), did not join him in that, knowing that the letter and the answer would be published, and that the answer would not have the tendency to encourage agitation of this question. The result of the meeting held in the district of the Hon. Mr. Whelan and Mr. Dingwall, at which the former was present, shews plainly that the people will not be bothered on this subject much longer. They have had enough of it during the ten years' agitation by the hon. member (Mr. Cooper). Sir Charles Fitzroy's answer to the address of the inhabitants of King's County destroyed the private influence of that hon. member.

MR. MCINTOSH.—If we had before us all the documents which Sir Charles Fitzroy sent home, we might know something more of the true state of the case than we do at present. Sir Charles Fitzroy's conduct clearly shewed that he did not act in reality, as he would endeavour to make it appear. From the private representations sent to England by Sir Charles Fitzroy and Sir Henry Huntley, no despatches based on them could be relied on. It is very well for hon. members to say that Escheat was finally settled. It was not, however, dead in 1850. The despatch brought out by Sir Alexander Bannerman shewed that the Ministry at home knew, from private information, what the new Governor would meet on coming to the Colony. If the Land Purchase Bill was the last measure for the relief of the people from the oppression of their landlords, it would be no use in discussing this question, but, Mr. Chairman, I am inclined to consider that Bill but as a beginning. I would, for one, just as soon see the lands in the hands of the proprietors as to see the landlords joining a set of speculators in taxing labor. My desire, Mr. Chairman, is that I may see the people treated as British subjects, not as aliens or bastards by the Imperial Government. (Laughter.) Oh, hon. members may laugh, but I repeat it, Mr. Chairman, that they have been so treated, and I do not wonder at it, when those who ought to stand up for the rights of the people are found on the side of their oppressors. Since we have Responsible Government, if the Governor and Council state the views of the people to the Council, we can obtain what we wish. I must, however, Mr. Chairman, confess that I expected from Responsible Government more than I have seen. (Laughter.) I had no intention of turning out one set of land speculators to put in another. I am willing to give the present Government credit for the good they have done and all they may do. I will give them credit for the Education Bill and the Tenants' Compensation Bill, but not for playing the game of the proprietors. I have heard hints of some members of

this House speculating in lands, and from what I see, I am inclined to think it is the case. If this is the only way of relieving the tenants, they might as well remain in the purgatory in which they have been tormented for so many years. (Laughter.) I have no desire, Mr. Chairman, to turn out the present Government; they will, probably, last my time. But I am astonished at the way this question is treated in the House. We are met by the opponents of the measure as if we were advocating some dishonest scheme to rob people of their property. Mr. Chairman, if we had not a constitutional right to a Court of Escheat, I would never stand up in favor of it; but as a British subject, I feel that the people are entitled to it, and they who oppose their obtaining it are the parties who are taking away the rights of others. I see no reason for any one objecting to the establishment of a Court of Escheat. Let us have it; and if the lands cannot be escheated, as has been said, the Court can do no harm. Then why not have the Court? The complaints of the people are that there is no such Court. In the time of Governor Smith, a Township was escheated in two or three days after he issued his proclamation, and I believe if he had staid in the Colony, every Township would have been escheated, and the people have as much right to Escheat now as they had at that time.

HON. COL. SECRETARY. I rise, Mr. Chairman, merely for the purpose of answering that part of the hon. member's observations, which insinuate that the Government were in league with a third party, namely, land speculators in the purchase of the Worrel Estate. That statement is not true—the hon. member knows that the Government had not power to compel parties to sell their lands. But, Sir, when the Liberal party assumed the Government, they gave notice to the Trustees of Worrel Estate, that they were prepared to receive offers from them—they could not say to them "you must sell the property, whether you wish to do so or not." Then came the vote of want of confidence, which displaced the Liberal Government, and before they returned to power, Messrs. Pope & Co. had purchased from the Trustees. If Mr. Pope had continued to hold the property, he would have put the people to great trouble and inconvenience. And, Sir, as to the price—the Government gave no more than the amount which was asked from Captain Sleigh. The press opposed to the Government stated that it would cost twenty shillings an acre, we got it for six shillings an acre with the back rents. As to the assertion of the hon. member—that members of this House have been speculating in the lands. I deny it, and now call upon him to name a single individual to whom his charge will apply. Not one Liberal member has purchased 100 acres, and none could obtain more than 300. So there is not much chance of speculating in that. So far from the Government not taking all necessary precautions to guard the interests of the people, I can only state that Messrs. Pope & Company were dissatisfied at the strictness with which we conducted the negotiation for the purchase.

HON. MR. MONTGOMERY.—Mr. Chairman, the question of Escheat has been agitated now for a very long time, and I do not agree with the Hon. Col Secretary when he says, that the petitions before the House on the subject originated from a few individuals in Charlottetown. I know, Sir, that it has long excited great interest throughout the country. The tenantry were promised that they would have their lands on better terms when once Responsible Government was introduced, and I know that political capital was made out of it at the Elections. The first year after the introduction of Responsible Government, handbills in support of the Liberal candidates were circulated, in which it was stated, that the Land Question would be settled. The people understood by that, that a Court of Escheat would be established, and several were elected on the strength of that idea. As

to the argument that the Home Government would not allow a Court of Escheat to be established because they had previously refused it, we know that many things have been granted which had previously been denied. I see no reason, Mr. Chairman, for Hon. Members objecting to the establishment of a legal and constitutional Court of Escheat, if for no other purpose than to put an end to the agitation of this question. A proprietor having a good title to his land will have no cause to fear an investigation, and should in my opinion, be the first to support the institution of such a Court, and I think it our duty, Sir, to endeavour to obtain the Court, only to quiet the minds of the people, which will not be until the Court shall have been established. I shall support the Resolution as having for its object the attainment of a legal and constitutional right, and not only on that ground, but with a view, as I said before, to terminate the future agitation of this question, and allay the excitement in the minds of the people. Why, Sir, I know one Township where the people refuse to pay their rents, as they were led to believe that the Government intended to take the lands from the proprietors, and grant them to the tenants. I must say, Sir, in justice to the Hon. Col. Secretary, that I never heard of his having made such promises, but I know that persons have been going about the country, instilling into the minds of the people, the idea that the Liberal party would obtain an Escheat of the proprietor's lands.

Hon. Mr. LORD.—Really, Mr. Chairman, a new light appears to have dawned on the mind of the Hon. Member who has just sat down. We heard nothing of this last winter, when he and his party were in power. As to political capital having been made at the last general Election, out of promises of free lands to the tenantry, I have seen it stated in the *Islander* newspaper, that I promised the inhabitants of Lot 19, to get them free lands. Now, Sir, I deny the assertion most positively, I never promised any thing of the kind, and Escheat was never mentioned at any meeting on Lot 19, at which I was present. I believe Mr. Todd's Title to Lot 19 is good, and, Mr. Chairman, I deny that the agitation of this question is general throughout this Island: I admit there may be some excitement about it in two or three sections. About East Point there is a little interest felt in it. It has been discussed for the last 20 years, and I would like to know what good has resulted from the agitation of it? What benefit did the people gain from the mission to England of the Hon. Member (Mr. Cooper), which cost £300? But, Mr. Chairman, I am surprised at the Hon. Members, Messrs. Cooper and McIntosh, stating that the tenants on the Worrel Estate are no better off than they were before. Why, Sir, I was informed by Mr. Charles Dingwell that some of the tenants had agreed for the purchase of their lands at three pounds an acre, and when I stated that surely Mr. Pope would not enforce the bonds, he told me that he would. Sir, I maintain that the tenants on that Estate who have availed themselves of the provisions of the Land Purchase Bill, are much better off than they were before. Why, Sir, look at the land about St. Peter's Bay, which is the highest priced of the whole Estate, the tenants can get that at 12s. 6d. an acre, and will any man tell me that Mr. Pope would have sold those lands at that price? No, Sir, he would not have given it for double that amount. I am decidedly opposed to any further agitation of this question, and I must say that it does not look very well to see certain parties now supporting the Hon. Member Mr. Cooper, on this question. I recollect, Mr. Chairman, the time when that Hon. Member, and Mr. McIntosh were brought to the Bar of the House, for their concurrence at the famous Hay River Meeting; on that occasion some of those who now go with him, had not the spirit to raise their voices in his behalf, at the time when the Hon. Member for Charlottetown, (Hon. Mr. Palmer), was the warm friend and supporter of the Proprietors.

Mr. M'INTOSH.—Mr. Chairman, the Hon. Member who has just sat down has asked "what benefit the people have received from the agitation of this question?" I can answer, that they have gained in the reduction of the price of Land from four pounds to ten shillings an acre. And I advocate

Escheat in order to lower the price to the tenants still more. If it had not been for the discussions which have taken place on this subject, the lands would still be held at three or four pounds an acre. But now, instead of receiving thanks for having reduced the price of land, we are ridiculed and held up to the country as disturbers and agitators. But, Mr. Chairman, it is my opinion, that if there was more opposition manifested to the proprietors, the lands would be offered on better terms. And certainly those who have paid rent and spent their time and labor in improving the land, should purchase their properties at a lower rate than they who come in and purchase wilderness lands.

Hon. Mr. LORD.—Mr. Chairman, there can scarcely be any evil, however great, which does not produce some little good. And I can assure the Hon. Member Mr. M'Intosh, that the Government used every precaution in dealing with Mr. Pope. As a proof that they did so, I need only call the attention of the Committee to the fact of their having reserved no less a sum than six thousand pounds, to meet any difficulties that might arise from tenants refusing to attorn.

Hon. Mr. LONGWORTH.—Mr. Chairman, I must say that I think the allusion made by the Hon. Member, Mr. Lord, to the time at which the Hon. Members Messrs. Cooper and M'Intosh were brought to the bar of this House, can have no bearing on our discussion of the question before us this evening. That occurrence took place some 20 years ago, and really I do not see how it can affect our judgment on this matter. I am disposed to go for a Court of Escheat, and when I say that, I do not mean to express the opinion that the lands are liable to be escheated (Laughter.) Hon. Members may laugh, but I can tell them, they may find it to be no laughing matter, and it may be, that if they do not support the establishment of a Court of Escheat, their constituents may laugh them out of the House of Assembly at the next Election. I see a great difference between a Court of escheat and escheating the lands. I have ever been opposed to the extreme measures hitherto advocated by the Hon. Member, Mr. Cooper, and I still consider the agitation which has been going on for many years, a misfortune to the country, as no good could result from it. Still, Mr. Chairman, I am in favor of a Court of Escheat. I consider that we are as much entitled to it as the people of Canada, New Brunswick or Nova Scotia, all of which Colonies have it as part of their institutions. And, Sir, I think there is a greater reason for it in this Island, as we know that by grants improvidently issued, the whole Island was granted in one day. Although the British Government may refuse to allow us the Court, and the lapse of time since the date of the original grants, now some 80 years, may be considered as a confirmation of the title of the grantees, I will advocate the Court, and I should wish to see a majority of this House in favor of it, in order to quiet the minds of the people and prevent any man or any set of men from making political capital out of the agitation on this subject. But Mr. Chairman, it has been denied that Members of the present Majority ever held out to the people the promise of free lands as a bait to obtain their support. But I will ask, if in the year 1852 one Hon. Member now in this House did not circulate a handbill in which free lands were promised to the people, if the so called liberal party were elevated to power? (Name, Name.) Well Mr. Chairman, I am not afraid to name him and I name the Hon. Member, Mr. Clark.

Mr. CLARK.—I deny it.

Hon. Mr. LONGWORTH.—Then all I can say is, that I can prove that he placed the handbill into the hands of another party.

Mr. CLARK.—That is not circulating it, (Laughter.)

Hon. Mr. LONGWORTH.—Mr. Chairman, I need no more than such an assertion to prove the truth of what I have said, for if the fact of the Hon. Member's having circulated the Bill is not proved by his having handed it to another person, or does not prove a circulation by him, I do not know what could be termed a circulation. But with reference to the question itself, I maintain that although ministers may have refused to Escheat the lands, there is nothing in all the documents which have been cited to shew that the British



Government would not sanction a court of Escheat. (Laughter.) Hon. Members may amuse themselves by laughing as much as they please, but I say that the question for the establishment of a court of Escheat has never been before the House on any previous occasion. It is our constitutional right to have such a Court, and as I do not approve of the wording of the resolution moved by the Hon. Member, Mr. Cooper, I suggest to the consideration of the Committee the following:

"That it is expedient to establish a Court of competent Jurisdiction to investigate and decide upon the titles to all Township Lands in this Island."

Mr. CLARK.—Mr. Chairman, as to the handbill on which the Hon. Member, Mr. Longworth, laid so much stress, I think I can easily explain that to the Committee. I received that paper by post; it came to me among a lot of others; the principal portion of which if I recollect right, related to the civil list Bill. When I opened the parcel, Mr. John Owen, who was present, took up the handbill. Mr. Owen is no Elector. And I can state, Mr. Chairman, that I did not agree in the statements contained in the handbill. It has been frequently thrown up to me, that I carried that handbill about among the people, but I consider that my conduct with reference to that handbill, in letting Mr. Owen take it away with him, affords no greater proof of my agreeing with the opinions it set forth than would, this reading and lending to a friend by the Hon. Member for Charlottetown, Mr. Longworth, of Paine's works, be a proof that he coincided with the opinions of the author. I deny, Mr. Chairman, that there is much agitation on this subject in Prince County and I appeal to the Hon. Member, Mr. Montgomery, to say if there was any allusion to it at St. Eleanor's at the general Election? and at my recent election. I expressly stated at St. Eleanor's that I would not pledge myself to vote for Escheat. The Hon. Member, Mr. Laird, took the trouble of going into my district to excite the people against me on this question, and after all he has done, if he is content to lose his time and pay his horse-hire and expenses, I am satisfied. Why Mr. Chairman, under the fifth section of the Land purchase Bill, the Attorney and Solicitor General are a court of Enquiry to investigate titles. In all countries there will be found some agitators, no matter how wild and visionary their views may be. The Hon. Member, Mr. Laird, has stated that the petitions before the House had influenced his mind and induced him to support the resolution of the Hon. Member, Mr. Cooper, although he was pledged to advocate no measure which did not meet the views of the present Government. Now, Sir, let us see how much consideration those petitions are entitled to, to induce any Hon. Member to violate the general pledge not to oppose the Government. Allowing every signature subscribed to the different petitions to be that of a bona fide elector, although there are many names written by the same hand, yet waiting that objection, and supposing them all to be genuine, we find but 1047 people asking for Escheat, about 1-13th part of the electors of the Island! and are we to be referred to those petitions as expressing the wishes of the people? And, Mr. Chairman, these very petitions have been got up by a few agitators, who have been going about the country, endeavouring to unsettle the minds of the people and throw every thing into confusion. This I think is proved by the result of the meeting held in the Hon. Member, Mr. Whelan's, district. At that meeting, I have been informed, that all but a few, say some six or seven, went against escheat, and though it is true some had put their names to the petitions before the House, when they were made acquainted with the true state of the case, they were sorry and ashamed for what they had been induced to do. So it would be in other parts of the Island, if the people had the true state and position of the question fairly laid before them. The Hon. Member, Mr. McIntosh, seems to think that the present Government, because it is liberal, ought to have gone for Escheat. I can tell him, Mr. Chairman, that if they had done so, they would not have been in a position to have carried the beneficial measures they have, but they would be in a position similar to that of

the Hon. Member, Mr. Cooper, after his unsuccessful agitation. I shall vote against the resolution in toto, and I will give my support to the Government in measures calculated to improve the settlement of the country, such as the Land Purchase Bill.

Hon. Mr. MONTGOMERY.—I must say, Mr. Chairman, that in my opinion it does not look very well for the Hon. Member, Mr. Clark, to censure Mr. Cooper, and designate him as an agitator. If I recollect aright, he got his first election on the ground that he was in favor of Escheat. I know that he was a strong supporter of the Hon. Member, Mr. Cooper, in those days; and therefore, if Mr. Cooper is now wrong and misleading the people, he, (Mr. Clark,) must have been liable to the same imputation. I do not agree with the Hon. Member in the opinion that the fifth section of the Land Purchase Bill established a Court of Enquiry. As I read the Bill, it merely enables the Government to examine the titles of any particular property which may be offered to them for sale. And, Mr. Chairman, it is idle to say that the agitation of this question arose in Charlottetown; it is notorious to every one that the country at large has been agitating it for the last twenty years, and if I do not mistake, the great Liberal Reform Association had it brought under their notice. As to the remarks the Hon. Member, Mr. Clark, has offered in explanation of the circulation of the handbill, all I can say is, that what he has stated is to my mind, as I think it will be to others, quite sufficient proof that he did circulate it; and whether Mr. Owen was or was not an elector, it makes no difference; it is well known he was a warm political partisan.

Mr. CLARK.—I deny, Mr. Chairman, that I ever was an escheator, as the Hon. Member, Mr. Montgomery, has stated. My father was, however, a very warm advocate of escheat, and the only difference that ever arose between him and myself was on that question. I do not deny that I may have taken an active part from the year 1832 to 1842, but I was not elected till 1846, and for some time before that the escheat party was considered dead. There was no talk of escheat when I came to the house in 1846. And I can tell the Hon. Member that the majority of my constituents are opposed to escheat and that the public mind in Prince County is not enlisted in its favour. I stated at my election that I would not promise to go for escheat and I was elected for the reason that I was a supporter of the Liberal Government.

Hon. Mr. MONTGOMERY.—I repeat, Mr. Chairman, that the Hon. Member was a warm supporter of escheat and I would recall to his recollection the time he went to Brackley Point to do all he could against the present Hon. Col. Secretary.

Mr. CLARK.—I deny, Mr. Chairman, that I was an escheator at the time to which the Hon. Member has alluded. The question then was a quarrel between Mr. Pope and the Lieutenant Governor, and sorry enough I am from what I have seen since, that I did not support the Hon. Col. Secretary at that time.

Hon. Mr. WRIGHTMAN.—Mr. Chairman, this is certainly a most important question, and it has been so fully and ably discussed that there is but little left for me to say,—but it is one of those questions in which I cannot feel myself justified in giving a silent vote. We all know, Sir, that it has been agitated for a great many years. In the years 1837 and 1838 the Hon. Member, Mr. Cooper, brought his views before the House of Assembly. At that time, Sir, the Hon. Member had a large majority in the House, and much benefit was expected to result. Myself and others were led to believe that important alterations in the conditions under which land was held by the large majority of the people in the colony would be effected, and I will say now that it is my opinion that if the Hon. Member had not been extravagant in his views, much might have been accomplished in the direction of the Hon. Member's views—probably some six or seven Townships might have been escheated—but the Hon. Member believed that what could be applied to one would be applied to all, and thus, however good his intentions may have been, he went in my opinion too far. It is, however, Mr. Chairman, high time this question was decided;



and while I admit that it is natural for the tenants to desire to become freeholders, and further that I believe they have been led to believe that the lands would fall into the hands of the Government of the Colony, I cannot withhold the expression of my opinion that the day for that has gone by, never to return. I believe, Mr. Chairman, that the land purchase bill presents the only practicable mode of converting the tenants into freeholders, and although it may be considered by some that the Worrel Estate was purchased at a high figure, I consider it an excellent move in the right direction. Before long I have no doubt that the proprietors will be glad to sell their lands to the Government—the land tax they will find to be a somewhat heavy burden, which is not without its influence upon them now—the contemplated tax upon their rent roll is another step in the same progression which if continued will ultimately induce the best and fairest, and indeed only practicable mode of escheat namely, by the tenants paying a reasonable sum for the purchase of their farms.—I do not go for taking the lands from the proprietors. As I said before, I think the time for doing so has passed, and if I agree to purchase a piece of land from any man, I have no right to ask him how he received it, if he has a title recognized by the laws of the Country. As to the observations which have been made on the subject of the investigation of the title to the Worrel Estate previously to its being purchased by the Government under the Land purchase Bill, the fifth section of that Act requires that the Government shall cause such investigation to be made before they shall purchase any lands under the Act. This, Mr. Chairman, I consider has been done by the law adviser of the Crown, the Hon. Attorney General, and I should think that the opinion of a gentleman holding the high position which he does, ought to be sufficient to satisfy the people of the Colony that a proper investigation has been made, and that the titles of the Proprietors are good. All the different Deeds and Documents affecting the property were submitted to him, and there is on the Table of the House his opinion, which should, I think satisfy Hon. Members as to the mode in which the Government acted in the purchase of the Estate. When Petitions come before this House, it is our duty to take them into our consideration. It is true we have on this subject petitions from various parts of this Island. These petitions I shall treat with all respect, and so I know will all Hon. Members in this House; but we have to decide whether we will encourage the Hon. Member, Mr. Cooper, in his endeavours to carry out the views of those who have signed these petitions. Hoping that the question will be disposed of, one way or the other to night, I shall support the views of the Hon. Colonial Secretary.

Mr. McINTOSH.—Mr. Chairman, the hon. member who has just sat down, has spoken as if he hardly knew his own meaning. When he says that the grants were made improvidently, I tell him that the law and the constitution afford a remedy. If that hon. member will look, he can easily see for himself. But they who suffer under the actual pressure of evils, are those most apt to look out for the modes of relief. To shew that the hon. member (Mr. Wightman) should go for Escheat, after admitting that the grants were made improvidently, I will read what will, I think, convince him that he ought to support a Court of Escheat as a constitutional measure. I find in the third section of the twelfth chapter of Chitty on prerogatives:—

“The *scire facias* to repeal or revoke unfounded or improvident grants of the Crown (d), is another prerogative process which requires consideration. The King is, generally speaking, bound by his grants; but this is only when they are not contrary to law either in themselves, or void for uncertainty or deception, or unjust as injurious to the rights and interests of third persons (e). In these cases the King *jure regio*, for the advancement of justice and right, may repeal his own grant (f). As if the King grant what by law he is restrained from granting (g), or the grant be obtained by fraud or a false suggestion (h).”

No greater injury could be inflicted upon us, as British sub-

jects, than to treat us as aliens. It is then our duty to complain, and if we are unanimous, we shall obtain what we ask.

Hon. Mr. PALMER.—Mr. Chairman, a great deal has been said in this discussion, and the remarks I am about to offer will not, I fear, meet the approval of either party, as they have taken sides on this question. Sir, the first time on which I publicly expressed my opinions on this question of Escheat, was about twenty years ago, and my opinion was opposed to that of the hon., and I may now say, venerable member, Mr. Cooper. That hon. member then advocated the establishment of the Court as he does this evening. My reasons for considering the measure objectionable, were the same as I now entertain. There were many grounds of opposition to the measure, but a principal one was, that the day for Escheat had gone by. I argued then that the lands had been settled, and in many instances transmitted from father to son, and various other transfers of the properties had taken place. If that was my opinion twenty years since, it is not likely that I shall vote in favor of the hon. member's (Mr. Cooper's) resolution. But while I do not support that resolution, I wish it to be clearly understood that I do not oppose it for the reasons which have been assigned by hon. members who have spoken against it. I shall take but a short time to shew the difference. In the first place, Sir, I do not think that there is any weight in the argument, that because it has been hitherto refused we should cease our exertions to obtain it. I shall never pay such servile respect to the despatch of a Colonial Minister, nor will I submit with blind and uncomplaining submission to the continuance of what I may consider to be a general grievance, merely because a Colonial Minister may choose to write a hurried despatch disapproving of my views. One man is in office, as Colonial Secretary to-day, God knows who may hold that office to-morrow. It is no principle to go on, and if a hundred despatches from a hundred different Colonial Ministers could be cited, all condemning a Court of Escheat as being unconstitutional, I should give my vote for the Court, if I thought it was a constitutional right. A despatch is not and cannot be the law of the Colony, and if I thought it necessary, Mr. Chairman, that the Court should be established, believe me, I should be but little dismayed by the refusal of a Colonial Minister. I, Sir, would never submit to such dictation, but would take my position on the higher grounds of my right as a British freeman. These are not the reasons of my opposition, nor do I oppose on the grounds mentioned by the Hon. Col. Secretary, even if I were satisfied of the truth of the assertion, of which I am not, namely, that the petitions on the subject originated in Charlottetown, and that, therefore, they are not to be considered as conveying the expression of the opinions and wishes of the people generally. Experience, Mr. Chairman, has shewn that some of the most important measures that ever passed this House originated from petitions which emanated from Charlottetown, and from thence sent throughout the country, north, east, south and west. I would instance the petition for a dissolution of the House. Where, Sir, did that originate, and to what results did it lead? That effected a very great change. It might, at the time, have been said that it was not the expression of public opinion, yet it came back to Charlottetown, was presented, and produced the desired effect of dissolving the House. Nor do I oppose the resolution, believing that its rejection will finally settle the agitation on the subject of Escheat. Voting it down this evening will be so far from settling it, that a refusal will only pave the way for subsequent applications, to be repeated until at length the House concedes it. Mr. Chairman, if I

voted with a view to a final settlement of the question, I should have to give my support to the resolution, and say that nothing but the Court in operation would settle the matter. And when the first case which might be submitted to the decision of that Court, as being a competent tribunal, should be thoroughly argued and discussed, and fairly decided—and then if legal objections were taken to that decision, and it should be carried to the House of Lords as the highest court of appeal, and then receive its quietus—then I would say that every man should bow with respectful submission to the final settlement of the question. I look for a stronger agitation next year, and I oppose it, as I said before—for the reasons which actuated me on previous occasions, on which my vote has been recorded against escheat, although I agree with the opinions of a former Attorney and Solicitor General, as quoted by the hon. member, Mr. Cooper, that it is quite competent for the Government to constitute a Court without an Act of the Legislature. Still, Mr. Chairman, I consider this question is one which it is inexpedient to moot at the present time. The non-compliance with the conditions in the original grants has been the subject of indulgences from time to time, and he to whom the laws were forfeitable might have granted them or not as he pleased to A. or B., to any person here or in England, in small lots or in one large grant to a single individual or to several. While such was the undoubted prerogative of the Crown, and while it chose to exercise it, by remitting some of the conditions, and by extending the period of settlement, then surely is there sufficient grounds to warrant the grantees and their successors in saying and feeling that it would be a hardship and injustice to escheat the lands. I, Sir, will oppose this resolution, as I believe the introduction of such a Court would produce such agitation and toils as we have never in the worst of times experienced. I believe irreparable mischiefs would arise. Those opinions influenced my opposition twenty years ago, and now there is greater reason to maintain those opinions, and offer to the resolution a more vigorous and decided opposition, because there is now more danger of escheat than there was twenty years ago. The system of Government which was in force at that time, was such that they could not have demanded escheat with any success. But, Mr. Chairman, such is not the case at present. If this Act passes—if the resolution before the committee this night shall have received the sanction of the majority of this House, and shall have law, then there is no power in a colonial minister to prevent its going into operation. It must, after passing this House, receive the sanction of the Legislative Council, and then meet the approval of the Lieutenant Governor. Now, Mr. Chairman, I ask what colonial minister, after the concession of Responsible Government, would dare to say that he would not allow a bill backed up by the approval, and receiving the sanctions I have mentioned, to pass into operation? For this reason, Sir, I feel it necessary to offer a more strenuous opposition than I have on previous occasions felt myself called upon to manifest. For once establish this Court, and who can tell me the result? The expectations of the tenantry throughout the Island have been long excited, and where now, Sir, will be found impartial Sheriffs under the Bill you passed the other day? When will you now find Sheriffs of impartial and unbiassed opinions? Pass this resolution, and then you will have agitation not at the East Point or Morrell alone, but it will agitate the country from one end to the other. I have never said that it was impossible to obtain Escheat on legal and constitutional grounds, but which it might and doubtless would be considered by many as a great boon—it would cause great loss and irremediable evils to many individuals. Lands have been

purchased for valuable considerations, have descended to children,—large improvements have been made,—mills and other valuable buildings have been erected; and are properties such as these to be escheated at this day? If such should be the case, I may be told that the party in possession has his remedy against the individual from whom he derives title on the covenant for quiet enjoyment. What remedy is that? Where is a man to look for a proprietor? Many of them are dead, and the only reference in their cases is to be found in the inscriptions on the tombstones, of those over whose remains such memorials may have been erected. If we wish to consult the peace and well being of the community, we should not set in motion an engine fraught with the mischief this measure would produce. It might have been tried as an experiment years ago, but it is no longer safe to tamper with it now under the present system of Government. If the Court be once established, and even only one Township should be escheated—the Legislature cannot then interpose and stop its further action, and undo what they had done, though every member might be anxious to do so—the people generally would insist on the machinery being kept going, and the House dare not, if it would, interpose to prevent it. And, Mr. Chairman, I warn hon. members to consider what they are about to do, if they carry the resolution. And much as I differ with the members of the present Government, I think they have done their duty by taking the stand they have in this matter; for if they feel themselves responsible for the peace of society in the Colony, they are bound to oppose a Court of Escheat, even at the risk of being turned out of the Government. (Hear, hear.) Hon. members may cry hear hear, but I can tell them that in the present state of public opinion on this subject, should public opinion be generally aroused, they may find themselves in a position very different from the present one. But now while they are acting on their idea of constitutional duty, they must not fear to face public opinion, even if by so doing they should lose the Government, which I consider it is very likely they will.

