

THE
PARLIAMENTARY REPORTER;

OR,

DEBATES AND PROCEEDINGS

OF THE

HOUSE OF ASSEMBLY

OF

PRINCE EDWARD ISLAND,

FOR THE YEAR 1860,

BEING THE SECOND SESSION OF THE TWENTY-FIRST GENERAL ASSEMBLY.



CHARLOTTETOWN:

JOHN INGS, PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY

PARLIAMENTARY REPORTER,

SESSION, 1860.

OPENING OF THE LEGISLATURE.

The Legislature having, by Proclamation, been summoned to meet for the dispatch of business on this, Thursday, the 16th February, His Excellency GEORGE DUNDAS, Esquire, was pleased to open the Session with the following

SPEECH

Mr. President and Honorable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the House of Assembly:

It affords me great satisfaction to meet you, assembled as you now are, for the discharge of your important duties.

In alluding to those subjects to which I would more particularly direct your attention, I am persuaded that you will, on entering on their consideration, do so with the sole desire to further the best interests of this Colony.

I would direct your attention to the necessity which exists for perfecting the present system of Education throughout the Island; and more particularly would I invite you to consider the propriety of reconstructing the arrangements on which the Central Academy is now based, in order that the increasing requirements for instruction in the higher branches of learning may be met, and the usefulness of that establishment augmented.

The arrangement, under which the Public Roads, Bridges and Wharves, are at present maintained and repaired, is somewhat irregular and unsatisfactory. This subject is well worthy of your notice, so that you may concert and mature a more efficacious method.

Mr. Speaker and Gentlemen of the House of Assembly:

The Address which, last Session, you submitted to the Crown, praying that a Commission be appointed to investigate and settle the whole question of Land Tenures, was graciously received by Her Majesty; a considerable delay has occurred at home in arranging the preliminaries of the Commission, but that delay was unavoidable. A very short time will now suffice to complete the formation of a Commission, from the labours of which I anticipate the best results.

I have directed the Accounts of the last year, and the Estimates for the present, to be laid before you. These have been prepared with every attention to economy, and with a due regard to the efficient performance of the public service.

Mr. President and Honorable Gentlemen of the Legislative Council:

Mr. Speaker and Gentlemen of the House of Assembly:

I rejoice to be able to announce to you that the

Revenue, at the termination of the Financial Year, exhibits a very satisfactory appearance; still, as the public debt is considerable, it will be your duty to use your best endeavour to maintain, and if possible, augment the income of the Island.

In this direction much may be accomplished by a greater attention being bestowed on the manner in which the Duties on Foreign and Home made Spirits are imposed and collected. The Laws, also, regulating the issue of Tavern Licenses, I commend to your consideration, for revision.

The want of Light-houses on the East and North Capes of the Island has been, long seriously felt, and their absence has occasioned great loss of life and property. I have communicated with the Governments of the adjoining Provinces, with the view of obtaining their assistance and co-operation with us to make good this deficiency. On receiving replies, I shall direct them to be laid before you. The method, at present, adopted for the collection of Light duties, appears defective, and is capable of being advantageously readjusted.

A preliminary arrangement has been made, by the Government, with the Bank of Prince Edward Island, by which, for the future, Treasury Warrants can be at once exchanged for cash. The absence of this facility has long been felt as a great inconvenience. To confirm this arrangement an Act of the Legislature is required.

I have received from His Grace the Duke of Newcastle, a Despatch, which shall be laid before you: it relates to the subject of the pre-payment of Letters addressed to England. This system prevails in all the other North American Colonies, and is productive of much convenience: I therefore feel assured you will give the matter your consideration, with the view of complying with the wishes of Her Majesty's Government, that it be adopted in this Colony also.

The several Acts of the Legislature of last Session have received the approval of Her Majesty, and are now in operation.

From the Statute Book of the Island not having been revised for some years, much benefit would result from the consolidation of the Laws, to the propriety of which I would direct your notice.

We have reason for deep thankfulness to Almighty God for the bountiful harvest and general prosperity with which, during the past year, this Colony has been blessed; and I fervently pray that His favour may be continued to us, and that His wisdom may direct your deliberations, for the advancement of the welfare of this Island.

The Speech being ended, and the Members of the House of Assembly having returned to the Assembly Room, the Speech was reported by the Speaker, and again read by the Clerk, after which Hon. Mr. Haviland having announced that Hon. Mr. Palmer had resigned his seat as a member for Charlottetown, and that George Beer, Esquire, had been elected thereto, Mr. Beer was introduced, and took the customary oaths.

The usual standing committees were then appointed.

Hon. Mr. Haviland, after a few prelatory remarks, moved that Mr. Howe be appointed Reporter.

Hon. Col. Gray commented on the folly of publishing the speeches three or four months after the House had arisen, and urged the necessity of the Reporters condensing the debates, so that they might appear in a reasonable time.

Hon. Mr. Whelan spoke of the absurdity of supposing that two reporters could furnish full reports, and keep up with the business of the House.

On the motion being put that Mr. Howe be reporter, it was carried unanimously.

Hon. Mr. Coles then moved that Mr. Begley be assistant Reporter, which being seconded, Mr. Macneill moved in amendment, that Mr. D. Laird be Assistant. After some discussion, the question was put, when the amendment was carried—16 to 11.

Hon. Col. Gray moved that a Chaplain be appointed to the House. After some remarks from hon. members, Hon. Mr. Coles moved that the Rev. Dr. Jenkins be appointed Chaplain, which was unanimously agreed to.

FRIDAY, Feb. 17.

A letter was read from Mr. Wm. Malone, contractor for printing the Journals of last session, stating the reasons why he had been unable to fulfil his contract.

Hon. Col. Gray presented a petition from Rev. Donald McNeill, Duncan Crawford, and other inhabitants of Lot 62, praying for a bi-weekly mail to Woodville, which was laid on the table.

Messrs. Cooper, Knight, and Hon. Mr. Wightman were appointed a Committee to prepare an Address to the Lieutenant Governor, praying His Excellency to authorise the immediate letting of a contract to repair a certain Bridge at Bay Fortune.

On motion of Mr. Howat, a Committee was appointed, consisting of Messrs. Howat, Holm, and Macneill, to receive tenders for the printing of the Debates of the House for the present Session, the number specified being 20 copies for each member, and 100 bound copies for the use of the Legislature.

Hon. Mr. Haviland, from the Committee on printing the Journals, reported that three tenders had been received, one from Mr. J. Ings, one from Mr. G. T. Hazard, and the other from Mr. J. B. Cooper. Mr. Cooper's tender, being the lowest, was accepted.

SATURDAY, Feb. 18.

Mr. Howat presented a petition from W. H. Laird, Teacher, Upper Tryon, praying for compensation, and thereupon moved that a Committee be appointed to whom should be referred every petition relating to Teachers and Schools.

Ordered, that Messrs. Howat, Sinclair, Knight, Conroy, Hon. Mr. Yeo and Hon. Mr. Laird do compose said committee.

Hon. Mr. Yeo presented a petition from A. C. Bickford, an unlicensed Teacher at Grand River, praying for remuneration. Referred to the above Committee. Also a petition from inhabitants of Crossman's Point, praying for the opening of a new line of Road.—Laid on the table. Also, from inhabitants of Lots 13 and 14 with a similar prayer.

Mr. Montgomery presented a petition from Haly Campbell, Teacher, Graham's Road, New London, praying for compensation.—Referred to committee on Teacher's petition.

Mr. Davies from the Committee appointed to prepare an Address in answer to his Excellency's speech, reported a draft, which was read, and made the order of the day for Monday.

Mr. Beer presented a petition from Rachel A. Gibson, widow, Charlottetown, praying for naturalization.—Read and laid on the table.

Hon. Mr. Haviland introduced a Bill to amend the Wills Act, which was read a first time, and ordered to be read a second time on Monday next. Adjourned.

Monday, Feb. 20.

Mr. Holm presented a petition from Emily Harrington, Teacher, Mill Vale, praying for remuneration.—Referred to committee on Teacher's petitions.

Mr. McNeill presented a petition from inhabitants of Lots 59 and 61, praying for the opening of a new line of road, which was read and laid on the table.

On motion of Hon. Col. Gray, the second order of the day was taken up, viz.: the House in Committee on the Address in answer to the Governor's speech, which occupied the House until a late hour, when the Speaker took the Chair and the Chairman of the Committee reported the Address agreed to; and which is as follows:—

ADDRESS IN ANSWER TO THE GOVERNOR'S SPEECH.

May it please Your Excellency;

We, the Representatives of the People of Prince Edward Island in Colonial Parliament convened, respectfully thank your Excellency for the Speech with which your Excellency was pleased to open the present Session.

We beg to assure your Excellency that on entering upon the consideration of those important subjects to which your Excellency has particularly directed our attention, it will be our sole desire to promote the best interests of the Colony.

In legislating upon the important subject of Education, it will be our aim, as far as possible, to perfect the system at present in operation in this Island; and in connection with this subject we agree with your Excellency that it will be necessary to revise the Laws under which the Central Academy is now established, in order that the usefulness of that institution may be augmented by imparting to it a higher status; and thus enabling the rising generation to enjoy the great advantage of obtaining instruction in the higher branches of learning within the Colony.

We concur with your Excellency that the system under which the public Roads, Bridges, and Wharfs are at present maintained, is unsatisfactory, and this subject shall receive our best consideration with the view of providing a remedy.

We are gratified to learn that the Address to the Crown, which the House of Assembly agreed to in its last session, upon the subject of the Land Tenures, has been graciously received by her Majesty, and that the preliminaries regarding the appointment of a Commission on that important question will soon be perfected; and we concur with your Excellency in anticipating the best results from the labors of the Commissioners.

The accounts of the past, and the Estimates for the present year, when laid before us, shall receive our best consideration; and in voting the supplies it will be matter of satisfaction to know that the estimates have been prepared with every attention to economy, consistently with a due regard to the efficiency of the public service.

It is pleasing to know that the Revenue for the past year exhibits so very satisfactory an appearance, and considering the amount of the Public Debt, we fully agree with your Excellency as to the duty incumbent upon us, of increasing, if possible, the income of the Island; and we think in common with your Excellency, that this may be partly attained by a more careful attention to the manner in which the duties on Foreign and Home made Spirits are imposed and collected.

The Laws regulating the issue of Tavern Licenses shall receive our best consideration with a view to their improvement.

We are pleased to know that your Excellency has been in communication with the Governments of the neighbouring Provinces for the purpose of obtaining their co-operation in establishing Light houses on the East and North Capes of this Island; and any communications on that subject which may be laid before us by your Excellency shall receive our earnest consideration.

The subject of Light duties in this Island shall receive our closest attention in order to improve the mode of collecting the same.

Sensible of the advantages which will result to the public creditors from the arrangement which your Excellency's Government has made with the Bank of P. E. Island, under which Treasury Warrants in future will be paid on presentation, we will cheerfully pass an Act for the purpose of giving effect to this arrangement.

The Despatch from His Grace the Duke of Newcastle, referred to by your Excellency relative to the pre-payment of letters addressed to the United Kingdom, when laid before us shall receive that attention which its importance demands, so that the wishes of Her Majesty's Government in this respect may be carried into effect.

It is gratifying to know that the several Acts of last session have received the approval of Her Majesty.

We concur most fully in opinion with your Excellency that in consequence of the Laws of the Island not having been revised for several years, great advantage would result from their consolidation; and it will be our duty to perfect a measure for the purpose of remedying the evil.

The bountiful harvest and general prosperity with which, during the past year, this Colony has been blessed, call forth the expression of our deepest thankfulness to Almighty God, and we humbly pray that the Divine favor may be continued to us, and that His Wisdom may control our deliberations for the promotion of the best interests of this Colony.

[The Debate on the foregoing Address will be found in a subsequent page, under the proper heading.]

TUESDAY, Feb. 21.

The following petitions were presented to the House:—

By Hon. Mr. Coles, from the Trustees of Stanhope School, praying for payment of Teacher's salary.

By Hon. Col. Gray, from inhabitants of Uigg Back Settlement, and others, praying for the opening of a new Road.

By Hon. Mr. Longworth, from Robert Galbraith, praying that money paid for a Tavern License be refunded. Also a petition from inhabitants of Rear District, St. Peter's, praying for a grant to repair a road.

By Mr. Douse, from inhabitants of Park Settlement, praying for a grant to repair a bridge.

PAUPERS.

Hon. Mr. Haviland moved that a Committee be appointed to whom shall be referred every petition relating to Paupers, to examine the same and report thereon.

Committee.—Hons Messrs. Perry, Kelly, Longworth, Gray, Thornton, McAulay, Messrs. Coaroy, J. Yeo, Howat, Sinclair, Holm, Davies, Sutherland, Knight, and McNeill.

Hon. Col. GRAY wished to make an observation respecting pauper grants. The money was voted expressly to relieve the poor, and care should be taken that it was appropriated to no other purpose. The method pursued by the House in dividing the money was objectionable. It was unfair that a mem-

ber who had perhaps ten paupers on his list should receive the same amount as one who had only two or three.

Mr. HOLM entertained a similar opinion. There were many paupers in his district—so many that last year several who were really needful only received fifteen shillings.

Hon. Mr. COLES concurred with the hon. member for Belfast that the matter required investigation. Several, he believed, received an allowance who were not really in destitute circumstances. He knew cases of individuals calling for money two or three years after it had been voted; and thought that money was sometimes even granted to persons who had been dead for several years.

Hon. Mr. LONGWORTH thought there was much room for improvement. It was a very improper method to take the list of last year as a guide when voting the amounts. Some did not call for the money placed at his disposal last year.

Hon. Mr. YEO knew that all in his district had received their money. He thought the system was well enough.

Mr. BEEN said that the objection to the present method appeared to be that an equal sum was granted to each electoral district. In his opinion the money ought to be apportioned among the several districts according to the number of paupers in each.

Hon. Mr. PERRY thought that the Chairman of the committee should write to well informed persons in different parts of the Island, to learn who were really destitute. By this means deception would be prevented.

Mr. HOWAT remarked that there seemed to be an inclination to change the system. He thought it was fair that each district should receive an equal amount, as it contributed its share to the general revenue.

Mr. CONROY said that in his part of the country those in want applied to the members for the district. He must have very few paupers indeed if he could not distribute £25, the sum which he received last year.

Mr. SINCLAIR observed that in his district last year very little money was required—part of the money allowed for it had been given to other districts more needful. He thought something like this course ought to be pursued.

Some further discussion ensued, when the House adjourned without coming to any decision on the subject.

AFTERNOON SITTING.

Mr. DAVIES from the Committee appointed to wait upon His Excellency to know his pleasure when he would be attended with the Address, reported that he would be prepared to receive it to-morrow at 12 o'clock.

Mr. DAVIS from the Committee appointed to enquire into the delay in publishing the Journals of last session, presented a report, which having been read, it was therefore resolved that said report be taken up in committee of the whole House to-morrow.

Hon. Mr. COLES rose to refer to a statement in the last No. of the *Royal Gazette*, respecting the proceedings of the House. There it was made to appear that Rev. Dr. Jenkins had been appointed Chaplain, on motion of the Hon. Col. Gray, whereas he only moved that a Chaplain be appointed, and he (Mr. Coles) made the motion in reference to Dr. Jenkins. It was also stated that the Address in answer to the Governor's Speech finally passed on a division of 17 to 11. This was incorrect, for though the opposition had endeavored to carry amendments, they did not oppose the whole Address. As that paper was published by authority, it ought to give correct statements.

On motion of Mr. McNeill, the following Committee were appointed, to whom all matters relating to Post Offices should be referred, viz.—Messrs. McNeill, J. Yeo, Sinclair, Montgomery, and Hon. Mr. Thornton.

Hon. Mr. HAVILAND thought the House ought to decide about the manner of printing the Debates. The Committee to receive tenders had not yet reported, and he understood some hon. members had changed their opinion since it was appointed, now thinking more information would be communicated by publishing the reports merely in the newspapers.

Hon. Mr. COLES said, it was necessary something should be done. He thought the best method would be to publish the Debates in the leading paper of each party. Though 20 copies were distributed by each member, that would not circulate them

throughout the whole country. He was in favor of giving the Committee instructions to make arrangements with the publishers of the *Islander* and *Examiner* newspapers.

Hon. Mr. LAIRD concurred in what had been stated on a former occasion, that, in publishing the Debates, the Island papers might not be able to afford space to keep up with the business of the House. He would recommend, that if the publishers had more matter on hand than they could print in their usual issue, they be instructed to publish an extra.