Hon. COL. TREASURER.—Mr. Chairman, a great deal has been said during the progress of this discussion, and I shall not protract the sitting of the Committee by any lengthy observations of my own. The allusions that have been made as to members of the Government having excited in the minds of the people hopes of obtaining Escheat, are, I believe, without foundation. In fact, for myself, I know that at the first political meeting which I ever attended, in the year 1837, I expressly stated that I was opposed to Escheat, and I have always, from that time to the present, considered and declared my opinion that it was impracticable. It has been stated that the question was agitated in the partial elections in 1851, and also at the last general election, and the inference is sought to be drawn that the members returned gained their elections by inducing the people to believe that they would go for Escheat. I, by those statements; and I know that at the Saint Eleanor's meeting, during the last general election, the question was not mooted, and in the partial election of 1851 it was not made a test. In that year the Hon. Col. Secretary and myself attended a very numerous meeting at Tignish. At that meeting there were 700 people present, and the hon. member (Mr. Perry) heard the Hon. Col. Secretary ask the people if they had ever known him or myself promise to give our support to a Court of Escheat. The people answered in the negative. That, I think, is a sufficient proof that the insinuations against the Government are unfounded. It is my intention, Mr. Chairman, to oppose the resolution of the hon. member (Mr. Cooper), notwithstanding his assertion that Governor Fanning had received the Imperial sanction to the establishment of a Court of Escheat, and had destroyed the document. I trust he will pardon me if I refuse my credence to that statement, as long as nothing more than his unsupported assertion is adduced in support of it. The hon. member (Mr. McIntosh) seems to find matter of congratulation in the fact which he assumes, that the agitation of this question has

reduced the price of lands from four pounds to ten shillings per acre. Now Sir, this, I contend, has a bad tendency, as it would have the effect of reducing the value of property, and no man will settle and introduce capital into the country if his property is not protected.

Mr McINTOSH.—It is a singular idea, Mr Chairman, that a reduction in the price of land is against the interest of the purchaser. I do not see that the difference in the amount of the purchase money deteriorates the quality of the land. I presume that remains the same as before the purchase. But perhaps the Hon Col Treasurer may have directed all his attention to the interests of the proprietors. For myself, I feel it to be my duty to endeavour to protect the interests of the tenants. They need all we can do to relieve them from the burdens which injustice has imposed upon them; and I think the proprietors have often shewn that they have influence enough to guard their own interests. I was surprised to hear the hon member for Charlottetown (Hon Mr Palmer), ask where were we to look for a fair jury? Dear me, where are all the men gone? (Laughter.) But, Mr Chairman, I am content to leave the question of titles to the decision of a jury; I think it will be found to be as fair as any other tribunal.

Hon Col SECRETARY.—Mr Chairman, the handbill to which allusion has been made does not mention the word "Escheat," nor does it contain a single sentence to warrant the belief that Escheat would be advocated by the Liberal party. My hon colleague, Mr Laird, it is true, admits the practicability of the measure, and I regret that I have not his support on the present occasion. I must do the hon member for Princetown (Hon Mr Montgomery), the credit of saying, that he has been pretty consistent in his views on Escheat, for I believe it was his support of Escheat that first brought him into the House. I perceive that he and the hon member (Mr Cooper), prick up their ears like hounds when they hear the sound which tells them that the game is afoot. (Laughter.) But I am indeed surprised at the declaration made by the hon member for Charlottetown (Mr Longworth), that a COURT OF ESCHEAT has never been asked for. I think I can easily prove to the committee that that statement is not correct. We find in the preamble to the Bill passed in 1837, which I read before, the recital by the House of Assembly, that "His most gracious Majesty had been pleased to disallow the establishment of a COURT OF ESCHEAT in this Island." That is certainly an admission that it had been applied for, and that the House considered it unattainable. And again, in 1842, on the Escheat resolution, the House of that day decided in opposition to Lord John Russell's despatch in 1841; and one of the resolutions stated that the decision at which the British Government had arrived was in opposition to many previous Acts and records, and among them, to the Act of 1832, intitled "An Act to encourage the settlement and improvement of lands in this Island, and to regulate the proceedings of a COURT OF ESCHEAT therein." Those resolutions were carried by a majority, but the hon member voted against them, and by so doing, put his opinion against the establishment of a COURT OF ESCHEAT on record. And again, in the extract I previously read from Sir George Grey's letter to the hon member (Mr Cooper), it is expressly stated "that it is not the intention of Her Majesty's Government to establish a general COURT OF ESCHEAT in the Island." Now, Mr Chairman, the hon member (Mr Longworth) will tell you, notwithstanding this evidence to the contrary, that the establishment of a COURT OF ESCHEAT has never been agitated in the Island! Not only is the contrary the case, but the hon member voted against the Court. And I ask what language can be plainer, to express the opinion of the Legislature of the Colony, and the decision of the British Government on the question of a COURT OF ESCHEAT. The hon member for Princetown (Hon Mr Montgomery), says the question was submitted to the consideration of the Reform Association. That association did not agitate the question of Escheat. There were plenty of reformatory measures which required the attention and influence of that society, and the association might well doubt whether Escheat would be a reform or not. And now, Mr Chairman, with reference to the extraordinary speech of the hon member for Charlottetown (Hon Mr Palmer), although I agree with the conclusion to which he has

arrived, I was indeed amused at the manner in which he treated the subject. He reminded me of two or three young fellows going to rob a hen-roost. (Laughter.) The hon member laid great stress on the fact that the Bill for establishing a Court of Escheat must pass through the Legislative Council—then receive the sanction of the Lieut Governor. He himself will not support it, but does all he can to induce others to vote for it; as a boy might say to his fellows—"Oh, I cannot rob the hen-roost, it would not do for me to be seen on such a business, but you can go, and I advise you to do so, and I have no objection to participate in the plunder." (Laughter.) I have no doubt that the hon member can find out many grounds of which he will avail himself, to try and recover the Attorney Generalship. He will endeavour to tickle up the hon member (Mr Cooper), and induce him to agitate this question, until ultimately, in the confusion it may create, he and his friends may obtain power and place. But, Sir, the Government have taken their stand on this question, and I agree with the hon member (Hon Mr Palmer), that if Escheat were established it would not affect the original proprietors, as the lands have now, in so many instances, changed hands. And as those changes have, to a great extent, been made on the faith of the despatches of the British Government which I have read to the committee, and of others, with which I have not thought it worth while to trouble them. I do think it would be an act of the grossest injustice to the present owners to deprive them of their properties at this day. The faith of the Home Government has been so repeatedly and so explicitly pledged to the proprietors, that a deviation now from the spirit of its repeated declarations on this subject would render Great Britain a bye-word among nations. The effect of such a breach of faith would convey a reproach which would never be forgotten. Suppose, Mr Chairman, that the present Government, anxious to prevent a majority against them on this question, lent it their aid, or offered no opposition to the resolution, what, I ask, would be the result? Why, Sir, the measure would affect not only the large proprietors, but no distinction could be drawn between the owners of large tracts and small lots—between the proprietors of 10,000, 1,000 or 100 acres. To obviate that difficulty, you would have to bring in a partial Bill, and then we should have the cry of "class legislation." Let the committee consider the lapse of time that has occurred. Why, it is now more than thirty years since the indulgences were granted, and that alone ought to give a title by possession. As to myself, Mr Chairman, I repeat that I never pledged myself to this measure, and if we cannot carry on the Government without holding out to the people hopes of measures which cannot be obtained, I say let the Government be scattered to the winds. I can refer with pride and pleasure to many measures beneficial to the tenantry of the Island, which I have carried through the House. I will instance the Education Act, which enables a man to educate a family of eight or nine children, at an expense of only six shillings a year; the Land Purchase Bill; the Tenants' Compensation Bill; the Bill to prevent the landlords dragging the tenants into the Small Debts Court; the Bill for the protection of tenants, in cases of distress; the One-Ninth Bill; and the Franchise Bill. And in addition to those, there is the proposed tax on the proprietors' rent-rolls. Those measures are all of a practical character, and will work positive good to the people, while Escheat is impracticable, and, as I said before, the agitation is not only useless, but positively mischievous, as exciting hopes which cannot be realized. Why, Mr Chairman, look at the advice given to the people by the hon member (Mr Cooper) in his published pamphlet. In that pamphlet is a recommendation that the Lieutenant Governor be requested to have whatever amount the tenant can pay on account of rents deposited with the Government, and that they be protected from distraint for the arrears of rent until the land question should be settled. Such a recommendation as that is enough to put the country into a state of turmoil from one end to the other; and what, I would ask, can be imagined more disastrous to the people than the adoption of the suggestion. They would get behind hand in their rents, and then the proprietors could at any moment come in and take the last hoof from off their farms. Such a course as that would, I think, be truly holding out "will o' the wisp" to the people. (Laughter.)

Mr. COOPER.—Mr. Chairman, the hon. leader of the Government has paraded before the committee all the despatches he could find, adverse to the establishment of a Court of Escheat, and the hon. member for Charlottetown (Hon. Mr. Palmer), argued to shew that it could be established, but that it was not expedient, inasmuch as he thought it would be productive of evil. But if we look at the original grants, I do not think we need anticipate from the forfeiture of the lands, greater evils than those which the country has sustained by their having been considered in force. The intention of the grants was that the Island should be settled in the proportion of one settler to every 200 acres of land; there was time allowed for such settlement, and the people were to be settled, not as tenants, but as freeholders, for they were to improve the lands, and rent would amount to nothing more or less than interest on the improvements they might have made. There are too many individuals who have got the people under their control, without any legal or honest claim to the claim to the land. The Hon. Col. Secretary says he is anxious to pass any measures calculated to relieve the tenantry, but when the Tenants' Compensation Bill was before the House, I wished its provisions extended to all classes of tenants, and he opposed my views. The Government have it still in their power to bring in a Bill to settle the lands on the terms of the original grants—that is, one settler to every 200 acres. That condition is still in force, and the argument deduced from the transfers of property cannot affect the continuing obligation of settling one person on every 200 acres. According to the returns of the census taken in the year 1832, which I have in my hand, I do not find a single Township in the whole Island having the number of freeholders required by the grants. Township No. 17 was the highest, and had 99 freeholders; and the next was Township No. 28, which was returned as having 94; the rest ranged from 1 to 70, and several of the lots had not one settler in freehold, and many only two or three, or perhaps half a dozen. The result of Escheat would not be authorising the Government to rob individuals, but to induce the settlement of the country in accordance with the terms of the original grants.

Hon. Mr. LORD, Mr. Chairman, I have listened for a long time, with all the gravity and seriousness of which I was capable, to the discussion which we have had to night, and I do not wonder at the fresh vigor which has been infused into the debate, after the remarks which have been made by the Hon. Member for Charlottetown, Hon. Mr. Palmer, which certainly have a tendency to keep up the excitement on this question throughout the Country. He has stated that he was opposed to escheat 20 years ago, and is so now, as a matter of course. But now that we have Responsible Government, the British Government must assent to escheat, whenever we declare that it is our wish to obtain it; that despatches from the Colonial Minister are but waste paper, not worthy of our notice, not even entitled to our consideration, that they do not convey the conclusion of the British Government, and he winds up his speech with the intimation that the lands may probably be escheated. Now, I would like to know, supposing the Hon. Member wished to have the resolution of the Hon. Member Mr. Cooper passed, and escheat established by law, what greater encouragement he could give than he has afforded by such remarks to the very measure he intends to vote against. How well it will read in the newspapers! What contradiction between the speech and the vote! This is indeed, "running with the hare, and hunting with the hound." But I think that Hon. Member has done a serious injury to the country by the speech he has made to night. It will go far to encourage the agitation of this question, going abroad as it will under the influence of his authority. I oppose the resolution, as I believe that the agitation will only prove injurious to the Colony and disquiet the minds of the people for no practical

result, for although the Hon. Member says the British Government *must* grant escheat, I am very well convinced, that whether they *must* or not, they *will* not. (Laughter.)

Hon. Mr. PALMER, Mr. Chairman, the Hon. Member who has just sat down states that he listened to the debate with all the gravity he could call into requisition. I believe him, for I never saw him so grave in my life, and pretty good reason he has for his gravity. (Laughter.) If he is displeased at the observations I previously submitted to the Committee, I can not help that, as I stated that I thought it probable that my speech would not please either party, and I can readily imagine the reason why my remarks were distasteful to the Hon. Member. He knew that I could take a greater latitude, could take a wider range and treat the subject with more freedom than he could, being as he is, fettered by his position as a Member of the Government. The Hon. Col. Secretary has said, that my remarks originated in a desire to turn out the present Government. Sir, however desirable I may conceive a change of Government to be, yet if my conduct to night were guided by any motive of that nature, I should adopt a totally different course from that which I intend to pursue; I should, in that case, vote for the resolution. But, Sir, suppose this resolution carried, and the present Government overthrown, can it be supposed that I would come in and join a Government in carrying out a measure, which but twenty-four hours before I had denounced. The Members of the Government feel that they are in an awkward position in dealing with this question. Thank God, I have not two masters to serve, I can vote on this matter independently, but the Government know they must oppose the resolution of the Hon. Member, Mr. Cooper, and that their opposition will damage them with the people and probably cause them to lose their offices. The Lieutenant Governor, from what I know myself, must feel an interest in the question, and will doubtless use his influence to maintain the rights of property, and his Government must accordingly present a compact front in opposition to the resolution, no matter what may be their individual wishes or opinions. There is the reason for their votes, and I think it will be admitted that mine is based on different and far more creditable grounds. The Government deny that they countenanced the idea that they would support Escheat, and in proof of that they tell us that the word "Escheat" is not mentioned in the bill that was circulated by their party; certainly it is not named in that, and it is not to be supposed that it would be. No, no, Sir, it is not in printed papers, nor on public platforms that we expect to find such statements put forth to the world. But, letters traverse the whole Island, and what is easier than quietly and generally through the medium of letters to private friends, to hold out the expectation of free land, if once they were returned to the House. This is the way in which the seeds of this agitation have been planted, and Members of the Government must not be surprised, if after sowing the wind, they should reap the whirlwind. My course on Escheat has always been consistent; I have entertained and expressed the same sentiments year after year, and my answer to the Hon. Member, Mr. Cooper, has always been the same. I never considered that a Court of Escheat was unconstitutional, but I oppose it, and have opposed it, on the grounds that it was highly inexpedient, and that opinion is in perfect accordance with those of the former Attorney and Solicitor General, which was read by the Hon. Member Mr. Cooper; they did not advise that it was expedient, my opinion as to the constitutional right to such Court is the same as theirs and of all legal men.

Hon. Mr. WHELAN.—Mr. Chairman, as this debate has been protracted to a late hour, it is not my intention, in offering my observations on the question, to occupy the attention of the Committee for any great length of time. I have understood that the Hon. Member, Mr. Cooper, has submitted his views to the Committee through the medium of a written document, and I must express my regret that I was not present at the commencement of the debate, in order that I might have received the benefit of all the information that Hon. Member could afford, through the means he has adopted to



convey it to the House. When some time since, that Hon. Member asked me, in conversation, what were my opinions on the subject we are now discussing, I stated that I should, previously to voting on the matter in this House, listen with all the attention of which I was capable, to the arguments that might be adduced on both sides, but that my then impression was, that it was inexpedient to constitute the Court which is the object of the resolution he has moved.—Some weeks ago, Sir, there was a meeting called of the constituency which I have the honor to represent. At that meeting, although not specially invited, I thought it my duty as representing the district to attend. I went to it, and several questions were put to me as to the views and probable action of the government on the subject of the Fishery Reserves, and the question of Escheat was fully gone into. I explained to the people present at the meeting, the views of the local government on the Reserves, and quoted portions of various despatches and other documents to show the decision of the Imperial Government in opposition to the establishment of a court of Escheat; and I asked them if they considered it advantageous or desirable to assume an attitude of hostility to the British Government? and I convinced them of the futility of the agitation even if it received the encouragement and approval of the Executive Council and the Lieutenant Governor himself. In arriving at the conclusion, which I have come to on this subject, I need scarcely declare that my mind has not been biased by any regard for the proprietors. They have never been friends of mine, and my past history will show that I have never been their advocate. In the views I shall express this evening, I am, I can assure the committee, unbiassed, save by a desire to have the matter settled, without exciting or encouraging an agitation at once useless as far as the attainment of its professed object is concerned, and mischievous in its effect upon the minds of the people. The first thing that attracts my notice in the discussion this evening, is the singular manner in which the resolution of the Member, Mr. Cooper, is worded.—It states: “Whereas Her Majesty has been graciously pleased to give her assent to an Act for the purchase of Land on behalf of the Government, and it is provided in the Fifth Section, that it shall be the duty of the Commissioners to investigate, or cause to be investigated, the titles of such Lands, and make a report of the result of such examination or investigation to government; and whereas the titles to such Lands were to have been made perfect by the performance of certain conditions. Resolved, therefore, that a Court of competent Jurisdiction be appointed to investigate and decide upon the titles of all lands liable to forfeiture, and also to try the fraud in practice, to make British subjects tenants upon forfeited lands, instead of aliens, as intended by the grants.”

Now, Mr. Chairman, I must state my opinion, that this Resolution is an evasion of the question, and does not bring up the subject of Escheat fairly and honestly before the House. This Committee is constituted for the purpose of ascertaining the opinion of Members if a Court of Escheat is to be established, but the Resolution purports to be based on an assumption that the Government have omitted to comply with the spirit and provisions of a particular Act—the Land Purchase Bill—on the assumption that the Government have not investigated the titles of the Worrel Estate previously to the purchase of the property. Now I will ask the Hon. Member who introduced the Resolution if he can say candidly and honestly that no such investigation has been made? Does he mean to say that the Government had not a report on the validity of the titles before them, prior to the purchase of the property? He knows that yesterday the opinion of the Hon. Attorney General was laid before the House, on the subject of the titles, and I say, Sir, that opinion, and the investigation on which it was based, and of which it is the result, are in strict accordance with the provisions of the Land purchase Bill. Does the fifth section of that Bill contain one word about the Establishment of a Court of Escheat? I will read from the section: “It shall be the duty of such the Commissioner of Public Lands, from time to time, when any such tender for the sale of Lands shall be referred to him by the Lieutenant Governor in Council, to examine into the same and the descriptions and particulars thereof, and to investigate or

cause to be investigated the title of such lands, and he shall make a report of the result of such examination and investigation to the Government.” While the negotiations for the purchase of the Worrel Estate were in progress, the chief legal adviser of the Crown made the requisite examination, and his report, which the Commissioner of public lands of course adopted, was submitted to the Government previously to the purchase having been concluded. That report is on the Table, and it proves that the premises on which the resolution is predicated are not correct, and as a necessary consequence, there is no justification for the Court he seeks. When the Committee was proposed, the Hon. Col. Secretary asked me my opinion as to the most desirable mode of proceeding. I suggested that it would probably be as well to wait for any resolutions which the Hon. Member, Mr. Cooper, might introduce. I shall offer in opposition to the resolution he has moved, one hastily drawn up by myself to the following effect:—

“Whereas by various despatches from successive Secretaries of state for the Colonies it has been shown to be the fixed and unalterable determination of Her Majesty's Government to abstain from any investigation into the conditions of the original Grants of Township Lands in this Island, Her Majesty's Government having stated that such conditions were fulfilled as far as practicable—and whereas to agitate the question of Escheat, which is almost universally deemed to be a necessary forerunner to the commencement of the investigation referred to, would lead to unsettle the minds of the tenantry of this Colony, without producing the least beneficial result, owing to the positive refusal of Her Majesty's Government to sanction the establishment of any such Court of Escheat—and whereas this Committee have every reason to believe that the great majority of the population of this Island are satisfied with the Law passed in 1853 for the purpose of purchasing the interest of Proprietors in the Township lands in this Island; as the easiest and most effectual mode of settling the long vexed question between landlord and tenant, and that no such extreme measure as an Escheat is now expected by the majority of the population. Resolved therefore, that it is inexpedient and unnecessary to appeal again to the Imperial authorities for its sanction on behalf of a measure so long agitated and so firmly rejected by Her Majesty's Government.”

In moving that resolution it will not be necessary for me to take up the time of the Committee, after what has fallen from the Hon. Col. Secretary. I shall, however, make one or two remarks in addition to his, and I must in the first place allude to the strange doctrine promulgated by the Hon. Member for Charlottetown, Hon. Mr. Palmer, that a despatch was not to be considered as binding on the Government. That it was merely, as the Hon. Member, Mr. Cooper, had stated, the expression of the individual opinion of the Colonial Minister of the day. This idea was dwelt upon with considerable earnestness by the hon. member, and I must say it is the most extraordinary and indefensible doctrine I ever listened to within the walls of this House. What, Sir, a despatch not the expression of the will of the Government? Not to be considered in a higher light than as a mere declaration of personal opinion! On what, I would ask that member, is our constitution based?

Hon. Mr. PALMER.—On Responsible Government.

Hon. Mr. WHELAN.—On Responsible Government! “I thank thee, Jew, for teaching me that word.” (laughter) But is not Responsible Government itself based on a Despatch? (oh oh.) Hon. members may cry “oh,” but I maintain that all our Colonial Constitutions are founded on Despatches from Colonial Ministers.

Hon. Mr. PALMER.—Then a Despatch may take it away again.

Hon. Mr. WHELAN.—The Hon. Member for Charlottetown went further, and stated that it was the duty of the Government of the Colony to resist the Imperial Government, that the understanding between that Government and the proprietors was not to be considered as an obstacle—that the Bill having once received the sanction of this House, and of the Legislative Council, and then been approved by the Lieutenant Governor and the Executive Council, must, as a matter of course, be allowed by the British Government. Why, Sir, I may well express surprise at such opinions and assertions coming from such a source. Why was it that the Bank Bill, which had all those aids, did not receive the royal assent?

Hon. Mr. PALMER.—Because it had a suspending clause.



Hon. Mr. WHELAN.—Does the hon. member mean to say that we should pass a Bill establishing a Court of Escheat without a suspending clause, and that, if we did, the British Government would allow its operation?

Hon. Mr. LONGWORTH.—They would have to.

Hon. Mr. WHELAN.—If, Mr. Chairman, the Government of the Colony have the power, as asserted by the two hon. members for Charlottetown, I would like to know, why, when they were in power, they did not constitute the Court?

Hon. Mr. PALMER.—Because it was against my principles.

Hon. Mr. WHELAN.—Yes, and I suppose it was against your colleague's principles too, notwithstanding his speech to night in favor of it, (laughter). Having now, Mr. Chairman, noticed the more prominent members of the minority, I will turn to this side, and I shall notice in the first place the Hon. Member, Mr. Laird. He stated that under Responsible Government we could obtain the establishment of the Court. Now, in the name of common sense, what connection is there between Responsible Government and the establishment of a Court of Escheat? I would ask that Hon. Member, why, entertaining such opinions, he was so quiescent from 1851 to 1855? Responsible Government was conceded in 1851, yet no syllable was heard from the Hon. Member in favor of Escheat. He must assuredly have been guilty of a gross neglect of duty in not bringing it before the House, if he deemed it so essentially necessary and so undoubtedly a matter of right. I shall now, Mr. Chairman, notice a remark or two which were made by the Hon. Member, Mr. McIntosh, and in the first place I must admit that he has paid a high compliment to the people of the Island, his own constituents included, when he designated them "bastards." I doubt not that the term will be very popular, and that the Hon. Member's courteous appellation will be duly acknowledged by those to whom it was applied. (Laughter.) He has made allusion to some imaginary case of turning out one set of Land Agents to make room for another. Now, if he means by that to convey the idea that the present Government are land agents, I cannot believe that he is sincere in making the insinuation that he has. There is not a single Member of the Government agent of a proprietor, with the exception of the Hon. Col. Treasurer, and the Hon. Member himself must admit that that gentleman is in every respect worthy of his high position in this House and in the Government of the Colony. How unfair is it for the Hon. Member to say that the people have derived no benefit from Responsible Government—that the only difference consists in a mere change of office holders. Does that Hon. Member forget the measures the liberal party has carried from 1851 to 1855? Is the extension of the franchise nothing? Is the opening of the ports a measure so unimportant and so unproductive of benefit that it has escaped the recollection of the Hon. Member? Cannot his memory suggest the passing of the 1-9th bill, the Education Act, and many other Acts I could name, which the liberal party have carried? Why is it that after being pledged as was his colleague, to support the liberal Government, he now says that the only difference between that and the Government it superseded is a change in the individuals holding the reins? Sorry indeed I am, Mr. Chairman, to hear such expressions from a gentleman who has hitherto uniformly accorded his support to the present Government, and equally did I regret his assertions that Hon. Members were speculating in lands.

Mr. McINTOSH.—I said I had been told so, and I am afraid I shall have to believe it. (Laughter.)

Hon. Mr. WHELAN.—Then I should like to know on what grounds the hon. member bases his belief. Is there, in the purchase of the Worrel estate, any thing to justify his belief. He knows there is not. And yet does he hesitate to adduce such charges at the very time when he cannot bring forward a shadow of evidence to substantiate them; there should be at least some slight appearance of fact—something at least, which might give the imputation a character of probability, no matter how faint. Look at the effect of such remarks going abroad to the country from the pen of the Reporter. I must say, that the remarks he has made to-night are inconsistent with the opinion I had formed of his character. Another opinion he has expressed deserves some notice at my hands. He has stated that a Court of Escheat is our right under our constitution. I ask him where he finds the authority for that doctrine? Is it to be found in the despatch of 1851, by which Responsible Government was conceded to the Colony? Our constitution is based upon a

despatch from Lord Grey, which gave us the principle of responsibility to the people, on the part of their rulers, and which was conditional on the settlement of the Civil List Bill. In that despatch not one word is to be found on the subject of a Court of Escheat; on the contrary, there issued from the same office, almost at the same time, the so-called "bloody despatch." Will the hon. member say that that despatch forms part of our constitution? It is no more a part of our constitution than the constitution of China. Now, Mr. Chairman, I must leave my friends on my left, though sorry to part with good company, (laughter,) and turn once more to my right, and I shall take up the remarks of the hon. member for Princetown (Hon. Mr. Montgomery). I must say, Sir, that he has alleged a most extraordinary reason for the vote he purposes to give. He states that the question has been the subject of general agitation throughout the country, and that individuals have been going about the country exciting the people by instilling the hope that Escheat will be granted, and that he will vote in favor of the Court to test the question. Now, Mr. Chairman, I deny that persons have been sent through the Colony on the errand he has alleged, and I affirm that no agitation of the question was got up by the liberals for the purpose of obtaining support at the last general election. Those statements were made by the party in opposition and the press which supports them. But I defy them to adduce proof of their assertions. Who are the liberal members of this House to whom those charges will apply? I ask him to name. No, Sir, he knows he cannot name a single individual among the supporters of the Government in this House who has acted as he would fain induce the people to believe. With reference to the observation of the hon. member for Charlottetown (Hon. Mr. Palmer), that the liberal members, by offering opposition to the resolution of the hon. member (Mr. Cooper), might laugh themselves out of the House. It is scarcely necessary to remind that hon. member that the mirth which provoked his observation was not caused by the resolution, but was excited by a remark of his own, which certainly was calculated to excite our risibilities. Now, Mr. Chairman, I, for one, am not at all afraid of incurring the disapproval of my constituents by the vote I shall give to-night. I have had the honor of representing the Second District of King's County since the year 1846, and from that time to the present I have never, by word or act, induced my constituents to suppose that I would go for Escheat. So far from that, I have repeatedly told them that it was impracticable, and that the agitation would only tend to increase excitement, from which no benefit could accrue; and, Sir, when I heard, during the Session, of a monster meeting to be held in my district for the purpose of impairing my influence, I issued a placard, announcing my intention of being present. That meeting was called by Mr. Cox, and the Chairman was nominated by him; yet, notwithstanding this, Mr. Cox and his friends could not succeed in carrying a single resolution explanatory of their views in favor of Escheat.

Hon. Mr. LONGWORTH.—Although it may not be strictly regular for me to interrupt the hon. member, I think I can satisfactorily explain that fact. It happened to be that the hon. member and the Chairman proposed by Mr. Cox went to the place to which the meeting was appointed to be held in the sleigh of the hon. member, and during their ride together the Chairman, by some means or other, was induced to change his views. (Laughter.) But I have been informed that the majority of the meeting were in favor of Escheat, and would have so declared themselves, if they had been allowed their own way.

Hon. Mr. WHELAN.—Mr. Chairman, I must explain, that

the assertion of the hon. member that the act of the Chairman going to the meeting in my sleigh, does not convey any reflection prejudicial to me, nor does it subject that gentleman to the charge of having been influenced by any conversation that may have taken place between us on our journey. When he took a seat in my sleigh I knew not that he was to be the Chairman. Mr. Cox himself changed the place of meeting from the locality designated in the printed notices to a place somewhat distant. While I was in the house at which the meeting was first appointed to be held, a Chairman was selected, of which selection I was totally unconscious. But, Sir, if as has been said, the majority of that meeting were in favour of Escheat, allowing the hon. member the full benefit of his assertion, and supposing, for the sake of argument, that the Chairman might have been influenced by me, why were not resolutions passed in favor of Escheat? Any resolution to that effect would have been triumphantly carried against the opinion of the Chairman; but I state here that the opinion of the meeting was decidedly and most emphatically expressed the other way.

Mr. McINTOSH.—I deny it.

Hon. Mr. WHELAN.—What proof does the hon. member adduce to substantiate his denial? In truth, Mr. Chairman, his denial of my assertion is entitled to about as much credit as his declaration that hon. members on this side of the House were speculating in the Government lands. If resolutions had been passed in favor of Escheat, where, in the name of common sense, are they?

Mr. COOPER.—I can tell where they are.

Hon. Mr. WHELAN.—I understand the object of those frequent interruptions, Mr. Chairman, and I can assure the hon. member and others, that so far from having the effect they desire, of interfering with my argument, they but assist it. The hon. member, I presume, refers to the protest which has been sent here, which states that the people were disgusted at the meeting, and that the resolutions, as reported by the Chairman, are not the opinions of the majority of those present. But, Sir, I well know the parties from whom that protest emanated. Mr. McPhee and Mr. McKinnon were the only two who opposed the resolutions which were passed, and on the division they went to the north side, and opposed the resolutions against Escheat. But all this does not come to the gist of the question. Why did they not, if they could, pass counter resolutions? I must now again revert to the course pursued by the hon. member for Charlottetown (Hon. Mr. Longworth), who states that his vote in favor of the resolution for a Court of Escheat, will not interfere with his votes previously given on the question of Escheat, as recorded on the journals. He says he has voted against escheating the lands, but that is not voting against the establishment of a Court of Escheat, and he seems to argue that there is a great difference in principle between Escheat itself and the institution of a Court of Escheat. Now, for the life of me, I cannot see the distinction, and I am really at a loss to know what he means by such a line of argument.

Hon. Mr. LONGWORTH.—You take the meaning from it.

Hon. Mr. WHELAN.—Yes, I flatter myself I will take the meaning out of it before I have done with you. (Laughter.) The hon. member says he will go for a Court of Escheat, but at the same time is dead against Escheat itself. Now, I ask, where is the difference? Why ask for a Court of Escheat unless it is expected that the lands will be escheated?

Hon. Mr. LONGWORTH.—The Court will escheat the lands if liable to be escheated. I did not say they were liable.

Hon. Mr. WHELAN.—Then why go for a Court of Escheat?

Hon. Mr. LONGWORTH.—To try the titles.

Hon. Mr. WHELAN.—Then what is the use of a Court to try the titles, if that Court cannot pronounce them bad? (Laughter.) I will now, Sir, allude to the handbill which has been spoken of by the hon. member for Princetown (Hon. Mr. Montgomery).

Hon. Mr. MONTGOMERY.—Perhaps it was printed by yourself. (Laughter.)

Hon. Mr. WHELAN.—No, Mr. Chairman, it was not; but if it had been I should not deny it. I acknowledge right cheerfully that I saw the handbill, and I go further, and say that I approved of it. If my memory serves me aright, I saw it in the *Islander* newspaper, and I think it held out to the tenants the prospect of obtaining freeholds under the provisions of the Land Purchase Bill. I will now appeal to the candor of the two hon. members for Charlottetown, and the hon. member for Princetown, and ask them if Escheat was ever mentioned in that handbill? I know, and so do they, that Escheat was not named it; and even supposing that it had been, should it be considered as binding hon. members on this side to support Escheat? What was it more than one of the anonymous publications put forth on the eve of an election to influence parties on one side or the other? Why, Sir, there issued from the *Islander* office quires and reams of falsehoods and libels for the purpose of injuring the former Colonial Secretary, Hon. Mr. Warburton, and his political friends in this House. I remember that the Tories sought to hunt down that hon. gentleman as you would pursue a mad dog, when it was attempted to impair his influence by propagating the assertion that he was an Orangeman. When that and other equally groundless charges were being poured forth with all the unrestrained copiousness which might be expected from a licentious and unscrupulous press, did I, or the party with whom I act in this House, assert or insinuate that the hon. members opposite were to be held responsible for the foul slanders I allude to? No, Sir, we did not, and God forbid we ever should hold those gentlemen responsible for such charges. I treat them with more respect, and I hold it to be unfair to attribute to any anonymous document, such as this handbill, the character of a promise on the part of the Government to advocate Escheat. At this late hour, Mr. Chairman, it is not my intention to trespass on your time much further, but I shall read to the committee an extract from a despatch which has not been referred to by my hon. friend the Col. Secretary. It is from the then Col. Minister, Lord Glenelg, in the year 1836:—

“Before His Majesty’s Government could be a party to the forfeiture of any estate for non-performance of the settlement duties, they would require to be satisfied, not only that there are not, at the present moment, but that there have not been at any time, the stipulated number of settlers on that estate, and that this circumstance has arisen from the wilful neglect of the proprietor. It is needless to say that such an inquiry could scarcely be now undertaken with any success—that it would be tedious and expensive in its process—and that it must tend to alarm the public mind, without holding out any fair prospect of a useful result. For these reasons His Majesty’s Government must at once decline to advise His Majesty to accede to the prayer of the Assembly, as set forth in their address of the 9th April last.” Now, I ask if the resolution should be carried, and a Bill in accordance be introduced and passed into a Law, if the suggestions in that despatch are or are not worthy of our consideration? How will the hon. member prove that the conditions of the grants have not been complied with? He may, and probably will say that the indulgences subsequently allowed prove that the original stipulations had not been

fulfilled; but supposing I admit the inference, what evidence does he bring forward to shew that the terms on which the indulgences were granted have not been carried out by the parties in whose favor they were allowed? In no one instance is a tittle of authority brought to shew that the terms of either the grants or indulgences have not been satisfied. But, Mr. Chairman, I now come to the most important point of the whole subject. I mean the idea which has been extensively propagated, to the effect, that Escheat once established, the people would obtain the fee simple of their lands free of cost. This expectation has been constantly held up before the people, and it has been the main prop of the agitation that has been excited over the length and breadth of the land. This opinion is met by the despatch already quoted, in the following terms:—

“It would appear that an erroneous impression has got abroad among the poorer class of settlers, that on forfeiture by the present proprietors of their titles to the land, it would be regranted by His Majesty in freehold to the actual occupants. This impression, indeed, would seem to have originated as far back as the year 1787; and it may, perhaps, have derived some confirmation from the course pursued with respect to the forfeited Lots, Nos. 15 and 55. Nothing, however, can be more unfounded. You will take the most effectual means in your power for making it generally known, that even should His Majesty be advised in any case to proceed against lands liable to forfeiture, the Crown would, in the event of its success, step exactly into the place of the former proprietor, and would enforce the observance of any contract which might have been made with him by the tenant; and that under no circumstances which it is possible to anticipate, would gratuitous grants of land be conceded to any persons whatever. But you will, at the same time, announce that His Majesty's Ministers have not, as at present advised, felt themselves at liberty to sanction any proceedings for enforcing the forfeiture of estates on the ground of the non-performance of the original conditions respecting settlement.”

If then, Mr. Chairman, this be the case, and the doctrine is laid down with authoritative emphasis, the tenantry would be no better off after Escheat had been granted than they are at present. They may probably get their freeholds from the proprietors at as a low price as they could from the Crown, and this shews that the supporters of the resolution are not advocating the measure because they really believe it will be beneficial to the public. Before I resume my seat, Mr. Chairman, I must express my surprise at the speech of the hon. member for Charlottetown (Hon. Mr. Palmer). I will not express myself with regard to it, as did my hon. friend, Mr. Lord. A feeling of compassion will prevent me saying that I was displeased at it, for I am satisfied that the hon. member was not particularly well pleased at the position in which he found himself to-night, compelled by a regard to consistency to vote against Escheat, but at the same time induced by his desire to damage the Government, he censures them for voting in the same way, and elaborately sends to the country all the reasons he can imagine in favor of Escheat. His voting with the Government, and at the same time coquetting with the hon. member (Mr. Cooper), shows that he is in a position to say with the highway robber, in the Beggar's Opera—

“How happy could I be with either,  
Were t'other dear charmer away.”

But, perhaps, his principal object in making the observations he has to-night, has been to give expression to the feelings of irritation he experiences at the unhappy position in which he is placed.

Mr. DINGWALL.—Mr. Chairman, perhaps it might have been said formerly that I was in favor of Escheat. But, Sir, time and circumstances alter cases; and what might at one period be a proper and just course to pursue, may afterwards be unwise and injurious. The despatches which have been quoted, shew that it is desirable for the general benefit that this agitation for Escheat should be abandoned, and that the people should be induced to accept the benefits held out to them by the Land Purchase Bill. I may be wrong in my opinion, but I do not think so; and although I may render myself liable to the charge of inconsistency. I would rather submit to that than vote for the resolution of the hon. member (Mr. Cooper), from which I really cannot see that any good will result to the country. I think it would only aggravate the evils already existing, and increase the distress of the poorer classes of the tenantry. In this belief I shall vote against the resolution of the hon. member (Mr. Cooper), and in favor of that offered in amendment by my hon. colleague.

Mr. McINTOSH.—Mr. Chairman, the Hon. Col. Secretary has imputed to those of the liberal party who may vote in favor of the resolution proposed by Mr. Cooper, a desire to overturn the Government. So far from deserving that imputation, I can feel a strong desire to keep them in power, and my course on this subject is calculated to strengthen their hands, by giving them increased means of doing good to the people. I cheerfully give them credit for all the good they have done. For instance, the carrying of the Education Bill, which I consider to be the best measure ever carried into a law in this Island. But while I approve of all the beneficial acts they have done, I cannot have the same opinion of their conduct in paying speculators at the expense of the people. I do not see that the Colony will be any better off under the Land Purchase Bill; on the contrary, I think it may be placed in a worse position if that Bill is generally acted on. Why, Mr. Chairman, at the rate at which the Government paid for the Worrel estate, it would take £400,000 to buy up the lands. Now, that money should be kept in the country; we all know it is wanted; but if the Land Purchase Bill is the only resource, it will be—

“Like to the snow-flake in the river,  
A moment seen, then lost forever.”

I am sorry to see that the Government are disposed to treat a despatch as if it were entitled to as much authority as the Gospel. I am not inclined to regard them in that light. We all know how easy it is to send communications from this side of the water, and get out despatches to suit the views of the party in power. The hon. member (Mr. Whelan) said, the other day, that one of the petitions on the table, which purported to be from his district, was not the petition of his constituents, but had come from the first district of King's County. Now, Mr. Chairman, I will state, on the veracity of a man who never lied, that I myself have seen upwards of a hundred of that hon. member's constituents, who asked my opinion as to what would probably be done on the subject of the land tenures. I told them that they had better ask their representative. They replied to the effect that there was no use in doing that, as they had no confidence in him. As to the meeting held in his district, to which the hon. member has alluded, I regret that I had not time to go to it. But I am credibly informed that the day was very stormy, and in consequence, a number of the people sought the shelter of some bushes on one side of the place where the Chairman presided. While they were there, not taking part in the proceedings, some resolutions were put, and those in favor of them were requested to go to the side

of the bush. (Laughter.) That is the way the hon. member got his majority. (Laughter.) When the people came to understand the manner in which the resolutions had been carried, they wished to have them reconsidered; but this the Chairman would not allow. I do not intend to charge the hon. member with insincerity, but I remember the time when a meeting was held at the head of Cardigan, about four years ago. The then Sheriff was somewhat timid, and it seemed as though he had not courage to call the meeting. As a member of the Government of the day, the hon. member could not take an active part in support of the views of the meeting, but he recommended the people to pass resolutions. I support the resolution for a Court of Escheat, in order to put means into the hands of the Government, by which they may be enabled to do good to the country. I intend to persevere in my opinions, and I maintain that it is absurd to say that a despatch from the Colonial Minister, inimical to the rights and wishes of the people, should be considered as binding on the Colony. The Crown held the lands solely in trust, to be given out to the people in parcels, as required. The Sovereign, as such, can do nothing but what is provided by law.

Mr. LAIRD.—Mr. Chairman, I will answer the remark that has been made with reference to my not having declared myself an Escheator before the House met. I know that I was not asked to go for it. There were then no petitions in favor of it. Now, if the petitions do not contain a majority of the people, still they are numerous and respectably signed.

Hon. Mr. WHELAN.—Are these petitions from your own constituency?

Mr. LAIRD, whether these are or are not, I can tell the Hon. Member I would not take advantage of the lee side of the bush as he did. (Roars of Laughter.)

Hon. Mr. MOONEY.—I agree, Mr. Chairman, with the Hon. Member Mr. Laird, that when responsible Government was granted, expectations were formed that in all matters the people were to have the control of their own affairs, and I have always thought that the extension of the franchise gave the people power to bring down the highest from their proud position, and that a seat in this house was the greatest honor that could be conferred on any man. It is for the people to say whether any Hon. Member has been unfaithful to his trust or not, and the argument drawn by the Hon. Member, Mr. Montgomery, from the hand bill he has spoken of, comes with a bad grace from him. I can answer for myself, that I never gave any pledge to my constituents, except the general one that if elected, I would do the best I could for their interests. But the reason for the attacks that have been made upon the Government this evening, it is clear enough, proceed from the disappointed expectations of certain gentlemen, who have been kept out of office longer than they expected, and we all know that hope long deferred becometh sour. Now, forsooth, they argue that Members are in a pretty fix. That they cannot be faithful to their constituents, and all because some handbill which nobody owns appeared before the last election. Now, Mr. Chairman, let us take a retrospective glance at some of those to whom these allusions have reference, and I will begin with the Hon. Col. Secretary. He repudiated the idea of escheat in 1843, and from that time to the present I declare I have never heard him express an opinion in favour of it, but he has always advocated the policy of turning leaseholders into freeholders, on the principles of the Land Purchase Bill. Take the Hon. Member, Mr. Whelan, I have known him long, and have been a subscriber to his paper, and I never knew him in conversation or in his journal support escheat. The Hon. Col. Treasurer in 1847 stated that he would support the interests of the tenantry as far as fixing the amount of rent they were to pay as sterling money and securing to them long leases, but that he would never go for escheat. I know that the Hon. Member, Mr. Wightman, never was an escheator; and not to mention others, I will only name the Hon. Mr. Speaker, who was always opposed to escheat. Now, Mr. Chairman, when such men as those, whose opinions on this subject, are well known, have been from time to time returned to this House, why harp about their having held out false hopes to the people? By the by, there is the Hon. Member for Belfast, Mr. Douse, he, I believe, can get in in spite of the electors. (Laughter.) And I must not

forget Mr. Yeo, and the Hon. Members for Charlottetown. Now, does not the fact of their having seats here prove that this agitation is useless? I would be willing to go for escheat, if I thought it could be obtained, but I am satisfied that it cannot be. The Hon. Member, Mr. Cooper, has charged the Government with having omitted to investigate the titles to the Morrell Estates before they purchased it. I can tell him that the Hon. Attorney General was six days in my office, inspecting the titles, and I said to myself that I would not care about being the Attorney General if Mr. Pope had much land to sell. It is true that the Hon. Member, Mr. Montgomery, comes out as an escheator, but he knows that no good will result from agitating the question. I am not in the habit of acting in that manner. I am ready and willing to resign the office I hold, and vacate my seat in this House, whenever my constituents call upon me to do so, and go back to Flinty Glen and follow the plough. Thank God, I have never been upbraided by my constituents for a single vote I have ever given since I became a Member of this House, and I am prepared to answer for my vote on this occasion, and if they censure me for it, it will be the first for which I have been blamed. I recollect, Mr. Chairman, when Responsible Government was being introduced, the Hon. Member for Charlottetown, Hon. Mr. Longworth, stated that there ought to be a distinct understanding that the land question was to be considered as settled then and forever. His colleague, the Hon. Mr. Palmer, can not vote for escheat, he is so very consistent. But the Hon. Members, Mr. Longworth and Mr. Montgomery, though they come out as escheators to night, could and did impose a tax on the poor tenantry, of six pence on every 100 acres, to buy Sir Donald Campbell with £500, while the rich men of Charlottetown, Princeton, and Georgetown, were exempted from the tax. I shall not Mr. Chairman, at this late hour, detain the Committee any longer, but before I sit down I must wish the Hon. Member, Mr. Cooper, much joy of his new allies and supporters.

Hon. Mr. LONGWORTH, I am not at all surprised, Mr. Chairman, at the tenor of the remarks which we have just heard. I knew, before this debate commenced, that we should find Members of the Government and their supporters, scratching each other—(Laughter). I do not think that two years ago the Hon. Member who has just sat down would have opposed the establishment of a Court of Escheat—but now times are changed with him; he is bound hand and foot to the Government. It is no longer Robert Mooney but £200 a year that votes,—we have had an abundance of old despatches read to night, and the Hon. Member Mr. Whelan, has taken an authority to control our action to night, one nearly 20 years old. He may find it convenient to consider that conclusive on us now, but if the introduction of Responsible Government were the question, I doubt whether so antiquated a document would have equal weight with him. I deny, Mr. Chairman, that Lord Grey gave us Responsible Government; it was obtained by the Act of this House, in settling the civil list Bill—That Hon. Member says that I never previously supported a Court of Escheat,—I defy him to show where I ever opposed it—as I have said before, it was never asked for. Several years since a Bill passed, regulating the proceedings of a Court of Escheat, and I cannot see the alleged injustice in asking and obtaining such an institution, which the other Colonies have long had. Why then should not the Island have one also? As to the resolutions stated to have been carried at Morell, I do not see what they have to do with this question, but when the Hon. Member rises in his place and states that they were passed by a majority, I am inclined to doubt his assertion. It is true I speak from hearsay, but of course it suited the purpose of the Hon. Member to arrange about them with the Chairman when he got him into his Sleigh, and then to represent them as the opinions of the majority.

Hon. Col. SECRETARY.—Mr. Chairman, I am surprised that the Hon. Member will persist in the assertion that he never voted against Escheat, when his name is recorded in the journals on the division which I read before and which I will read again.

The Hon. Col. Secretary read the division alluded to.

I will just remark on the statement made by the Hon. Member, Mr. McIntosh, that it would take £400,000 to settle the people as Freeholders. Why Sir, if the Lands were escheated, the people would still have to pay for them, and the Lands which were escheated some years ago, were not sold to purchasers at a lower price than that at which the Morell Estate is offered. About one third of the Island is now free, and it will not cost more than £250,000 or £260,000 to make it all free. It can be purchased at a reasonable rate, as measures are in progress which will have the effect of inducing the proprietors to sell at a low price.

Mr. COOPER.—I can inform the Honorable Member for the second district of King's County, that I received by post a series of resolutions come to by his constituents,



at a public meeting upon Township 42. The resolutions are any thing but complimentary to him, for his report of the proceedings of the meeting at the Head of St. Peter's Bay. In the note addressed to me, I was requested to hand them to Mr. Ings for publication, but as I had not been in communication with the publisher of the *Islander*, I advised with my colleague as to the propriety of sending them to an opposition journal. We had not decided when two of the men, who had been at the meeting and agreed to the resolutions, came into Town, and the resolutions were given up to them to be published where they pleased. The Members of the Government exult greatly in the Minister's despatches, as if they were the laws of the land. Those despatches were sent here to deceive the people, but it is time that they were better informed. I own that I was deceived with the indulgence of 1816, until I went to England on the present question. In my interview with Lord Glenelg he said it would be hard to take the land from persons who had held it so long. I pointed out the indulgence of 1816, to show that the Tenantry ought to be settled in freehold at ten years after the indulgence was given. He evaded the question, until it was repeatedly pressed upon his attention, when he said they could not act upon it. Now, there is an indulgence sent to the colony—a Minister's dispatch to change the conditions of the grants to all appearance, but it could not be acted upon; consequently, it was for no other purpose but to deceive and defraud the people, and the rest of the despatches have been to renew and uphold the deception. But although Ministers deceive the people, they must not deceive the Queen, or advise the Sovereign to pass an unjust Law. Therefore a clause to investigate the titles had to be inserted in the Purchase Bill, and to show with what care the Sovereign is advised and saved from committing wrong, I shall read the proceedings of giving the Royal assent to the Purchase Bill.

"At the Court at Windsor,

"24th day of October, 1853.

PRESENT:

"The Queen's Most Excellent Majesty;

"His Royal Highness Prince Albert;

"Lord Steward,	Earl of Clarendon,
Lord Steward,	Lord John Russell,
Duke of Newcastle,	Sir James Graham, Bt.,
Duke of Wellington,	Mr. Chancellor of the Ex-
Marquis of Abercorn,	chequer.

"WHEREAS the Lieutenant Governor of Her Majesty's Island of Prince Edward, with the Council and Assembly of the said Island, did, in the month of April last, pass three Acts, which have been transmitted, entitled as follows, viz:—

"No. 888.—An Act for the Purchase of Lands on behalf of the Government of Prince Edward Island, and to regulate the sale and management thereof, and for other purposes herein mentioned.

"And whereas the said Acts have been referred to the Committee of the Lords of Her Majesty's most Honorable Privy Council, appointed for the consideration of all matters relating to Trade and Foreign Plantations, and the said Committee have reported as their opinion to Her Majesty's special confirmation, Her Majesty was thereupon this day pleased, by and with the advice of her Privy Council, to declare her special confirmation of the said Act; and the same is hereby specially confirmed, ratified and finally enacted accordingly; whereof the Governor, Lieutenant Governor, or Commander in Chief for the time being, of Her Majesty's Island of Prince Edward; and all other persons whom it may concern, are to take notice, and govern themselves accordingly.

"WM. L. SATHURST."

Such is the guarded and solemn course adopted for giving the Royal assent to a Law, and before any land can be purchased under that Act the fifth section requires.—

"The Commissioner of public lands shall investigate or cause to be investigated the title to such lands, and he shall make a report of the result of such examination and investigation to the Government."

Now I shall read the report of what has been called an investigation of the titles of the Worrel Estates:

"The original grants of the Townships contain the reservations (except 66) of Fishery Reserves, (the soil in the Crown) but a good deal of the land fronting on the reserves, is in the hands of Freeholders.

"The vendor has agreed to allow 600 acres to the Government, as the amount of Fishery Reserves estimated to exist in front of the lands tendered.

"The conditions of settlement in all the grants are the usual conditions, and being known to the Government, I have deemed it unnecessary to advert to them in the foregoing abstract."

According to this report there appears to have been an investigation of the transfers from one party to another, but no investigation of the titles; and to purchase land without an investigation of the titles is illegal; therefore, instead of purchasing the Worrel Estate according to the Act, the Government purchase forfeited land, and shelter themselves with Ministers' despatches, and by what one man said and what another party did years ago. Although I have asked for a Court and a trial of the proprietors titles, I have never said the land should be Escheated, without any compensation. I never was opposed to an equitable adjustment between Landlord and Tenant. If the Worrel Estate had been forfeited on a trial of titles, and if it had been shown that Worrel had an equitable claim to 3s an acre, there is no ground to show that a forestaller was entitled to 3s an acre more.—£13,000 for a job for which the people must pay, because the titles were not investigated according to law. Therefore I say the titles of the land must be investigated by a Court and Jury, and the Government must have the Escheat in the one hand, and the compensation in the other, before they can make a purchase of the land that will satisfy the people, and settle the Tenantry. If the people had been offered the land at from 3s to 1s 6d an acre, according to quality and situation, as they expected from the purchase bill, it would not have been in my power (if I had been so inclined) to get up an agitation. [Here] the Hon. Mr. Lord spoke of the arrears of quit rent. I am thankful the Hon. Member has put me in mind of the large amount of arrears of Quit rent due to this colony, and I ask the members of the Government how much they deducted from the price of the Worrel Estate for the large amount of Quit rent due from those Estates.

After a few unimportant remarks the Committee divided on the amendment proposed by the Hon. Mr. Whelan, as follows:—

*Ayes*—Hon. Col. Secretary, Hon. Col. Treasurer, Hons. Messrs. Palmer, Whelan, Lord, Mooney, Wightman, the Speaker, Messrs. Dingwell, McDonald, Muirhead, Clark, Perry and Munro.—14.

*Nays*—Messrs. Cooper, M'Intosh, Laird, Hons. Messrs. Longworth and Montgomery.—5.

After the Speaker had resumed the Chair, Mr. Haviland, who had occupied the Chair of the Committee, rose in his place and addressed the House to the following effect:—

Mr. Speaker, having occupied the chair of the Committee, now for seven hours, and listened to no less than fifty speeches, I feel it my duty to express my opinion on the question, as it is one on which I should not like to give a silent vote,—more especially as I have been twitted by Members of the Government with having changed my opinions with reference to Escheat, and it has been insinuated that I have become an Escheator, influenced by the prospect of obtaining the seals of office. This idea appears to have had its origin in the support I gave the Hon. Member Mr. Cooper, the other day, on his motion, for the consideration of the petitions being taken up by the House in Committee on the state of the Colony. I supported the motion for that Committee, as being a more solemn and important tribunal, and therefore more appropriate to the decision of such a question as the present. But Sir, in doing so, I did not change my opinions on the subject. They are the same I have always maintained, and I fear not to express them. Escheat has never been mooted since I have had a seat in this House till to-night; and I have listened with all the attention I could apply to the speeches on both sides, and nothing that I have heard to-night has induced me to alter my previously conceived opinions. I have always thought, that the time had gone by in which it was desirable to establish a Court of Escheat, and I believe such Court, if established and in operation to-



narrow, would be a perfect Pandora's box to the Island. Suppose, Sir, that it was established, and the original grants should be pronounced invalid, and the lands consequently forfeited, whom would such decision principally affect? Not the original proprietors, of whom perhaps there are not three at present in existence. But the hundreds and thousands of small freeholders who have honestly expended their time, money, and labor, on their properties, would be the sufferers. For if the original titles were declared bad, all claims under them must fall with them. Consider for one moment the confusion which would ensue from such a state of affairs. Sorry as I am to differ with some Hon. Members with whom I generally act, it is right that I should plainly and candidly give utterance to my opinions, and not "keep the word of promise to the ear and break it to the hope." How much soever I may be twitted by Members as to my being anxious to obtain office, I can truly say, that I never have, and, I trust, never shall, sacrifice what I honestly believe to be for the good of the Country, for the prospect of obtaining any office, and on this question I will say, that any Government supporting escheat would bring upon the country mischiefs such as we have never known, and such as I hope we never may know. I do not intend to occupy more of the time of the House, as my object in addressing it was merely to let the public know my opinion on the subject of Escheat.

On the Hon. Mr. WHELAN'S resolution being reported, Mr. Cooper moved his *in* amendment, which was lost on the following division:

**AYES.**—Hon. Mr. Montgomery, Messrs. M'Intosh, Cooper and Laird, —4.

**NAYS.**—Hon. Col. Secretary, Hon. Col. Treasurer, Hons. Messrs. Wightman, Lord, Palmer, Mooney, Longworth and Whelan. Messrs. Perry, Haviland, Muirhead, Clarke, Haviland, M'Donald, Dingwell, Munro.

Hon. Mr. Longworth's motion was then put and lost on the same division with the exception that he voted with the ayes.

The Hon. Mr. WHELAN'S resolution then passed, the Hons. Messrs. Montgomery and Longworth, and Messrs. Laird M'Intosh, and Mr. Cooper voting against it.

## THE MAINE LIQUOR BILL.

WEDNESDAY, April 4.

On motion of the Hon. Mr. Palmer, the House resolved itself into committee of the whole to take into consideration the petitions praying for the abolition of the liquor traffic, Mr. Perry in the chair.