Hon. Mr. LONGWORTH was not present when the question was formerly brought before the House, or he would have opposed the method then proposed. Publishing the speeches in the leading newspapers was a much better system. Members, sometimes, found much difficulty in distributing the copies, but when the Debates were printed in the papers, they were widely circulated without any trouble. As it was necessary, however, that a few copies should be printed in a separate form, for the use of the Legislature, this part of the work should be let by tender. Last year, Mr. Ings and Mr. Whelan both had furnished the House with copies of the Debates, for which they received £30 each. Putting up the printing of a sufficient number to competition, would prevent this double expenditure.

Mr. SINCLAIR was opposed to printing the Debates in a separate form for circulation, as a sufficient number could not be published for all the electors on the Island. Though he had 20 copies, he would not send one—he would not show so much favoritism.

Mr. HOLM was of opinion the Debates should be published in all the papers. Many who took a paper had neither the *Islander* nor *Examiner*.

Mr. HOWAR remarked, that hon. members seemed to be disposed to make an alteration. His object in making the motion to have them printed in a separate form was to economise public money. In his part of the country the people were generally in favor of that method.

Hon. Mr. YEO said, what signified 500 copies throughout the country? Appropriating money for such a purpose was only throwing it away. It was far better to have the speeches printed in the newspapers.

After some further discussion a resolution was passed to the following effect, viz: that the Committee, formerly appointed, be instructed to receive tenders for printing 75 copies of the Debates in pamphlet form, for the use of the Legislature; and that they make an arrangement with the proprietors of the *Islander* and *Examiner*, to publish the Debates in these papers within six weeks after the closing of the House. Adjourned.

WEDNESDAY, Feb. 22.

Hon. COL. GRAY presented a petition from Mary Lawrence, the wife of a private soldier, praying for aid. Referred to the Committee on Pauper petitions. The hon. member then stated, that the House spent considerable time yesterday in discussing the question of pauper grants, without coming to any decision. He was not disposed to allow the matter thus to drop, but would again move the resolution which he then introduced. The resolution, which was agreed to, recommended the Committee to exercise great caution in investigating the claims of paupers applying for aid; and that no money be granted to any individual, whose claim could not be vouched for by some member, or was not certified by some clergyman or magistrate in the district.

LAW CLERK.

Hon. Mr. HAVILAND said, as there was to be considerable business before the House this Session, a Law Clerk would be required. He moved that one be appointed.

Hon. Mr. COLES was glad to observe that the Government, day after day, saw the necessity of adopting the course pursued by the late Government. Last Session the majority were so desirous to economise, that they did not appoint a Law Clerk. It was necessary the House should have such an officer, as all hon. members were not qualified to draft bills; and those who were, could not be expected to perform the work. The motion would have his support.

Hon. COL. GRAY remarked, that one reason why the House did not call for the services of a Law Clerk last year, was the shortness of the Session. Another reason was, that the Colony, at that time, was in a state approaching to bankruptcy; but the increase in the revenue, now warranted the House in incurring the expense. To prevent inaccuracy, if possible, in the drafting of bills, it was necessary to have such an officer, as they were constantly called upon to revise Laws which had been too hastily drawn up.

Hon. Mr. LONGWORTH was of opinion that the salary of a Law Clerk would not be money thrown away. He was pleased to think that by the appointment he would be relieved from labor which would otherwise in some measure devolve upon him. He thought Mr. Coles ought to have congratulated the House with respect to the appointment they were about to make. The necessity for accuracy, alluded to by the hon. member for Belfast, was obvious. His own desire was that every Bill, by whomsoever introduced, should be as perfect as possible.

Hon. Mr. THORNTON thought no objection need be raised on this subject. He always considered the House should employ a Law Clerk; it was a saving to the country because it facilitated the business and shortened the session.

Hon. Mr. COLES congratulated the Government because they had seen the error of their ways. Col. Gray had stated that the appointment was not made last session because the Colony was in a state bordering on bankruptcy. He would like to ask if they had paid off one penny of the public debt. Surely the hon. member could not be so ignorant as not to know that it was as great now as at this time last year.

Hon. COL. GRAY in explanation of what he had stated respecting the bankruptcy of the Colony, would say that last year Treasury Warrants had been purchased at 20 per cent discount, but now they could scarcely be obtained at par. He thought this was sufficient proof that his statement was correct.

On the motion being put that a Law Clerk be appointed, it was carried unanimously.

Hon. Mr. HAVILAND then moved that Benj. DesBrisay, Esq., be appointed Law Clerk to the House, stating that probably few in the Colony were better qualified to discharge the duties of the office.

Hon. Mr. COLES objected to Mr. DesBrisay, chiefly on account of his inexperience, and named Mr. Chas. Palmer as a more competent person.

Hon. COL. GRAY stated that he understood Mr. Palmer would not accept the appointment.

After some further consideration Hon. Mr. Haviland's motion was agreed to.

Hon. Mr. Haviland introduced a Bill to amend the Law relating to Bills of Lading, which was read a first time.

The Bill for the Amendment of the Act relating to Wills was read a second time and committed to a committee of the whole House.

Hon. Mr. Haviland explained that the object of the Bill was to render Wills valid though the name of the testator happened to be signed at some distance from the end of the Will, or at the side of the page, or on the top of the next page. According to the existing law they were null and void unless the signature was close at the foot or end of the Will.

The Bill was reported agreed to without amendment. The House then adjourned for one hour.

AFTERNOON.

Committee on report of special Committee on the non-completion of the Journals of last session, after a discussion in which several Members took part, rose without reporting, with the understanding that the work would be completed as speedily as possible.

The Hon. Mr. Haviland introduced a Bill providing for the separation of the offices of Clerk of the Executive and Legislative Councils, and for other purposes. The object of the measure was the facilitating the public business by providing an improved system, at a merely nominal addition to the sum already paid. After a few remarks which will be given in due time, the Bill was read a first time.

THURSDAY, Feb. 23.

The following petitions were presented,—by Mr. J. Yeo, from inhabitants of Lot 12; by Mr. Owen, from inhabitants of Dundas Settlement; by Mr. Knight, from inhabitants of Chepstone Beck Settlement,—all praying for improvement of road communication.

Mr. McNeill, according to notice, introduced a Bill, requiring that all Government accounts be rendered, and kept, in dollars and cents, which was read a first time.

Hon. Mr. HAVILAND presented a Bill, for the better apprehension of certain offenders. Read a first time, and ordered to be read a second time to-morrow.

Hon. Mr. HAVILAND then moved the second reading of the Bill for separating the offices of Clerk of the Executive and Legislative Councils of the Island, and for other purposes therein mentioned. Considerable discussion ensued, (which will be given in the extended debates), in reference to the principles of the Bill, when it was read and committed to a Committee of the whole House. Prayers were reported, and the House adjourned.

AFTERNOON SITTING.

The Committee was resumed, and the discussion occupied the whole of this sitting.

DEBATE ON THE ADDRESS IN ANSWER TO THE LIEUT. GOVERNOR'S SPEECH.

MONDAY, 20th February, 1860.

House in Committee on the Address in answer to the Lieut. Governor's Speech.—Mr. McNeill in the Chair.

The 1st and 2nd paragraphs were agreed to. The 3rd having been read—

Hon. Mr. COLES said.—I rise not to offer any objection to the passage of the paragraph, nor to offer any objection to the improvement of our system of education,—and the Government shall receive my support of any well devised system of improvement. No scheme of human origin can be perfect; and I was pleased to observe, recently, that an able writer, after giving us great credit for the introduction of the system, threw out valuable suggestions for the improvement of the schoolhouses, and the improvement of the class of teachers, by holding out greater inducements for well qualified persons to embrace the profession. With reference to the Central Academy, the late Government contemplated making alterations in its constitution, but religious feelings had been aroused to such a degree, that it was not deemed advisable to introduce them until they should have subsided, which, I trust, will soon be the case. The Island should have an institution capable of affording an education equal to that which the youth of other Colonies can obtain. I will cheerfully support any measure which may be introduced, based on just and equitable principles. The Address need not be discussed, paragraph by paragraph,—last year the whole was debated before a paragraph was agreed to. I think that there is one very important omission from the Speech; in fact, a most important matter has received not the slightest allusion. The Hon. Mr. Palmer, the Leader of the Government, has stated that the Lieut. Governor has received authority to alter the constitution of the Legislative Council. A matter of such paramount importance should not have been kept back a day. The despatches should have been given to the public through the *Gazette*, as soon as possible, after having been received; but here we have the Legislature convened, and no reference is made to the subject, which should have formed the subject of a distinct paragraph in the Speech, and the despatches connected with it should be laid on the table without delay. All prominent subjects of executive action ought to be referred to in the Speech from the Throne. It may be said that the late Government did not indicate all their intended policy in this manner, but a measure so important as the change of the constitution of one branch of the Legislature, should occupy a conspicuous place in the Speech. The people were informed by the paper which supports the present Government, that the Lieut. Governor had received the authority to make the alterations, and even expressed the hope that Col. Swabey would not be removed, but allowed to retain his seat, as an old friend. (Laughter.)

Hon. Mr. HAVILAND.—The House and the Government ought certainly feel great obligations to the hon. member for the lecture on political morality, which came with a very good grace from the hon. Leader of the late Government, when his political course is considered. If my memory serves me right, but four short years ago, in 1856, when that gentleman was at the head of the Government, a far more important alteration was made in the constitution. The number of members of this House was increased from 24 to 30, and the electoral districts were changed, cut up and re-

adjusted in such a manner as was considered most likely to avert the impending ruin of the party in power. Was there any allusion to that measure in the Lieut. Governor's Speech? Or were the people consulted on the subject? The Bill was concocted on Good Friday, by the hon. the late Queen's Printer and others, who, not having attended their places of worship, and, consequently, feeling the want of something to do, amused themselves by preparing a measure, altering the whole character of the representative branch of the Legislature. With reference to the despatches referred to, I can inform the hon. member that when the Government considers that the interests of the Colony shall render their production expedient, they will be presented. As to the passage referring to Education, the hon. member states that he has no objection to it.

Hon. Mr. COLES.—I merely stated that no system was perfect.

Hon. Mr. HAVILAND.—I admit that the Free Education Act has been productive of great benefits to the people. I have always supported the principle of that measure, and shall continue to do so. One great benefit arising from the general diffusion of education among the people is, that it will render them less liable to be led away by the declamation of stump orators and demagogues. The Central Academy, as at present constituted, is but a day school for Charlottetown, and the sooner it is placed on the footing of a collegiate institution, the better. It is premature to boast of our educational system, until the Colony is provided with the means of imparting instruction of a higher order than it has at present. I therefore hope that when a measure shall be introduced, having for its object the elevation of the character of that institution, it will receive the general support of the House.

Hon. Mr. COLES.—It is amusing to listen to the hon. member objecting to the late Government, for not having introduced into the Speech mention of a measure, which he says was not concocted until Good Friday, some six weeks after the commencement of the Session. Besides, that was not a Government measure; it was, I believe, prepared by Messrs. Whelan and Clark. I can tell that hon. member, that he can find no analogy between the conduct of the late Government, in the production of despatches, and the present case. That Government submitted to the Legislature all despatches having reference to the affairs of the Colony; and, in one instance only, submitted an extract of a despatch, withholding merely a portion referring to the Lieut. Governor individually.

Hon. Mr. LONGWORTH.—Mr. Chairman, if I wanted a convincing proof that the Speech was unobjectionable, nay, that it could not be assailed, I would find it in the circumstance that the hon. member, Mr. Coles, had to seek for materials of attack in matters wholly extraneous to it. As to the reference to what the Hon. Mr. Palmer may have said on the subject of the Legislative Council, from which the hon. member argues that his Excellency should have referred to the subject in his Speech, I cannot consider the alteration intimated by Mr. Palmer in any degree as important as the change in the constitution of this House, effected by the late Government—a change not required by the people to be affected by it, nor demanded by any expression of public opinion, but a measure prepared in a sly underhand way. But, I would ask the hon. member, is this House to dictate to the Lieutenant Governor? At the time the Government consider right, the despatches will be submitted. The hon. member admits that during his tenure of Government, part of a despatch was withheld. Of the propriety of the production, or retention of that extract, the then Lieut. Governor, Sir Dominick Daly, was the sole judge. And are we asked to stand up and say to the Lieut. Governor, "You should have laid such and such a despatch before us?" Such a course would be most indecorous and disrespectful, and would be tantamount to our charging the Queen's Representative with a dereliction of duty, and saying that he withheld from us what we, *his masters*, say he should produce. As to the educational system of the Island, all admit its excellence, as far as it goes. It is an honor to the country. I have always supported it, considering, as I do, that

education is the most important element in the social and moral elevation of a people; and, therefore, it becomes the duty of all to co-operate in rendering the system as perfect as possible. As a whole, it is good; but some of the parts require revision. The scale of salaries, the districts, number of schools in each, and other matters, require alteration. The House is frequently almost inundated with petitions for teachers' salaries, withheld because the attendance of pupils has fallen beneath the numerical standard which the law requires, to entitle the teacher to his pay. It is impossible to characterize a system as perfect, which is deficient in the most important particular; and I, therefore, trust that the House will enter upon the consideration of the subject, irrespectively of party feelings, and, I trust, it will enable the Government to establish an institution, which will be of benefit to the people, and a credit to the Island. There is no occasion why the youth of the Island should be sent abroad for education. With a little care and attention a measure could be prepared which would obviate that necessity, and the only expense will be a slight addition to the sums already paid to the teachers at the Academy, to secure the services of professors.

Hon. Mr. WIGHTMAN.—There may be defects in the present system, but I recollect that, when the Act first went into operation, it was highly approved of; but there is no doubt that experience of its working has shown where improvements may be advantageously introduced. When, four or five years ago, I was Chairman of the Committee on Education, I must acknowledge that I was ably assisted by the Hon. Mr. Palmer, then a member of this House, and the hon. member, Mr. Haviland. These gentlemen suggested several very valuable alterations, which were introduced into the previous system. The people, Sir, approve of what has been done for the promotion of education, and I feel satisfied that they will continue to approve of our efforts in that behalf. If we had a properly organized University, our young men would have an opportunity of distinguishing themselves wherever they might go, as well as the natives of other countries. For myself, Sir, I can safely say, that I have always been in favor of improving the educational institutions of the country.

Hon. Mr. COLES.—As to what has fallen from the hon. member, Mr. Longworth, as to the powers of the Lieutenant Governor, I am not reflecting in the slightest degree upon His Excellency, when I tell that hon. member, that the people of the Island hold the Executive Council responsible for all public acts. The doctrine laid down by the hon. member might have been submitted to under the old system, to which that gentleman has always been attached; but now, under the system of Responsible Government, a Governor is almost nobody. The Executive Council, not the Governor, is responsible to the people; and when a Speech contains reference to local matters of minor importance, it should bring to the notice of the Legislature a matter of such magnitude, as a change in the constitution of the Legislative Council. The Executive Council might not think it conducive to the public service that the despatches should be given to the people generally, but the leader of the Government could give an audience of his Charlottetown constituents the information which that Government refused to the Representatives of the people. The despatch alluded to as a precedent for the omission I refer to, was expressly designated as an extract.

Hon. COL. GRAY.—I trust, Mr. Chairman, that hon. members will not waste the time of the House this Session, as they have done on previous occasions, by useless repetitions,—by serving up the same viands, hot, cold, hashed and re-hashed. I have no desire to occupy the time of the House, unnecessarily commenting on all that has been said in this discussion; but I must deny the doctrine asserted by the last speaker, that this House looked to the Executive Council for despatches, and that a Governor was a nonentity—a nobody—as the hon. member expressed himself. The use to be made of despatches received from the Colonial Minister is matter of prerogative, and the Lieut. Governor is supreme over both the House and the Executive Council.

Hon. Mr. COLES.—I admit that the prerogative is in the Crown, as the hon. member alleges, but the purport of my observations was, that where a member of the Government

can give information on such a subject as the reconstruction of the Council, it should, at least, be furnished to the House and people generally.

Hon. Mr. LONGWORTH.—The gentleman referred to gave no particular information; he merely made a general observation, and gave no intimation of any details. Although the hon. member says that there is no similarity between the case on which he grounds his objection, and that which occurred under his Government, I would ask, on what grounds can he urge that Sir Dominick Daly had the right to withhold a despatch, or part of one, and deny the same privilege to the present head of the Government? If the right to withhold a portion is conceded, the concession must necessarily involve the right to retain the whole. I wish, however, not to be understood as saying that it may not be advisable to furnish the despatches; I merely argue on the constitutional principle.