Hon. Mr. PALMER.—Mr. Chairman, the resolution I am about to submit is the same as that which passed this House last year, and the Bill in accordance with it was thoroughly discussed here at that time, and it was well debated in the Legislative Council, which body thought fit to postpone the measure till this Session. Great disappointment was naturally felt by the friends of the Bill, but they had, as all others, to submit to the will of the Legislature, and await the time for action. And, Sir, since that, the question has lost no interest; on the contrary, it has received vast accessions of strength. It has been agitated sufficiently to keep it prominently before the public; the number of those who have petitioned for it has increased, and the petition which was entrusted to the Hon. Mr. Lord, Mr. Haviland and myself contains, I believe, more than 8,000 signatures; those signatures I believe to be genuine. It was stated that the names of children had been appended to former petitions. That objection does not apply to the present one. There are few, if any signers under sixteen years of age. There may be the names of some females subscribed to it, but not to any great extent; and, Mr. Chairman, if it were otherwise, that should not detract from the consideration which it should re-

ceive from this House. On the contrary, that very circumstance should give additional weight to the application, as the sex is distinguished for its intelligence and nice discrimination of the moral condition of society. It may be as well to state that in placing the several sheets of signatures together, two similar ones have been appended to this petition. This is purely accidental, as the duplicate was intended to go before the Legislative Council, and with that trifling exception, I believe all the signatures to be entitled to credit. The question involved, as is well known, is one that for a long space of time, particularly for the last two or three years, has been so thoroughly discussed and investigated, and such opinions have been expressed by men able and eminent, that but little new ground is left for any one to travel over. I observe, Sir, that the result in Nova Scotia this year has been the same as with us last Session. It passed the House of Assembly and was postponed by the Legislative Council. In New Brunswick it has received the sanction of both branches, and it will be in operation in a few months. In Canada it has passed the House by a large majority, and in several of the United States a prohibitory law has been in operation for a considerable period of time. With these examples before us, Mr. Chairman, I say it is not hazardous in us to adopt this law; we cannot be accused of crude or hasty legislation when we adopt a principle so generally approved in other countries. For myself, I have always been of opinion that there was nothing immoral in the moderate use of spirits as a beverage; yet it was no less constitutional and expedient to restrain their use by interposing legislative prohibition, if no other means can be found to check the abuse of them. I find that view concurred in by many eminent men in the neighboring Colonies and in the United States. It would be, Sir, a work of supererogation to detail the reasons for the opinion that the general use of intoxicating beverages is an injury to society, it is idle, at this period of the history of the temperance agitation, to argue that it does not cause deplorable evils—evils affecting the condition of the people to an extent which seriously interferes with the prosperity of the country; and I say, Sir, that whenever immorality shall have extended to a degree affecting the well-being of the state, sapping the foundations of society, bringing men to poverty, interfering with the proper conduct of business, and causing excessive crime, it becomes the imperative duty of the Legislature to interpose and stop the cause of those evils. Experience has proved the impossibility of preventing the evils I have named, save by the entire prohibition of the traffic. I am aware, Sir, that it has been said that it would be difficult to obtain by law the object sought. That no means that could be devised by human ingenuity can prevent people drinking what they please; that the law will be evaded by artifice, fraud or connivance. Such arguments, however, have but little weight with me. The law at present regulates the importation of spirituous liquors, but no man can say that that law is in all cases complied with, that no liquor is imported except legally and on payment of the duties. All are aware that the law is evaded—that vast quantities are imported, on which no duties are paid—but no legislature has said, "because the duties are not in all cases paid agreeably to law, therefore we will not impose any duties at all." No, Sir, but it becomes the duty of Legislators to make the law as perfect as possible, and then to see that it is carried into operation as far as human means can be brought to bear in its favor. I agree to a certain extent with those who say that the law will be evaded, and, consequently, will not attain its professed object, namely, the total suppression of the traffic; but while I admit that a partial evasion may occur, the great and open traffic will be stopped, and time and experience will enable the

Legislature to frame laws which will ultimately completely cure the evil. There are many other objections, Mr. Chairman, which have been offered against the passage of a measure of this nature, but they have been so often answered by men more competent than myself, that I refrain from occupying the time of the House, by reviewing arguments that have been worn threadbare. I shall be glad to see the question treated on pure constitutional grounds, and I hope that hon. members in the discussion will confine themselves strictly to the subject. It may be said that this is a matter seriously affecting those engaged in business—that a large amount of capital has been invested in the manufacture and purchase of intoxicating liquors—that their claims for compensation in those countries which have adopted the Maine law have not been recognised. I cannot see much force in that argument, for other people change the nature of their business on a change in the laws of the land, affecting their particular avocations. Still, Mr. Chairman, I would not advocate the passing of a law which would entail serious loss on individuals. In this Island, the manufacturers would be the parties principally affected by it—the importers would hardly feel the alteration. Now, Sir, the number of manufacturers is a very small proportion of the community. And, Sir, as one I would say that, rather than see such a measure defeated on those grounds, I would be willing to insert a clause providing compensation to them. It may have been urged with reason in other countries, that the amount to be provided for compensation would be too large for the respective Legislatures to grant—that is so far from being the case in this Colony, that I am willing to go for a liberal compensation. That, however, rests with the people themselves. As to my action on this question, I can honestly disclaim all hostility against any one engaged in the business. It may have been said, and, by some, supposed, that I advocate this measure because it will affect my political opponents. I solemnly disclaim any such motives. Numbers of my own political friends have a large amount of capital embarked in the business; but I am prepared to run the risk of their censure, and put in hazard their future support of myself; for I feel that I take my stand on the attainment of a good object, the scope and aim of which is the benefit of mankind. And to attain that benefit, I repeat that I would freely subscribe to any feasible scheme providing reasonable compensation, for I believe such compensation would be money well laid out. I consider the Legislature is imperatively called upon to take up the subject, and pass a law to arrest the clearly proved evils which result from the traffic in spirituous liquors, and which are steadily increasing with our population. A duty of high responsibility devolves upon us to provide for the morals of the rising generation. This House has already interfered by one act of legislation, which has said to parents, careless of the education of their offspring: "You must educate your children, that they may become more useful members of society, that they may be able to distinguish good from evil, for a virtuous education alone will teach them to shun vice and love virtue, if you do not, the strong arm of the law will interpose and divest you of your property to compel you." Now, Mr. Chairman, I can see no distinction between the principle of the two cases—the one is certainly not more arbitrary than the other. It has been generally admitted that spirituous liquors are unnecessary to man, and their use can be dispensed with without injury, and I cannot see that there is anything arbitrary in the Legislature adopting that view, and prohibiting their use, to put a stop to the thousand evils which flow from their abuse. It is a restraint upon the indulgence of an appetite or fancy, and laws have been passed applying the principle to other subjects.

It will, I think, be admitted by hon. members that there is nothing in my previous conduct to warrant the idea that I am carried away by excessive zeal on the subject. I entertain a sincere respect for the organization of the advocates of Temperance, but I do not belong to the order. I do not advocate their views as a partizan, or as one who has subscribed to their rules. I have never done so, and therefore I am not liable to the imputation of being influenced by improper motives. I am not pledged to abstain from the use of liquors, on the contrary I do use them whenever I see fit, but not often. If I were inclined to use them habitually, there is nothing to prevent me, but I, as an individual, am willing to abandon their use, if I can get the public to go with me; and it will be found that the privation to individuals will be but little felt, when once it becomes general through the length and breadth of the Island. If the present application should be successful, and a law in accordance with it should be passed, the rising generation,—those who are to be the men of the country when we shall have passed away—will be removed from a great temptation to err, and the country will receive the blessings of the change. The wisest of mankind has said, "Train up a child in the way he should go, and when he is old he will not depart from it,"—and I say, train up a child to habits of Temperance, and great indeed must be the plunge, if, of sober habits, until he shall have arrived at man's estate, he should then become a tippler. If scenes of temptation are not presented to his youthful and experienced vision, such change is most improbable, and I believe that the suppression of the traffic is the only means of attaining the desired object. It has been said, Mr. Chairman, that this is a political question. It is possible, I will admit, that there may be persons who make use of it for political purposes, but there is no force in that argument, because if the measure be good in itself, it should receive our sanction; and any question, no matter of what nature or tendency, may be made the subject of political or party action, if parties are disposed to treat it as such. For myself, I regard it purely as a moral question, having for its object the improvement of the moral condition of the Colony, and the consequent happiness and wealth of the people. I have merely, Mr. Chairman, dealt with the subject in a general point of view, because I am well aware that it has been studied by all who take an interest in the prominent topics of the day. They search for themselves, they read and observe the proceedings that have taken place on the subject, in the different colonies and the United States, and are consequently acquainted with all the various arguments, of great zeal and force, which have been brought to bear on the matter. For this reason I consider any detailed observations on the sad and most deplorable consequences of intemperance are unnecessary. The evils at present no man can dispute, and the only question is, is it expedient for the Legislature to interpose and grapple boldly with the subject? To that question, I reply, that it is peculiarly incumbent on them to do so. It is their imperative duty to arrest an admitted evil, and it can be done without injury to individuals; therefore I hope the measure will be adopted. I need not, Mr. Chairman, occupy the time of the committee any further. I know that many hon. members are desirous of expressing their opinions, and I shall listen to them with pleasure. In concluding my remarks, I shall merely say that I hope the discussion will be divested of rancorous feeling, and that hon. members will, in dealing with the subject, be influenced solely by a desire to do what they consider right and beneficial to society, and conscientiously discharge their duties as legislators. I now, Sir, move the following resolution:—

*Resolved, That it is expedient to prohibit by law—to take effect from the first day of the manufacture, importation and sale of spirituous and all other intoxicating liquors, except for medicinal, chemical and mechanical purposes, and the sacred ordinances of religion, and also to prohibit the keeping of such liquors for sale, except for the purposes aforesaid.*

Mr. LAIRD.—Mr. Chairman, the hon. member for Charlottetown has certainly made an able and eloquent speech, and I do not dispute his assertions; but his resolution will not, in my opinion, cure the evil. The remedy he proposes falls short of the disease. I do not intend to make a speech—but I will move a short resolution. It is unnecessary for me to go through the able appeal the hon. member has made, but I will move this resolution:—

*Resolved, That no spirituous liquors be manufactured, imported, or sold in this Island, after*

Now, Sir, this is coming to the point, and all who want to put a stop to the use of intoxicating liquors should vote for it. Now, if a man choose, he may import a punchoon, and then send it about to his friends. My resolution will put a stop to it altogether. I have been of the same opinion for the last fifteen years. I joined the temperance body, and continued with them three or four years—but I found a good many hypocrites among them, a good many who would dance between Saul and David. (Laughter.) And I say, Mr. Chairman, that no honest advocate for total prohibition can oppose this resolution; they who do so and profess to desire the suppression of liquor, are hypocrites.

Hon. Mr. MOONEY.—Mr. Chairman, the resolution proposed by the hon. member, as an amendment, comes pretty near my own views on the subject—but it had better be put as a rider to the Bill.

Mr. COOPER.—I have listened, Mr. Chairman, very attentively to the hon. member for Charlottetown, who has certainly made a very forcible appeal on behalf of the petitioners. No man doubts his sincerity in advocating the course he has been urged to adopt,—and I entirely agree with him as to the extent of the evils arising from the traffic in liquor. I know nothing more injurious, but while I say that, I must also state that the situation of the Island renders it impossible to prevent the importation of it. On our shores a boat can land at almost any place; and I would ask: what would be the expense of guarding our coasts, so as to prevent the illegal importation?—How could you prevent American fishermen smuggling spirits? They would do so in spite of any means you might adopt! If a law should pass, preventing the importation, you will only encourage smuggling. The best means for the Sons of Temperance to adopt, to extend their principles, is to call meetings, and instill into the minds of the people a conviction of the evils of the present system, and that the total suppression of the traffic is the only remedy. Before the law asked for could be effective, the minds of the people should be satisfied as to the propriety and necessity of it. At present, the country is not ripe for a law—and China affords a striking instance of the effects of a law which the general opinion of the community does not approve. There the importation of opium was prohibited. What was the consequence? There was but one port open at the time, now there are five. It is perfectly futile, Mr. Chairman, to say that this country can prevent the importation of liquors as long as the people are disposed to use them. I cheerfully give credit to those individuals who have procured the signatures to the petition, and who have impressed the minds of the people in favor of their views; and I would be the last man to discourage them in their endeavours to impress a conviction of the existing evils on the minds of all. I have always been opposed to intemperance—but I cannot believe that we can stop the importation of liquors, and if we

pass a law to that effect, we will soon experience that the cure is worse than the disease. I will move a resolution as an amendment, which I hope will be adopted. The hon. member concluded by reading a resolution, eulogising the efforts that had been made by the advocates of prohibition in extending their principles, but stating that the insular position of the Colony rendered it impossible to prevent importation, and recommending a grant towards disseminating their views.

Hon. Mr. WHELAN.—I regret, Mr. Chairman, that I was not in the House when the hon. member for Charlottetown opened this discussion. Not having heard his arguments, I cannot of course reply to them; but the principles involved in the resolution which he has submitted, I shall take leave to consider and controvert. But I will first turn to the resolution submitted by my hon. friend from the first district of King's County (Mr. Cooper). I cannot subscribe to all the propositions it contains; and the conclusion on which it is based is, in my opinion, wholly inadmissible. I will not dispute the justice of the encomium passed upon the Sons of Temperance for their efforts to abate the evils resulting from the immoderate use of spirituous liquors, but I cannot believe that either the Sons of Temperance represent the majority of the people of this Island, or that the names subscribed to the petition now before us are those of a majority of our population. That our shores are easy of access, and therefore present great facilities for carrying on a contraband trade in liquor after the prohibitory law would go into operation, is another reason assigned by my hon. friend in his resolution for opposing the measure. That is a mere quibble, unworthy of my hon. friend, who usually takes a candid and straightforward view of public questions, and can only have been thought of as an excuse for giving the question under consideration the "go by." We all know that smuggling would prevail to a great extent, if the Maine Law were put in force; but this might be checked by an efficient preventive force, if we were disposed to give the law a trial. Smuggling now prevails to a very considerable extent, but that circumstance affords no reason for our removing the excise duties from the merchandize imported here. I shall offer no such reasons as those advanced by my hon. friend in opposition to the enactment of a prohibitory liquor law for this Island. I will take my stand in opposition to the measure on a higher and broader ground. But I will first give one moment's attention to the resolution submitted by the hon. member for Charlottetown (Mr. Palmer). It appears to be a copy of that which was before the Assembly last year. I shall directly meet it with the following amendment, if my hon. friend from the first district of King's County will withdraw his resolution, as I feel assured he will, when he perceives that the one I am about to read goes more directly to the point:—

*Resolved, That it is inexpedient to prohibit by Law the importation or sale of spirituous liquors, inasmuch as such prohibition would be a serious infringement of the private and inalienable rights of individuals and society at large—would entail an excessive loss to the revenue, to meet which no provision has been indicated, and further, inasmuch as there is no evidence before the committee that a majority of the inhabitants of this Island desire a prohibition of the sale, manufacture or importation of spirituous liquors; nor have this committee any sufficient reason to believe that Prohibitory Liquor Laws have been productive of any material advantage in those parts of the United States wherein it has been attempted to put them in practice—no part of Her Majesty's dominions having yet imitated the example of the United States in this respect.*

If we carry out the resolution proposed by the hon. member for Charlottetown, we perpetrate an invasion of the rights of

individuals and of society at large. The argument used in support of such an invasion is, that the drinking usages of society are productive of grievous evils, and that moral means have been found to be inadequate to check them—that they have not had the effect of turning inebriates from the error of their ways, and that therefore a prohibitory law must be passed. I will ask the hon. member for Charlottetown if, in supporting such an argument, he means to say that because a fraction, and a very small fraction of the community cannot or will not refrain from an inordinate indulgence in spirituous liquors, therefore we are to pass a law placing not that class alone, but the whole community, the majority of whom are men of strictly temperate habits, on the same footing? The majority of the people of the Island are not drunkards, nor are the majority of mankind; and I for one will not consent by vote of mine to put the two classes on a level—to place the sober and respectable man in the same position as the worthless drunkard. There is one point in this matter worthy of consideration, namely the loss of the revenue, which would be the result of prohibiting the importation of liquors. The public accounts shew that last year we received from that source nearly £12,000. The friends of the proposed law may philanthropically exclaim—“What is the revenue in comparison with the public morals? Why trouble our heads about pounds, shillings and pence, when virtue and sobriety are at stake?” This is all very fine for simulated patriotism—it is an excellent theme for declamation. But in grappling with a question like this, we don't want declamation—we want facts. The traffic in liquors is as legitimate as the traffic in any thing else—it is nearly as ancient as the traffic in any thing else—it is as universal as any branch of trade ever followed; and the oldest, most enlightened, most civilized, and most moral countries of the universe, permit it to be carried on, and to make it the source of a large revenue. For the followers of Neal Dow to say that the trade is demoralizing in the aggregate, does not prove it so. These people conduct their arguments upon false premises; it is not the trade that is at fault—it is the frailty of those who cannot subdue their vicious propensities—and who often, from being great drunkards, become for a time great temperance orators,—and because they, and many others like them, think there is a probability of relapsing into their old habits, they would fain fasten the door of the hotel and public house against sober people as well as against themselves. “Abolish the traffic in liquor,” say the enthusiastic followers of Neal Dow, “because its continuance leads to drunkenness.” What if it does—drunkenness carries with it its own punishment, and cannot legally or constitutionally be noticed by the governing power, unless it interferes with the rights of others. We have no more authority, and should have no more authority, to punish the drunkard than we have to punish the glutton, unless either or both invade some acknowledged right or privilege of the others in the community. Drunkenness *per se* is not a crime—it is a vice, and only a comparatively small portion of mankind are degraded by that vice. Are we then justified in seeking to restrain all mankind, because a small portion of them happen to be the slaves of this vice? If we thus carry our notions of moral reform into the domestic circles, and prescribe what a man shall drink, we may go further, and establish our dictum as to what he shall eat, in order that he may avoid gluttony or what we may consider unwholesome food; or establish our canon as to the cut and quality of the clothes he may wear, in order that he may avoid the vices of vanity and extravagance. But to return to the financial view of the question, the more reasonable and the more thinking advocates of the prohibitory

liquor law should be prepared, before coming before the Legislature, to point out some feasible means by which the deficiency in the revenue is to be made good. One idea is, that the closing of the shops and the places where liquor is sold would have the effect of calling habits of industry into more active operation, and that consequently we should, if not directly, at least indirectly, experience an increase of revenue. The probability of such a result, and the degree of credit to which the assertion is entitled, are, however, mere matters of opinion, and the men who press such line of argument should at least be prepared with facts and figures to prove the correctness of their opinions. Nothing of the kind has been attempted, although the question has now been debated several Sessions. The only dictum in proof of this view of the question is, that if the people do not use intoxicating liquors, they will consume more tea, tobacco and other dutiable articles, and that consequently there will be no ultimate loss to the revenue. I want something better than mere conjecture to convince me that this would be the case—to convince me, in short, that people do not now use as much tea, tobacco and other dutiable articles as they would require under any circumstances. I now, Mr. Chairman, advert to another argument that has been used in favor of the cause of the petitioners, namely, that the size of the petition, that is, the number of signatures, shews it is the wish of the people to prohibit the use of, and traffic in, liquors. Now, Sir, I say that there is no evidence before the committee to warrant such opinion. This argument I have heard before, but no sane man can honestly say that the petition is expressive of the will of the majority of the people. I assert, Sir, that it bears the signatures of hundreds of persons who really have no will or opinion of their own on this or any other matter—it has been signed, for example, by young boys and girls, who put their names down for the sake of the novelty of signing a petition to go before an august body like this, or because their friends or acquaintances asked them to do so, and they could not well refuse compliance with a request that occasioned neither trouble nor expense. The petition is also signed by men engaged in the importation and sale of liquors,—and when I see that, I ask, do they desire a law prohibiting the very business in which they are engaged, and by which they have made, and continue to make their living?

Mr. CLARKE.—Yes.

Hon. Mr. WHELAN.—The hon. member says, “yes.” I ask for the grounds on which he answers me so positively. Why then, Sir, if the parties who are engaged in the liquor traffic were sincere in putting their names to the petition now before the Committee, they must regard that traffic as an immoral and pernicious one, and should abandon it, without waiting for the Legislature to prohibit its continuance. But when they *affect* to say that such is the character of their trade, and still pursue it, it is quite reasonable for me, or any one else, to conclude, that in signing the petition they have acted with the utmost hypocrisy and duplicity. To shew the way in which many signatures are obtained, I will relate an interview which I had, even this very day, with an intelligent person from the country. I was asked by him when I considered the petition would come up for discussion, as I ascertained that he was not in favor of the law, though he had signed the petition, I naturally asked him to account for the evident inconsistency of his conduct. I said, “why did you sign the petition for the law, if you do not wish it to pass?” He replied—“Oh, in truth, I was so pestered for my name that I was glad to sign, it to get rid of the importunities by which I was beset.” That, Mr. Chairman, is far from being a solitary case. There are several instances within my own knowledge in which



parties have been fairly bothered into putting their names to the petition, not that they desired the law, but because they acted under the influence of an amiable desire to gratify the parties who pressed to them, and also that they might relieve themselves of a most importunate solicitations. And, Mr. Chairman, I understand that the petition now before us purports to be signed by children; and, ay, Sir, it bears the names even of infants who cannot write.

Mr. CLARK.—How can they sign it if they cannot write? (Laughter.)

Hon. Mr. WHELAN.—I did not say they wrote their own names; they were put to the petition for them; and I will appeal to the candor of the hon. member himself, and will ask him if every name appended to that petition is in the hand-writing of the individual whose signature it purports to be? And further, Sir, names are signed to that petition in duplicate, and some even have recorded their autographs thrice over. Hon. members hold up this petition as a proof of increasing public opinion in favor of the law. Why, Sir, I don't think the whole number of those who have signed it exceeds the list of those who subscribed the petition presented last year. As to the argument founded on the fact that similar laws have been passed in the United States, it would be but fair in those who adduce that as a reason to give us at least a true account of their practical working. The State of Maine was the first which adopted the law, and what has been the practical result? I appeal to the testimony of those who have been there. The Hon. the Colonial Treasurer was there last autumn, and I ask, did he find that the law was observed? No, Sir, he found quite the reverse. He found that the people could obtain intoxicating liquors as freely as before. I myself was in that State a year or two after the law passed, and I experienced no difficulty in obtaining any liquors I might require. Now, Mr. Chairman, what do facts like these prove? They manifest the existence of an active rascality and shameful violation of law, and the total disregard of serious moral obligations on the part of the importer and consumer. The law once in force, a direct inducement will be held out for fraud and chicanery; and I ask whether it would be more conducive to public morality that a man should be allowed to drink a glass of liquor honestly and openly before all men, or that he should take it at the expense of the violation of the law on the part of him who furnishes it, who will do so though he have to lie and deceive. Massachusetts tried the law, and I have yet to learn that the morals of her people in respect of drinking, have improved since its introduction. Boston, I believe, is not a whit more free from vice and immorality than she was before the State adopted the Maine Law. As to the state of the question in the British Provinces, I do not agree with the hon. member for Charlottetown, (Hon. Mr. Palmer,) when he states that the measure has become the law of the land in New Brunswick. There is no foundation for that statement. I admit that the Bill passed the House of Assembly of that Colony, but the hon. member cannot shew that it has been put in operation there, or even found a place upon the Statute Book of the Province. Last year this House passed the Bill, and hon. members who did not desire it, yet voted for it, because they knew the Council would throw it out. In Nova Scotia the same thing has occurred. The House of Assembly passed the Bill, and the Legislative Council gave it the "go-by." But, Sir, I say, and say it without hesitation, that even if the prohibitory law were in force in Canada, Nova Scotia and New Brunswick, that circumstance would not shew that it was necessary here. I speak this not from any desire to encourage habits of intemperance—not that I would

withhold my most strenuous efforts to eradicate the evils of vicious indulgence—not that I would not wish to hold the tavern-keepers and retailers liable for the results of their pandering to a morbid appetite, for I think that the immoderate use of liquors is not only highly injurious to individuals, but that the very presence of drunkards is a positive curse to the community in which they may be found; but because I will not consent to punish ninety men out of a hundred, because the remaining ten will not conduct themselves as they ought. I cannot consent to prevent the ninety men who do not disgrace themselves, or offend their neighbours, by the sober, moderate and legitimate use of liquor, from continuing their customary habits, merely because a few abandoned people unfortunately disgrace the community. The temperate use of liquors is not forbidden by the divine law, nor was its suppression ever thought of in any part of the world until one of the United States, too well known for a fanatical desire for extreme innovations, put a law for that purpose on its Statute Book, with what result I have already stated.

Mr. HAVILAND.—Mr. Chairman, this is the first time I ever heard that the State of Maine was characterised by a spirit of fanaticism. Massachusetts, at its first settlement, was, but that State, Maine, Wisconsin and Rhode Island, have each adopted the prohibitory law, and I do not think the hon. member will stigmatize their inhabitants as fanatics. But, Sir, there are so many resolutions before the committee that I hardly know which we are discussing. As to the general principle, all men must admit that intemperance is the greatest curse that ever afflicted any country; and in this Island, at the present time, the evils of which it is the fruitful parent, have risen to such a height, as to call imperatively for legislative interposition. And, I ask, Mr. Chairman, for what purpose are we here as legislators? Is it not that we may advance the welfare and improve the morals of the community? And where is the man to be found who will assert that the law would injure the morals of the people? Pass this law, and hundreds of families now in deep distress and degradation would find the benefit in their improved worldly circumstances and elevated social and moral condition. As to the argument on which the hon. member laid so much stress, namely, the loss which might arise to the Revenue from the suppression of the traffic, I maintain that should not have any weight on our minds on such a question. If it be admitted that intemperance is an evil, then it must be a sin to raise a revenue from so polluted a source. Better, far better, to run the risk to the Revenue, and even incur a debt, than encourage pauperism and crime, for the purpose of obtaining revenue. I am prepared to join issue with the hon. member on his statement that the majority of the people do not desire the law—that there is no evidence before us to shew that they wish the suppression of the traffic. I ask if the majority are opposed to it, how does it happen that there are no petitions against it, when it was well known that the Bill passed the House last year, and that the question would be brought forward on this occasion? Public opinion in favor of the law is rapidly increasing, and I see, among the signatures to the petition, scores of names of individuals who have made money from the liquor traffic, but who have felt it their duty, as men and christians, to come forward and record their names in favor of the law, well knowing that themselves and the country would be the better for it. The hon. member has stated that the law is not observed in Maine. I can tell him that not only are the people of that State in favor of the law, but that the benefits it has conferred upon the society there have attracted the serious attention of some of the leading minds in the British Isles. In the North British Review for February there is a splendid arti-



ole, which proves most clearly the great decrease of crime and consequent improved morality in Maine, the results of the prohibitory law, and it gives the evidence of Lord Shaftesbury, who had been chairman of the committee of Lunacy for the long period of fifteen years. That high authority stated that no less than three fifths of the cases of Lunacy were traceable to drunkenness. In addition to that, the Admiral of the Mediterranean fleet stated that since the supply of grog to the men had been stopped, crimes and offences on board the fleet had decreased seventy per cent. Shocking as are the casualties of war, the author of the article proves most clearly, and I confess I was surprised at the assertion, that more lives and property are sacrificed to intemperance in a single year than will be lost by Russian ball or bullet in the present gigantic struggle with Russia.

Hon. COL. TREASURER.—Mr. Chairman, I have always been opposed to the Maine Liquor Law, and I see no reason to change my opinion. My own brief experience in the State of Maine shows it is all humbug, and as the hon. member (Mr. Whelan) has alluded to me, I will state, that while I was staying at the United States Hotel in Portland, I asked the waiter if I could get a glass of brandy and water. He replied in the affirmative, brought it to me, and received the money for it, in presence of a hundred or a hundred and fifty people. That I thought was carrying out the law with a vengeance. I have prepared a resolution on the subject, but there are so many now before the committee that I shall not move it, but will support that introduced by the hon. member (Mr. Whelan,) as embodying my views. I have ascertained the amount of duties paid into the Treasury on liquors, last year, and I find that it amounted to £11,700. Now we are asked to lose that amount, and no plan is suggested by which we are to make good the deficiency. The only way would be by an addition of thirty per cent. to the tariff. The country is not prepared for this, I am sure. Great stress is laid upon the number of names signed to the petition, but, Mr. Chairman, many signed to get rid of troublesome applications, and many more because they knew the Bill would not pass; and if it did, it would be impossible to prevent smuggling, without the establishment of an immense protective force—an open boat can land a cargo of Wine or Brandy from French St. Peter's at any part of the Island. If the hon. member (Mr. Cooper) will withdraw his resolution I will not press mine. I will, however, read it to the committee:—

*Resolved*, That it is inexpedient to pass any Law similar to that now in operation in the State of Maine, commonly designated the Maine Liquor Law, inasmuch as it would be an infringement of the rights and privileges of a free and enlightened people, and impossible to carry it into effect, without the assistance of a force beyond the power of this Colony to procure, unless the neighbouring Colonies, British and Foreign, combine in its establishment.

Mr. CLARK.—Mr. Chairman, I must say that I consider many of the arguments I have heard advanced against the law are perfectly futile. The Hon. Treasurer and Mr. Whelan have said that the law is inoperative in Maine, but I require some better authority than their assertions, respectable as they are, before I can believe that to be the case. Can it be believed that if the law were inoperative the people would put an annually increasing majority of the friends of the law into office? The people are the best judges of the working of the law, and the reports of competent parties show a large decrease of crime and pauperism, as the natural effects of the law. Such documents afford too strong proof of the benefits which have resulted from the law, to allow me to take the assertions of the Hon. Treasurer and Mr. Whelan as of any weight; and really, Mr. Chairman, some of their arguments are too miserable to be brought forward.

As to the revenue suffering, it is strange to hear gentlemen in their position arguing the propriety of deriving a revenue from a traffic which demoralizes the community. Wherever liquor is used it is abused, and I believe that the drunkards were driven out of the country, unless the law were passed, you would have more in a week. The moderate use leads to the abuse, and I cannot see that the revenue will suffer. Liquor creates no wealth; on the contrary, it destroys the constitution of those who use it, wastes their property, and diminishes the legitimate sources of revenue. The money now wasted on it would be applied to other and worthier purposes; the time lost would be beneficially employed—habits of industry would be formed, and increased consumption of dutiable articles would be the necessary result. As to the argument that it would lead to lying and fraud, the same might be urged against the Revenue Bill, because under that Act it is necessary that importers should take an oath to the truth of their statements. No doubt some importers do take false oaths, but every law is liable to some partial infringement. In my observations and the vote I shall give on this question, I am not influenced by the number of names signed to the petition, for it is a part of my political creed that the Legislature should lead public opinion, should shew a proper example, and legislate for the benefit of the people; and if a measure be deemed sound in principle, and required for the moral elevation of the community, it is the duty of the House to sanction it. I believe that there is a majority against the Law, and that the resolution of the hon. member for Charlotetown will not pass, and I also believe a majority of my own constituents differ from me on this question, yet believing it to be based on sound principle, and required for the moral and social improvement of the people, I shall vote for it, even at the risk of my seat. As to the alleged infringement of the rights of individuals, I will read the opinion of Chief Justice Taney, one of the most eminent Judges in the United States. There have, I admit, been judges in the States who have been opposed to the law, but they were not like Judge Taney, (Laughter)—

“If any state deems the retail and internal traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice or debauchery, I see nothing in the constitution of the United States to prevent it from regulating or restraining the traffic, or from prohibiting it altogether, if it thinks proper.”