Hon. Mr. THORNTON.—The Committee, I doubt not, will adopt the paragraph before us, for all are agreed as to the necessity which exists for promoting Education; and I am happy to acknowledge that the hon. member, Mr. Haviland, has always accorded his support to that object; and the only opponents to the introduction of the system, were the leader of the present Government and two or three land agents. I hope the Government will have the courage to give practical effect to their intended policy on this subject, by increasing the tax on wilderness lands. It is now high time that additional taxation should be imposed on lands remaining uncultivated. I would suggest that, whatever scheme of improvement may be adopted, a re-examination of the qualifications of Teachers should be provided for. It is matter of general notoriety, that many School Masters are quite inefficient, and it would be proper to exclude all who may be found inadequate to the proper discharge of their duties.

Mr. DOUSE.—I suppose, Mr. Chairman that, in the reference to the opposition of land agents to the Education Bill, I am included. I only wonder that Escheat has not been brought up. I did not object to the principle of that measure, but I was under the impression that adequate compensation was not provided for men of ability as Teachers. I was, and still am, under the belief that the Teacher of youth should occupy a social position next only to that of the Clergyman. It is wrong that a man who has spent the best days of his life in studying to qualify himself for his profession, should be suffered to drag on an existence of labor in the instruction of youth, on the poor pittance provided by the Act. The fact of my being an agent did not influence my opposition; and I can assure the Committee, that on the lands with which I am connected, the tenants have received as liberal terms as any on the Island.

Hon. Mr. LONGWORTH.—This is not the time, Mr. Chairman, to enter upon the discussion of the land question, which will be, I doubt not, fully debated, when the paragraph relating to it shall be before the Committee. I must say that I did not expect to hear the allusion which has been made to the leader of the Government, now no longer a member of this House, where he could defend himself. The hon. member (Mr. Thornton) should remember that he is himself a land agent; but no one would insinuate that his conduct as a Legislator would be influenced by that position. His suggestion that an additional tax should be imposed on wilderness lands, I repudiate. The principle of class legislation has long been abandoned and denounced in the mother country and there is quite enough of discrimination between the burdens imposed upon cultivated and wilderness lands already on our Statute Book.

After some desultory conversation, the paragraph was agreed to.

The paragraph relating to the land question having been read—

Hon. Mr. WHELAN said—In discussing the merits of the paragraph in the Speech to which this is intended as an answer, I cannot but express my surprise at the absence of any mention of the causes of the delay referred to. I would ask the Government what is the nature of the correspondence on the subject, and if they intend to furnish it to this House? The people were treated to any amount of

magnificent promises—they have been led to expect the greatest benefit from the Address of last Session, and now the Speech informs us that it has been graciously received! Who doubts that statement? Any document emanating from a Colonial Legislature, couched in proper language, would be "graciously received." The Government are trifling with the patience of the House, even with that of their own supporters, and of the people of the Colony. They had been led to believe that the land question would be speedily arranged. The House was told by a member of the Government, that it would be settled in eight weeks, and the Lieutenant Governor himself had intimated that a short time would terminate it. But now we are told that there has been some delay. The Address recommended the remission of arrears of rents, and the adoption of an equitable system of purchase. The result is that the public must rest satisfied with the expression of the Lieutenant Governor's hopes of satisfactory results. I have now been in the House some fourteen years, and I must say that so extraordinary a speech I never remember to have read. It really conveys no information to the Legislature; and, as to the language used, as I hold His Excellency's advisers responsible for the document, I must congratulate him on being surrounded by advisers, whose literary qualifications will excite the envy of no one acquainted with English grammar. I shall, however, reserve further remarks to a later period in the debate, and shall probably move an amendment.

Hon. Col. GRAY.—I am not surprised at what I have just heard. I did not expect much courtesy from the hon. member; but, Sir, I can tell him that his allusion to myself as the member of the Government who had said that the Address would settle the question in eight weeks, is false, and the falsehood I have seen repeated twice in the *Examiner*, the newspaper published by the hon. member. This statement is at once uncourteous, unreasonable and uncalled for. Now, Sir, I turn to the debates of last Session, and I find myself reported to have said, that the opposition to which I had referred was to be expected, "when the parties from whom it emanated had been endeavouring for eight years to settle the question, which the resolutions would probably do in eight months." Now, Sir, not only did I mention months instead of weeks, as I am represented to have done, but you will observe that I used the word "probably"—thus showing that I did not intimate any particular time; and any man who would do so on such a subject, would stultify himself. I, for one, am happy to state that my most sanguine expectations have been realized. Nine months have not elapsed since the Address was transmitted, and now we are told that it has been graciously received, and that certain causes of delay have prevented the appointment of the Commission. These causes it is easy to find. At the period when the Address was received in England, a change of Ministry had just occurred, and the Duke of Newcastle assumed the seals of the Colonial Office in succession to Sir E. B. Lytton. Then the complications arising from the Italian war necessitated the postponement of action in the matter until the prorogation of the Imperial Parliament. Another cause of the delay is to be found in the difficulty of communicating with the principal Proprietors, many of whom might be on the Continent, and whose consent would be essential to the efficiency of the Commission, and who would naturally take some time to consider whether they would bind themselves to abide by the terms of the Address. The Proprietors acted with wise caution in adopting as their rule of action the motto of Erasmus—"Festina lente," (hasten slowly.) The hon. member has expressed some anxiety for the production of the correspondence, but, when the Speech informs us that the arrangement of the preliminaries has only been recently effected, I think he will feel that he is somewhat premature. Did he ever hear of official documents being submitted while merely the preliminaries of the subject to which they referred had been arranged? Perhaps he considers that the Government should have them published in the *Examiner*. When the proper time arrives they will be produced, and not sooner. As to the magnificent promises which the hon.

member states I made, I can only say that this assertion is on a par with the one which I have already refuted. I, Sir, made no promises; I but told the people that I would do all I could to benefit them. I have done so, and shall continue to do so, for such a course of action is in actor of duty. I will, however, enlighten the hon. member on another point. His disappointment at the non-production of the correspondence may possibly be mitigated by the expression of my belief, which I now give as a member of the Executive, that ere the present Session shall have terminated, the Commission will have been appointed, and will, soon after, be in operation, and I trust that it will not be long ere the country will receive the benefit of that operation. In connection with this subject, Mr. Chairman, I think it not out of place that I should refer to a matter which has gone forth to the public, on the subject of the action of the Executive and this House on this question. In the *Examiner* of the 7th instant, I find an account of a meeting of the constituents of the hon. members, Messrs. Coles and Kelly, held at Battery Point, at which meeting the following resolution is alleged to have been agreed to:—

"Resolved, That the unsettled state of the Land Question requires the united action of the whole country; and the enforcement of the back rents, pending the address of the House of Assembly on that question, is an arbitrary and tyrannical exaction, and requires the interference of the Executive, as the proposal to remit those rents met the approval of the whole Government, as well as an enquiry into the Proprietors' titles to the Township Lands; but this meeting here cause to believe that the action of the present Government was only a piece of deception to mislead the tenantry."

Now, Sir, I cannot for a moment believe that both of those honorable members were not fully aware that the Executive had no shadow of authority to interfere between the Landlord and his Tenant—between the creditor and his debtor. Well did they know that the Government of Prince Edward Island could not assume powers of a nature which the Sultan of Turkey, although invested with authority over the lives and deaths of his subjects, found it necessary to abrogate by a Hatti Scheriff. Thank God no such power is acknowledged in any part of the dominions of Britain. I can but wonder that the people can be misled by those who assert the principle involved in the resolution, more particularly when I remember that both of the hon. members voted for the Address—in fact, every member present at the division, save Mr. Cooper, supported it.

Hon. Mr. COLES.—Mr. Chairman, the resolution which has been referred to by the hon. member, is the expression of the opinion of my own and Mr. Kelly's constituents; and if any of the members of the Government had attended at the meeting, they would have found it rather difficult to browbeat the men who were present. It is true that I, in common with others who are opposed to the present Government, voted for the Address, but not until we had lost several amendments, and then we withdrew opposition, in order to test the sincerity of the Government, and prevent them from saying that the project failed, because the minority opposed it. As a proof that the measure was a mere deception—that the epithet "deceptive," used in the preamble to the resolutions on which the Address was based, is more applicable to the present, than to the late Government, we have seen the proprietors employing bailiffs to distrain for the back rents before the boasted Commission shall come into operation, so that there may be no arrears to be remitted. Tenants have also been dragged into the Supreme Court, and the Sheriff has been sent, with executions, to take all the property of the poor man, who has been unable to pay his rent; and by the proceedings adopted, an addition of ten or fifteen pounds has been made to the burden, already too heavy to bear. When such facts are matters of general notoriety, the people are justified in calling upon the Executive to interfere, and request them to use their influence to induce the proprietors to postpone the collection of the arrears until the Commissioners shall have made their report. Such action will, at least, show that the Government are sincere. The only reason, I can imagine, for the introduction into this discussion of the resolutions agreed to at the meeting at Battery Point is, that the Government intends to commit my hon. colleague and myself, for being present at a meeting where resolutions were

passed, reflecting upon the House. If my supposition be correct, I hope they will have the candor to avow their intention to muzzle the people. As to the time necessary to obtain the consent of the proprietors, which has been assigned as one of the reasons for the delay, I think it will be some considerable time before that consent will be obtained. Since I first came into the House, I have ever advocated the equitable settlement of the land question; but I, and the party with which I am associated, have invariably received the opposition of the proprietors. When the Imperial Government recommended the extension of the benefits of the Land Purchase Bill by means of the Loan, I was in hopes that the long agitation of this question would be settled. Had that Loan been obtained, the lands could have been purchased at a low rate, and the proprietors would have received their money. But the tenants, having been led to believe that the arrears would be remitted, have naturally enough not made provision for payment of them. The paragraph is not such as should emanate from a party professing to be so eminently the friends of the tenantry. I shall now, Sir, move the following amendment to the paragraph before the Committee:—

“ We are gratified to learn that the Address passed by this House last Session, recommending the appointment of a Commission to investigate the whole question of the Land Tenures, has been graciously received by Her Majesty; but the delay which has occurred in appointing this Commission, since the Address was laid before Her Majesty, has caused much disappointment to the inhabitants of the Colony; and should the benefits expected from the contemplated Commission not prove satisfactory, the House of Assembly deem it their duty to observe, that the only other way in which the question of the Land Tenures can be satisfactorily and equitably settled would be by instituting an enquiry, through the agency of a Court of Escheat, into the conditions of the original grants. In the meantime, the House respectfully request that your Excellency will use your influence with the claimants of Township Lands, with the view of postponing the enforcement of the payment of the back rents, in accordance with the suggestion made by the House of Assembly in the address of last session, now under the consideration of Her Majesty's Colonial Minister.”

Hon. Mr. YEO.—Mr. Chairman, as the hon. member has alluded to the fact of proceedings having been taken against some tenants, I presume he refers to the case of a party on Lot 61, a property for which I am agent. That tenant never paid any rent, and, being lessee of two farms, he sold one of them to his son, without making any arrangements for the payment of his rent. I ask, Sir, how is it to be expected that proprietors can pay the taxes imposed upon their lands, if they receive no rent from their tenants? Do the members of the opposition think, that if a man becomes an Executive Councillor, he must, therefore, give up all claim to his debts; or, if an agent, the property of others? As to my own conduct, either as proprietor or agent, I leave it to any one to point out, if he can, a single instance in which I have oppressed a tenant; on the contrary, I have been too lenient.

Hon. Mr. HAVILAND.—When he characterised the Speech with which the Lieut. Governor opened the Session, as the most extraordinary one he ever knew, the hon. member Mr. Whelan must have forgotten, that a few years ago he stated that the chief merit of a speech consisted in its having nothing in it. In 1858, when the hon. member's party was in power, the Lieutenant Governor's Speech contained but one suggestion, the object of which was the prevention of smuggling. I must suppose, as the hon. member, Mr. Wightman, then held the position of Chancellor of the Exchequer, that from his zeal for the increase of the revenue, the suggestion emanated, and it reflects great credit upon him. But the Speech of this Session contains references to no less than eight measures. I cannot, sir, admit the force of the observations of the hon. member Mr. Whelan, as to the indefinite character of the Speech. His Excellency states that the addresses were graciously received, and that the necessary preliminaries had been arranged. As to the delay which is mentioned in the Speech, the hon. member Col. Gray gave most cogent reasons to account for it. Why, sir, when we reflect that,

in consequence of the position in which Great Britain was placed by the Italian War, the consideration of the Reform Bill, a matter on which the public mind had been most strongly excited, was deferred, we surely have no reason to complain of neglect when we are placed, in this respect, on the same footing as our fellow subjects in the Mother country. However, Mr. Chairman, I am happy to give the hon. member the benefit of my belief that the Commission will soon be organised, and the long vexed question speedily settled. When the members of the opposition affect surprise at the delay which has occurred, do they remember how long they knocked at the door of the Colonial Office with the celebrated Loan Bill? As a member of the Government I am prepared to justify every paragraph in the Speech, the only objection to which is the quibbling assertion that it promises nothing about the production of the despatches. I will now state, although under no obligation to do so, that, ere this precious amendment was concocted, the despatches alluded to had been copied and are now in this House in the desk of a member of the Government, ready to be laid before the House, when the proper time shall arrive. The hon. member Mr. Coles stated that the Government wished to muzzle the people, to stop the free expression of public opinion. Sir, we sit in the Executive Council, solely in deference to public opinion, which must rule; and in accordance with which any Government must be carried on. I, for one, am not terrified by the resolutions passed at Battery Point. In that locality the hon. member, Mr. Coles, is cock of the walk, and can get any resolution passed, which he may please. But when the Government shall have brought to their notice, resolutions condemnatory of their conduct emanating from districts containing the wealth and intelligence of the Island, they will be prepared to bow to the opinions they expressed, with becoming deference; but the tone of these resolutions reminds me of the celebrated addresses of the three Tailors of Tooley Street, who modestly styled themselves “ the people of Great Britain.” The hon. member, Mr. Coles, has stated that he expects no good from the Commission. Why then, sir, did he vote for it? Political honesty would dictate the propriety of a member opposing any measure of which he did not conscientiously approve. The recommendation in the amendment that the Executive should interpose to cause the postponement of the payment of the arrears of rent, the hon. member knows cannot be complied with. It would be an act of tyranny worthy of the worst days of the Stuarts. No Government has the power to interfere with private rights unless it be given by Law; and a member of the Executive Council, by accepting the office, does not abnegate his private rights. Moreover, Sir, the case cited by the hon. member did not arise since the present Government's accession to power. The suit was brought some two years since, and the execution was issued and placed in the hands of the Sheriff not with any expectation that it would realize the back rent, but because the party denied the claim of his Landlord; the defendant was a person who came under the class which the French designate as *mauvais sujets*. The hon. member appears to know the minds of the Proprietors better than they themselves, for he says that they will not consent to the remission of arrears. Surely, if they are willing to submit their titles to investigation, *a fortiori*, their right to the back rents is involved. I am sorry for the reputation for consistency which some future historian of the Island, some yet unborn Macaulay, will award to the hon. member. He now advocates Escheat—he the most strenuous opponent of the venerable apostle of Escheat—he who designated it as a will of the wisp, a delusion, an *ignis fatuus*, who has, time after time, asserted that it would never be granted, now openly proclaims his belief in its necessity. As to the hon. member Mr. Wightman, I must give him credit for consistency on this question, if I cannot award the same praise to other parts of his political career. But why, I ask, if the country was bleeding from so serious wounds, did not the leader of the opposition, when he ruled supreme, apply the balm which is to be so efficacious now. Ah no! then they championed the rights of property, but the loss of office has induced a change in the spirit of their dream.

The House then adjourned till the afternoon.