I will also read the opinion of Judge McLean—

“A license to sell an article, foreign or domestic, as a merchant, or inn-keeper, or victualler, is a matter of police and revenue, within the power of the State.”—5 Howard, 589. And again: “It is the settled construction of every regulation of commerce, that under the sanction of its general laws, no person can introduce into a community malignant diseases, or anything which contaminates its morals, or endangers its safety.”—Ibid. “If the foreign article be injurious to the health or morals of the community, a State may, in the exercise of that great and comprehensive police power which lies at the fountain of its prosperity, prohibit the sale of it. No one can claim a license to retail spirits as a matter of right.”

Besides these, we all know that there are many other judges in favor of the Bill. Some have condemned the laws as unconstitutional.

Hon. Mr. WHELAN.—No part of Her Majesty's dominions has adopted the principle.

Mr. CLARK.—I may mention that last year a namesake of my own was elected Governor of the State of New York on the Temperance ticket, though opposed by Mr. Seymour,

a gentleman of great influence. He has recommended the adoption of the Maine Liquor Law. The State of New York contains a hundred times more inhabitants than this Island, and the Bill will pass there. It passed the Canadian House of Assembly by a majority of two or three to one. It has re-arranged the sanction of the Nova Scotia House, and has been arrived through both branches in New Brunswick, and in a short time it will be the law of this Island, because it is founded on a just and righteous principle. The opposition to-night will not prevent the agitation of the measure.

Hon. Mr. WIGHTMAN.—Mr. Chairman, this question is one of such importance that I cannot give a silent vote on it. It met the approval of this House last year, and I was given to understand that a much greater number of petitions for the law would come before the House this Session. That great exertions have been made to obtain signatures, is proved by the size of the document before us. We have been told that the petition bears the names of men, women and children, and that one sheet of names is affixed in duplicate. We all know that it is an easy matter to obtain signatures to petitions for any object. In my opinion, Sir, the day has not arrived for the enactment of the law prayed for. I will not, therefore, support it at present, but when there is sufficient pressure from without—when public opinion is manifested by twenty or thirty thousand people asking for the law, then I shall be prepared to go for it. I should like to know how the loss to the Revenue, if the traffic in liquor is prohibited, is to be met. The only way will be by laying additional burdens on the people, who are taxed quite enough already. I am opposed to coercion, which would trammel the constitutional rights of the subject; and it is not a British principle to allow those rights to be trampled on. We know the Government must have a revenue to meet the exigencies of the public service, and if we deprive ourselves of the large amount derived from liquors, where is it to come from, except from additional taxation, to which I am strongly opposed? I know that the measure has done good in many places—it has brought peace and happiness to many families, but I cannot see the propriety or policy of passing the law in the present state of public opinion in the Island.

Hon. Mr. LORD.—Really, Mr. Chairman, I think the hon. member has adduced the best argument in favor of the measure he says he intends to vote against it. I should like to know what stronger reason can be found for passing the law, than that it will bring peace to families? I supported the Bill last year, and I will go for it now. When I was asked at the hearings if I would support the Bill, I said that I would, and distillers and tavern-keepers voted for me notwithstanding. As to the political action of the Sons of Temperance, if any one has cause to complain of that, I have. Last year on the eve of the general election, an emissary of the Sons went into my district with a document signed by their G.W.P., as they call him, telling the people to vote against Lord and support Dr. Conroy, although I had voted for the law and Dr. Conroy had opposed it. The majority of the Sons at Tryon and Bedeque voted against me last election, but it was of no avail; and now, Sir, although I received the active opposition of that body, I stand here as supporter of their views. In giving my support to the resolution of the hon. member for Charlottetown, I can only regret that I have not the powers to express my sentiments as I could wish. The evils of intemperance are universally acknowledged. Why, Sir, the list of parties fined for assaults last year shews that three fourths of the offences were committed under the influence of drink. There is one case of a poor widow's son in jail at present for a disturbance he occasioned while intoxicated. A Magistrate kindly interposed to

save him, and for so doing he was fined very heavily. We require a law to prevent the common use of ardent spirits, and there is no use in having such a law on our Statute Book unless it is properly enforced. At present the law is a mere dead letter. Low drinking houses are to be found all over the country. They should be put down. As to the anticipated loss to the revenue, it is true a large sum is derived from liquors, but if the Bill should pass this year, it need not come into operation for a couple of years, which will give ample time for all engaged in the business to dispose of their stock and direct their capital into other channels, which may produce as much or more revenue.

Hon. Mr. MONTGOMERY.—I consider, Mr. Chairman, that it is the duty of every hon. member to express his opinion on a question of this nature. The subject has been frequently brought to the notice of the House, and the number of those who petition for the law, is constantly increasing. The names signed to the petition now before the House is nearly double the number of last year. That shows that public opinion in favor of the law is increasing, and although I was on previous occasions opposed to the law, yet I will waive my objections in deference to the will of the people, and shall support the resolution of the hon. member for Charlottetown, believing that the law will confer great benefits on society, and that it is only the practicable means to get rid of the evils of intemperance. If other arguments were wanting, the statement of the hon. member, Mr. Wightman, would induce me to vote for the law. If it has brought peace and happiness elsewhere, it must have the same effect here, and I must say, Mr. Chairman, that it does appear strange that, after making such a statement, he should sit down declaring his intention to vote against it.

Hon. Mr. MOONEY.—It seems, Mr. Chairman, that it is the size of the petition which has converted the hon. member, Mr. Montgomery, for last year he voted against the law. My speech printed in *Haszard's Gazette* for 1852 might serve for me to-night. I am sorry I did not get a copy of it and read it, as reading speeches is the order of the day. (Laughter.) It is truly amusing to listen to the hon. member, Mr. Clark. He says he knows the majority are opposed to the law, yet he is prepared to legislate against the wishes of the people. If he is sincere in his opinions, how can he act as Collector of Excise? How can he give a man a permit to land liquor, as he does from day to day? He is just giving permission for parties to go to the devil and shake themselves. (Laughter.) I approve of the resolution of the hon. member, Mr. Laird, and I agree with him that under that introduced by the hon. member for Charlottetown, people will get puncheons of liquor duty free, and then tax the poor man's tea and tobacco to make up the loss of the revenue. Next, we have the hon. member, Mr. Lord, who says he will support the bill, but hopes it will not go into operation for two or three years. Now, Sir, I say, if it is a good measure, let it come into operation at once. The people were not fairly dealt with last year. The Maine Liquor Law should have been made the political platform at the elections, but it was not made a test. My hon. colleague voted for it last year, yet the Sons voted against him and supported Dr. Conroy, who was opposed to it. I do not believe that there are a hundred and fifty signatures to the petition which are not the names of parties opposed to the present Government. As to myself, I was never questioned as to my vote on this matter, save by one young man. And when I told him my views, and that I should act according as I thought right, he said, "Then I cannot vote for you." I replied, "then you are right too. Do as you think fit, and I will do the same." I have never been opposed to the Sons

of Temperance; they have done much good. When I say this I do not refer exclusively to what takes place in the Temperance Hall, because preaching toryism and teetotalism together, is not exactly the thing, but they will do good by teaching the youths of Charlottetown and other places, to avoid the evils of intemperance. Liking a moderate glass myself, I am not inclined to interfere with the rights of others, and I think you might just as well say what a man is to eat or wear as what he shall drink. God Almighty gave man free will, and intended him to exercise it.

**Mr. CLARK.**—Mr. Chairman, the hon. member for Flinty Glen has, as usual, made an attack upon me, but I do not deem it necessary to reply to mere noise, further than to let him know that it is my duty as a public officer to carry out the law, as much so as it is his duty in the office he holds; and I assure him that I shall not ask his opinion as to the performance of my duties, as it is not worth a straw.

**Hon. Mr. MOONEY** wished to know where was the consistency of the hon. member in supporting a measure to which he admitted that the majority were opposed?

**Mr. COOPER** would withdraw his resolution.

**Hon. COL. SECRETARY.**—Mr. Chairman, I do not intend to give a silent vote on this question. The hon. member for Charlottetown, in introducing the subject, stated that there was a majority in the House in favour of the measure last session. I ask where are those men now? It was supported last year as a good source of political capital, and it is well known that individuals of the hon. member's party went to the Temperance Hall, and subscribed a sovereign each to send agents throughout the country to try and keep me out of the House, and to injure the Liberal party. They did not, however, succeed. Some liberal members would not have been here, if they had made the support of the law the test at the hustings. Those facts afford the best reason against the passing the law now, as it was so fully before the people at the last election. And the hon. member for Charlottetown, himself, was not returned by a large majority. As to the petition and the weight that is due to the number of signatures, I see that whole sheets and the names of all the members of families are put down in one hand-writing. That, sir, I maintain, is not the way of expressing public opinion; and I see that one man, living in Charlottetown, has signed his name no less than three times. I believe, Mr. Chairman, that we have no right to legislate in opposition to the rights of man and the Holy Scriptures, which I maintain would be the case, if we passed this law. Wine was sent for the use of man, and if men cannot get to Heaven but by force, I am afraid they will be a long time getting there. If people are determined to get drunk and commit sin, we know they will be punished for it. Some seem to think and argue that a man, if he be a Son of Temperance, is sure of Heaven. But many of the Sons commit more sin in the sight of God, in the advocacy of their views, than the honest man who takes his glass of whiskey. They hesitate not to back-bite and slander their neighbours who do not agree with them. And, Mr. Chairman, I cannot allow the force of the argument, that there are no counter petitions before us. Why, sir, no attempt has been made to get any, while this has been hawked about the country in every direction, and has names on it of parties actually not in favour of it. As the hon. member, Mr. Whelan, has stated, many signed it to rid themselves of the troublesome applications. I could, sir, adduce arguments to show that the Sons set themselves up as wiser than the Saviour, for when they deny that the wine mentioned in the New Testament was intoxicating, I ask, what is the meaning of our Saviour's words, when he says "No man putteth new wine into old bottles?" Is it not, that the fer-

mentation would burst them?—Precedents have been adduced from the United States, and I for one, am not inclined to copy their institutions; but when the hon. member for Georgetown says that the people of Maine are not fanatics, why, sir, is there not a body of people in that State bound together to carry out certain religious principles, and so far did their feelings lead them, that they actually tarred and feathered a priest. That body, the Know Nothings, exclude parties on the ground of their religious creed, and Sons of Temperance do the same thing here, for some are prevented from joining on account of the form of prayer used. The Know Nothings are the same body. The election of a Son of Temperance to the governorship of the State of New York, on which the hon. member, Mr. Clark, laid such stress, has no weight on this discussion. It was not the temperance ticket that put him in, but the Know-Nothings. I do not wonder at the majority of native Americans endeavouring to exclude foreigners from the rights of citizenship. That is in accordance with the illiberal spirit they have so often manifested; but in the colonies I hope we shall continue to be more liberal, and not follow the example of the States. Sir, the old Temperance Society, which existed before we had the order of the Sons, and which was knocked up by them, was of real benefit to the country, but now we are asked to pass a law which would not allow any old lady to make her goose-berry wine. There are many gentlemen who have joined the order here whom I highly respect, and who have joined, not seeing the lengths to which the association would go, but who would soon have their eyes opened if once the Know-Nothings got the majority in the body. Look, sir, at their doings last year: they employed a party to go about the country, not solely to aid the temperance movement, for when he found the temperance fever rather slack, he took up politics, and had the good taste to allude to the late Lieutenant Governor as that "old brute Bannerman," and told the people that if he had not dissolved the House, their back rents would have been given up, and he lied against the Hon. Mr. Lord and Hon. Mr. Mooney as much as he did against myself. As to the hon. member, Mr. Clark; he cries out, "touch not, taste not, handle not, there is death in the pot." Yet he takes his salary and collects the duties on the very article he denounces as a curse to the community. If he is honest and sincere in his convictions, he should not touch one farthing of pay out of a revenue derived from such source.

**Hon. Mr. LORD** here objected to such remarks.

**Hon. COL. SECRETARY.**—It is very well, Mr. Chairman, for the hon. member, now that he has made his money out of the business, to turn round and condemn the trade, and abuse all engaged in it. I consider the business as respectable as any going, and there is far greater sin in backbiting and slander that characterizes so many of the Sons of Temperance. The hon. member for Charlottetown said he was willing to give remuneration to those engaged in the business of brewing and distilling. I for one do not want any remuneration; and whenever a majority decide upon suppressing the business, I shall yield to them. Self interest does not lead me to oppose the bill. There is not much money made out of the business now, and I could do better with my little farm, and my establishment would let for as much as I make from the business. The hon. member said that brewing and distilling destroyed a great deal of grain intended for human food. Now, sir, I do not think there is much barley flower used, and if the hon. member was to try it he would soon change his opinion. This agitation is nothing more nor less than a political trap for me, because I am a distiller and the leader of the Government—but I do not intend to give up the business until I see fit, as long as the

trade is a lawful one, and the amount of my official salary will not induce me to abandon it. The United States are no examples to us, and the head of the order is in the States, and I repeat that I am sorry to see so many respectable men joining such a society here.

Hon. Mr. LORD.—Mr. Chairman, the Hon. Col. Secretary has seen fit to refer to me, as having made my money out of the liquor business. I can only tell him that I wish he would act with reference to it as I did. I, Sir, kept a respectable tavern at Tryon in 1833, when the first temperance society was established in the place. A clergyman called on me and asked me if I would join. I declined to do so. He then asked if I would be willing to discontinue selling liquor. I replied that I would as soon as the stock I had on hand was disposed of. I kept my promise; and from that time to the present I have never imported liquors for sale,—and really, if the Hon. Col. Secretary would only act as I have done, I have no doubt the Sons would erect a monument to him.

Mr. CLARK.—In reply to the remarks of the Hon. Col. Secretary, I must say that I never listened to so rambling a speech in my life. He has made several charges against the Sons of Temperance, and among others, that they are the same body as the Know Nothings in the United States. I deny it. There is no connection between them. As to the election of Governor of the State of New York, I can tell him that the successful candidate was not elected by the Know Nothings. So far from that being true, there were three candidates—one Know Nothing, one Whig, and one *Rum* candidate, and the temperance people elected their man. And, Sir, I deny that the Sons had any share in ill-treating the reverend gentleman in Maine. The parties who committed that gross outrage were not Sons of Temperance, on the contrary, it is most probable that they were under the influence of liquor at the time. He has also said that the head of the Order is in the United States. Now, Sir, that gentleman lives in New Brunswick; he is the Hon. Mr. Tilley, the Provincial Secretary, and the people are proud of him. And, Mr. Chairman, how can the Hon. Col. Secretary say that this is a political trap? Look at the parties who support it, are they not men who have no political connection or sympathy? There is no difference in principle between the friends of temperance and the Order of the Sons; the latter is only a more closely united association. The Hon. Secretary, no doubt, feels wrath because some of the Sons did wrong last year in attempting to injure him, and I admit that by so doing they have injured the cause, and it would be better that such men should be discarded from the Order altogether.

The question was then taken on Hon. Mr. Whelan's amendment, when the committee divided as follows:—For the amendment: Hons. Col. Secretary, Col. Treasurer, the Speaker, Messrs. Whelan, Wightman and Mooney, and Messrs. McIntosh, Dingwall, Cooper and Muirhead—10. Against it: Hons. Messrs. Palmer, Montgomery, Longworth, Lord, and Messrs. Haviland, McDonald, Munroe, Laird and Clark—9.

The Hon. Speaker resumed the Chair, and the resolution was reported, when the Hon. Mr. Palmer, in rising to move that his resolution be submitted for that just reported, observed, that in consequence of the very orderly manner in which the debate had been conducted, he felt reluctant to take up the time of the House in replying to the observations that had been made by the Hon. Col. Secretary, which he confessed surprised him; he had intended to have answered them, but if they were accurately reported he would be willing

to leave them to the judgment of the people, without comment of his own.

Hon. COL. SECRETARY never said anything he was afraid of, and was perfectly willing to leave his speech in the hands of the Reporter, and trusted it would go abroad to the country.

Mr. PERRY.—Mr. Speaker, I do not wish to give a silent vote on this question, and as Chairman of the Committee, I had no opportunity of expressing my opinions. I hope the House will allow me to state briefly my views. I have certainly heard strong arguments on both sides of the question. My opinion has always been opposed to the law, and it is unnecessary to detain the House longer than to say, that I heard no reasons to-night of sufficient force to induce a change in my sentiments. I know that my constituents are opposed to the law, and on looking over the signatures of parties in my district, I find the names of some few boys and old women, and I certainly think this petition has been misrepresented when we are told it is so great an expression of public opinion.

Mr. McINTOSH.—Mr. Speaker, I am in favor of temperance in all things—in eating as well as drinking, and also in debating—my reason for voting against the resolution of the hon. member for Charlottetown is, that I don't believe parties who support it are sincerely desirous of having the law, and, Mr. Speaker, it savors of oppression and tyranny to impose a measure upon a people before they are ready to receive it. It is ruin to a good cause to legislate upon it before the minds and sympathies of the people are with it, and they are prepared to receive the law. Human nature is so constituted that you may lead a man, but he will not be driven, and I do not think the time for such a law has arrived.

The House then divided on the Hon. Mr. Palmer's resolution, when there appeared—

For it: Hons. Messrs. Palmer, Longworth, Lord, Montgomery, and Messrs. Haviland, Clark, McDonald and Munroe—8.

Against it: Hons. Col. Secretary, Col. Treasurer, Messrs. Whelan, Mooney, Wightman, and Messrs. Laird, Perry, Cooper, Muirhead, Dingwall and McIntosh—11.

FRIDAY, 23d March, 1855.

#### BILL TO PROVIDE REMUNERATION FOR LEGISLATIVE COUNCILLORS.

The Bill to provide remuneration to the members of the Legislative Council having been read a second time—

Hon. Mr. WHELAN rose and said that before making the usual motion to go into committee, he would explain to the House the reasons which induced him to bring forward that measure. I am well aware, he said, that there is considerable diversity of opinion on both sides of the House regarding the principle of this Bill, and it appears to me that this is the proper time to discuss it. It is unnecessary for me to state that it comes before the House as an open question. Members of Government may vote for or against it, just as they please. But while the Executive, as a body, have declined to extend to it the weight of their influence and authority, I have no hesitation in saying that I think it should receive the support of every member of the Administration. The Legislative Council, as now constituted, have very strong claims to the favorable consideration of this House, for that Council has done more, during the past three or four years, to encourage liberal principles than the most sanguine advocates of those principles, out of doors, could have expected. The policy of the Liberal party has been a strictly



progressive one,—since 1851, at least, it has been a triumphant policy; but how was it possible to carry it out, if we had not been assisted by the firmness and patriotism of the Legislative Council? The Liberal party in this House have brought forward many great measures, with which the prosperity of the country is now inseparably connected, but those measures would be nothing more than a record of good intentions, if the Council did not assist to give them the character of substantial works. Why, Sir, the credit of having introduced the first great reform, which has led to so many others—I mean the establishment of Responsible Government—must be shared with the Liberal majority of the Legislative Council. The majority at that time was small and uncertain, but it was nevertheless influential enough to procure the passage of the Civil List Bill, which swept away the old abuses, and transferred the government of the country from one dominant faction (that despised a Legislative majority here), to the great mass of the people who now virtually govern themselves through this House. The majority in the Upper House has since materially increased. It was a mere proprietary junta at one time; but it is now powerful enough to disregard the proprietors' wishes—and has assisted the majority here to give free education to the people, for the support of which the proprietors have to contribute very extensively. It has also assisted us in extending the elective franchise to every tax payer in the Colony, without respect to property qualifications, so that honest industry and labour—which are the real sources of property and capital—will exercise a wholesome influence over the legislation of the country. There is the One-ninth Bill and the Tenant Compensation Bill, the concurrence of the Council in which has been announced this very day—which the majority of the Council have helped us to carry to a successful issue, notwithstanding the untiring opposition of the proprietary party both in and out of the Legislature. There are many other reforms for the accomplishment of which the country is indebted to the Legislative Council as well as to a Liberal House of Assembly. But that Branch has not only rendered much valuable service to the state, but it has prevented great evil being done to it by others. The occurrences of last year are fresh in the recollection of us all. The firm resistance of the Council to the arbitrary and tyrannical proceedings of the party then in power can never be forgotten by all who value constitutional liberty. To that Council we owe the preservation of Responsible Government; and to their independence and regard for popular rights we must surely attribute our exemption from the oppression and extravagance which a tyrannical and iniquitous Police Bill was calculated to inflict. In fact, had it not been for the spirited conduct of the Council every vestige of our liberty would have been swept away. But it is not in consideration of the services rendered by the Council I advocate this measure. I can adduce sufficient reasons for supporting the Bill without having my judgment biased in its favor by reminiscences of the past. I was always in favor of the principle of paying the members of the Legislative Council as the members of the House of Assembly are paid; and I stated my readiness to support such a measure about seven years ago, when the hon. member for Charlottetown (Mr. Palmer) introduced what was called the 20 mile Bill, under the provisions of which no member of the Council would be entitled to pay unless he happened to have his permanent place of abode situate just twenty miles from Charlottetown. At that time there were majorities in both Houses of Legislature unfavorable to my political principles, but notwithstanding I stated that if the measure were made a general one—if all the members of the Legislative Council were put upon the same footing with re-

gard to pay, as the members of this House are, I would give the measure my best support. I could not then, nor do I yet, see the justice of paying the man who happened to live 20 miles from town, and denying it to him who resided only 19½ miles, as the loss of time, expense and inconvenience in attending the Council would be as great for one as for the other. If one member is to be paid, so should all. We might as well say that the members of the House of Assembly who reside in town should receive no pay, whilst those who came from the country should be allowed it; and if all the members of the Assembly are entitled to be paid for their services, I cannot see the force of any argument that has ever been used to show me that the members of the Council should give their services for nothing. Why should we expect members of the Upper Branch to leave their homes and occupations for two or three months every year—to incur expense in coming to Charlottetown, and incur an additional expense in town of £20 or £30, and not at least indemnify them, while we ourselves exact our day's pay and our mileage? Do we think that every member of the Council ought to make a contribution to his country of £30 a-year? Do we estimate the patriotism of each member of the Council to be to the extent of at least £30 a-year superior to our own? I am well aware that for many years the party with whom I act have been opposed to the principle of paying the members of the Legislative Council. They opposed my advocacy of it in 1848, when Mr. Palmer's Bill was before the House—nor am I aware that they have changed their opinions since. But any objection which Liberals may entertain against the measure before the House is merely the result of an old prejudice, arising out of the spirit of hostility to the rights of the people manifested by the Legislative Council in former years, when that body was composed of those in the interest of the land proprietors, and was almost always found arrayed against popular measures. In those days it was but natural for the liberal party to entertain a feeling of decided opposition to the Council; but now when its character is changed—when it has manifested a sincere desire to act in constitutional accordance with the will of the people—such feelings should no longer be indulged. I am aware that under the influence of such feelings some liberals are in favor of popular influence being brought to bear upon the constitution of the Legislative Council, but I can see no reason for departing from a fundamental and constitutional principle in the constitution of that branch of the Legislature. What reason can there be to seek to make the Council elective, when, as at present constituted, it carries out the measures of this House? If it were obstructive, the desirableness of the change might be matter for consideration. But suppose, sir, that we, in this end of the building, were unanimous in believing that an elective Council would better promote the public interests, and that we passed a Bill to constitute such a Council, what reason have we to think that the other Branch would concur in the measure? To have an alteration in either branch of the Legislature, it is necessary to have an Act of Parliament; an Act of Parliament is an Act of the three branches,—if the Legislative Council refuse its concurrence, the thing is at an end; and do you believe that any twelve men in their senses would sanction a proceeding which must destroy their own political influence—a proceeding, too, to say the least of it, of the most doubtful utility? When, or if ever we shall find the members of the Legislative Council themselves calling for such a change, and a majority here should be in favor of it—we might reasonably expect to see it carried out. But when we know that the Council are avowedly hostile to any the slightest interference with the constitution of their chamber—when they



pride themselves upon that constitution, because they believe it to be analogous to that of the House of Peers in Britain—it is manifestly absurd for us to think of passing any measure here with the view of altering it. Suppose the Council passed a Bill intended to alter the constitution of this House, in what spirit would honorable gentlemen around me regard the Bill when laid upon our table? How loud would be the anathemas, how strong the denunciations of the enormity of one branch of the Legislature interfering with the rights and privileges of another! The hon. and learned member for Georgetown (Mr. Haviland) has submitted to this House a Bill to make the Council an elective body. Now, supposing a very improbable case—namely, that that Bill should become law—does the hon. and learned gentleman seriously believe that under its operation our present system of Responsible Government could be worked?

Mr. HAVILAND.—Yes!

Hon. Mr. WHELAN.—Well, then, I must say that the hon. and learned gentleman has a very credulous disposition. Responsible Government would, in my opinion, cease to exist the moment you made the upper branch of the Legislature subject to popular control the same as ours, and I will tell you why. A Bill to render the Council elective must provide a property qualification for the members of that Chamber much higher than the property qualification required for members of the Assembly, and of course a higher qualification for the electors. There would be no use whatever in having in the upper house precisely the same class of men as we have here, and chosen by the same body of electors—that would, in effect, be merely to increase the number of members of the House of Assembly, putting a third of the number in one end of the building, and leaving the remaining two-thirds at the other end. The Legislative Council, if elective, must inevitably represent a class of the community totally different from that represented in this House, and that class will not be a majority of the people, but on the contrary a very small minority; and it might often be that members of the Council, fresh from their elections, and animated by party feelings, may come into direct collision with the House of Assembly. Let us suppose that that Council—representing, as I say it must, a different class of people from those who choose the Assembly—were pledged by their constituents to reverse the existing order of things, to transfer the Government from the majority to the minority here—to repeal the One-ninth Act, and the Free Education Act, and the Franchise Act,—would this House submit to such encroachments? Certainly not. But how is the difficulty to be surmounted? The Council insist upon making the changes, and they may tell us, that if we do not concur with them, they will refuse their assent to the supplies. Can this House reply—"You have no right to repeal measures of such importance, or in any way obstruct useful legislation." "Then wherefore," the Council might well rejoin, "are we invested with powers analogous to those possessed by the House of Assembly?" If the Council passed a vote of want of confidence, in what position would that place the Governor? Could he form a new Executive from the majority at the other end of the building? He must either keep both branches at bay, or yield to one or the other. If he side with the Council, the House will oppose him; if with the House, his government will meet the opposition of the Legislative Council. I may be told by the advocates of Elective Councils that the principle they seek to introduce prevails in the United States; but I contend that no analogy exists between our institutions and those of the neighbouring Republic. We have the system of Responsible Government, assimilated to and based on British constitutional practices.

Here Executive Councillors are responsible for the acts of the Government, and are liable to be displaced by a vote of this House any day during the Session. In the States, on the contrary, although the House of Representatives may censure and condemn the men and measures of Government, they cannot effect a change if the President be unfavorable to it. I have frequently heard it remarked that here the Legislative Council is an irresponsible body. Surely there cannot be a greater mistake. Office holders of Government are to be found in that branch as well as in this, and they control the decisions of their supporters, the majority; and we all know that an adverse vote by this House will as effectually deprive the gentlemen at the other end of the building of their situations as if they were sitting here amongst ourselves. There are some persons who advocate the elective principle, with the provision that only a certain number should go out for election at certain periods. But the objection to that would be no less strong than in the other case. The balancing power of the Council would be lost. It would be no longer what it was intended to be—a calm, dispassionate Court of Review, to revise, and, if necessary, to check the hasty legislation of a popular Assembly. But I feel, Sir, it is quite unnecessary to pursue this discussion any further. Should the Bill introduced by the hon. member for Georgetown pass this Branch—and that does not appear to be very probable at the present time—there is not the slightest chance of it becoming law, for no one can suppose that the gentlemen at the other end would commit political suicide by sanctioning it. For my own part, I would sooner vote for a Bill to do away with the Council altogether, than for a Bill to make them elective; and the one would be just as likely to pass as the other. If the time should ever come when the Legislative Council would again manifest a spirit of hostility to popular interests, it would be proper enough then to agitate for a change in its constitution; but we are here to legislate, not for remote, and it may be, improbable contingencies, but for the actual state of the country. It is the duty of the Government to strengthen themselves (hear! from Hon. Mr. Longworth). Yes, I repeat it, although the hon. member may call "hear," and I ask what was his own policy and that of his party when they were in office? Their guiding motive, as that of every political party, was to strengthen their own position while advocating measures which they might consider conducive to the public interests. That, Sir, I maintain, is the rule by which public men are guided, and so it will be to the end of time. It is our duty to legislate so as to keep the Council in harmony with the people, and by adopting the measure now before the House we shall do so. It has been made a subject of complaint that the Council do not represent the views and interests of the country generally. Why, Sir, it is an utter impossibility to get men to serve the people in a poor country like this, without providing compensation for the time and trouble they must devote to the public business, or at least paying their expenses. It is not the fault of the Government that the majority of the members are residents of Charlottetown and its vicinity. At different times, gentlemen have been selected from various parts of the country. I may instance Dr. Kaye, Mr. Macgowan, of Souris, and Mr. Anderson, from Bedeque; they resigned their seats because they could not afford to attend without being paid as members of this House are. That was a very good reason for their resigning, for it is unreasonable to ask men to come from the country and attend to the public business without remuneration. Three gentlemen now at the Council Board attend at great personal inconvenience to themselves, and from motives of patriotism serve without expense to the country, but it can-

not be expected that they will continue to hold their seats unless the same liberal, nay, honest spirit is manifested here that has been displayed in other Colonies. In Canada and New Brunswick the members of the Upper House are paid. In Nova Scotia, where many men are, from their wealth, in a position to devote their time to the public gratuitously, the question of paying the Council has been agitated for the last three or four years; and at last the Council and House of Assembly came into collision. At length the Hon. Mr. Howe, the leader of the Government, introduced and carried a bill providing for their pay. In our Council there may be two or three vacancies if this measure should fail, in addition to the present number, making in all five or six; and how, I would like to know, can Government fill them with gentlemen from the country without compensation? No, Sir, they must be content to take them from Charlottetown, and then, indeed, there would be more reason to complain than there is at present. I now, Sir, move that the House resolve itself into a Committee of the whole on the Bill.

HON. MR. PALMER.—Although, Mr. Speaker, the motion of the hon. member has not been seconded, as I suppose it will be, at this hour I shall not trouble the House with any lengthy observations, but shall merely make one or two remarks without going deeply into the subject. The hon. member preface his speech by stating that this Bill did not come before us as a Government measure. It was a wise precaution for him to make that statement, and then to proceed and give us his idea of the necessity for the Bill. It is likely that the members of the Government will act with equal consideration, and will not allow it to be supposed that it is a Government measure, but I think we shall see members of the Government voting for it and supporting it through thick and thin. The hon. member proceeded to state that the Legislative Council ought to be paid, and the main reason he alleged in support of his views was, that since the year 1851 that body had carried out the views of this House; that, forsooth, because they have tamely assented to all that was sent up to them they are worthy of their hire. He has further seen fit to stigmatize as arbitrary and tyrannical the action of the House last Session. By that I presume he alludes to the endeavours made last year to assimilate our constitution to that of Canada. He gives credit to the Council for opposing those measures which he styles subversive of the constitutional rights of the people. The conduct of the House last year did not merit such designation; it proposed not to overturn the rights of the people, but merely to stop the eight hundred pounds a-year of the people's money which the Council got. That was their guiding motive, and so they maintained their position, and got their £800. Their conduct was not dictated by regard for the interests of the people, but self-interest was the motive. Another great benefit the Council had rendered, according to the hon. member, was the rejection of the Police Bill. Why, Mr. Speaker, a message was received from England by the Government of the Hon. Col. Secretary, advising the establishment of a police force, and if it is the duty of the Council to work in harmony with this House, why did they reject a measure passed by the House and approved by the Government? And yet the hon. member says he would pay the Council because they go hand in hand with the House—that in fact they echoed every sentiment which found favor here. Now, in my opinion, no better argument could be adduced against paying them than that very assertion, for although they have been considered to occupy a position somewhat analogous to the British House of Lords, yet if they are merely to sit and pass every Bill which may from time to time be sent up from this House, there can be no

need of discussion—no occasion for difference of opinion—and surely there is no necessity for paying them; and if such be their functions, I ask, Mr. Speaker, why keep them at all? If their action is but a useless form, one man could do it as well as the whole Council, and we could provide an office for him in the corner of this building, where he might sit and assent to bills from this House *pro forma*. We could then send a bill and tell him to assent to it. If we pay the Council we will be taxing the people, and while that Chamber is constituted as at present, I will not consent to such a measure. Some years ago I introduced a Bill providing for the payment of Councillors resident more than fifteen miles from Charlottetown. At that time the Council was composed of independent men, and it was intended to have the Island generally represented at the board. But I am decidedly opposed to that body as at present composed. In saying this, I mean not to make any personal reflections; I refer not to the individual occupants of the seats, but its political character and complexion I cannot approve. I respect individual members of the Council as highly as any in the community. My remarks have reference solely to the principle of its constitution, and I must say that I think the position of the present majority mean and contemptible. What! to be told you are the mere servants of two or three members of this House! You must not oppose any measure; you are to sit down and submissively vote for it. Oh, Sir! surely such a situation is menial and contemptible enough, without the additional degradation of pay. I wish to infuse some spirit into the Council, and to make it really independent. There is no analogy between it and the House of Lords. The members of that august tribunal cannot, by the will of the Government of the day, be deprived of those seats which are their birthrights, secured to them and their heirs by the constitution. It is true, the Crown can, by an arbitrary exercise of power, constitute a majority of Peers for any measure, but there its power ceases, for, once created, the rank and honors descend to the heirs in perpetuity. The time has now, Mr. Speaker, arrived for making the Legislative Council elective. The people of Canada have applied the elective principle to their Council, and we shall soon see it in practice in that country. When the statesmen of such a country seek such a change, why are we to perpetuate a rotten and condemned system. If the change should not improve our Council, surely it cannot render it worse. The finger of scorn will be pointed at those sent to sit as mere automata at the Council Board. I mean not to convey any idea derogatory to individuals; I object to the working of the system, and I say that I know nothing in the Island more contemptible than a seat at that board under the present state of affairs.

MR. HAVILAND.—Mr. Speaker, although but one bill is before the House, we are virtually discussing two; for the Bill for making the Legislative Council elective is under debate, and the two principles of paying the Councillors and making them elective, naturally enough come up together. I, for one, will never consent to pay the Legislative Council so long as it is constituted as at present. It has not the influence in the country which it ought to possess, for under the present system we may have half-a-dozen changes in as many months, and consequently the public care but little who compose the board. Ask any member of this House to which chamber he would prefer to belong. He will tell you that he would prefer a seat here. And why? because the Council has no influence in the country; and for this obvious reason, that its members being merely nominees of the Crown can be removed at pleasure. They should be a check on the Crown, on the one side, and on this House, on the other, and

their true duty would be to step into the breach when either exceeded their proper limits; but now will any man tell me that they form a check at all? I must say, Mr. Speaker, that I was surprised at the remark of the hon. member, Mr. Whelan, that we were not here to legislate for posterity. I consider that the prospective welfare of the country is matter for our most serious consideration, and that all our legislation should be conducted with a careful view to the future. The hon. member has said that the principle of election to the Upper House is unconstitutional. In reply to that, I need only refer him to the Irish and Scotch Peers in the British House of Lords who are elected. Why, Sir, the principle of election is as old as the time of William the Conqueror. As to his assertion that Responsible Government cannot be carried out with an elective Legislative Council, I cannot see any reason for it. (Hear, hear.) Hon. members may cry hear, but I do think it unfair to sneer at me and others as though we were opposed to Responsible Government because we conscientiously opposed the introduction of the system. True, I opposed it; but when once it was conceded I considered it my duty to assist in carrying it out in its purity, and although members may smile and say that the men of to-day are not the men of yesterday, I can cite the example of that great statesman, Sir Robert Peel, whose conduct in dealing with the great questions of Catholic Emancipation, the Reform Bill and Free Trade, shewed that he gave way when he found it necessary, and I see no reason why we are to be told that we are not to have the confidence of the people. But to revert to the assertion of the hon. member, I must say that it would be strange if the election of the Upper Branch should impair the efficient working of Responsible Government. In Canada, Mr. Hincks, the great advocate for Responsible Government, advocated an elective Council, and I hold in my hand the record of the proceedings in the Assembly and an address to the Queen, in which it is stated that an elective Council is essential to the working of Responsible Government. There was more difficulty in effecting the change in that Province than we shall find here, for the Canadian constitution was based upon an Imperial statute, and any fundamental change could only be effected by an Act of the Imperial Parliament. There Councillors held their seats for life, in accordance with the provisions of a statute, which could only be altered by an Act of the same body which enacted it. Last summer the Duke of Newcastle was urged either to introduce a Bill providing for the election of Legislative Councillors or repealing the clause prohibiting the Canadians themselves from making the change, and this year an Act has passed both branches to give effect to the wishes of the people. The principle is not new in its application to the Colonial dependencies of the empire, for it has been conceded even to the Dutchmen of the Cape of Good Hope. Whatever may be the fate of the measure here to-night, the time is not far distant when we shall see an elective Council in this Island, and then we shall see one in which the people can have confidence.

Hon. COL. SECRETARY.—This debate, Mr. Speaker, just shews to me that the Tories here are the same as those in other Provinces, who, when they are driven from power and place, invariably profess a great regard for popular rights, and we have heard to-night the hon. member from Georgetown, one of the most determined opponents of Responsible Government, declare his wish to carry it out in its purity. But, Sir, where was the zeal of him and his party for purity and integrity last Session? It is recorded in black and white to their disgrace. The hon. member wishes an elective Council now because last year the present Council would not allow him and his political friends to burke the

constitution of the country. So long, Sir, as the majority of that Council manifest a just and generous spirit towards this House, I will not insult them as the hon. member for Charlottetown (Hon. Mr. Palmer) has done. When he was in power he brought in a measure to pay the Council, for I believe some members threatened to resign if they were not paid; but now when the members are constitutionally chosen, he opposes their receiving pay, on the grounds that their appointment does not entitle them to the confidence of the people. Why, Mr. Speaker, if they are appointed by the Government they are appointed by persons having that confidence, and I would ask the hon. member if in the selection of individuals to seats at the board, the Government are to be guided by the advice and opinions of those in whom neither they nor the people themselves have confidence? I contend, Sir, that by paying the members of the Council as the members of this House are now paid, we can secure a better representation of the general interests of the Island than by electing them in the mode proposed by the hon. member for Georgetown. Members of the Council, I am aware, do not suit the views of the hon. member for Charlottetown—never did, and probably never will—but I can tell him that they are independent men, and are as free from improper influences as members of the House of Lords. When Mr. Haviland, senior, ruled the roast, the Legislative Council was all purity—there was no insinuation that they did not possess the confidence of the people in those days, when he could walk up and joke about escheat being set at rest. At the present day the Council is composed of independent gentlemen who pay their own expenses, some of them come from the country, and I contend that it is neither right nor just to ask them to incur the expenses they do, so long as members of this House are paid. I trust that a majority of this House will not be found to violate the principles of honor and integrity, and interrupt the good understanding which happily subsists between this House and the Council. If we sanction the principle of election, whom are we to get? While the country has confidence in the present Government, the same individuals who support it in the Council will be sent back. And, Sir, the assertion that the present Council is a mere echo of this House, is without foundation. They have often rejected bills we have sent up to them. The Tenants' Compensation Bill was rejected several times, yet the majority of this House did not abuse the Council for their independent action; they rejected the One-ninth Bill, but it is now passed. The present constitution of the Council renders that body a check upon this House, but once elect them, and where would the check be found? The Council then would be but the double of this House. I, for one, do not think it advisable that they should be elected. They are now a check upon crude and hasty legislation on the part of this House, and where, I should like to know, would be our constitution to-day if it had not been for the firm and independent attitude assumed by the Council last year? Look at the Police Bill, a measure to fill the Town with policemen. True, the British Government may have recommended a measure of that nature, but they did not advise that particular bill, and had the hon. member for Charlottetown continued in power, a measure of that kind would have rendered the people desperate. Great stress has been laid upon the change in the constitution of the Canadian Council, but the fact is that it does not apply to the present holders of seats at the board, it is merely prospective in its operation, and is intended to apply to vacancies as they may from time to time occur. The Council in Canada is composed of the old aristocratic party, of that party which drove the people at length into rebellion.

The case is widely different here, and the vacancies in our Council Board here give the Government an opportunity of having the different sections and interests of the Island represented in the Council. The action of the Tory party is pretty similar in the different Colonies. There is Mr. Johnston, the leader of that party in Nova Scotia, when in opposition, he thoroughly went for Elective Councils. When I see that liberal measures sent from this House are sanctioned in the Council, I am content to wait till the country calls for this change. Why, Sir, by the Elective Franchise Bill alone the people of the Island have derived more liberty than they ever received from the Tories.

Mr. COOPER. — Mr. Speaker, it has been urged that the Council is a miniature House of Lords—but I consider that there is a very important difference between the two bodies. A member of the House of Lords has such stake in the kingdom as to entitle him to a seat in that House, but it is widely different in this Island. While I say this, I maintain that the substitution of the elective principle for the present mode of appointing to seats is no greater change in their constitution than would paying them be. The peers in the Imperial Parliament pay themselves by being there, but what stake have the Legislative Councillors of this Colony to promote their interest to sit at the board? It is said that this Bill only contemplates paying the Council for three years; but can you stop paying at the end of that time? If you do, the Council would be justified in asking why you do not continue as before? True it is that the Council did resist an attempted change in the constitution—but once pay them, and they can resist any measure, no matter how important, and refuse to pay the members of this House, unless they themselves are paid. If hon. members are sincerely attached to the principle of Responsible Government, why should they advocate paying members of the Council, while those members hold their salaries for life? It makes no difference whether they are elected or nominated so long as they have a life tenure of their seats. I have prepared the following resolution which I shall submit in committee, viz:—"That any members of the Legislative Council on receiving an allowance for their expenses the same as members of the House of Assembly, should not hold a life interest—but be removable by rotation, and two to go out of office annually, and to limit the term of their office for six years, the first two to go out of office the first session of the next general Assembly,—vacancies to be filled by vote of the House of Assembly; and one half of the Legislative Council to be residents of the country. Members of the Council may be re-elected."

Hon. Mr. LONGWORTH. — The Hon. Col. Secretary, Mr. Speaker, has manifested a good deal of temper in this debate. He is generally violent when he has a bad cause to advocate. Without further reference to that, however, I may state that I for one will never consent to pay the Council until it is elected by the people. As at present constituted, it is a mere tribunal to register the acts of the House of Assembly. No matter what the measure may be that is sent up from this House, if the Government are interested in its passage, it is immediately endorsed at the other end of the building. Let them remain if you will, as they are, but do not take five or six hundred pounds from the Treasury to pay what is merely an echo to this House. As at present constituted, the Council is not independent, for while they hold their appointments at the will of the Government, they are bound to go with the Government. Hon. members may say they are independent, but have we yet seen a manifestation of independent action. I do not agree with the hon. member Mr. Cooper, that this House should elect to the Council, but

I would leave their election directly with the people, who would then be satisfied with the upper branch, which on the other hand will occupy its due position in the country.

Hon. Mr. MONTGOMERY. — Mr. Speaker, I merely rise to declare my opposition to the principle of paying the Legislative Council with the people's money, until the people have more control over that body than they have at present; and all the arguments I have heard to-night in favor of paying the present councillors have no weight on my mind; and I contend, that if the members were elected, the Council would have more weight and influence in the country, and that their election by the people would be an extension of the principles of Responsible Government. The argument advanced by the hon. member who opened the discussion, namely, that we ought to pay the Council, because they agreed with the majority of the House, appears to me to have an effect contrary to what he intended, for suppose at any future time they might change their opinions and go in opposition to the House, they would still be receiving pay, and yet the House would have no control. In Canada an elective Council was found necessary to the carrying out of Responsible Government. On application to the British Government it was granted, and a bill passed to effect the change desired, the details of which I have seen. I feel convinced, Mr. Speaker, that the people will not be satisfied to pay the Council until they have more control over them than they have at present.

Hon. Mr. LOYD would support the pay of the Council, during the existence of the present House,—not, however, as a member of the Government, but as an independent member, because he considered that at present the people were not fairly represented, and would not be unless members were remunerated. This was proved by the resignations which had so frequently occurred within the last few years. He would, however, oppose the bill of the hon. member, Mr. Haviland, until the opinion of the people was expressed in favor of it at the hustings; until that time he could not consent to so important a change in the constitution.

Mr. LAIRD considered that paying the Council while they were irresponsible to the people, would be voting away the rights of his constituents. He would oppose or support any measure according to his own opinion of its merits, no matter whether it emanates from the majority or minority, he would support paying the Council on a plan something like that proposed by the hon. member, Mr. Cooper.

Hon. COL. SECRETARY would only say, that at a meeting of the constituency at which himself and Mr. Laird were present, the opinion of the people was very decided against a change in the constitution of the Council; and he is mistaken if he supposes that a majority of the Liberals are opposed to paying the Council; there may be a few will-o'-the-wisps in the Liberal ranks, and the hon. member himself has been in bad company lately—(laughter)—who may say that paying the Council is voting away the rights of the people. Had he expressed such opinion before the election, I doubt if he would be returned. The meeting to which I refer was attended by sensible men, some of whom had previously opposed me, but they were satisfied with the answers I gave to the questions they put to me, of which this was one of the principal. Let those who assert that in paying the Council for four years we are abandoning the rights of the people, agitate the country and get a majority in favor of their views, and I will give them credit. The opinion of the country at the last election was in favor of paying the Council; and the people rejected several of those who wanted to change the constitution of that body. As a member for Queen's County, I have no particular interest



of my own to serve in advocating the pay, but certainly King's and Prince Counties require that the Council should be paid, for it cannot be expected that they can be represented unless members are remunerated. Gentlemen well qualified refused to accept seats at the board, and it is not to be wondered at.

Mr. McINTOSH.—While I am willing, Mr. Speaker, to give every credit to the authors of the responsible system, I do not suppose that every thing they may do must necessarily be right, and that it is my duty to support them. I am here to act on my own opinion, and while I admit that the present Government has done more for the good of the country than any we ever had, I would not be pledged to justify every thing they may do. I do not wish to find fault; indeed I would rather mend a fault than find it; I am in favor of paying the Council, no man more so, but I will not give my vote for paying five or six hundred pounds to men who are not responsible to the people. I wish to offer no factious opposition to the Government. I go under the name of a Liberal myself, and will support every measure which I consider good, no matter whether it comes from Whig or Tory; and as I suppose the term will-o'-the-wisp was intended by the hon. Secretary to apply partly to myself, I can only say that I do not deserve it, nor is such language parliamentary. Will-o'-the-wisps are unsubstantial things, and are found in bogs and low places. (Laughter.) I have no desire to break up the Government, but will oppose what I do not approve of.

Mr. CLARK.—Mr. Speaker, we have heard a good deal about the Council not being responsible, but I consider they are, and if they were elected, they would be a mere reflex of this House. Now they are appointed by a Government that is responsible to the people; and are so independent that they are not apt to pass in a hurry measures hastily adopted in this House, but can defer them for a Session, and then pass them in an improved shape. I am surprised at the party who now propose to make the Council elective; only last year they would not have the heads of departments elective, now they would have the whole Council.

Hon. Mr. WIGHTMAN.—After the able speeches we have heard, Mr. Speaker, I feel diffident in offering any remarks, but a retrospective glance, will I think, shew that last year the Council manifested a spirit of independence in opposition to the House of Assembly; and there are members of this House who would not be here now if it were not for the Council. They showed them that they considered it their duty to uphold the constitution of the country. I do not object to pay the country members of the Council, as I think they are entitled to be paid as well as any members of this House, and I feel satisfied that gentlemen cannot be got to come from the country without being paid. Let the question of election be made a platform at the next election, and then we will have the sense of the people on it. I am not disposed to pay those who hold Government offices. They, I think, should serve without pay, but all those from the country are entitled to be paid.

Hon. COL. TREASURER would not detain the House long, he was satisfied that if the question were properly put before the people, a large majority would be found in favor of paying. Who, he would ask, would come from Tignish to Charlottetown to serve as a Councillor at his own expense. The same question would apply to Cascumpec and Lot 11. He once accepted a seat in Council himself, but could not retain it unless filling an office. As to the hon. Mr. Wightman's objection to pay the holders of Government offices, he might make the same objection to the public officers in this House, who received their pay as members in

addition to their official salaries, which were not so large that they could be considered overpaid.

Hon. Mr. WHELAN.—Having waited patiently, Mr. Speaker, until the opinions of hon. members have been very generally expressed on this question, I shall now avail myself of my right to reply, the exercise of which will not occupy much of the time of the House, for the arguments that have been adduced in opposition to the Bill are neither so weighty nor numerous as to call for a protracted notice, but some observations which have fallen from the hon. member for Charlottetown demand a passing comment. In alluding to them, I must congratulate him on the accession he has received to his ranks. Never before have I seen such an expression of joy as beamed upon his countenance, and that of Mr. Haviland, at the seeming defection from the Liberal ranks, which opened to their anxious minds the prospect of once again grasping the seals of office. But let them not lay the flattering unction to their souls that they will be able to defeat the Government, because the hon. members, Messrs. Laird, McIntosh and Cooper, are ranged to-night under their banner. I am not afraid of the course I have pursued on this matter. It is no practice of mine to mislead the people. In 1848 I frankly submitted the question to my constituents, and I have ever since maintained the same opinion; and I am willing to face my constituents to-morrow and tell them of my vote to-night. The assertion that the Bill thrown out by the Council last year, which removed from direct responsibility all officers but the Attorney General and Colonial Secretary, was an attempt to assimilate our constitution to that of Canada, is without foundation; it has been made before and been so often refuted that I will merely content myself by saying that there is no similarity between that Bill and the one on the Canadian Statute Book. The hon. member has stated that the Council was actuated by the desire to save £800 a year, which he alleges they now have from the public funds. Why does he make that assertion so boldly when he knows full well that the only paid officials at the board are the Attorney General and the Commissioner of Public Lands, the salary of the former of whom is £350, while that of the latter cannot exceed £300 a year. The Judge of Probate receives no salary, and is independent of the Government. When the hon. member says the Council's opposition to the House last year was based upon pecuniary motives, he does not make the assertion, believing it to be true, but trusts that it will ferment in the public mind, and lead to dissatisfaction towards the present Government; but I can tell him that it was the conduct of himself and his party which induced the Council to take the bold stand they did, in opposition to the Assembly, and to shew their independence. The hon. member seems to argue as though the Council was merely to sanction every measure of this House. I for one never expressed such an opinion. What I did say was, that the Liberal party in this House and throughout the Island were grateful to them for what they had done, not that their province was to echo every sentiment and principle enunciated or adopted here. The true cause of the opposition of the hon. member is that the majority of the House last year did not represent the majority of the people while the Council did, and because they chose to act independently of the hon. member, he, forsooth, says that they are not independent. Perhaps he would have them as independent as they were when he first came to the House—when they met in secret conclave, with closed doors, and exercised executive and legislative functions. Were they then deserving of his confidence? We must suppose so, as now, when the whole system is changed, he says that a seat at the Council Board



is mean and contemptible. Alas, the grapes are sour! He knows there is no prospect of his obtaining a majority, and that the House and Council will sanction measures displeasing to himself and his party. Reverting to the hon. member for Georgetown, I must deny the force of the argument he seeks to draw from the adoption of the elective principle by Canada. It is unlike the Bill he has introduced, inasmuch as the Canadian plan has reference only to future vacancies, while his Bill is to have immediate operation. It is amusing, indeed, to see the party of the hon. member holding up Canada as an example to us now. I should like to know, if, a few years ago, when Canada was strongly pressing for the adoption of Responsible Government, the hon. member and his friends would have said to the Canadian people, "Come, we will go along with you, and cooperate in seeking Responsible Government"? I think not. But the fact is, as stated by the Hon. Colonial Secretary, that Tories are everywhere alike—they have a common interest in opposing liberal measures,—and when defeated in their own country they are ready to advocate any measure adopted in another, if it holds out any prospect of injuring their opponents. I can honestly say that I never acted in that manner. I have advocated just such measures as common sense and justice have recommended to my mind. The hon. member for Georgetown says that the Council should be a check upon popular clamour. I think they shewed that they were last session, when they opposed the introduction of a system which received the support of the hon. member.

MR. HAVILAND.—I sought to make the system more pure.

HON. MR. WHELAN.—Where does the hon. member find a precedent for the exclusion from popular control of all officers, save the Colonial Secretary and the Attorney General! That proposition had its origin in a desire to destroy Responsible Government, but the Council had sufficient independence to resist it successfully. At this late hour I am unwilling longer to trespass on the time of the House, as after the protracted discussion, the minds of hon. members must be made up.

MR. COOPER.—The hon. member says that my objection is to paying the Council. It is not; I oppose paying them while they are irresponsible to the people. In all the Colonies the principle has been sanctioned that they who are in receipt of the public money should be responsible to the people.

HON. COLONIAL SECRETARY urged that the Bill was required to enable the hon. member's own County to receive its fair representation at the Board, and argued that if members could not be found to serve for King's and Prince Counties, the selection must necessarily be made from Queen's; after which, the House resolved itself into Committee—Hon. Mr. Mooney in the Chair.

Mr. Cooper's amendment was negatived, there being for it only Messrs. Cooper, Laird, McIntosh, Haviland, and Hon. Mr. Montgomery.

On the preamble to the Bill being read, Mr. Perry having understood that the object of paying the Council was to insure a fair representation at the Board to the different counties proposed a resolution to that effect, when the Hon. Speaker explained that such a clause could not be properly introduced into the Bill, but that as the Government had the right to appoint, the House might be satisfied with the assurance of the Hon. Colonial Secretary that the appointments would be fairly made from the different parts of the Island.

HON. COLONIAL SECRETARY stated that the incorporation of Mr. Perry's resolution into the Bill might jeopardize it, as interfering with the royal prerogative. He had stated

the principal reason for the Bill to be the proper representation of King's and Prince Counties, which he considered entitled to at least three representatives each. If the Government should not supply the vacancies properly, a vote of want of confidence could remove them.

HON. MR. PALMER was in favor of the adoption of the resolution—trusted hon. members would not render themselves liable to be deceived by the promises of any one calling himself leader of the Government.

MR. COOPER was in favor of its insertion; after a short conversation, Mr. Perry withdrew his resolution.

The Bill passed to a second reading and was reported.

FRIDAY, 30th March, 1855.

House in Committee on the Bill relating to the offices of Controller of Navigation Laws and Registrar of Shipping. Mr. Muirhead in the Chair. The Hon. Colonial Secretary read the section of the Imperial Act, empowering the Colony to make the necessary regulations—after which, the first clause of the Bill being read,

HON. MR. PALMER would not say that a deputy was unnecessary, nor that he should not be adequately paid, but considered it an anomaly that an officer should be styled deputy, amenable to his principal, yet appointed by the Governor and Council, so that practically he would be no deputy but only an assistant. If placed in office by authority other than that of the principal, paid independently of him and giving security to others, he would be no longer deputy—an officer who stands in the shoes of his principal, who can act independently of that principal, and who has powers co-ordinate with him. If the House decided to have two officers, it might be better to designate the second one Assistant, in order to obviate questions which might arise of conflicting powers, as the authority of an assistant and the extent of his powers would be well known. He considered that the phraseology of the Act had better be changed, particularly since it was contemplated that the party should be paid by the Government. If the subordinate should be a Deputy, the Government may order him to do some particular act which may be in direct contravention of the instructions. In such case what is he to do? If the officer is to be held amenable to his principal, it should be so stated.

HON. MR. LORD did not see that the particular name made any difference: perhaps the American term "help" would suit the hon. member. It was proposed to appoint by Government assistants, who should be under the direction of the principals. It was necessary for the efficiency of the public service that properly qualified subordinates should be found in the offices on occasions of changes in the principals, and the proof of the necessity was to be found in the mistakes which occurred in the Secretary's office last year. Suppose Mr. Clark appointed his assistant, and both go out of office together,—strangers to the business take their places,—to what confusion would it not lead. The business of the office was of immense importance, and he trusted that a competent assistant would be appointed.

HON. MR. PALMER did not intend to attach importance to the particular name of the office, he might be called "Will o' the Wisp," or *ignis fatuus*, and if that designation were legalised he must be known by it. (Laughter.) The hon. member, Mr. Lord, had alluded to the fact of some acts which had not been sent to England last year. He congratulated him on having at last an accusation founded on facts, to bring up against the late Government—but in doing so, he should lay the blame in the proper place—on an inefficient and bewildered Governor, whose duty it was to

have called for the bills, and known when they were ready. It was no part of the Attorney General's duty to send them. He was always ready to examine and report upon the bills when requested to do so. If the Governor neglected to call for them, it was not fair to blame others for his inattention. The Hon. Mr. Lord had spoken of the inconvenience of strangers assuming the business of an office, but he (Hon. Mr. Palmer) foresaw difficulties which justified his views in requiring that the position of the subordinate be defined; for instance, it might be that a principal might disagree with his assistant to such a degree that the public service would be seriously affected, yet the Government could not prevent his dismissal by his superior.