Hon. Mr. COLES—Mr. Chairman, the hon. member, Mr. Haviland, charged me this morning with saying that the Executive should interfere with the due administration of the law. I made no such assertion, nor had I any such idea. The amendment merely asks His Excellency to use his influence with the proprietors to induce them to defer the collection of the back rents until the Commission shall have arranged the land question, and all its contingent particulars in the terms mentioned in the Address. Probably we never had a Governor whose suggestions would have more weight with the proprietary body than the present; but His Excellency might feel delicate in asking his influence in this matter unless supported by the request of the House. Last year, it is true, that the House did make such request, but it was supposed that the Executive Council would strengthen His Excellency's application by a Minute recommending him to make the application. As to the imputed change in my opinion on the subject of Escheat, I have always been of opinion that it was the only means of settling the question. True, I differed with the hon. member, Mr. Cooper, who advocated a general Escheat, on the grounds he based his action on. I never denied the abstract right of the Colony to a Court of Escheat. We have had a Court of Escheat already, and a reference to our Journals will show that a Bill was passed establishing the Court; and so clearly was the right acknowledged, that it was passed without a suspending clause. Not having been disallowed by the Home Government, within two years, it became, of course, the law of the land. Governor Smith acted on it, and Lots 15 and 55 were escheated under it. There is a note on our revised Statute Book, that the Bill never received the Royal sanction; that is not requisite to the validity of an Act which had no suspending clause. The Land Purchase Bill was introduced as a moderate and practicable measure, in consequence of the Imperial Government being so decidedly opposed to Escheat. I did not wait until I was out of office to declare my opinion on the subject, but I openly stated, while the late Government was in power, that if the Loan Bill were lost, I would support Escheat. I might justify any change of opinion on this subject by adopting the views expressed by the leader of the present Government, who, in the debate on Escheat, in the Session of 1858, stated as follows: "Nor do I oppose the resolution, believing that its rejection will finally settle the agitation of 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 there receive its *quies*—then I would say that every man should bow with respectful submission to the final settlement of the question." Now, Sir, what can be a more efficient and constitutional mode of settling the question than by the intervention of a tribunal, the proposed establishment of which has elicited such observations from the leader of the Government. The Executive can appoint a Court, and a Jury of 12 independent freeholders would decide the cases submitted to them. Parties would have to submit to the decision of a Court of appeal, but not to that of a Commission. Now is the time to establish the Court, when the proprietary party is in power. If the Liberals were in office the measure would receive the opposition of that party, but now they can appoint their own tribunal. Some years since, the late Mr. McLean introduced a Bill to compel proprietors to sell their lands at a rate fixed by law. To that measure I was opposed, as being oppressive in its nature, but I maintain that, notwithstanding their opposition, the proprietors would have been largely benefited by the Land Purchase and Loan Bills. The Government can establish a Court without reference to the Imperial authorities. Did Governor Smith ask such sanction when he established a Court of Escheat? He did nothing of the kind. He would not have stopped with the

forfeiture of Lots 15 and 25, had he not been directed by the Crown not to proceed in the cases of other properties. The Crown was then the Plaintiff, and by the Civil List Bill all the right to the lands of the Island, then vested in the Imperial Government, were transferred to the Government of the Island; and the former would be as justified in preventing the collection of a Bond in our Treasury or of the Quit Rents, as they would be in preventing any assertion of our control over any other property vested in our local Government. The hon. member, Mr. Haviland, need not twit this side of the House with inconsistency on the land question. He had better look at home, for I can refer to Journals wherein one of the hon. members from Belfast, from Port Hill, and from New Glasgow, Hon. Mr. Laird, had no objection to a Court of Escheat. The argument that we have no cause of complaint of the delay which has occurred in the organization of the Commission, because the last Government had to submit to delay in the matter of the Loan Bill, falls to the ground, because there is no analogy between the circumstances of the two cases. When that Bill came up, the then minority insisted upon an amendment, to the effect that the people did not desire to have the loan effected. That amendment did not represent the feelings of the people as truly as the one at present before the Committee, which deserves the support of the House, though I am afraid it will not receive it. I am happy to award credit to the hon. member, Mr. Haviland, for the frankness of his statement, that the despatches were in the desk of an hon. member, ready for production to the House. For that production I do not feel disposed to press at present.

Hon. Mr. YEO—I wonder, Mr. Chairman, if the hon. member supposes that any member believes that he is honest in the course he has pursued. In 1857 and 1858, that hon. member thought he was about to confer a great boon by getting £100,000, out of which the Home Government was to be defrauded, to buy up lands which he now says ought to be escheated.

Hon. Mr. LAIRD—The hon. leader of the late Government, in his reference to me, has not stated the matter truly. I did all I could in favor of Escheat. That hon. member had said that he would not go for Escheat, while he had the people at his back. I, for one, tell him with the people at my back, I would go further for a Court of Escheat than that hon. member did when he had the leadership of a government strong in popular support.

Hon. Mr. LONGWORTH—After the satisfactory reasons assigned for the delay complained of by my hon. colleagues, Col. Gray and Mr. Haviland, it is not necessary that I should refer to them. It is sufficient to know that the Commission will be speedily organised and in operation. The principal objection to the paragraph urged by the hon. member, Mr. Coles, for the purpose of galling the people, has been to the whole policy on which the Commission is based. I, as a member of the Government, am quite willing to subject our action on this subject with his celebrated measures, the Loan Bill and Escheat. The Commission affords the best means of settling the question, for the Home Government has repeatedly and emphatically declared that they will allow no interference with vested rights. Besides, common sense shows that repeated acts of legislation imposing taxes on property recognize the rights of the proprietors. It would be unconstitutional for any Government to stretch forth the strong hand of power to wrest their rights from private individuals. As far as my own interests are concerned, I may say that a Court of Escheat would benefit me and every member of my profession, to a very large amount. But, Sir, suppose the Court in operation, it would be competent for any one impleaded there to show that the Legislature had recognized his title by repeated acts affecting it. No matter whether the Judge of the Court came from Great Britain, the neighbouring Colonies, or the Island, the titles would be found good. I regret that the mode in which the lands were granted, was bad, and serious evils have resulted from it, but these evils arose some 80 or 90 years since; and we are not responsible for them. Are we, after having recognised the rights of the proprietors, by the legislation of years, to say that a Court of Escheat—a tribunal to be established to test the validity of titles which our own act has placed beyond dispute? That that Court would be productive of greater alleviation of the burdens of the ten-

entry than the Commission? The Commissioners are to enquire into the grievances of the tenantry, and recommend such relief as they think fair and equitable, after a careful investigation of all the circumstances affecting the case. We are not to infer that incompetent or interested persons would be appointed on the Commission, or that they would not take evidence fairly and impartially. Their report could be sanctioned by the Imperial Parliament, and the proprietors would be bound by the action of the Commission—by the assent they have already given—the time necessarily spent in getting which was the principal cause of the delay. The course pursued by the hon. member, Mr. Coles, on the land question, to my mind presents a very unfavourable contrast to that of the hon. member, Mr. Cooper, who, however widely I may differ from him on this and other questions, is entitled to credit for consistency on the subject of Escheat. It is a strange proceeding, Mr. Chairman, that any hon. member, particularly one who has had the long parliamentary experience of the hon. member, should have introduced an amendment, threatening the parties whom it is our desire and interest to conciliate, that we will establish a Court of Escheat, at the same time that we request His Excellency to interfere to solicit their clemency. Why should we, if the proprietors have no right to their property, ask His Excellency to interfere in this manner, and say at the same time that if our request be not complied with, we will turn them out of the properties to which they have right. No such suggestion was in the resolutions or memorial of last year, the only object of which was to get a Commissioner to settle the question. The hon. member, Mr. Coles, also stated that the whole policy of the Government was indefensible, because we had not requested the Lieut. Governor to memorialize the proprietors to withhold the payment of the back rents, till the question should be settled. If that were a valid objection to the present, would it not apply more forcibly to the late Government. Did they do anything of the sort? Did they make an effort in that direction? Why then should the members of the present Executive be charged with dereliction of duty, when they have done all they could, and more than their predecessors ever attempted? They transmitted the memorial, backed with the recommendation of His Excellency. It has been said that the so called old Family Compact was in favor of Escheat. I am not aware that such was the fact, but if it were, it shows that their foresight exceeded that of their predecessors, for there was a period when 13 or 14 townships might have been escheated, and by this time settled by freeholders. But the golden time was allowed to pass, unimproved, by the hon. member, Mr. Cooper, whose sincerity of belief in his opinion I by no means impugn. He would be satisfied with nothing short of a general Escheat on the ground of the non-fulfilment of the conditions of the original grants. Had he confined his action to those lots to which indulgences had been granted, a partial Escheat would have been obtained. The Court, if established, must decide on legal principles, and the tenant, relying on his lease, or the proprietor on his grant, would show their titles confirmed by our own legislation, and the Judge would be bound to decide on legal principles, and consequently confirm the titles of the proprietors.

Mr. COOPER.—The hon. member who just sat down stated that Escheat might have been obtained in a partial degree. When, in 1833, I urged upon Lord Glenelg the propriety of testing the titles by the original grants, and he stated that it would be a great hardship to parties who had settled their lands in greater or less proportions, I pressed him to act upon the violation of the terms of the indulgence of 1816. His Lordship said that no action could be taken on that. I maintain that the proclamation had no legal or constitutional weight. The document was not authenticated by any official seal, but the Governor affixed his own private seal to it.

Hon. Mr. LONGWORTH.—Does the hon. member mean to say that there was no indulgence granted by the Prince Regent in 1816? or, if he admits that there was, that the Prince had not the power to grant it? or that Lord Glenelg said that he had no such power? Does he assert that it was a forgery? or deny that parties settled lands under it?

Mr. COOPER.—The Government cannot shew that it is a legal document, or that the Government of that day had

power to grant indulgences. Sir Charles Saxton asked if he could obtain a new grant if he paid for land on two tow ns hips. He received a reply to the effect that the Crown could not make a new grant, consequently, if they could not make a new one they had no power to alter the old one.

Hon. Mr. LONGWORTH.—The Crown had a right to dispense with the performance of the conditions of the grants, and it is absurd for the hon. member, after the property in the lands has changed hands so frequently, to question the validity of titles eighty or ninety years old.

Mr. BEER.—The hon. Leader of the late Government has said that the Commission would be of no use whatever—that it was a mere delusion and impugned the motives of the majority of the House, asserting that they had no faith in it; and in his amendment, he recommends a Court of Escheat, to try the titles, which, but two years since, he was anxious to buy up, and to pay for which he was ready to mortgage the whole revenue of the Island. But now, when the people have a reasonable prospect of obtaining an amicable settlement, satisfactory alike to proprietors and tenants, he, most inconsistently, denies that the former have good titles.

Mr. DOUSE.—I have, Mr. Chairman, been a good many years in this Assembly, and have had experience enough to enable me to tell which way the wind blows. When I, Sir, supported Escheat, the hon. member, Mr. Coles, opposed it; and I only voted for it to humor the hon. member, Mr. Cooper, in his crotchet, not with the slightest expectation that it was to be granted. I, Sir, have got a little property—I worked hard for it. I have about 200 tenants on land of mine to the westward,—there is no ill feeling between the tenants and myself—we get on comfortably together—and really, Sir, I cannot see what the Commission or a Court of Escheat has to do with me. I really am at a loss to understand how the hon. member can introduce an amendment advocating Escheat. Why, Sir, I can produce from the reported debates of this House any number of instances where that hon. member and Mr. Whelan, with others of their party, denounced Escheat far more strongly than ever I did; and when such is the case I would like to know on what grounds he can suppose we believe him sincere now? Can any one think for a moment that he believes in his amendment himself? No, no, Sir, "there is something rotten in the State of Denmark," and I advise that hon. member to withdraw that amendment, in view of his own strong declarations against Escheat in days gone by. Let him shew if he can any reasons for his change of opinion. Let him shew that the Home Government are more favorably disposed to Escheat than they have been. But, Sir, I see some difficulty about this Commission. I would like to know why the industrious sober man, who has always paid his rents, should be put on the same footing as the idle and dissipated who never paid a farthing? It is not fair to hold out a premium to idleness or dishonesty; and if any should receive a benefit, it should be the industrious. However, if any good will result from it, I will give it a helping hand in order to settle the question. No good ever came of its agitation. The minds of the tenantry have been so tampered with by the hon. member, Mr. Cooper, that I have heard many curse, yes, Mr. Chairman, actually curse the day they ever saw the face of that hon. member. He told me the other day, that he was thinking of going to California. I, for one, hope he will. His departure would be the best thing that could happen to the Island. (Laughter.) As to the Commission, I hope that the Government may not be disappointed in their expectations. No good will result from it, unless the lands shall be sold at a low price, and time be given for payment.

Mr. DAVIES.—I oppose the amendment, Mr. Chairman, and I cannot think the hon. member who introduced it is sincere. Everything connected with the Commission is going on well, and I must say that the reasons assigned by the hon. member (Col. Gray) are quite satisfactory. The consent of the Proprietors to the Commission is necessarily an acknowledgment that they accept the terms on which it is to be based. I have a very strong opinion that good will result from it. I hope it will settle the Land Question, of the discussion of which the country is heartily tired. The opposition have been trying in vain for many

years to settle the land question, and the present Government, having been only a year in office, are surely entitled to a reasonable time to carry out their policy. I agree with what fell from the hon. member (Mr. Wightman) last Session, if Escheat will not be allowed, we should adopt the next best course in our power.

Hon. Mr. THORNTON.—Mr. Chairman, I intend to support the amendment. I may be told that my conduct in so doing is singular; but years ago I was in favor of a partial Escheat, and I am still. Last Session, I voted for Colonel Gray's resolutions; but I cannot deny that the delay in the appointment of the Commission has caused much disappointment in the country. A year ago, the name of that hon. member was a tower of strength; but now a general feeling of dissatisfaction has been caused that nothing has been done; and I cannot consider the reasons assigned for the delay as by any means satisfactory. What the tenantry may realize from the Commission, I know not; but I know that on the property with which I am connected, the tenantry have received benefits; but, Mr. Chairman, they received them from myself. I agree with what has fallen from the hon. member, Mr. Douse, that the industrious man should not be put on a par with the idle and worthless; in fact, not only should the distinction be made, but the preponderance of benefit to be conferred should be on the side of the former. Although no advocate for a general Escheat, I stated last year, that if this Commission should prove a failure, I would go for Escheat. I was surprised to hear the hon. member, Mr. Longworth, declaring that if a Court were established, the Judge must decide in the particular manner he stated. What a comfort to the poor tenants to hear such an opinion from a legal gentleman, prejudging the case ere yet the tribunal which would have to try it has an existence! I do not wish to be considered as condemning the paragraph in the Address; but great dissatisfaction has been experienced in consequence of no information having been given to the people, as to the progress of the matter, for the space of nine months. That fact would justify my support of the amendment; but the concluding portion of it, I mean that part respecting the postponement of the collection of the arrears of rent, is also entitled to my support, as a suggestion at once reasonable and in accordance with the spirit of the resolutions we passed last year, which were supported by every member of this House, with but one exception. The manner in which that gentleman—I allude to Mr. Cooper—has been assailed, is, I consider, most unfair. He has been referred to by some parties, as though he were the scape-goat of the Island; but when some hon. members glorify themselves on their happy state, in being the owners of what they are pleased to style their hard earned property, I ask has the tenant no hard earned property? If one class is to be protected, why not the other? I am not anxious for a Court of Escheat; but if nothing can be done otherwise, the people will demand it more vigorously than ever—for their expectations were aroused by our action of last Session; but they are now disappointed. It was supposed that some appreciable benefit would be conferred in a short space of time; but know titles are being questioned in King's and Prince Counties. Some find that the Leases which they received for 999 years are worthless, as the lessor had not such an interest in the land as would enable him to convey such title. Certain tenants on the Westmorland Estate are in this position, and after a long possession under their leases, are now, I believe, threatened with eviction unless they take out new leases, which, for all they know to the contrary, may be cancelled by the next successor to the property. Unless the objects for the attainment of which the House applied for the Commission be realized, the country will, I fear, be more agitated than at any previous time. I sincerely hope that a generous remission of arrears will be made.

Hon. COL. GRAY.—Having stated in the forenoon debate, the reasons which delayed the formation of the Commission, Mr. Chairman, I do not intend to follow the example of some hon. members, who are in the habit of repeating the same ideas over and over again. I merely wish to ask the hon. member who has just sat down, whether he was on the side of the Government, or

of the opposition, during the progress of the Loan Bill, and whether the negotiations did not extend over a period of more than eight months? And whether he expressed any dissatisfaction with the conduct of the Imperial Government, when, in 1858, the Lieut. Governor's Speech contained the following paragraph:

"The circumstances of the last Session having been such as to prevent Her Majesty's Government from proposing to Parliament to guarantee the Loan intended to be raised for the purchase of Lands in the Island, that measure was unavoidably postponed to the present Session of the Imperial Parliament."

Hon. Mr. THORNTON.—I am quite ready to answer the hon. member, and the journals will show my action in the cases referred to. I was always in favor of the Land Purchase and Loan Bills, but in the position I had the honor to hold at the time, as Speaker of the House, it did not become me to give active support to the Government. I was then too much restricted by my official relation to the House, but now I am in a position to act with more freedom.

Hon. Mr. HAVILAND.—It is a blessing, Mr. Chairman, that the hon. member for Cardigan is no longer under any restraint, but is at liberty to vote as he pleases. I am amused at the reasons he assigns for his support of the amendment. He certainly must have racked his brains for them. He will go for Escheat, because he does not know the powers of the Commission. Why, Sir, he must know the terms contained in the resolutions and memorial of last Session. He can, if he has forgotten them, now read them; but support of them now does not suit the purposes of himself or his party.

Hon. COL. GRAY.—I told my constituents, Mr. Chairman, before the commencement of the last Session, that I would not allow that Session to pass without introducing some measure calculated, in my opinion, to settle the question. Now, Sir, has that promise been kept? Compare my conduct in that respect with that of some other hon. members of the House. Although it was well known that the last Session would necessarily be a short one, in consequence of the lateness of the period at which it was convened, yet I insisted with my colleagues in the Government, that the measure should be introduced. Did I wait for the latter part of the third Session of an Assembly, and then bring forward a measure with a view to influence the popular minds when the time for a General election was approaching? Was it not, I ask, reported before the first election, after the dissolution of the former House, that the Bill guaranteeing the Loan had been passed? Deeply as I regret that the hon. member is dissatisfied, I hope, ere the Session shall have terminated, that the hon. member will give expression to a totally different feeling—when he shall be informed that the Commission has been appointed.

Hon. Mr. COLES.—The hon. member misunderstands the purport of the amendment, which does not embody any reflection upon the paragraph of the Address before the Committee; it only expresses disappointment at the delay which has occurred. It expresses satisfaction at the gracious reception of the Address of last year, nor does it intimate the slightest disapproval of the Commission. The hon. member, Mr. Longworth, says, that the jury in a Court of Escheat would have to affirm the titles of the proprietors, under the direction of the judge. Well, Sir, the Commission would have the same evidence submitted to them as would be laid before the Court, and would, I presume, be governed by the same rules of evidence; thus their report would be to the effect, that the titles were valid, and if an act of the Imperial Parliament were required to confirm it, would the Government ask that Parliament to compel the relinquishment of the back rents? The amendment recognizes the possibility of some good resulting from the Commission, and merely says that, if it should not settle the question satisfactorily, escheat would be the only means left; and I doubt not that some of the majority will support escheat under these circumstances. If, as the hon. member has stated, the titles of the proprietors be good, let them not object to the most effectual means of placing them beyond civil or question. The hon. member for Charlottetown, Mr. Davies, said, last year, that he had no doubt that the British Government would advocate the request of the House; and, Sir, the Lieut. Governor is the proper channel of communication between this House and proprietors. The hon. member, Mr. Douse, has attacked me, on the ground that I have opposed escheat, which he admits that he once supported, but, as he alleges, merely to humor the hon. member, Mr. Cooper. Now, Sir, I do not think such a reason sufficient to justify a public man in acting in opposition to the dictates of his conscience. The hon. member, Mr. Beer, says, that he cannot understand how I can support escheat, after having

admitted the titles by the Land Purchase and Loan Bills. I never, Sir, considered the titles perfect; and I introduced, and carried, those Bills, as being moderate measures, calculated to settle the question moderately, and provide compensation for the proprietors at a reasonable rate.

Mr. BEER.—I referred to the Loan Bill, not the Land Purchase Act.

Hon. Mr. COLES.—Well, Mr. Chairman, the one is but an extension of the other. By the first we were limited to £30,000, the other would have enabled us to extend the operations of the Purchase Bill to the whole Island. As to the assertion that the amendment contains a threat, I deny it. It merely says, that escheat will be the only resource left, if the Commission should prove a failure. If the majority wish to excite bad feelings between the proprietors and the tenants, it may suit their purpose to construe the language of the amendment as containing a threat.

Hon. Mr. WIGHTMAN.—Mr. Chairman, the subject of the paragraph is really a most important one, and has for many years been discussed in the Legislature. I, for one, have always denounced escheat. The late Government tried the Land Purchase Bill. The intervention of middlemen between the Government and the proprietors of the Worrell Estate compelled the Government to pay a much higher price for the Worrell Estate than they would otherwise have had to pay; and the further action of the Bill was suspended by the loss of the Loan Bill. When the hon. member, Col. Gray, last year, introduced his resolutions, I supported them, as being the only available means left us. And, Sir, we all know that it is impossible for us to force the British Government; we had better await the result of an application, which, I do not doubt, will be communicated at a convenient time. I firmly believe, Sir, that the hon. member, Col. Gray, was perfectly sincere in his action on this subject, and I trust that benefits will accrue to the people from the measure he introduced. As a proof of what the Loan Bill might have effected, I will take the case of Lot 11, which was purchased under the Land Purchase Bill. In the instance of that Lot, the people were decidedly benefited; and the accounts of the Land Office will show that the results have been very satisfactory, and will, I have reason to believe, falsify the predictions we heard last year, that the public lands would prove a losing concern. I think it will be found that the Purchase Bill has been productive of very great advantages, and that there will be no great loss after all. Had the Loan Bill passed, I believe Lord Selkirk would have sold his property at a cheap rate. At a meeting, at which my hon. colleague and myself were present, I was asked, what benefit the people of other parts of the Island could receive from the purchase, by Government, of the Worrell Estate? My answer was, that they must bide their time; and, Sir, had the Loan Bill passed, they would ere this, be settled as freeholders. I am prepared, Sir, to support the amendment, if the reference to escheat be struck out, and I am in favor of the Commission, as constituting a Court of Enquiry.

Mr. HOWAY.—I concur with what has fallen from the hon. member, that this House cannot coerce the British Government; if we had the power of doing so, we would be under no necessity of asking any thing from it. I wish to see the Address we passed last year fairly tested. When the present opposition obtained Responsible Government, they asked their opponents not to condemn the system without giving it a fair trial. When some hon. members ask, what are to be the powers of the Commission, I answer, that it is to be presumed that they will be ample for the attainment of the objects for which it will be appointed—that the Commission will be a full and complete Court of Enquiry. In the part of the country which I have the honor to represent, the people hate the very name of escheat. All they want is to know, to whom they are to pay their rents? They wish to be assured that they are not paying it to the wrong person. If we had escheat, a decision that the titles of the proprietors were bad, would involve the loss of the property of the tenant, as well as that of his landlord. In such a case, the whole Island would be at the mercy of the Government of the day, and which party, Tory or Snatcher, was to have all? The hon. member, Mr. Coles, says, we have a right to a Court of Escheat, without reference to the Home Government. But, Sir, to use a common saying, he is very free with his buttermilk, when his cow has gone dry. (Laughter.) The Commission is now denounced by those who, last year, supported it. They blow hot and cold, and they fear, if good results from it, they will be blown overboard. I, myself, believe that good will result from the Commission; and if my expectations are not realized, I am prepared to support any scheme which may enable the people to ascertain the party who is to receive the rents. The members of the opposition now ad-

vocate escheat, which they formerly denounced, and decry the Commission which, last year, they supported, and endeavour to frustrate it, when they see it likely to be productive of any benefit to the people.

Hon. Mr. WHELAN.—Mr. Chairman, during the long discussion which has taken place on the paragraph under the consideration of the Committee, I have waited in vain to hear any reasons to induce me to withhold my support from the amendment. The ministers having failed to enlighten my darkness, I was in hopes that the *major* would impart some solid reasons why I should support the paragraph; but, Sir, he has but increased the density of the gloom. In reviewing the opinions expressed by the majority, I shall commence with those of the hon. member who has just sat down. He says that he hates Escheat, but that he is favorable to a Court of Enquiry, and that the Commission will be a Court of Enquiry. Now, Sir, what is the enquiry for? If the Commission should report that the titles are bad, what would be the result? Would it not be the same as the verdict of a jury in a Court of Escheat? Would it not re-invest the titles in the Government? Yet the hon. member who asserts so incompatible and inconsistent arguments, presumes to taunt this side of the House with blowing hot and cold. When we, Sir, are charged with inconsistency, I hurl back the imputation and accuse the Government of practising. I will not say deception, but delusion, towards this House. In the discussion which took place in the earlier part of the day I made a few remarks, to which the hon. member (Col. Gray) assuming the role of Leader of the Government, undertook to reply, which he did with an energy and earnestness marvellous to behold. Sir, I saw him arise, with his "eye in a fine phrenzy rolling," and looking as though he would annihilate all those who should presume to impugn the conduct of the Government. He supposed that a few brief moments would suffice for him to shut my mouth, and that in all time to come, I would seldom presume to raise my voice in his presence. However, I am not yet annihilated, nor have I been particularly terrified by the loud tones of the hon. member for the fourth District of Queen's County. When I asked a question of the Government, I was met by a charge of discourtesy and misrepresentation.

Hon. Col. GRAY.—Mr. Chairman, I rise to explain. The hon. member must be laboring under some hallucination. I did not attribute to him a want of courtesy; but I stated that in that hon. member's own journal, the *Examiner*, I was twice represented to have promised that the Land Question would be settled in eight weeks, when I showed that I had mentioned *probably eight months*.

Hon. Mr. WHELAN.—I feel much obliged to the hon. member for the compliment he has paid me in the assertion that I am laboring under an hallucination. Well, Sir, "Homer sometimes nods," and so may the hon. member, for we had his admission last Session that he sometimes labored under hypochondriasis, and, therefore, he may not be aware of all he does say. But I repeat that he made a positive charge of discourtesy and falsehood. I admit that I was in error in stating that he said the matter would be settled in eight weeks instead of eight months.

Hon. Col. GRAY.—I do not admit the correctness of the hon. member's present statement. On the occasion referred to, I said *probably eight months*.

Hon. Mr. WHELAN.—Well, Mr. Chairman, the word *probably* implies the expectation that eight months would suffice for the settlement of the question. The principal reasons assigned for the delay I shall answer, I trust satisfactorily, before I have done. The Italian War, which is so prominently put forward as the principal cause of delay, was between Austria, on the one side, and France and Sardinia, on the other. England was not one of the belligerent powers, as she was, in the war with Russia, when the Loan Bill was sent home. Even if it were otherwise, it would afford no sufficient reason for the postponement of a measure of such vital importance to the Colony; but as to any participation in the Italian war, Great Britain had no more to do than this Island. The Colonial Minister's de-

partment certainly had nothing to do with it, and yet we are now told that it could not be attended to. As to the election and consequent change of ministry, I am at a loss to see why the rights of the Colony should be affected by either of those events. The opposition are told that, because the Loan Bill was postponed, we should not complain of the delay in the present case. But, Sir, I want to know if the assertors of that argument mean to say that two wrongs make one right! Besides, I have shown that the cases are not alike. The Loan Bill was passed by us in view of a guarantee to be obtained by an Act of the Imperial Parliament, which was introduced, and afterwards a change of Ministry occurred which necessarily postponed the consideration of it. But the memorial required no Imperial legislation. It merely requested the Colonial Minister to recommend Her Majesty to appoint a Commission. Much stress has been laid upon the alleged necessity for consulting the principal proprietors, as one of the causes which have retarded the appointment of the Commission. That but confirms the truth of the opinion I expressed last Session, that the measure was merely the offspring of the proprietary party.

Hon. COL. GRAY.—The first duty of the Duke of Newcastle, was necessarily to forward to each of the principal proprietors a copy of the memorial, and ask their consent to the suggestions it contained.

Hon. Mr. WHELAN.—The hon. member's interruptions but show me that my observations are unpalatable.

Hon. COL. GRAY.—I deny and repudiate the inference the hon. member has drawn from my interruption. I merely rose to explain.

Hon. Mr. WHELAN.—I state, last session, that this panacea for all the ills that tenant flesh is heir to, would prove to be a humbug, and the reasons I have heard adduced for the delay, only confirm my opinion. The time necessary to communicate with the proprietors, who might be absent from London, need not be very long, when we consider the facilities of communication afforded by the telegraph, by steam boats, and by railways, which bring countries—once distant—into close approximation. But, why consult the proprietors at all? Cannot the Imperial Government appoint a Commission to settle the question? If it is absolutely necessary to consult the proprietors, what kind of a Commission will we expect? One adverse to the interest of the proprietors? No. If it is considered necessary to consult the proprietors, it is but a fair presumption that the Commissioners will be gentlemen entertaining views in unison with those of the Proprietors, and thus the whole scheme will prove delusive. The Government last year promised to settle the question, and the memorial was the first fruits of their labours. This morning the Despatches on this subject were asked for—there was nothing unreasonable in that. The Speech promised us on the Post Office and Light Houses—matters of trivial importance to this vital question—some Despatches with reference to which we have been informed by a member of the Government, are in the desk of another member, to be laid before us when the proper time shall arrive. When, I ask, may we expect that time to arrive in the opinions of members of the Government? The hon. member, Colonel Gray, said that he supposed I expected the Government to insert the Despatches in the *Examiner*. I expected no such thing; but I did expect more information would be submitted than is at present before the House. The request contained in the amendment that His Excellency would use his influence to induce a postponement in the collection of the back rents, has been characterised as an unwarrantable interference on our part; and we are told that the Government has no power to interpose in the manner the amendment suggests. Are the hon. members of the Government ignorant that a former Governor, in 1837, issued a circular recommending the Proprietors to remit the arrears of rents—to sell on easier terms, and to grant long leases? But, Sir, if there were no such precedent, surely when the House had recommended a remission, it is not improper to ask the Executive to lend its influence to induce a postponement of the collection until such time as the Commission shall have reported—to ask the Lieutenant Governor to do what the House had done last Session, and what a previous Governor had done—so much for the alleged impropriety of that part of the amendment. I have been charged by the hon. member, Mr. Haviland, with inconsistency on the sub-

ject of Escheat—that I have opposed it for years. True, Sir, I never advocated Escheat either on the hustings or in this House, until about three years ago. That hon. member stated that it was only when the reins of power were about to slip from the hands of our party that the hon. the leader of the opposition and myself changed our views on the subject. Sir, two years before the late Government retired, I stated that, if other means failed, I would support Escheat as a *dernier resort*—as the only means left of settling the question. I believed the Land Purchase Bill would be of advantage to the country, and it was necessary to supplement it by the Loan Bill. Had the latter been in operation, the country would, I am satisfied, have been contented with its action—under this the people would have been to a great extent settled in freehold. I am not in the habit of looking over the reports of my speech; but I recollect having declared my intention to vote for Escheat, if other means should fail. When such is the fact, on what grounds am I charged with inconsistency? I have heard members on the opposite side of the House, denounce measures which the force of public opinion subsequently compelled them to support; but did they find me charging them with inconsistency? I remember when one member of this House, now no longer here, a gentleman whose eloquence will long be remembered, and whose powers in debate were universally felt and acknowledged, changed his opinions not on one particular subject, but with reference to the fundamental principles of our system. I allude to the Hon. Joseph Pope, to whom, if to any one, the charge of inconsistency might be applied. But he met the objection by the declaration that it was idle to act in opposition to public opinion loudly expressed. I could refer to another gentleman, who accepted a seat in the Legislative Council, and took office under the late Government, and afterwards changed sides and was appointed to an important public office under the present Government. The case of the late Sir R. Peel, to which reference has been made, does not warrant the argument drawn from it by the Hon. Mr. Haviland. As I have already stated, I declared my intended action on Escheat two years before the late administration went out of office. The hon. member for Charlottetown argues that because the Address has been graciously received, we are bound to believe that the Home Government consents to the Commission, and will support the remission of arrears. I cannot recognise the correctness of the reasoning which leads to such conclusion from such premises. I have already stated that any respectfully worded Address would be graciously received; but there is no positive information that a Commission will issue, or that, if it should, a remission of arrears will be among the results. Such remission will be entirely discretionary with the Commissioners, and when it is considered that the Commissioners will be nominated by proprietary influence, and that the Executive Council of the Island contains a majority of Proprietors and Agents, and that His Excellency is generally supposed to be the nominee of the Proprietors, or at least, that his appointment was made with their approval, what have we to expect but that the Commission will represent their feelings, and support their interests? It is absurd to think otherwise. If the proprietary influence were not paramount at the Colonial Office, and at the Council Board, we might hope that a Commission would be appointed fairly representing the views of both parties; but at present it is useless to expect anything like justice from a body appointed by such influence. Unlike the hon. member for Belfast, Mr. Douse, who, I believe, has acted in a very liberal spirit to the Tenants on the property with which he is connected, and has made generous remissions of back rents, these Commissioners, unable to appreciate the social condition of the people, and will, I fear, not be disposed to act as the hon. member I refer to has done. The paragraph in the Address states that we are gratified to learn that the Address has been graciously received, and that we anticipate the best results from the Commission. Now, Sir, I for one do not experience any gratification at the reception of the Address, nor would the people care if it were at the bottom of the Hillsborough, nor do I anticipate any good from its action, even if it were in operation. I have now, Sir, given my reasons for my opposition to the Address of last year, and also the paragraph under discussion. I shall support the amendment.