HON. COLONIAL SECRETARY thought that it might be as well to adopt the alteration suggested by the hon. member for Charlottetown, but he differed from him when he said that the assistant would not be liable to his principal. Under Responsible Government no assistant would dare to act in opposition to his principal; the Government can issue instructions to principal and assistant. The increase of business in the Excise Office in Charlottetown required an assistant—£27,000 or £30,000 were received there last year—and a Broker was allowed to receive fees from the importer while acting for Government. It would be better that the Government should appoint an assistant at a proper salary, and that the broker should occupy a convenient office. The principal will receive his instructions from Government, and the assistant will not be removed on a change of the principal. It may be necessary to remove an assistant, but not so long as he conducts himself with propriety; but now the principal takes his assistant with him. What would be the result of such a system in the Colonial office? The Executive wished to make Responsible Government as efficient as possible. He was surprised at the allusions to the inefficient Governor, made by the hon. member for Charlottetown. It was not the duty of that officer to ask whether bills were ready. They should be sent to him. He did not blame the hon. member or his colleague for the omission so much as the defective system which provided no clerk to attend to the details of the business of the office. When he took office he found the hon. member's reasons for the Bills receiving the Royal assent, and they were sent home next mail.

Hon. Mr. LONSWORTH said the opinions of his hon. colleague, the then Attorney General, was sent to the Governor before the Hon. Colonial Secretary was sworn in. Bills went through the Governor not directly from the Secretary's office. True, the great seal should have been affixed, but the Governor should have seen to that, he had his instructions. It was the only charge that had been brought against the late Government, and it had become threadbare. As to the matter before the Committee, he did not see that any change would be effected by the appointment being vested in the Government, as they would have the power to dismiss or continue the deputy. It was not the case that principals always took their assistants out of office with themselves. Mr. Thresher was continued in office until the new principal became acquainted with the duties of it.

Hon. COLONIAL SECRETARY said that the books of instructions were at the time in the Secretary's office, and the hon. member must know that it is the duty of Colonial Secretary to affix the Great Seal. As to its being the only charge against the late Government, he considered it was quite enough, when their blunder cost the Province £100, although they were in office only three months.

Mr. COOPER rose to order—the debate was irrelevant to the Bill before the House.

HON. MR. WIGHTMAN thought it right and proper that Government should appoint the deputies, as in a case of a change in the principal the office might be left without any one conversant with the details of the business.

Hon. Mr. MONTGOMERY did not see the use of saying that the deputy would remain on change of principal under the bill more than at present. The principal is responsible and let him choose his own deputy. Suppose Government appointed a deputy distasteful to the principal, how could the principal hold his office? It by no means followed that if the principal appointed his deputy, his successor would dismiss him. It was true that deputies had been removed, but they would be so if the bill passed.

Mr. HAVILAND agreed to a certain extent with the last speaker, that deputies would be liable to be changed, but considered the bill would be advantageous to the public service, as preventing the inconvenience at present experienced on a change in the person of the principal, who takes his deputy with him as a matter of course, for the deputy holding his office only at the will of the principal, can of course only continue in office as long as his superior officer. By the bill the deputy can continue till removed by Government.

Mr. McINTOSH thought that if the Government appointed they ought to pay the deputy, and not leave it in the power of the principal to starve him out. (Laughter.)

HON. COLONIAL TREASURER stated that the Government would not of course appoint a deputy against the wish of the principal, but the principal could not dismiss the deputy without inquiry by, and consent of, the Government. The business of the country could be carried on by competent deputies on a change of principals without its being delayed as at present.

Mr. HAVILAND said that as to the supposed case of deputies and principals being opposed to each other, there was but little probability of any Government supporting a deputy against his principal.

HON. COLONIAL SECRETARY.—No Government would expect a principal to keep a deputy who might be obnoxious to him, nor would they appoint a deputy without consulting the principal.

On the clause providing for the salary of the Controller of Navigation Laws and Registrar of Shipping, coming up, the Hon. Col. Secretary moved that the blank be filled with £100, in lieu of all fees, which should be paid into the Treasury.

The Hon. SPEAKER was an advocate for paying officers fairly, but as this was a new office, he thought it advisable to begin moderately, and as the duties increased, the House would be called on to make a proportionate addition to the salary. He thought £75 enough to begin with.

Mr. CLARK would not have accepted the office, had he not been assured of £100 a year, which was very little for the extra duties which this office imposed on the Collector of Excise. He would rather resign than take £75.

Hon. COLONIAL SECRETARY thought it better to give £100 a year and give the fees to the Treasury, they would amount to at least £70 a year. The commission on light dues last year amounted to £30. If Government had not united the office of Controller with that of Collector of Excise, the former office would have cost £200 a year.

Hon. Mr. WIGHTMAN thought that the addition of £75 to the £200 already paid to the Collector of Excise, would make a fair remuneration for the duties to be performed. The principal receiving £275 and the assistant £100 or £120, appeared to him to be very well paid.

Hon. Mr. MONTGOMERY considered that the Hon. Col. Secretary was hardly justified in taking credit to the Government for making a saving, as it appeared to him that no saving would be effected, for at present the Collector of Excise receives £200 a year and provides his own assistant; now Government adds £75 to the salary and finds an assistant at £100 or £120 a year. The office was much better paid than many others he could name, where the business occupies the time of the officers till late at night, while the Excise office is open only from 10 o'clock to 3.

Hon. COLONIAL SECRETARY said that the hon. member must be aware that an assistant would be required in the Excise office, even if it were not united with the office of Controller of Navigation Laws and Registrar of Shipping. The practice hitherto pursued of allowing the broker to act as assistant, he considered decidedly objectionable. In all countries assistants are required as the business increases. When the Lieutenant Governor was Secretary in Canada, there were two assistants and eleven clerks in his office. He was not anxious to go beyond what was right, but considered that the fees to be paid in would go far to pay the salary.

Mr. HAVILAND considered that as the office was absolutely necessary, they should provide what would suffice to have it properly filled. Although not a supporter of the Government, he was willing to give what was fair and reasonable, and he could not agree with the hon. member, Mr. Montgomery, that no benefit would result from the union of the two offices. Great convenience would arise to the public from their union, £400 a year for principal and assistant he thought was the lowest they could grant,—£100 a year was little enough for the Controller.

Hon. Mr. LORD considered that it would certainly be a great accommodation to the public that the offices should be combined, but considered it rather bad taste in Mr. Clark to hold out the threat of his resignation. He for one would be quite prepared to accept it, and would not be deterred by such a declaration from giving what salary he thought fit. No doubt the business of the united offices would involve an increase of duty to the Collector of Excise; but the business of Mr. Goodman's office was done with the aid of one, assistant, for the most part, occasionally only was a second required. Mr. Goodman himself was seldom present, save to sign a register. £75 for the Controller and £100 for the assistant he considered quite sufficient. Mr. Clark and Mr. Jacques had conducted the business, and in his opinion one clever man could discharge the duties of both offices.

Mr. HAVILAND thought that as it was a Government measure, the Government should have made up their minds and agreed to the amount of salary before coming to the House.

Hon. COL. TREASURER considered that a fit person to assume the duties and responsibilities of the combined offices could not be obtained for a less sum than £300 a year. In other Colonies the assistants received more than the principals do here.

Hon. Mr. PALMER recollected the time when a former member of the House, Mr. Pope joined the so-called Liberal party, and was, he believed, one of those who fixed the scale of salaries for public officers. Doubtless he aspired to office, as he had a perfect right to do. He took the Treasury, and removed his residence to Charlottetown, but after his experience of official life, when he had tried the cost of living in town, he declared that no man could live properly on the salary allowed. He (Hon. Mr. Palmer) was thoroughly impressed with the same idea, and was still of opinion that the salary was not sufficient, particularly since the necessary expense of living had so greatly increased. He did not con-

sider the salary proposed too great. There was a great deal of important business to be done, and he trusted the offices would always be filled by a competent person. He would support the vote for £100, and the fees to be paid into the Treasury,—were he disposed to act with mere party views, he might object to the union of the offices. In old times there was great outcry against any man holding a plurality of offices, but he considered the union in this case conducive to the public convenience. He did not consider Mr. Clark to blame for alluding to the promise that had been, that he should get £100. He, for one, admired the spirit that dictated his threat of resignation. (Laughter.) If, said the hon. member, faith cannot be kept by the Government with one of their own supporters, he may find friends on this side of the House who would be willing to act towards him with justice. (Laughter.) Members might laugh, but his friend knew he declared his opinion in favor of £100.

Hon. Mr. LORD would express his agreement with the opinion of the hon. member, Mr. Haviland, that there should be no difference of opinion among members of the Government on a question of this nature. When he opposed the vote for £100, he did not understand that the Commission on Light Dues was to be paid over, and was surprised to find that they amounted to £35 a year.

Mr. PERRY's opinion had not been changed by the numerous speeches which had been made; he would move £70.

Mr. CLARK, in reply to Hon. Mr. Lord, would state boldly that the expression of his sentiments would not be restrained by any fear for his office. It was true he did feel sore at a member of the Government proposing less than £100, after a promise from the Col. Secretary, that that amount would be proposed by him. Knowing the influence which the Hon. Col. Secretary possessed in the House, he had accepted the office on that understanding, and it was but natural that after he had incurred the expense and inconvenience of removing his family to town, he should be grieved to find a member of the Government opposing the vote for that amount.

Mr. LAIRD thought it unnecessary for members to trouble themselves if the office-holders were to vote each other's salaries. He was disposed to agree with the motion of Mr. Perry. As to the threat of resignation by Mr. Clark, he did not care a snuff about it. He considered that under the circumstances, that gentleman should have gone outside the bar and refrained from taking any part in the discussion.

Mr. CLARK did not require to learn propriety from the hon. member, whom, however, he could assure that he did not intend to vote.

Hon. Mr. MOONEY would go for £75 and fees, and in doing so would congratulate the hon. member for Charlottetown on the use he had made of the field this discussion opened up to him. When Mr. Clark stated he would resign unless he got £100, he felt disposed to let him do so,—his election cost him but little, as he furnished no prog. (Laughter.)

Mr. McDONALD thought the hon. member was actually voting for more than £100,—last year the fees amounted to £35, and will probably be £40 or £50 next.

Mr. PERRY's motion for £75 was then put and lost, the ayes being, Messrs. Perry, Laird, McIntosh and Montgomery—4.

The original motion for £100 then passed.

SATURDAY, 31st March, 1855.

House in Committee on the Lieutenant Governor's Message relative to the tenure of office by the Assistants in the

**Public Offices.** Mr. Perry in the Chair. The Message having been read by the Chairman—

The Hon. COL. SECRETARY recommended the appointment of a Committee to prepare a Bill in accordance with the principles of the Message, and embodying such provisions as the House might agree to.

Hon. Mr. MONTGOMERY thought that the adoption of the Message pledged the House to the adoption of any details the Government might see fit to insert.

The resolution was agreed to, Mr. Montgomery being the only opponent.

Hon. COL. SECRETARY then moved another resolution for the appointment of an Assistant Clerk to the Legislative and Executive Councils, and in doing so, showed the necessity that existed for the appointment which could be held by the Road Correspondent, the duties of whose office it had been found necessary to detach from those of the Col. Secretary, in consequence of the numerous applications on Road business having been found seriously to impede the business in the Secretary's office, while the varied claims upon the time and attention of the present Clerk of the Councils rendered an assistant absolutely necessary; and he read a statement shewing the multifarious duties of that officer, whose advanced years rendered it absolutely necessary that the efficiency of the public service should be maintained by the appointment of a person who could acquire a competent knowledge of the routine of the office.

Hon. Mr. MONTGOMERY was decidedly in favor of the change, but thought that if the late Government had attempted to effect it, a great uproar would have been the result.

The resolution passed.

The resolution for the establishment of Assistants paid by Government, passed unanimously, and the following were appointed a Committee to bring in a Bill in accordance with the principle sanctioned by the Committee, viz:—Hon. Col. Secretary, Hon. Col. Treasurer, Messrs. Cooper, Haviland and McDonald.

#### THURSDAY, 5th April, 1855.

House in Committee, Mr. McDonald in the Chair. The first clause of the Bill separating the office of Road Correspondent from that of Col. Secretary, and combining it with that of Assistant Clerk of the Council, passed. On the clause authorising the appointment of Assistants by the Government—

Hon. Mr. PALMER—I have always thought it advisable that the office of Road Correspondent should be distinct from that of Col. Secretary. I am of the same opinion still, and I am not disposed to say that the appointment of an Assistant Clerk to the Council is not necessary. But as we have an *economical* government, where, I ask, is the equivalent to the people for the increased taxation which I presume will be the case if the Bill passes into law? At present the deputies act for their principals. And to come to the point, Mr. Chairman, I consider the present Bill but an attempt to augment the salaries of the present heads of departments, by saving to them a certain portion of the amounts they at present pay to their deputies. If such be the case, let it be known, and let hon. members vote on that principle. True, this question comes before us in the shape of a Message from the Lieut. Governor, but I will ask who constitute the Government? Do we not all know that it originated with the majority of the Government who have seats in this House, and who hold public offices? I can imagine the Hons. Col. Secretary, Col. Treasurer and Regis-

trar of Deeds laying their heads together, and agreeing that it would be a very good thing that their Clerks should be paid from the Treasury, and that it would be desirable to get the House to pass such a Bill as the present. It is a useless formula to hold meetings of the Council, concoct a message and put words into his Excellency's mouth, on a subject which originated with themselves, and affects them alone. Time would be saved by their coming down and honestly avowing their wishes, that the Bill should be sanctioned by the House, assigning the reason, that it is better that the subordinates in the Public Offices should be paid by Government, and have a permanent tenure of their offices. But, sir, I contend that the Bill affords no guarantee of that benefit to the country. It cannot be said that they would be independent of the Government of the day or public opinion. They now hold office subject to the expression of the opinion of this House, for when that opinion is adverse to their principals remaining in office, they go out with them. Now, I ask where is the guarantee that under the bill they shall remain, on the resignation of their principals? Is it intended to be said that on a change of Government it will be obligatory on them to remain? Where is that proposition advanced in the bill? Sir, I contend that on a change of Government, even under this Bill, the principals have the power to say, "we do not approve of our deputies, and will not retain them," just as they have now. No new Government can be held bound to retain subordinates in whom they have no confidence, and who may be opposed to their principals. The idea is absurd. Where then is the equivalent benefit to the public for the additional sum which this Bill will take from the revenue? True it is that under this Bill they are to be appointed by the Government. By what Government? By the Government of the day. But the Government of to-day is not the Government of to-morrow. And it is equally true that on a change of Government only the principals go out, but their successors will not be bound to carry on the business of their respective departments with the subordinates of whom they disapprove. It is but a pretence to say that the assistants can act without the sanction of their principals; what act can they do till their principals shall be appointed? That reason is but a flimsy pretext to cloak the scheme of putting money into the pockets of the principals. Hon. members will, of course, vote as they think fit.—at all events I shall show the country what I think of the measure. I am opposed to taking an additional sum from the revenue for this purpose, and if members of the Government think it essential that their deputies should be paid from the public Treasury, let them take the amounts from their own salaries, or come before the House and country openly and above board and ask it, and not bring in the matter by a side wind.

Hon. COL. SECRETARY.—I consider, Mr. Chairman, that the hon. member for Charlottetown is merely fighting shadows. There has been nothing said about salaries but by himself; he had better wait till that question comes up. I differ with him when he says that the assistant cannot act without the principal. The principal on change of Government retains his office until a successor shall be appointed; meanwhile the assistant goes on with the work. A strong proof of the necessity for the change arose under the hon. member's own Government; and when he talks of the public receiving no benefit for the additional expense, I must remind him that last year the want of a permanent deputy entailed a cost of £120 without any benefit. Last year we did not hear so much talk against increase of salaries when the question of the salary of the Clerk in the Post Office came up. The party then in power allowed the Postmaster General to retain his salary of £350 a year and voted £120



to his Clerk, a sum as large as the whole additional amount under this Bill. The truth is, that the increase of business and consequent increase of revenue require a more perfect system than was necessary at the first introduction of Responsible Government, and there is no reason to complain of a little extra cost, when we consider that the business has increased threefold since that period, and that the fees which are paid into the Treasury have advanced in amount in the same proportion. When the hon. member talks of the deputy going out with his principal as heretofore, I ask him to suppose the case of a principal retiring without a change of Government. At present he can take his deputy with him, but under the Bill the Government can guarantee the deputy in continuing, because he will be independent of his principal. The hon. member has asked, would the new principal allow the deputy to hold his office? To that I can answer, that his own Government allowed a party politically opposed to them to continue in office after they had resigned. Why should not the same course be pursued in other cases? Is it, I ask, likely that competent persons, willing honestly to discharge the duties of their offices, would be dismissed because they might chance to differ in opinion with their principals on political questions? There is no fear of their being disturbed if they do not actively interfere in politics. As I said before, the question of increase of salaries is not before the House, but I may mention a principle which will be generally admitted, that men are not generally disposed to pay very highly out of their own pockets, and that consequently it may happen that another incompetent deputy may be appointed to a public office for the purpose of saving the £20 or £30 which would be necessary to secure the services of an efficient officer, consequently the public service suffers. At present the principal may say that his salary does not allow him to get a competent person. It is, however, time enough to discuss this branch of the question when the salaries are before the House.

Hon. Mr. MONTGOMERY was opposed to the measure before, and was so now. He thought from the first that it was intended merely to increase the salaries of the principals, and was strengthened in his opinion now. If members of the Government holding offices did not think themselves sufficiently paid, let them come forward manfully and ask an increase, and not bring in their object in this way.

Hon. COL. SECRETARY denied that there was any intention to increase the salaries of the officers of the Government.

Mr. COOPER considered that as the business of the public departments increased with the population and trade of the country, the public interests required that there should be trustworthy persons in the different offices on a change of Government. And the Bill contemplates that on such change the deputies should remain. It was but common justice that they should be paid by the Government in proportion to the amount of work they had to perform. For instance, an increase in the amount of fees received in the Registry Office indicated an increase of business, and consequently an increase of labor to be performed. The salaries should be arranged on a scale fit for a man of education to live on with comfort.

Hon. Mr. MONTGOMERY would like to be informed what guarantee the public would have for the deputies remaining in office, if they wished to retire. He did not see the benefits of the change. There was at present nothing to compel the retiring principal to take his deputy with him.

Hon. COL. TREASURER explained, that the deputy could remain, as he would be the servant of the Government, not of the principal. It is improbable that any Government would remove a deputy without cause. The system is in

operation in Nova Scotia, New Brunswick and Canada. While appointed by the Government they are responsible to their principals, and on complaint can be removed by Government. Under the present system, if he himself should resign, his deputy could not act, as his authority is contingent on the duration of his principal from whom he received it, and must of course expire with it. No one could deny the advantage of the change sought.

Mr. PERRY thought less of the Bill the more he heard of it. He hoped there would be no increase of salaries, which he considered high enough already.

Hon. COL. SECRETARY, in reply to the question of the Hon. Mr. Montgomery, would state that the Government would not be bound to accept the resignation of a deputy.

Mr. HAVILAND would not give a silent vote on this question, especially as on it he differed with his own party. He was in favor of the change, as he considered that the public servants should be appointed by the Government, so that on a change of Government, or vacancies by the death or resignation of principals, there need be no looking of offices till new appointments should be made, but there would be persons ready to carry on the business of the country. But he considered that the Government would have done better had they come before the House and country and stated openly that the public interests would be benefitted by the change, instead of entrenching themselves behind the Message.

Mr. McINTOSH said it made little difference how the matter was brought before them, if the people had to pay the money. No doubt it would embarrass the Government, if the principals chose to take their deputies with them. The people should have the security of some persons acquainted with the routine of the respective offices, and competent and willing to discharge their duties properly. He considered the plan proposed an improvement.

Mr. LAIRD thought enough had been said on the subject; he agreed with the Hon. Mr. Montgomery, that it would be no improvement. Let the deputies be bound to give a month's notice before resigning, that would give time enough. He had no hesitation in saying that the salaries of the deputies should be raised a little. The revenue has increased, and so has the labor in the public departments, and the laborer was worthy of his hire.

Hon. Mr. LONGWORTH objected to the way the matter was brought before the House. The only object is to fix salaries for the deputies. As to the greater permanence of tenure of their offices, it would not be obtained by the Bill, as the Government could at any time dismiss a deputy. He did not consider the salaries too high, perhaps they were not high enough; but if an increase is desired, let it be asked for openly and directly. At present the Road Correspondence, the most troublesome part of his duty, is taken from the Colonial Secretary, and £100 a year is appropriated for that service. That is adding £100 a year to the salary of the latter officer. He objected to the measure being brought in by a side wind.

The Hon. COL. SECRETARY denied that £100 a year had been added to his salary. An Assistant Clerk to the Council had been found necessary, and less than that amount could not be given, and to that office had been united the duties of Road Correspondent, a much better arrangement than that hitherto pursued, and which did not add one farthing to his salary.

Hon. Mr. WIGHTMAN thought the Government not liable to the imputation of having brought the question in by a side wind. The other day the House were unanimous in favor of uniting the offices of Road Correspondent and Clerk of the Council, and voted £100 as salary. There was no



ground for the assertion, that the matter came in by a side wind. When the Opposition was in power last year they granted £120 for an assistant to the Postmaster General, in addition to that officer's salary of £350. The truth was, that the increase of duties in the public departments rendered an increase of expenditure absolutely necessary. On this question he was prepared to meet his constituents at any moment. It was right that the appointment should rest with the Government, who would take proper security. At present the public had no security.

Mr. PERRY said it made no difference what wind brought it into the House, side or head wind, there it was, and he must say, it did not come before them as he could wish.

Hon. Mr. PALMER would remind the House of what he had said in the debate on the appointment of Collector of Customs, that the powers proposed for subordinates being co-extensive with those of their principals, they should not be called deputies. The line of argument adopted convinced him that it was intended to create another office. Though he was not opposed to the appointment of an Assistant Collector, an office he considered called for by the circumstances of the country, and required particularly by his own constituents; and while he did not deem the salary too high for the duties to be performed, yet when he heard the administration say that it was necessary that the bill should pass, because when the principals retire they take the subordinates with them, and that the measure before the House authorised the deputies to act on the death or resignation of the principal, it showed that their powers were to be coequal, and if so what would the alteration amount to but the creation of a second principal? Where before there was one Secretary there would now be two,—one Treasurer, now two,—one Registrar, now two. It had been attempted to be shewn that the Bill would provide for the intervals of time during which the country might be left without a principal, as if a Secretary on his resignation would spring out of office without giving a moment's time. Now, was it not perfectly notorious that the practice had been that the heads of departments on placing their offices at the disposal of the Lieutenant Governor continued to discharge their duties till their successors were appointed? Such will continue to be the mode. And the notice to be given, as suggested by the hon. member, Mr. Laird, was altogether unnecessary, as common decency would suggest that the usual course would be the proper one. A member of the last Government held office for three weeks after he had asked to be relieved. (A laugh from Hon. Mr. Mooney.) The hon. member laughs; it may be a very good joke to him, but not to the Country. This measure accounts for his opposition to the Bill for reducing the Registry fees. As "Coming events cast their shadows before," the hon. member argued that a Bill will be brought before the House to pay the Clerk in his office; if so, it would never do to reduce the fees. And so he opposed that Bill. Another reason adduced to shew the necessity of the change was the supposed case of the death of a principal. Now, in such case not much time need be lost in supplying a vacancy, as a successor could be found in twenty-four hours. It has been done before the deceased was buried.

Hon. Mr. LORD thought that when assistants had been appointed the country would be benefited by the change which was required. He hoped no great increase of salary would result, but some addition must necessarily ensue. He had been a member of the Government when the former salaries had been reduced, and then voted for the lowest scale; but at that time the revenue was but £18,000, and the country was in debt. The salaries were then of necessity

put at a very low figure; but now the improved circumstances of the country show a corresponding increase in the duties of the public departments. No private individual could turn over £15,000 worth of goods, with as little trouble as £5,000 worth. He was not afraid of assuming the responsibility of a moderate increase towards the salaries of the assistants.

Mr. COOPER thought that the Bill was necessary. Before he was elected the present scale had been settled under different circumstances. Now, the increase of public business required additional labor. If the principals considered that £100 a year would obtain the services of an efficient assistant, he would agree to that; but if more were required he would take the balance from the salaries of the principals.

Hon. COL. TREASURER said that in 1851 the Deputy Secretary only asked £60 a year, the Deputy Treasurer £75. The work then was not the same as at present. The highest he paid for an assistant in the Secretary's office was £80 a year, but everything was much higher now. He paid his Assistant £140 a year, and he considered that a small sum for a man having so much money passing through his hands. No man could say it was too much for the Deputy Treasurer who had more to do with handling the money than he had, and in whom he had every confidence.

Mr. CLARK thought the discussion irregular. The principle of the clause is, "shall Government appoint the deputies?" He approved of it. The present system was open to grave objections. The Government, being responsible, would be more likely to appoint efficient men when the salaries are fixed than the principals who, under the present system, have an interest in getting the cheapest they could find. This was not the time to discuss the amount of salary. He was in favor of increasing them. He had been asked at his election if he would increase them, he stated that he would. As the hon. member, Mr. Lord, had stated the business of the departments had greatly increased, and so had the expenses of living.

The clause was agreed to.

On the motion that £50 be deducted from the salary of the Registrar of Deeds, Mr. Clark moved that £80 be substituted.

Mr. COOPER objected that as the House had subtracted one-fourth from the salaries of the Colonial Secretary and Treasurer, respectively, the same proportion should be observed in dealing with the Registrar.

The Hon. SPEAKER thought £150 enough for the Registrar, but it certainly seemed ungracious in the hon. member, Mr. Clark, to move as he had done, while he was himself in receipt of £300 a year, and had a clerk allowed at £100.

Mr. CLARK considered the duties of his office more onerous and important than any other, with the exception, perhaps, of the Post Office.

Hon. COL. SECRETARY said the hon. member, Mr. Clark, ought to be the last man to recommend a reduction of the Registrar's salary. For six months there was nothing to be done in his (Mr. Clark's) office, while in the Registrar's there was more writing than in any other.

Mr. CLARK said that the hon. Secretary was in error in saying that he was idle six months in the year. There was not a day that there was not something to be done. True that for two or three months in the winter there was no business in the Customs department, but there was always something to be done in the other branches. His office required two persons early and late, one was sufficient in the Registrar's.

Mr. PERRY considered that, as the Registrar was required to be in the House daily during the Session, in the same

manner as the Secretary and the Treasurer, £150 was little enough.

Hon. Mr. PALMER.—Mr. Chairman, we now see the drift of the whole affair. (Laughter.) The object of the Government is to put on by one clause what they take off by another. We shall soon see on which side the balance is. I for one, Sir, cannot see the injustice of the motion of the hon. member, Mr. Clark. I always considered the Registrar the best paid officer, in proportion to his duties, of any in the Government. Formerly, when combined with the office of Colonial Secretary, it was necessary that the incumbent should be a gentleman of education; but since the separation of the two offices, no responsibility devolves upon the Registrar. In fact it is only necessary that he should write a fair hand. In short, the officer need have no higher qualifications than those of an engrossing clerk.

Mr. PERRY.—He receives money.

Hon. Mr. PALMER.—True, he receives money, but not to any considerable amount. The true question is, however, what ought the Assistant to get? I consider it necessary that the Assistant should be as efficient or indeed more so than the Principal. He it is who extracts, copies deeds—his duties require education and intelligence, and involve responsibility. The Principal has but to sign his name, or occasionally hand down a big book. In speaking thus, my remarks are not intended to have an individual or personal reference, they refer to the office generally. I would be disposed to give the Principal £50, and the Assistant £150. (Laughter.) Hon. members laugh, but I am speaking seriously; for really there is nothing for the Principal to do. He may go into his office and ask what is being done. He has no head work to do, he may sit down and smoke his pipe, if he chooses. (Laughter.) I will support the motion for deducting £80—as I do not think £50 a sufficient deduction—and we must obtain good and efficient men to do the work. I would rather do five times the work of the Registry than that of the Post Office or Excise.

Hon. Mr. LORD hoped the committee would not give the assistant less than £100, whatever they might allow the principal. A man could not live on less, and, as the hon. member for Charlottetown observed, the assistant does the work.

Mr. DOWSE considered the office a very important one, although not equally so with those of Colonial Secretary or Treasurer, or the office held by Mr. Clark. These officers must have their minds constantly occupied with the public business. The case was different with the Registrar, he must see that a deed is properly copied, as a mistake might lead to law-suits and vexation; but he could not see how they could offer less than £100 to the Deputy. No man could keep up a respectable appearance on less. He was for paying well and working well.

Mr. PERRY always understood that members holding offices took their stands on questions of this nature, but observing that the hon. the Registrar was still silent, he supposed he must have been under a wrong impression.