Hon. Mr. HAVILAND.—I repeat my assertion, Mr. Chairman, that it was only on the eve of his party going out of office that the hon. member became an advocate of Escheat. He was not converted by the high priest of that faith until 1853—the last year of the late Government's rule. In 1855 he was among the most bitter opponents of Escheat, far more decidedly opposed to it than the hon. member, Mr. Wightman, who hates Escheat but supports a Court of Enquiry. In 1860, on the motion that the petitions on the subject of

FRIDAY, February 24.

the land tenures be referred to a Committee, the hon. member supported the motion of the leader of the Government of the day to go into Committee that day three months, and thus would not allow any discussion to take place on the subject. I was in favor of treating these petitions with the usual courtesy of allowing a discussion on the subject to which they referred, but the hon. member and his party were then all supreme and would not allow the question to be debated. It was only in 1858, in the last session of the House, when it was necessary to put forth some new article of political stock in trade, that the hon. member's resolutions were laid on the table and not reported, and the manifesto of the leader of the then Government appeared, as I have already stated, when his Government was doomed.

Mr. SINCLAIR—While I shall support the amendment, I sincerely hope that the commission will exceed the most sanguine expectations of its friends. I thought, last session, that too much deference had been paid to proprietors, that this House should not have gone to them, as supplicants. If their titles were valid, it did not become us to ask favors; but the British Government has admitted that the question was unsettled; and I was willing to refer it to an impartial tribunal for settlement. We only asked for a commission to enquire into the state of the relations between landlord and tenant, and to negotiate with a view to the gradual purchase by the tenantry of the freeholds of their lands, by payments of the purchase money in instalments, and to recommend a remission of arrears. The proprietors have still the right to say what they will take, and I cannot think this is the best way of settling the question. Were the proprietors bound to abide by the decision of the commission, some good might be expected to result from its labors, but the House did not ask that they should come under any obligation to that effect. I supported the address last session, not expecting any great results from it, but thinking that, if it did no good it could do us no harm; and I am still willing to await the result. This does not subject me to the charge of inconsistency, for the amendment only states that the people are disappointed at the delay which has taken place. The speech mentions no causes for that delay, although it is time that some hon. members have assigned reasons for it, which they appear to think sufficient. It also says that if the commission does not make a final settlement of the question, some other mode of dealing with it will be adopted.

Hon. Mr. PERRY—At this late hour, it is not necessary to go over all the grounds travelled over in this debate. In my opinion the paragraph in the address contains but little, and the amendment less. The first part of the amendment is the same as the address, but the second part I entirely disapprove of. When the country has been led to expect benefits from the commission, we ought to give it a fair trial, and not assume that it will lead to no results. If Escheat is to be sought, let hon. members say so plainly, and not intimate it as a contingency, which may occur under some particular state of affairs. I voted for the resolutions of last year, and am in favor of the paragraph in the address, to which I propose as an addition, not as an amendment, the recommendation not to enforce the collection of back rents, during the sitting of the commission.

The Committee divided on Mr. Coles's amendment as follows:

YEAS.—Hons. Messrs. Coles, Whelan, Thornton, Wightman and Kelly, and Messrs. Sutherland, Knight, Cooper, Doyle and Conroy—10.

NAYS.—Hons. Speaker, Messrs. Yeo, Longworth, Haviland, Gray, McAulay and Perry, and Messrs. Ramsay, Douse, Montgomery, Beer, John Yeo, Howat, Holm, Davies and Owen—16.

Hon. Mr. Perry's amendment was then put and lost on the same division, with the exception that Mr. Perry voted in favor of it.

The original paragraph was then put and carried.

After a few unimportant observations on some of the remaining paragraphs, as they were successively read by the Chairman, the address passed unanimously.

The following Petitions were presented:—By Mr. McNeill from Andrew Miller, praying remuneration for building abutment of a bridge; also from James Robertson, Montague River, and from Alex. McDonald, both praying compensation for roads run through their land. By Hon. Mr. Kelly, from Inhabitants of Lots 35 and 36, praying a grant to build an additional block to the wharf at Battery Point; also a petition from a number of mechanics and others, praying for the enactment of a law to detain ships until the workmen employed in their construction be paid—said petition was referred to a special committee, consisting of Hons. Messrs. Kelly, Thornton and Mr. Sinclair, to examine the same and report thereon.

Hon. Mr. Haviland, by command of His Excellency, laid before the House a copy of a Despatch from the Secretary of State for the Colonies, respecting the pre-payment of postage on letters to the United Kingdom and Ireland—read and laid on the table.

Some discussion having arisen in reference thereto, the Speaker called hon. members to order, as it was usual to take up the consideration of a Despatch when presented. Hon. Mr. Haviland then introduced a Bill to carry out the recommendation of the Despatch, which was read a first time.

Hon. Mr. Haviland moved the second reading of the Bill to enable the Controller of Navigation Laws in this Island to grant and issue Fishing Licences to Citizens of the United States for vessels built in Prince Edward Island, and owned by them. A lengthy debate ensued, in the course of which Hon. Mr. Coles moved the following amendment:

Resolved, That it is inexpedient at present to go into Committee on the said Bill, but that an humble Address be presented to Her Majesty, requesting Her Majesty's Government to negotiate with the American Government, with the view of getting that Government to reciprocate in the Coasting Trade, and to admit Colonial built Vessels to American Registry, and that His Excellency be requested to invite the attention of the Governments of the neighbouring Provinces to this important subject.

This amendment was lost by a division of 20 to 5. For the amendment—Messrs. Coles, Wightman, Doyle, McNeill, J. Yeo. Against it—Messrs. Gray, Haviland, Longworth, Laird, Kelly, Perry, Thornton, Whelan, Beer, Conroy, Cooper, Douse, Davies, Holm, Howat, Ramsay, Owen, McAulay, Sinclair, Sutherland.

The House then resolved itself into a Committee of the whole on the Bill, and after some time spent therein, progress was reported, and the House adjourned.

AFTERNOON SITTING.

The Committee on the Bill for separating the offices of Clerk of the Executive and Legislative Councils, was resumed, and Mr. Coles' motion that the Bill be read this day three months was lost, by a division of 20 to 7. For the motion—Messrs. Coles, Kelly, Cooper, Doyle, Sinclair, Sutherland and Whelan. Against it—Messrs. Beer, Douse, Davies, Gray, Haviland, Howat, Holm, Conroy, Longworth, Laird, McNeill, McAulay, Perry, Pope, Montgomery, Owen, Ramsay, Thornton, Wightman, John Yeo. Some petitions were presented.

SATURDAY, February 25.

Mr. Holm, from the Committee appointed to receive Tenders for Printing 75 copies of the Debates, reported that two proposals had been received—one from Mr. Ings, stating that he would publish them for a similar sum to that which he received last year for like service; and the other from Mr. Whelan, offering to print them for whatever sum the House might deem sufficient. Hon. members seemed generally to be of opinion that neither of the proposals sent to the Committee were Tenders, and ought not to have been received. Some were disposed to leave the printing of the Parliamentary Reporter as it was last year. Others opposed this proposition, as they considered it an unnecessary expense that the House should pay for two sets of the Reporter, one from Mr. Ings and the other from Mr. Whelan.

With respect to printing the Debates in the Newspapers, Hon. Col. Gray, Haviland, Laird, Messrs. Holm, Conroy, and others, thought it ought not to be confined to the *Islander* and *Examiner*, but thrown open to all. Hon. Mr. Thornton said, if the reports were to be published in all the papers, it would be necessary to see they were printed correctly. Last year a change had been made in the Reporter's manuscript in one of the Printing Offices. The expression "Thornton, Wightman and Conroy were absent," was made to read, "Thornton, Wightman and Conroy did not vote." He wished this statement to go abroad, in order that the printers might be more careful.

The following resolution was then agreed to, viz:

Resolved, That the Printing of the Seventy-five copies of the Parliamentary Reporter be put up to public tender, specifying the lowest sum for which the work will be performed; and that the printing of the debates be thrown open to the public newspapers, subject to such gratuity as the House may deem fit to grant at the close of the Session.

The House then resolved itself into a Committee of the whole, to consider the Bill for the better apprehension of certain Offenders. The object of the Bill is to give effect in this Island to Warrants issued in the neighbouring Provinces for the apprehension of Offenders who may have escaped to this Colony, provided that they be signed by one of the Judges of the Island, and executed within a certain time. The Bill was reported agreed to without amendment, when the House adjourned.

AFTERNOON SITTING.

Hon. Mr. Haviland moved the second reading of the Bill authorizing the indorse of a Bill of Lading to sue in his own name, which motion elicited no discussion, and the Bill was agreed to without amendment or division.

MONDAY AFTERNOON, Feb. 27.

After the presentation of some petitions, Hon. Col. Gray reported from the special committee appointed to receive tenders for printing the Parliamentary Reporter for the Session.

The committee had received tenders, in answer to their proposal, for the printing and binding 75 copies of the Debates, from—

Mr. John Ings—to furnish 75 bound volumes, and one loose sheet for each member of the House, as the work proceeded, for £37 10s.; Mr. J. B. Cooper—12s. per copy, or whole work for £37 10s., and he would print them in the *Monday* newspaper for such additional sum as the House might grant; Mr. Geo. T. Haszard—0s. 9d. per copy.

On motion of the Hon. Mr. Thornton, the report was referred to a committee of the whole House. Mr. Howat in the Chair.

A protracted discussion ensued, in which it appeared that Mr. Haszard had, after the time specified in the proposals for the reception of tenders, withdrawn his first, and, after communication with some members of the committee, had put in a second tender. This irregularity was objected to by Hon. Messrs. Coles, Thornton, and others, who reprobated the conduct of the committee as irregular and unfair to the other competitors. That the chairman had improperly held communication with Mr. Haszard in the House, during the time of prayers, and while the journals of the previous day were being read. A long conversation, of a somewhat personal nature, took place. The result was, that the special committee admitted the force of the arguments against their report in favor of Mr. Haszard's tender, as not having been received in time; and after an unsuccessful motion by Mr. Beer, who urged that Mr. Cooper's proposal be accepted, as Mr. Ings, being Queen's Printer, had already enough to do, Mr. Ings' tender was accepted. Hon. Mr. Coles, and others, intimated that they intended to impute no improper motives to the committee, but objected to the irregularity of the proceedings, which might render such a course liable to suspicion of favoritism.

The report, amended by omitting reference to Mr. Haszard's tender, and recommending that Mr. Ings' be accepted, was then agreed to.

In answer to a question put by Mr. Cooper to the Government, on the subject of a claim by J. McLellan, Esq., contractor for altering a line of Road and building a Bridge over Black Pond, near Souris, the Hon. member Mr. Longworth stated that the records of the Journals and in the Road Correspondent's office were not sufficiently explanatory. One of the votes for the service specified that Mr. McLellan was to pay £20 towards the work, and there was no evidence that he had done so.

Mr. Cooper explained that by the award of the Commissioners that amount would have to be paid in cash by Mr. McLellan, but as a matter of course, when he took the contract, he was the only person to receive the money, and therefore no account of his having paid himself was necessary.

Hon. Mr. Longworth expressed himself satisfied with the explanation,—Mr. McLellan had applied for the whole amount voted, without giving the Government credit for the amount referred to.

Hon. Mr. Longworth reported from special committee on Expiring Laws.

After presentation of some petitions, the House adjourned.

TUESDAY, Feb. 28.

Mr. Cooper presented a petition from Raymond Campbell, praying for a grant equal to a sum of money that he had transmitted through the Post Office, but which had never been received by the party to whom it was sent. Read and laid on the table.

The House then went into Committee on the report of the Committee on expiring Laws. Several resolutions were reported agreed to, and a Committee appointed to bring in Bills in accordance therewith.

The following Bills were read a third time and passed, viz: A Bill for separating the offices of Clerk of the Executive and Legislative Councils, and for other purposes therein mentioned; and a Bill for the better apprehension of certain offenders.

WEDNESDAY, Feb. 29.

Hon. Col. Gray presented a petition from inhabitants of Cherry Valley, &c., praying for the establishment of a Post Office; also from inhabitants of Lot 50, praying for a grant to build a Wharf.

Hon. Mr. Yeo presented a petition from Colo Arsneaux praying that extra money paid for Land Tax might be refunded; also a petition from Alex. E. Holland, Post-master, St. Eleanor's, praying an increase of salary.

Mr. Ramsay presented a petition from certain inhabitants of Prince County, praying for the erection of Light-houses on the North Cape and on the East Point of this Island.

The following Road petitions were presented:—By Hon. Mr. Yeo, from Wm. Beglole, Lot 16; by the same, from Anthony McKinnon, Lot 4; by the same, from Jas. Gillie, Lot 14. By Hon. Mr. Whelan, from Thomas Keefe, Morrell; by the same, from Michael Rice.

Hon. Col. Gray, by command, laid before the House two documents; the first being a Despatch from the Secretary of State for the Colonies in answer to one sent Home by Governor Daly, in reference to the appointment of a Commission on the Land Question; and the second being a Despatch from Governor Dundas, in reply thereto. Read and referred to a committee of the whole House to-morrow.

The following Bills were read a third time and passed, viz:—A Bill for the amendment of the Law relating to Bills of Lading; and a Bill for the amendment of the Act relating to Wills.

Hon. Mr. Haviland introduced a Bill to amend the Act for the appointment of Sheriffs. The object of the Bill, he said, was to do away with political Sheriffs, and to adopt again the good old system of the Judges naming three for each County, out of which three the Governor appointed one.

On motion of Mr. Haviland the House went into Committee on the Post Office Bill, which after a somewhat lengthy discussion was reported agreed to without amendment, when the House adjourned.

WEDNESDAY, February 22.

AFTERNOON SITTING.

BILL TO SEPARATE THE OFFICES OF CLERK OF THE EXECUTIVE AND LEGISLATIVE COUNCILS.

Hon. Mr. HAVILAND in moving the first reading of this Bill explained its provisions, and the necessity which existed for the changes it was designed to effect. The present Clerk of the Executive and Legislative Councils, Chas. DesBrisay, Esq., was greatly overworked. In the year 1851, the hon. member, the leader of the Government of that day, with the desire of acquiring a reputation for economy, had a Bill passed uniting in one person the two offices, and fixing the salary at £125 a year. When it was found that the work was entirely too much to be performed by any one man, another Act was passed combining the offices of Assistant Clerk of the Councils and Road Correspondent, the duties of the latter office having been previously attached to the Colonial Secretary's department. The salary of the officer was fixed at £100 per annum. But those salaries were increased by a side wind. The late Government had not the manliness to admit that the public officers had not sufficient remuneration—that £125 a year was an inadequate sum for the Clerk of both Councils, and then assume the responsibility of openly increasing the amount by amending the Bill, but the Legislative Council was induced to come to their relief, and accordingly voted to Mr. DesBrisay £150 a year for preparing an Index to their Journals—thus giving that gentleman, for a work which he could perform in an hour or two, more than his year's statutable salary as Clerk of the Executive and Legislative Councils. Such conduct was perfectly ridiculous; the reason for it was, however, obvious enough. Besides, their newly appointed Assistant Clerk whose salary as such and as Road Correspondent had been fixed by law at £100 a year, received from the Council £50 for assisting Mr. DesBrisay to prepare the Index—so that the Journals show that the preparation of a page or two of Index to the Journals of the Legislative Council was paid for at the rate of £200 a year. The truth was, the late Government lacked the moral courage which would have induced them to act openly and above board in this matter. What difference did this covert voting of his money make to the pocket of the tax payer? He would rather that the amount should be paid under Statute. In that case he would know what amounts these officers were receiving, and he would no longer be hoodwinked as he had been. The Bill provided for a separate Clerk for the Legislative Council, and a Clerk and Assistant Clerk for the Executive Council, the duties of which office had of late become so onerous that two efficient persons were necessary to the proper discharge of them. It would be necessary that, in case a vacancy should occur in the office held by Mr. DesBrisay, to whose efficiency, zeal and devotion to his duties, the hon. member bore most willing testimony, there should be some one to assume his post, conversant with the business of the office, the introduction to which of any person unacquainted with the routine and details, would lead to inextricable confusion. That was another reason, besides the amount of work to be performed, which rendered the second officer necessary.

Hon. Mr. COLES might, perhaps, give the measure a helping hand, notwithstanding the references which had been made to the late Government. As to the 'side wind' by which the hon. member had said that the salaries had been increased, the same system had been in practice for the last twenty years. Under the late Government two officers did the work of both Councils and that of the Road Correspondent's Office besides; but now the Government had taken the Assistant Clerk to work in the Secretary's Office. He had been informed by Mr. DesBrisay that Mr. Morrison had not been at his seat in the Council Chamber this Session. As to the Assistant Clerk of the Executive Council, the Government dismissed the former incumbent of that office, and when the Legislative Council employed him, as they had a perfect right to do, to perform certain necessary work, the Government refused to pay him the

sum voted to him. There was a great deal of work to be done, and the Government would not allow him to finish the Council Journals of last Session, which were not yet completed, and consequently not published. The House voted a sum sufficient to pay the contingent expenses of the Legislative Council, which body was the sole judge of the amount of such expenses. The refusal of the Government to pay the amount was but a petty exhibition of political spiciness, and was without a precedent in the annals of our legislation. The Executive had paid the two other Clerks who had done comparatively little work. As to the proposed increase in the number of officers, he would ask, why, if, under the late Government, two were found sufficient to perform the duties specified in the Bill, now increase the number? The idea of the late Government was to have an Assistant Clerk, who should become conversant with all the business of the Councils, and thus be enabled to assist Mr. DesBrisay, who certainly was thoroughly conversant with the details of his office, and an able and worthy officer, but who was miserably overworked, and confined to his desk not only during office hours, but almost from daylight till he retired to bed. If the Colonial Secretary required an assistant, let him have one. There was work enough for an assistant in the Secretary's Office, without interfering with the business of the Road Correspondent. The Secretary had to communicate frequently with the Lieut. Governor, and with private individuals, on matters of business connected with his department, and there must be some one to attend to the work of the office—the issuing of licences, commissions, &c. The principal difficulty he saw was, that even if the Bill became law, there would be nothing to prevent the Legislative Council voting their own contingent expenses.

Hon. Col. GRAY rose for the purpose of explaining the circumstances which induced the Executive to withhold the sum of £100 voted last Session by the Legislative Council to Mr. John Ball as second Assistant Clerk. He had, as a member of the Government, carefully examined the case, without reference to individual or party. He trusted he would in all cases do so. The Legislature had no power to vote anything to such an officer. The Statute virtually deprived them of any such authority, and if they could vote £100 in this manner, they might as well vote £1000.

Hon. Mr. COLES asked, how it was that the Council voted extra pay to Mr. DesBrisay and Mr. Morrison?

Hon. Mr. LONGWORTH.—Because they were recognized by Statute.

Hon. Mr. POPE said that the ire of the leader of the opposition was excited, as the matter concerned the pecuniary interests of his son-in-law. For that reason, imputations were thrown out against the Government. The Statute provided a Clerk and Assistant for the Legislative Council, but the latter officer did not suit them, although he was more efficient than the one they had appointed.

Hon. Mr. COLES was not to be deterred from stating his views by any insinuations of the nature of that they just heard. As to the comparative efficiency of the gentlemen referred to, the late assistant would not suffer by comparison with Mr. Morrison. The present Government had not found fault with him, as to the manner in which he had performed his duties. He had been employed and had performed, as far as he was allowed, and was willing to complete, the duties of the situation to which he had been appointed. The labourer was worthy of his hire, and when the House voted the contingent expenses of the Council last Session, they were aware that Mr. Ball had been, and then was, employed as one of the Clerks. The duty of the Government was to have paid Mr. Ball, and notified him that in future they would recognize no vote in his favor. Had the House, last Session, intended to restrict the Council in its expenditure, they should have accompanied the vote with an express exception of the party referred to.

Hon. Mr. HAVILAND said that independently of the Statute, the right of appointment of Clerks to the Council was in the Government. Under the Statute passed in 1851,

the Government appointed a Clerk to both Councils, and when it was found that one officer was not sufficient to perform the duties, an Act was passed in 1855, authorizing the appointment of an Assistant. Last Session the legally appointed Assistant was not half an hour at the Clerk's table before the third Clerk was introduced. That gentleman was not, and could not be, constitutionally appointed. If, as had been said, the Government had acted in violation of law, the party aggrieved could appeal to the proper tribunal for redress, as had been done by Mr. Scott, a contractor under the late Government, who had made good his claim before a Court and Jury, and if Mr. Ball could prove his case, he would earn the credit of having triumphed over the Government. The usual and constitutional mode in such cases, was to vote a sum sufficient for the contingent expenses of the Council, and it would be most irregular and improper to make an exception against any individual.

Hon. Mr. COLES.—It was certainly very generous in the hon. member of the Government to refer a party who had performed his work, to a Court of Law, to get paid. He could only sue those who had employed him. In the year 1854 Mr. Morpeth was appointed Assistant Clerk to the Legislative Council, and when the liberals returned to power, they paid him £100, although he was a political opponent. They did not on that occasion withhold his pay on the plea that there was no law authorizing his appointment.

Hon. Mr. HAVILAND.—The Government in power when Mr. Morpeth acted as Assistant Clerk made no special agreement with him, and they did not pay him, because there was no law which would justify them in doing so, but were prepared to let his claim come before the House at the then next Session. He thought that Mr. Ball should have adopted a similar course; but as he had placed his claim on presumed legal rights, he should enforce it before the legal tribunals of the Country.

The Bill was then read a first time, and the House adjourned.

W. M. Howe, Reporter.

THURSDAY, February 23.

BILL FOR SEPARATING THE OFFICES OF CLERK OF THE EXECUTIVE AND LEGISLATIVE COUNCILS.

Hon. Mr. HAVILAND moved the second order of the day, that the House go into Committee on the Bill for separating the offices of Clerk of the Executive and Legislative Councils, and for other purposes therein mentioned.

Hon. Mr. COLES said that his principal objection to the Bill was, that it provided for four salaried officials instead of two; it contemplated an increase of officials to do less work than was done before, as he would show. Formerly a copy of the minutes of the Executive Council had to be forwarded to the Home Government, but that was not required now; it had been done away with by the late Government. The business of the Executive Council was also less now than before, because there were fewer Council days. The members of the Government could not be called together on a short notice, as several of them resided at a considerable distance in the country, which circumstance he considered a great inconvenience. He then instanced a case of a person coming to Town all the way from Souris, on some business connected with the Council, which he was unable to get settled, as a meeting could not be called. Had the office of Deputy Colonial Secretary not been set aside, and the office of Road Correspondent not brought down to the Colonial Secretary's office, there would have been no necessity for the change contemplated by the Bill. It would be better for the Government at once to admit that they were in error when they changed the offices last Session. For example, to-day he believed the Colonial Secretary was unwell, and the door of the office was shut. A person should be appointed to the office as Assistant to do the business regularly. He did not know if he would oppose the Bill; he was only expressing his opinions.

Hon. Col. GRAY did not think the hon. member was very happy in his line of argument. He had twitted them with the appointment of officers, and again with their non-appointment. They were here pledged to carry out the wishes of the country,

and if they had done away with the deputies, it was because the people demanded that it should be done. At present, no doubt, the Colonial Secretary labored under many disadvantages; but they must do as the country required. With regard to the observation respecting the meetings of Council, he repudiated the hon. member's objection. The great beauty in all government is regularity, and he saw no necessity for calling a meeting of Council whenever a man came in from the country. They had named the first and third Tuesdays of each month, which he considered sufficiently frequent. He contended that having a few more Council days scarcely gave the Clerk any more labour, because the work did not then accumulate in his hands so much as when there was considerable delay. Mr. DesBrisay had frequently told him that he could not, unassisted, do the business of the office. And here the system of the public offices was wrong—they had too many heads of departments, and too few Clerks.

Mr. HOWAT said that if they contemplated change, by making more offices, and requiring more money, it would be objectionable. He thought the people did not care how many Clerks were employed, provided the principals paid them out of their own pockets. It was wrong to take the assistant out of another office and put him in the Colonial Secretary's office; but he contended if any addition was required, the principals should get assistants themselves.

Hon. Mr. COLES admitted that the Colonial Secretary had done without an assistant; but it was a great inconvenience in any office where papers had to be compared. The work was best done when best paid for. The Government had committed an error when they departed from the departmental system, to which they would do well to return. In the other Colonies the people were not opposed to it; and in Nova Scotia at the present time, the heads of departments lately appointed were going back to their constituents.

Hon. Mr. HAVILAND said there had been considerable irregularity this Session, for hon. members should only speak once when the Speaker was in the chair. With respect to the observation about going back to the departmental system, they had heard it very often from the hon. member who had just sat down. It was well known that the country desired to test the present system. To the people of this Island it was immaterial what system the other Provinces might adopt; but even in Nova Scotia the Leader of the present Government held no office of emolument—he was only labouring for honor. In speaking to the Bill, however, he would say that the work in the Road Correspondent's Office altogether depended on the manner in which the books were kept. If every item was properly entered, the labor was great, and nearly the same whether the grants for the service were large or small. From Mr. DesBrisay he had received the information that it was no advantage to have the Road Correspondent Assistant Clerk of the Executive Council, as the former office required his undivided attention. Respecting the offices in which a change was contemplated by the Bill, the expense would only be £55 more than under the Government of 1858.

Hon. Mr. WIGHTMAN had no objection to the second reading of the Bill, because he believed that during the time he was in the government, no officer was more over-worked than Mr. DesBrisay. He was willing to take the public money to pay an assistant to that gentleman. Notwithstanding all that had been said at the last Election respecting assistants or deputies, he felt certain the Government would have to go back to the old system. Were the Treasurer or Colonial Secretary to be paid at the same rate as common servants? He maintained that as the Treasurer had to take £150 out of his salary for his assistant, he was shamefully underpaid; and so also was the Colonial Secretary. It was disgraceful that a Colony with a revenue upwards of £30,000 could not afford to give more respectable salaries to its public officers.

Hon. Mr. THORNTON concurred in the remarks of the hon. member for Murray Harbour. For his own part he had no objection to the Bill under consideration. One of its provisions was for the appointment of an assistant to the Clerk of the Executive Council, therefore it would have his support.

Hon. Mr. LONGWORTH had not much to say on this subject. The Bill had been introduced for the purpose of facilitating the public business, or enabling the officers to do it with more satisfaction to the country. The duties devolving upon the Clerk of the Executive were every day becoming more arduous. They had at present but one Clerk in the office, and he was advanced in years. It was unsafe to have only one person to look to, for should he be suddenly taken away, there would not be another qualified to step into his place, as it required a long training to

reader a person familiar with the peculiar nature of the duties to be performed. If Mr. DesBrisay was left without an assistant, he would soon be broken down with the increasing business of the Colony. It was, therefore, the duty of the House to provide a remedy.

Hon. Mr. COLES.—The remedy was there.

Hon. Mr. LONGWORTH.—The remedy was not there. True, the Road Correspondent had been nominally assistant; but he had very little time to devote to the office. When the Committee on public accounts came to examine the books, they would be able to form an idea of the labour which the officers had to perform; and they would also see whether the accounts were not better kept now than they were under the late Government. A good deal had been said in reference to the policy of the Government—that their object was to create offices. But it was well known that they had curtailed the expenditure to a very considerable extent. They had made a reduction of £100 a year in each of the principal offices of the Colony, and though by this Bill £55 additional would be required, yet the expenditure would not be equal to that of last year. Mr. DesBrisay would only have to do with one office; but one which required his undivided attention, as the Clerk of the Executive Council must be acquainted with all the books, and be able to give information respecting every grant when asked. The Clerk of the Legislative Council was to receive £75, which would be quite sufficient. They had considered it necessary to fix the sum which that officer should receive, to prevent misapplication of the public money. £150 had been granted by the Legislative Council for the important purpose of drawing up a few sheets of paper, or indexing the Journals. That an irresponsible body should vote what money they pleased was not proper. The Bill was a wholesome one. It was the duty of the Representatives of the people to take the responsibility of appropriating the public money upon their own shoulders. Hon. Mr. Coles' argument respecting Council days was unsound. It was better to have regular days; but extra meetings were sometimes necessary. The case which had been referred to of the person who came in from a distant part of the country on business with the Government, did not invalidate the arguments in favour of regular days. He was acquainted with the case, and knew that the reason the individual had to return without accomplishing the object of his journey, was not as had been stated by the leader of the opposition, for all the members of the Government were consulted; but because they declined to pay him for the contract until the matter was laid before the House, which alone had the right of granting public money.

Mr. SINCLAIR wished to make a few remarks on the Bill. He thought if they on this side of the House desired to injure the Government they would allow it to pass without opposition. But he came not there for the purpose of overthrowing the Government. He considered it to be his duty to oppose every increase of the expenditure of the public money. He was inclined to give the Government a bit of advice. The country was very sensitive on the point of money; and if they continued going on year after year bringing in Bills to increase the expenses of the Colony, they might know what to expect. It was well known that the people were opposed to deputies, because they thought these were doing the work while the principals were going about doing nothing. If Clerks were once appointed, they soon must have higher salaries; thus the grants gradually crept up. He thought if the present Government carried on in this manner, they would not stand as long as the last. He objected to the Bill, as it was only for increasing the number of Clerks.

Mr. DOUSE was surprised to hear the remarks of the gentleman who had just sat down. Mr. DesBrisay's duties were very arduous, and instead of giving him an assistant, he thought that he should now receive a pension. The most competent person in the Colony ought to be found to fill his place, and he should now have ease. To object to the Bill because it would require the paltry sum of £50 additional—he was ashamed to hear it mentioned. He would vote for the Bill though the sum were four times as much. With regard to the Registrar of Deeds, he did not know the person who held the office at present; but he deserved the greatest credit. Under the late Government, when the situation was filled by an individual—a member of this House, too—who could scarcely write his own name, he (Mr. Douse) could not get any work done in the office without waiting five or six weeks; but now he could get it whenever he pleased. The time might come when they would regret carelessness in that office, for by a slight change or omission in a deed, hundreds of pounds might be lost. He thought there ought to be an assistant in the office.

Mr. DAVIES approved of the change contemplated by the Bill; indeed he considered it absolutely necessary. The Bank could as well do without a Cashier as the Clerk of the Executive Council without an assistant. Mr. DesBrisay had, no doubt, been overworked; and if he had received any little assistance from the late Road Correspondent, he thought he had rendered quite as much in return. Mr. Sinclair seemed to be of opinion that so many Clerks were not required; but an assistant was indispensable when a number of vouchers had to be prepared, as it was highly important they should be made out correctly. To provide for an assistant to Mr. DesBrisay would not be an unnecessary expenditure.

On the question being put that the Bill be now read a second time, it was unanimously agreed to. The Bill was then read, and committed to a Committee of the whole House.

On the first clause being read—

Hon. Mr. COLES rose and remarked, that notwithstanding all that had fallen from hon. members on the Government side of the House, he had heard nothing to convince him of the necessity of the Bill. Mr. Davies said that the late Road Correspondent had rendered very little assistance in the office; but he (Mr. Coles) never heard any complaint at the time. They were going to separate the office of assistant Clerk of the Council from that of Road Correspondent, and appoint an additional officer. But the Road Correspondent, he presumed, was to receive £100, and be assistant to the Colonial Secretary, which amounted to pretty much the same as it was under the late Government. Mr. Longworth had commented on the necessity of fixing the salary of the Clerk of the Legislative Council. It was all very well to talk about the independence of the Representatives of the people, and their right to appropriate the public money; but when they went to the upper branch of the Legislature, it might object to the measure.

The Committee then rose, and the Chairman reported progress. House adjourned for one hour.

D. LAIRD, Reporter.

AFTERNOON SITTING.

Committee on Bill to separate the Offices of Clerk of the Executive and Legislative Councils—resumed.

Mr. CONROY did not fully comprehend the whole scope of the Bill. If it were intended to increase the salary and lessen the duties of Mr. DesBrisay, it should receive his hearty support. That gentleman was a most efficient public servant, and the manner in which the duties of his office were discharged, and the character of the documents which issued from it, were a credit to himself and the Colony which received the benefit of his services. He was an old man now, and had long and faithfully served his country.

Hon. Mr. COLES.—The Bill would diminish his salary; it contemplated allowing him £200, while his salary had been some years £275. Last year it was £240, on account of the employment of Mr. Ball.