Hon. Mr. MOONEY had not intended to speak on the question, as being interested. The hon. member, Mr. Perry, had coaxed him twice to come out. With reference to the observations of the hon. member, Mr. Palmer, he would say that he was able to lift down a big book, and when he required his assistance, he would call on him to help him. As to smoking his pipe in his office, he could not do it if that hon. member were present, as he would have to send for the Coroner before he had done. If his salary were reduced to £50, the hon. member, Mr. Longworth, would not say, as he had before, that it was not Robert Mooney but £50 a year

that was voting. As to the remarks of the hon. member, Mr. Clark, to the effect that the Registrar had nothing to do, he (Hon. Mr. M.) thought, as he had two assistants, he might as well take charge of three offices; he might take all the Registrar's salary, but ten shillings, which he himself would retain for the honor of the thing. As to the hon. Mr. Palmer's allusion to the Registry Bill, he could tell him that he was not at all uneasy about the amount of his salary. As to the work of his office, he would let that speak for itself. He would only say that if any young man were to attempt to write against his assistant, the assistant would be at the Ten Mile House by the time the other would be at Wright's Bridge, (laughter.) He was prepared to go for whatever salary they might choose to deduct for his assistant out of the £200 at present received by himself. If the committee choose to say that the assistant should have £150 and himself £50, as he had stated before, he would not vote to increase it. This, he concluded, was the last dying declaration of the Registrar of Deeds.

Mr. CLARK explained that his observations were not intended to have a personal reference to the Registrar. He considered £200 a year quite sufficient for the office, but as the assistant does the duty, he would divide the amount and give £100 to each. He had been told that he ought not to act as he had done in this question, as he held office himself. All he could say was, that if he had had any idea that his situation would be thrown in his teeth in that manner, he would never have taken it. He was sorry that he had. There were matters occurring which prevented his sleeping in his bed, (laughter). Yes, and which had to be referred to the Attorney General. On the other hand, the Registry was merely a copying office.

Hon. COL. SECRETARY thought it a pity that £300 a year should disturb the repose of the hon. member. His office was a new one, and some little difficulty might naturally be expected at first, but that would soon wear off, and then the hon. member might enjoy his nap. The hon. member brings trouble on himself. He is continually parading his grievances before the House. Perhaps somebody may be found willing to assume the office, if he does not choose to keep it.

Mr. CLARK.—You may take it whenever you please.

Hon. COL. SECRETARY.—Well, as the hon. member for Charlottetown said, it was easy to fill dead men's shoes. But to the question before the Committee, the office of Registrar of Deeds is a Departmental one. An Executive Council is held once, if not twice a week, and often sits till five or six o'clock. Those officers who are not members of the Executive have not so much to do, and need not attend the House as regularly as the others. I think £150 little enough for the Registrar of Deeds, and almost feel ashamed at a departmental office, being paid so little. Lord Grey suggested the propriety of paying the Executive Councillors of Canada, if the salaries of the offices were inadequate. When the Registry was united with the Colonial Secretaryship, the Secretary took all the fees. Now the public receive £300, and the business of the office is increasing. The principal must give his personal attention to comparing the deeds.

Hon. Mr. LONGWORTH would ask the hon. Secretary where was the necessity of the Registrar being a departmental officer? and what reason there is for giving an increase of salary? The Registrar receives, in addition to his salary, £30 a year as a member of the House. In his office he has little or nothing to do; all is done by his assistant. I have no objection to giving the assistant £100 and the principal £120.

Hon. Mr. WIGHTMAN stated that on the introduction of Responsible Government the departmental offices were not

defined; perhaps the hon. member who spoke last would define them. It is clear that the principal should be paid more than the Deputy, and it would be absurd to put them both on the same footing. The principal is responsible for the acts of his deputy, and £150 is as little as can be given to a man who has to leave home and come to Charlottetown to live.

Hon. Mr. MONTGOMERY was not disposed to force money on any man. The hon. the Registrar had stated that he would pay his assistant out of his own salary.

Mr. HAVILAND admitted the important nature of the Registry Office, and as it had been made departmental, the incumbent should receive a reasonable salary; but as the hon. member, Mr. MOONEY, had stated that he would not take more than £200 altogether, he should change his vote, as he could not sanction the increase against the will of the recipient. Perhaps the hon. member might be seeking to make political capital as one who opposed high salaries.

Hon. Mr. MOONEY denied that he sought to make political capital. He was sincere in stating that he wished no increase to the £200.

Mr. LAIRD was willing to pay fairly for increasing work, but considered it not right to force money on a man against his will.

Mr. McINTOSH thought a competent assistant could be obtained under £100.

Mr. HAVILAND called attention to the peculiar situation of the question. When a public officer should make it appear that he was underpaid he would support an increase without reference to the party; but here was an individual saying that he was well paid.

Hon. Mr. MOONEY repeated that he would not take more than the present rate.

The hon. SPEAKER considered that they had lost sight of the true principle, which lay at the root of the matter. If, as was formerly the practice, the principals made bargains with their deputies, the present salaries might do, but now when Government is to appoint, they have to provide salaries sufficient for obtaining the services of efficient men, and to propose now to make certain additions to the sums deducted from the several amounts paid to the principals.

Mr. HAVILAND.—If this was a Government measure, the Hon. the Registrar, as a member of the Government, should support it. Was the Government divided on it?

Mr. DOUSE seconded the motion that £80 be deducted, which was lost; and the original vote that £50 be taken off was carried.

Mr. COOPER moved £150 to the Assistant Secretary.

Hon. Mr. MONTGOMERY moved that as but £100 had been taken off the salary of the Secretary, the blank be filled with that amount. Seconded by Mr. PERRY;—lost, and £150 carried.

On moving £150 to the Assistant Treasurer, an amendment to substitute £100 was lost, and the original sum carried.

Hon. Mr. PALMER moved that the salary of the Clerk in the Post Office be raised from £120 to £150 per annum, and in doing so, stated the arduous nature of the duties of the office—the peculiar system of which rendered it difficult to find competent persons to perform them—that the business has often detained the Postmaster and his Clerk in the office seventeen hours out of the twenty-four—that the Postmaster General's salary was not sufficient to justify him in paying any thing to his Assistant out of his own salary.

Hon. Mr. WIGHTMAN would not put the Assistant in the Post Office in a worse position than the other Assistants, and would consent to take £30 from the Postmaster General and

add it to the Assistant, thus making the salary of the principal £320 and that of the Assistant £150.

Mr. COOPER.—The salary was settled last year, and he was opposed to increase it this year. The Postmaster General has all the care and responsibility.

Mr. DOUSE considered that in a matter like this they should not higgie about a few shillings. There was great responsibility attached to the office, through which thousands of pounds were constantly passing.

Mr. LAIRD agreed with Mr. WIGHTMAN.

Mr. PERRY was not disposed to go for a larger sum than had been settled last year, but it did not look well to vote £150 to others and a less sum to this officer, whose duties were certainly heavy and responsible.

Hon. Mr. LORD said that no assistant in any office in the Island was worked so hard, often times kept in the office till midnight, sometimes five or six times a week. The time was not far distant when a second assistant would be required. He would vote for £150. The work of the office was constantly increasing.

Mr. HAVILAND had great pleasure in supporting the motion for £150. He would be disposed to pay the Postmaster General higher than any other officer. Would any of the others change situations with him? He would prefer any office at £300 to this at £700. The other offices are open from 10 to 3 o'clock. In the Post Office there is no time for recreation; even to-morrow (Good Friday), it will be open all day.

Hon. Mr. WHELAN agreed that the duties of the Post Office were greater than others, but the Postmaster General was better off, inasmuch as his office was permanent, unlike those of the Hons. Secretary and Treasurer, which were held merely on the tenure of the popular confidence, and from which the incumbents would have to retire on a change of public opinion. Again that officer was not put to any expenses for elections. In fixing the salaries of the Secretary and Treasurer at £300 each, it should be taken into account that they are members of the Executive Council, that they give up nearly their whole time to the public service, in addition to the expense they are necessarily subject to, and their liability to removal, circumstances which entitle them to higher salaries than the Postmaster General.

Hon. Mr. LONGWORTH said that the hon. member was speaking to a question not before the committee. The question was, what shall be the salary of the Postmaster's assistant. The salary of the principal had been settled last year. When it was considered that the Committee had raised the salaries of some assistants, probably from £100 to £150, and that this was but from £120 to £150 to an officer whose duties occupied his attention night and day, and imposed the serious responsibility arising from the custody and transmission of the vast amount of property and important correspondence passing through the Post Office. He wished the Committee would not consider £150 too much for a competent officer.

Hon. Mr. WHELAN.—The salary of £120 was added last year. If the Postmaster General should come before the House and shew that the labor was too great to be done by the present staff, he would have no objection to go for another clerk.

Mr. HAVILAND.—The constant labor in the Post Office is admitted, and it is well to settle the salaries of all the assistants in one Bill. As to the argument that the Postmaster General was better paid because he was not an Executive Councillor, it was well known that all his time was spent in his office, and his health was suffering from the constant cou-

ancement. He ought to receive more than those who had regular office hours.

Hon. Mr. PALMER stated that the addition to the salary last year had been made in recognition of services rendered for many years. It had been generally acknowledged that Mr. Owen had been under paid. There was no objection to that vote. No officer in the country earned his pay as hard as the Postmaster General. In Sir Donald Campbell's time, representations against Mr. Owen were sent to the Secretary of State for the Colonies, against the wishes of Sir Donald's advisers. They were referred to the Postmaster General of England, who characterized him as one of the most efficient Postmasters in the British dominions. None gave better evidences of efficiency. There is a wide distinction between the qualifications necessary to fill the office of Secretary or Treasurer and those which are required for the Post Office. Vacancies in the former offices can be easily supplied; but is there any one in the Island competent to take charge of the Post Office if it were vacant? There is no department the business of which is so complicated. It is no uncommon thing for principal and assistant to be at work 17, 18, and even 19 hours out of the 24. The hon. member, Mr. HAVILAND, might well say there was no holiday there. There was no comparison between the work to be done by the assistant in the Post Office and that in the Secretary's or Treasurer's offices. The £120 added last year was not to be considered as permanently settling the amount. I hope that the Committee will not hesitate in granting £150 to a subordinate whose duties are double those of others who are to receive the same amount.

Hon. COL. SECRETARY said that as to the great amount of work in the Post Office, it was true there was some extra trouble on the arrival of an English mail, but the general work was mere routine; the labor of to-day was the same as that of yesterday; while the departmental officers, as himself, for instance, might have fifty things to think of at the same time. He had no wish to detract from the Assistant in the Post Office, perhaps a more efficient one could not be found; but the work was not so great as had been represented, because it was merely routine. Almost every clerk in Charlottetown attends in the store of his employer till eight or nine o'clock, and posts the books afterwards, at less salary than the Postmaster's Assistant. As to the responsibility, let the House consider the case of the Treasurer's Assistant; he has to give ample security, and to assume the responsibility of the vast sums passing through his hands. If a mistake is made in the Treasury, the Treasurer has to make it good; while Mr. Owen can correct his subordinate's accounts from his own books. If additional assistance should be required, it would be better to provide another clerk.

Mr. HAVILAND thought there was something more than routine in the Postmaster General's duties. The correspondence is greater than that of the Secretary, Treasurer or Registrar. The mistake of a penny may lead to correspondence between Canada, Nova Scotia and New Brunswick; while the returns shew about £1000 collected in sums varying from 2d. to 6d.. There are nearly sixty post offices in the Island; their accounts, in almost all cases, have to be corrected. This is not mere routine; something more than mere routine is required to correct accounts, and conduct a varied and most extensive correspondence.

The blank was filled with £120.

After a few unimportant conversational remarks, the salaries of the Deputy Registrar and Assistant Clerk to the Executive Council and Road Correspondent (both of which offices are united), were fixed at £100, when the Committee reported.

MONDAY, March 19.

## INCORPORATION OF CHARLOTTETOWN.

House in committee of the whole. Hon. Mr. Wightman in the Chair.

The first clause of the Bill was agreed to.

Hon. Mr. WHELAN objected to the inconsistency of the proposed city being designated as Charlottetown. Other places, such as Bytown, in Canada, and the Bend of Petittocodiac, in New Brunswick, have had their names changed on incorporation—the former to Ottawa, the latter to Moncton.

Hon. Mr. PALMER thought it unwise to change the name by which the town had been known for about ninety years. It might lead to confusion in mercantile and legal business. It might be well enough to change the names of little inland places when they received municipal institutions, but Charlottetown was known by that name in charts and geographies as the principal port of the Island.

Mr. HAVILAND would like to have the name changed. It appeared somewhat of a Paddyism to call a city a town. Places far more important had changed their names on being incorporated. For instance, Toronto, when the name was changed from York, had a larger population than Charlottetown had at present. He was in favor of calling the City Hillsboro.

Hon. Mr. MOONEY thought it savoured of Paddyism to christen the child before it was born. Here they were disputing about the name, when they did not know whether the bantering would be allowed to breathe. (Laughter.)

Hon. Mr. LONGWORTH moved that the qualification of voters should be the payment of six pounds of yearly rent. He was willing to have the franchise within the reach of every one who might fairly be considered as having an interest in the City, and considered that six pounds rent was very low.

Hon. Mr. WHELAN moved that the qualification be the payment of rent at the rate of five pounds per annum. The members of that House were elected on a lower franchise.

Hon. Mr. PALMER considered that the principle on which the right to vote for members of the House was based would not apply to the election of the corporate body of the City; in the former case the election was of parties to attend to the general business of the whole country, while the corporation would have to exercise the power of direct taxation over the property of the citizens. For without direct taxation the necessary improvements could not be effected. If, then, this power were placed in the hands of those who had no property, it would not be exercised with wisdom, and the admission to the polls of weekly tenants would lay the property of the City at the feet of a class of persons who had none of their own to tax, and to whom, therefore, it would be unjust to give such power. Every one knows that there are numbers in Charlottetown occupying rooms for which they pay two or three shillings a week—many of them remaining in the Town but a week or two, and therefore possessing little or no interest in the place. If they are to be put on the same footing with men who pay ten, twenty or thirty pounds a year, it would be an act of injustice to the latter class. If the franchise were based on the rate of yearly rent, hardly any one would be excluded. There is not a married laborer who does not pay at the rate of £5 a year. He could point out houses which would, under that system, send seven or eight voters to the polls, which were not worth more than £5 a year, but all the tenants would have the right to vote. It was but natural that a large proportion of the inhabitants should object to having that class of people put on a level



with the owners of property. He concluded by moving that the qualification be the payment of £7 10s. a year.

Hon. Mr. MOONEY thought there was a great inconsistency in saying that, while the members of that House were elected on the basis of universal suffrage, a higher and more exclusive system should be required for Charlottetown, by which the poor man would have the right to pay and admire the splendor of the City magnates.

Mr. HAVILAND could see a great reason for the difference between the franchise for electing to that House and electing to a City Council. In the first place, as legislators for the whole Island, they had to pass laws affecting not only the properties, but the liberties and rights of the whole people; but the functions of the Municipal body would only refer to the management of civic matters, such as assessments on property for local application, and it was but right that they who imposed the burdens should themselves bear the burdens.

Mr. COOPER considered that as labor was the parent of all property, all who were liable to be assessed should have a voice in the election of their rulers.

Hon. Mr. WHELAN could not see the necessity of the distinction taken by Mr. Haviland. The City Council was the Assembly in miniature. As to the difference between the powers of the two bodies, he observed that the Bill contained a clause for the punishment of crimes. The power of assessment affects property, and he wished to place the franchise on the same footing with that for the election of Members of the House, between which and the City Council the only distinction was the limited sphere of action of the latter.

Hon. Mr. LORD was opposed to the Bill altogether. It was but the commencement of taxation. It had been said that the incorporation was necessary for the improvement of the streets and other matters, but he would ask where was the money to come from? Money must be procured, and from what source could it be obtained but from the holders of property? Every householder, whether he pays five pounds or five dollars, will have to pay. It would not be right to allow the occupant of some little cottage to vote for men to tax the property of their fellow citizens. Let members consider what power they were about to give. One gentleman said at the Temperance Hall that he would borrow £20,000 for the improvement of the streets of Charlottetown. The people would be taxed to pay the interest as long as the City lasted. It might be an advantage to St. John and Halifax to incorporate them, as those cities had a large amount of public property; but such was not the case here. Men, who like himself, had worked hard night and day to accumulate a little property would have to bear the burden of the taxation. While he had no objection to raising a moderate amount of money for public improvements, this universal suffrage would act most oppressively on the holders of property. He respected the labouring class, but at the same time he had no idea of allowing them to control the property of the City. For once he agreed with the hon. member for Charlottetown.

Mr. COOPER said that objections had been expressed against taxation for purposes of public improvement, but, if property were taxed, it received the benefit. He was not opposed to the Bill, but that class which produced property should have a voice. He considered, besides, that the franchise should be as near as possible to that on which members were elected to the House.

Hon. COL. SECRETARY alluded to the fears entertained at the time of the extension of the franchise for voting for members of the House—that property would not have its legitimate weight in the House—while the fact was that pro-

erty had never been better represented than at present. As to the fears of the hon. member (Hon. Mr. Lord), about the City borrowing money, it must borrow ten or twenty thousand pounds, and assess for the interest and pay off the principal by degrees. The people, in consequence of the improvements, would be in a better position to pay, and, unless they borrow, they would never get the improvements. If the Town was to be incorporated it ought to have fair play. The present franchise for voting for members of the House was forty shillings a year; he was in favour of making the municipal franchise the same, with the exception of the road tax. He could see no reason for the great difference sought to be established between the two franchises. It had been said that the distinction existed in other Colonies. Well, if it did, this Island had done many things which other Colonies had copied. If the franchise were assimilated to that for the House he would support it, and there need be no fear that property would not have its due weight. A man that owned property in every Ward might vote in every Ward. The qualification for Councillor would be higher than that required for a voter. As to the argument about a high qualification for a voter—if a poor man was assessed five shillings and a rich one five pounds, it might be harder for the former to pay his tax than for the latter to furnish the larger amount.

Mr. DOUSE could not go for the Bill, though he admitted that improvements were required. He was of opinion it would but create disturbance without producing any benefits. The principal effect would be to keep the people in hot water on the question as to who should be Mayor and Councillors. No doubt there was need for improvements on the sidewalks, but these could be effected without this Bill.

Mr. McINTOSH was surprised at the remarks of the hon. member. He was the only one in the House who looked like a Lord Mayor. As to the franchise, every rate payer should vote. There was no fear of it injuring men of property. He was in favour of giving to every tax-payer a voice in making the laws to which he was amenable.

Hon. COL. SECRETARY hoped that one good effect of incorporating the Town would be to put a stop to the petty fogging of Magistrates in private rooms. The former liberal Government had the Magistrates' Court removed to the Court House, but now some of those who resigned and were afterwards restored to the commission, issue warrants to drag a man into a private room, where he is fined five or six pounds for some petty offence; they commit a man to jail for some alleged disrespect to the Court, but really to shove fees into their own pockets. If for no other reason than to put a stop to such practices as those, he hoped to see the Bill pass. He moved that the qualification of voters be the same as that for the election of Members to the House.

Hon. Mr. PALMER said that the amendment proposed by the Hon. Col. Secretary was an indirect attempt to defeat the Bill. If it was worth while to incorporate the Town at all, it should be done in such a manner as to render the change an improvement. If the Hon. Col. Secretary were opposed to the measure, let him say so openly and honestly, as Messrs. Douse and Lord had done. He was in favour of the Bill, and believed great improvements would result from it. Much legislation would be transferred from that House to the City Council. As to the remarks that had been made with reference to Magistrates in Charlottetown, he would not be surprised at hearing any charges against some of the men in the commission. It is not uncommon for a Magistrate to manifest his sympathy with a criminal by promising to pay the fine imposed. But recently a Magistrate was fined for committing a gross outrage. Such a state of things was



much to be regretted, but that was not the only reason for the Bill. We may be subject to the same evil of having unfit persons in office, but the many regulations which are now mere dead letters on the Statute Book would be enforced, and they will not be put in operation while every body's business is no body's, as at present. There is no police in Charlottetown, and consequently the laws are not enforced. It was but a few weeks since that one of the principal truckmen was caught stealing wood and bringing it into Charlottetown with the audacity of a highwayman. Would such a man be allowed to act as a truckman if the City were incorporated? Must such characters as these be allowed to obtain the ascendancy, and become members of the City Government? If it is considered that the Bill is required, put it in a shape that may render it useful. Let men of standing in the town, who have an interest in its welfare, be sent to the City Council. Life, liberty and character are better off in the hands of well informed men than in those of reckless and unprincipled persons. The present franchise is but another name for universal suffrage—it is based on the payment of nine-pence a week. It would be an easy matter to cut up a hut into rooms which might pay that sum, and thus make votes. The time has certainly come for improvement in the management of the local affairs of Charlottetown. The laws on the subject are so numerous that it is difficult to enumerate them. He knew that most are but dead letters on the Statute Book—for instance, those relating to disorderly driving, cattle going at large, bathing, fuel, the sanitary condition of the town, and many others. The last has been so neglected that medical opinions have been given, to the effect that if the present state of things continues, the town will, in a few years, be in a most unhealthy state. In consequence of the level character of the surface, and the porous nature of the soil, the sewerage penetrates to the wells and is drunk by the inhabitants. Expenditure will be required for providing a proper system of sewerage. It is true, we have not as yet been severely tried by pestilence, but that gives no reason why we should consider ourselves as exempt for all time to come. It was useless to waste time: the Bill was doomed before it was brought in. I would be willing to support it, clause by clause, if the qualification was placed on a reasonable and safe basis. I would always advocate the propriety of raising money for public improvements, and parties would soon find that the additional values received by their properties from the improvements were money in their pockets. But I would not give the power to do so to those who may be here to-day and away to-morrow. I, for one, will never say that forty shillings a year should have the same influence in controlling property as £50.

Hon. COL. SECRETARY would like to ask, if lowering the franchise would prevent the cleansing of the streets and making other improvements in the town? If the franchise be not lowered from six to two pounds, the poor will derive no benefit. The rich would have the sole controul, and return owners of property; the poor would have no voice. The privileges, as the benefits, should extend to all classes. The story of the truckman has nothing to do with the question of the franchise; if it had, it would be only similar to the conduct of the proprietors on the subject of the fishery reserves. It is not likely that the poorer classes in Charlottetown would elect a person guilty of the conduct imputed to the truckman. As to the hon. member's remarks about magistrates, he would recall to his recollection the case of a member of the former Executive, a friend of the hon. member, who had pleaded guilty to an indictment for an assault. The party alluded to by the hon. member had resigned his commission, and he had only been charged with an attempt to rescue a prisoner, but

I believe he interfered only to take the man to jail; for that he was fined £30 or £35; had paid it—and I see no reason why he should not be restored. We will see how the hon. member's friend will be dealt with.

Mr. COOPER said that the hon. member (Mr. Palmer), spoke of the people as a mob. The only way to keep a mob is to give them rights. He approved of the amendment as sufficiently high. As to the qualification of Councillors, he would adopt any that would give a fair chance.

Hon. Mr. MOONEY thought the Act was uncalled for. The hon. member for Charlottetown had been weighed in the balance and found wanting, and now he would fain sit in judgment on those who had condemned him. He would never consent to allow a policeman to seize a man's horse which he might find standing in the street, when, if the man interfered, he would be taken to jail for laying hands on the policeman, would have to pay jailor's fees and provide hay for his horse, and all that he might say when he got home, "I've slept in jail." The other morning I stood by Crabb's corner, and could not see a man, woman or child between Government House and Mr. Beer's. I thought to myself that this was certainly a great place to require an Act of Incorporation. The Bill is nothing but a man-trap; before long the people of Charlottetown would be glad to open their gates to the country people. The country can do without the town, and the day might come when not a bushel of potatoes would be seen in the town. I am opposed to laying additional burdens on the people, for you will find on the next census one-fourth of the people of Charlottetown bordering on pauperism.

Hon. COL. SECRETARY denied that, and said no people in America were generally better off.

Hon. Mr. WHELAN said that though the principle of the Bill had received the concurrence of Members of both parties in the House; some country Members objected to it. He thought they should not resist, as it would be beneficial to their constituents, who would no longer be subjected to the annoyances they were at present subject to by cattle eating their hay, potatoes, &c. You may, at any market day, see on the square fifteen or sixteen cows attacking the carts of the country people, who would receive additional advantages in being provided with sheds to protect their meats from the influence of the weather. At present what prospect was there of selling their meat after it had been exposed to the heat of the sun during the whole of a warm day. He instanced the advantages of shelter to the fisherman bringing fresh fish from Rustico and Savage Harbour, and concluded by stating that if any class would benefit by the Act the country would reap equal advantages.

Hon. Mr. LORD would move that the Speaker take the Chair. His opinion was unchanged, and he would like to know the amount and mode of taxation. If he opposed the Bill, he would probably be told that he was going over to the opposition; now he would not like to do that. (Laughter.)

Hon. COL. SECRETARY and Hon. COL. TREASURER opposed, as it would be but a waste of time to have the discussion renewed, and the fate of the amendment had better be decided.

The question was then taken on the amendment, which was sustained on the following division:—

Ayes—Hons. the Speaker, Col. Secretary, Col. Treasurer, Mr. Mooney, Mr. Whelan, Messrs. McIntosh, Perry, Cooper, Laird, Muirhead.

Nays—Hons. Messrs. Palmer, Longworth, Montgomery, Haviland and Douse.

The Committee sat again on Monday, the 1st April, when Hon. Mr. Whelan was willing to base the franchise on the

payment of rent at the rate of five pounds, payable quarterly.

Hon. Mr. LONGWORTH had no objection.

Mr. MUIRHEAD thought that every tax-payer should have a right to vote.

Hon. Mr. MOONEY repeated that the Bill was a man-trap and a retrograde movement—that Town Councillors should not be required to have a higher qualification than Members of the Government who had seats in that House. The amendment would disfranchise one-third of the inhabitants of Charlottetown. A man may have three or four sons with him who still may have no votes. No journeyman mechanic can vote unless he has property. In Ireland no man is taxed who has not the right to vote. God knows there has been bad legislation enough in that country, but yet the rule is there—no vote, no tax. If the Bill passes he would give his support to the Maine Liquor Law.

Hon. SPEAKER said the hon. member was arguing against himself when he said that in Ireland no man was taxed without having a vote. The Bill gave the owners of property power to tax themselves. As to the case of parties having three or four children who may have no vote, that is but the consequence of their having no property. He was in favour of the amendment, as being a compromise which would prove acceptable to a majority of the people of Charlottetown. He trusted that the amendment would be generally supported.

Hon. Mr. MONTGOMERY thought that the Bill did not deserve the appellation of a man-trap. It would have the effect of protecting the country people who might have occasion to come to town. Last market day many of these were employed in driving cattle from their hay, &c.

Hon. Mr. MOONEY said it would take a long time for a cow to eat 10s. worth of hay; but a policeman would very soon render a man liable to pay more than that for leaving a horse in the streets for a moment. He prophesied that the peace of society would be at an end if the Bill passed.

Hon. Mr. WHELAN said that the hon. member had repeated his objections. He, for one, represented a country constituency, and was not afraid of his support to the Bill. The hon. member had argued that a countryman could not come to town without being put in jail. As to his promised support of the Maine Law, no doubt the temperance people would be very grateful to him. He (Hon. Mr. Whelan) had been willing to make a compromise, as though he differed from the hon. introducer of the Bill, and thought that the original

proposition of the £6 yearly rent was too high, yet some deference was due to that gentleman's opinions, on a question so peculiarly affecting his own constituency. As to the vote arrived at the other evening, namely, £2, it did not bring the qualification to the level with that for the House, as any person, not possessed of six-pence worth of property, could vote for a Member of the House, if he only paid a road tax.

Hon. Mr. PALMER saw no reason to change his previous opinions. If it were desired that the operation of the Bill should be fair, no class interests should predominate. The qualification should ensure that the City Council should be composed of men who would have regard to the interests of the town. The present amendment will exclude very few. Five pounds was too low; parties may swear to that amount when not worth five-pence. True, they may be objected to, but a scrutiny is tedious. Was sorry his hon. colleague had prematurely assented to the reduction. He was borne out in his opposition by his constituents; although anxious to see the town incorporated for many reasons, some of which he had previously given—he was not disposed to place the franchise so low.

Hon. Mr. WHELAN said the Hon. Mr. Palmer was desirous of defeating the Bill. He dissented from five pounds, and would have the Bill, the whole Bill, and nothing but the Bill. The hon. member knew, when the measure was introduced, that there would be a difference of opinion as to the details. He would now, however, introduce a resolution much more comprehensive.

Hon. Mr. LONGWORTH was sorry his colleague would not agree to the £5 clause. Was sure it was low, but no one Member can expect to have every thing his own way.

Hon. Mr. WHELAN—Since Hon. Mr. Longworth supported the £5 clause, would adhere to that.

The blank was filled up with rent at the rate of £5, payable quarterly.

The only other discussion was on the clause for dividing the City into Wards, which was altered from the original plan by running the lines of division from East to West, instead of from South to North. The discussion was principally a repetition of what has been given in the report of this debate. The alteration was proposed by the Hon. Colonial Secretary, who objected to the original plan, that it would have the effect of confining the Liberal influence to one Ward, and conceding the remainder to the opposition.

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