Hon. Mr. LONGWORTH.—By the Bill the principal duties and responsibilities of the Clerkship of the Executive Council would still devolve upon Mr. DesBrisay, who, it was evident, could not discharge the multifarious duties of principal Officer to both Councils. He cordially concurred in the tributes to his efficiency and devotion to the public service which had fallen from other hon. members, and the length of time he had spent in the public service, and his advancing years, rendered it but an act of justice that they should not overtax his energies of body and mind. It was proposed to give him £200 a year as Assistant Clerk of the Executive, and to pay £75 to a Clerk of the Legislative Council. £200 a year was as little as Mr. DesBrisay could be expected to live on. It was considered expedient for the promotion of the public business that the Colonial Secretary should be *ex officio* Chief Clerk of the Executive Council, without salary; and that Mr. DesBrisay should have an assistant under him.

Hon. Mr. THORNTON.—Then I understand that Mr. DesBrisay, as Assistant Clerk, is to have £300 a year, out of which he is to provide for an assistant if he chooses.

Hon. Mr. COLES said that in other Colonies, where the Departmental system obtained, the Colonial Secretary was

a member of the Government, and so he should be here. The Government probably would wish his presence in Council, that he might assist in their deliberations, although not a responsible member of the Board.

Hon. Col. GRAY supposed the hon. member was not aware of the advantages which would accrue to the public service from having the Secretary, *ex officio* Clerk to the Council. It would tend greatly to facilitate all arrangements adopted in Council. At present the Clerk takes the instructions of the Council, and has afterwards to refer to the Secretary's Office. It was merely proposed to admit him, under oath, to the Council Chamber, to save unnecessary intermediate communication. The Secretary could not be a member of the Council, because the people had willed otherwise. He admitted that the case was different in other Colonies; but the question of his appointment as Chief Clerk of the Council rested with the Executive; the House could not interfere with it.

Hon. Mr. LONGWORTH.—The people had expressly declared their opinion against the Secretary being a member of the Council, his admission to which, as a sworn Clerk, would tend to facilitate the public business.

Hon. Mr. COLES.—The Government were beginning to find themselves involved in difficulties, as he had foreseen would be the result of the course they adopted, in excluding Departmental Officers from the floors of the House. They had become a laughing stock to the other Colonies. How was it possible that the Secretary could be in his office while he was attending a sitting of the Executive Council? One deviation from correct principle leads to others. This was the only Colony where officials were excluded from the Legislature. The Government professed great admiration of British institutions, and prided themselves on their attachment to the British Constitution; but they adopted the system which obtains in the neighbouring Republic. Their cry for excluding Departmental Officers was a mere electioneering ruse, and they had better now face the difficulty of their position in a manly way, and confess that they had been deceived. Let them admit that they had been misled by a popular cry, and, acting on their convictions, put the Attorney General and Provincial Secretary in the House. As to the Bill, it was admitted by all that Mr. DesBrisay was overworked; but the Bill did not specify that he was to have an assistant. There was no reason for departing from the plan adopted by the late Government. The Road Correspondent and Assistant Clerk of the Legislative Council could also be Assistant Clerk of the Executive, as, during the Session of the Legislature, that officer had nothing to do as Road Correspondent. Mr. DesBrisay might attend to the Executive Council alone.

Hon. Mr. McAulay could not understand the motive for the anxiety manifested by the leader of the late Government. He had intimated such a knowledge of the Executive Council, of which he was not a member, that it might be presumed that he had been listening at the wainscot of the Council Chamber. That hon. member recommended the Government to fall back upon the rotten system which had been scouted and condemned by the people, who had no idea of longer maintaining a set of fat, lazy officials, who did nothing for their salaries, while their assistants were overtaxed, to do the work which their principals were incompetent to perform. What revelation had the hon. member received of the change in the sentiments of the people, since the time when he went scouring Districts in King's County, telling young men that they should vote for his party, because that party had given them the privilege of voting? He returned from his tour rather crestfallen, although it was no trifling matter which would have that effect upon him. In this matter the Government were more interested than the House. The latter body had to take care that they did not vote money to keep a set of useless drones in the public offices, and the appointment of the Clerks of Council rested solely with the Government.

Hon. Mr. COLES.—The hon. member had but little cause to boast of his own popularity, for he had not been

returned at the first general election after the expiration of the old House. He found a seat through the influence of his friends in the House.

Hon. Mr. LONGWORTH.—The motive of the hon. member was easily perceptible. He desired to disparage the present Government, and sound the praises of his own. The difference between the two systems was that, now heads of departments were not in the Legislature. The issue on that difference had been broadly put, and unequivocally decided, by the people at the last election. It was perfectly proper that the minority should oppose the system; they were returned to do so; but the majority were sent there to support it. The Executive, at present, consists of members of the Legislature, not holding office, who would introduce such measures as they might deem conducive to the public interests. The Bill had been introduced in accordance with such principle. The Statute expressly stated that the Clerk of both Councils must be one and the same person. If the Secretary should be appointed *ex officio* Clerk of the Executive Council, such appointment would be a violation of the law. It therefore became necessary to repeal the clause of the Act, which unites the two Clerkships in one person. The Bill expressly gave the emoluments to the Assistant Clerk. He was willing to test the comparative purity of the two Governments by the practical working of the Bill. Although he did not suppose that the opposition would support the measure, the people were quite able to form their own opinions as to the advantages or disadvantages resulting from its adoption.

Mr. HOWAT repudiated the assertion that the people were in error on the subject of the exclusion of office holders from the Legislature, and the recommendation of the hon. leader of the opposition, that the Government should adopt the practice of the late one, was founded on a desire to bring the present Government into the same degree of unpopularity as the last—the members of which were now luxuriating in the cool shades of opposition. He was probably acting on the principle that misery loves company, and, like the fox which had lost his tail, he wished to reduce others to the same state as himself. The country had affirmed the principle of exclusion by two elections, and the Government and the majority recognized the right of the people to have their wishes carried out.

Hon. Mr. COLES.—Where would be the difference, if two or three heads of departments held seats in the House? Its independence would not be diminished. Last Session a member of the Government told certain of his colleagues in the House, that they must change their votes, which they accordingly did.

On the clause authorising the appointment of an Assistant Clerk to the Executive Council being read—

Hon. Mr. THORNTON said, if the Crown could appoint a Chief Clerk without a Bill, it could in the same manner appoint an Assistant. Then why not appoint a head Clerk and specify his salary in the Bill?

Hon. Mr. LONGWORTH.—Because the Secretary, although *ex officio* Chief Clerk, receives no salary.

Hon. Mr. THORNTON, after highly eulogising the present incumbent, Mr. DesBrisay, said he would be happy to hear of his appointment. He would ask, however, if the Bill would effect any saving of the public money?

Hon. Mr. LONGWORTH would answer the hon. member, although the question was irregular. The Bill would not effect an actual saving in the sums already paid, but the greater efficiency which would be infused into the public service, would largely overbalance the trifling addition the Bill would make to the amount of the salaries. The Government had already saved hundreds in the costs of the different offices, and the only additional charge under the Bill would be £55.

Hon. Mr. THORNTON.—The last House was accused of extravagance, which the present Government was to check. As to any saving they had made, when the public accounts would be laid on the table, he would thank them for all they should have saved. It had been stated that the late

Government had reduced the country to the verge of Bankruptcy by their extravagance; but he perceived that this House was called on to vote amounts equal to the last.

Mr. BEER could not see the force of the arguments of the opposition. They, in common with the members of the majority, admitted that Mr. DesBrisay was overworked, and that an Assistant to that gentleman was absolutely required, yet they were frittering away the time of the House, by opposing the appointment, the necessity of which they admitted.

Progress reported.

FRIDAY AFTERNOON, 23th February.

[Committee on the Clerks' Bill—resumed]

Hon. Mr. HAVILAND said that it had been deemed advisable that the appointment of the second Assistant Clerk should be vested in the Government. In case of the illness of Mr. DesBrisay, this plan would provide an officer recognized by the Government. He therefore moved that the salaries be fixed at £200 for the Assistant Clerk, and £100 to the second. Agreed to, and the clause was altered to give the Government the appointment of the second Assistant.

Bill reported as amended.

On the question being put in the House on the report, Hon. Mr. Coles moved that it be received that day three months, for the reasons already given, that it created two new offices, which were not required; and that it involved, by the admission of the Government themselves, an increase of £55 a year; but as the Government refused to pay Mr. Ball, it augmented the expenses of the Councils by £155, beyond what they were last Session. They had added £50 to the Colonial Secretary's salary, and he had an Assistant in the person of the Road Correspondent.

Hon. Mr. LONGWORTH replied, shewing that the Government had reduced the cost of the Public Departments very materially; and that the addition of £55, caused by the adoption of the Bill, bore no proportion to the amounts saved by the expenditure of the late Government.

After a few brief observations, the purport of which has been already given, Mr. Coles' amendment was seconded by Mr. SINCLAIR, who opposed the Bill, as creating new offices, at an unnecessary expense. In 1859 the Clerk of the Executive and Legislative Councils was paid by statute £125 per annum; and now it was proposed to pay £300 for the Clerkship of the Executive alone. The Government might say that the only increase was £55, but the Legislative Council had paid extra for the preparation of the Indices for their Journals; but what security had the House that they would not continue the practice after the passage of the Bill? One of the principal complaints against the late Government had been that they created new offices, and increased the salaries. Last year the present Government did practise a little economy, but they were now adding to the public expenditure, and increasing the evils of which, while in opposition, they had so loudly complained.

Mr. MONTGOMERY.—The sum formerly paid was, within a trifle, as large as that provided by the Bill. He supported the Bill as being a fair and honest mode of voting the public money, by which the secret and underhanded practice which had hitherto been pursued would be done away, and the efficiency of the public service increased without increasing the public burdens.

Two or three members having reiterated some of the arguments already reported, the report was received on the following division:—

For Mr. Coles' amendment—Messrs. Coles, Whelan, Kelly, Cooper, Sutherland, Sinclair and Doyle—7.

Against it—Messrs. Haviland, Laird, Howat, Holm, Davies, Perry, Thornton, Gray, Pope, Longworth, Douse, Montgomery, Ramsay, Beer, J. Yeo, McNeill, Wightman, McAulay, Owen, and Conroy—20.

W. M. Hows, Reporter.

SUMMARY OF PROCEEDINGS.

TUESDAY AFTERNOON, Feb. 23.

Hon. Mr. Kelly moved for the addition of two members to the committee appointed to report upon the best mode of giving Shipbuilders a lien for their wages on vessels on which they have been employed—Hons. Messrs. Longworth and Pope were appointed.

Hon. Mr. Wightman presented a Post Office petition from Murray Harbour—Referred to Post Office Committee.

Mr. McNeill moved the first reading of a Bill authorising the keeping of the public accounts in dollars and cents,—after a long debate which will appear in its proper order—hon. Mr. Coles' motion that it be read this day 3 months was carried. The principle of the measure was generally acknowledged, but the objection to its passage was based on the inconvenience and confusion which would arise from its immediate adoption, and the fact that the decimal system established by Law in the neighboring Colonies had not yet been carried into practice.

Hon. Mr. Thornton presented a road petition.

Hon. Mr. Coles then asked who was to be considered as Leader of the Government—the gentleman who last year held that position in the House having taken a seat in the Legislative Council—and it being usual that some one member of the Government should be recognized as the party from whom answers to questions asked of the Government might be expected.

Hon. Col. Gray trusted that the hon. member would be satisfied by his stating that, as senior member of the Council, holding a seat in the House, he would be prepared to answer questions which might be put to the Government; he would not, however, pledge himself or colleagues to reply to questions of so extraordinary a nature as some that were occasionally put. In his absence some one or other of his colleagues would furnish the necessary answers.

Hon. Mr. Coles then asked when the Government would submit the correspondence on the subject of the Commission. A member of the Government, some days since, stated that a copy of the despatch was in the desk of a member of the Executive in the House.

Hon. Col. Gray was not aware that any particular despatch had been referred to, but he would reply, with reference to any despatches or correspondence on the subject, that while the preliminaries are being arranged, it was not usual or generally convenient to produce the papers connected with a negotiation still pending. When the business should be completed he presumed the despatches would be submitted. Their production at present might embarrass the proceedings and retard the organization of the Commission. Suppose, for instance, that parties residing in England or the Colonies had been named as Commissioners, and they should decline, and others had to be substituted, who might also object to act, the production of correspondence on those particulars would be unnecessary and inconvenient.

Hon. Mr. Thornton—Are we to have the despatches or not?

Hon. Mr. Coles gave notice of an address to the Lieutenant Governor praying for the despatches on the Commission, and then put a similar question as to the correspondence on the subject of the Legislative Council.

Hon. Mr. Longworth—According to parliamentary rule the Government was entitled to 24 hours notice of a question. A verbal notice was sufficient, but a notice of some kind was as necessary as in the case of the introduction of a Bill.

Hon. Mr. Coles observed that, in the Imperial Parliament questions were put to Government on the first day of the session. The Government were not bound to answer immediately, but they could name the particular time when they would be prepared. He then gave notice that he should ask the question to-morrow.

WEDNESDAY AFTERNOON, Feb. 29.

Hon. Col. Grey, by command of His Excellency, brought down a message on the subject of the correspondence concerning the Legislative Council. A desultory and somewhat violent discussion took place, which will be given at length hereafter.

The House in committee on Bill to authorize Americans from the United States to build and employ fishing vessels in the Island, under licence, which was agreed to without amendment.

THURSDAY, March 1.

The following petitions were presented—By Mr. McNeill from certain inhabitants of Lot 61, praying for a grant to enable them to purchase seed grain the coming spring. By hon. Col. Gray, from inhabitants of Lots 50 and 57, praying a grant in aid of individual subscriptions for building a wharf at Orwell Point. By Mr. Conroy from Robert Kennedy, Lot 1, praying a grant equal to a sum of money which he had to pay as expenses for prosecuting an assaulter. By Mr. Sutherland, from Henry Anderson, Teacher, praying for balance of salary. By Mr. Knight, from Michael Morrison, Lot 54. By Mr. Sutherland, from inhabitants of Lot 40. By Mr. Conroy, from inhabitants of Casumpes,—all relating to roads or bridges.

Hon. Mr. Haviland, as a member of the Executive, presented a Bill to authorise the Government to open a cash account with the Bank of P. E. Island, which was read a first time.

Hon. Mr. Haviland moved the second reading of the Bill to amend the Act relating to the office of Sheriffs.

Hon. Mr. Coles, after some remarks, moved in amendment, that the Bill be read this day three months.

A number of the members having expressed their views with respect to the Bill, the question was put, when the amendment was negatived on the following division:

Yeas—Hons. Messrs. Coles, Whelan, Kelly, Wightman, Perry; Messrs. Sinclair, Sutherland, Conroy, Doyle, Knight, Cooper—11.

Nays—Hon. Messrs. Longworth, Gray, Yeo, Pope, Laird, Haviland; Messrs. Davies, Holm, Howat, McNeill, Beer, Montgomery, Douse, Ramsay—14.

The Bill was then read, committed, and progress reported, when the House adjourned.

AFTERNOON SITTING.

The Bill to vest the appointment of Sheriffs in the Chief Justice and the Master of the Rolls, was committed and agreed to without amendment.

FRIDAY, March 2.

Hon. Mr. McAulay presented a petition from C. Boltenhouse, Sackville, N. B., owner of the Steamer "Lord Seaforth," praying for a grant to enable him to include the Port of Georgetown in her route next Summer, thus forming a weekly communication between that Port and Pietou.

Hon. Col. Gray presented a petition from inhabitants of Lots 50 and 57; and another from certain inhabitants of Lot 50, both praying for improvement in road communication.

Mr. Conroy presented a petition from inhabitants of Casumpes praying a grant for the erection of a Commissioner's Court House and Lock-up at that place. He strongly urged the prayer of the petition.

Mr. Montgomery presented a petition from inhabitants of Mill River praying for the establishment of a Post Office.

A message was received from the Legislative Council requesting that a Committee might be appointed to confer with a Committee of that body on the Bill for separating the offices of Clerk of Executive and Legislative Councils, &c. On motion of Hon. Mr. Haviland the request was granted, and Messrs. Haviland, Pope, Davis, J. Yeo, Montgomery and Howat appointed said Committee. The Committee having repaired to the conference room, immediately returned, whereupon a discussion ensued with closed doors.

Hon. Mr. Haviland introduced a Bill to repeal certain parts of the Act consolidating the Election Law, which was read a first time.

AFTERNOON SITTING.

The Bill authorizing the Government to open an account with the Bank was committed and agreed to without amendment.

SATURDAY, March 3.

The following petitions were presented—By Mr. Montgomery from inhabitants of Graham's Road, &c., praying for alteration in a line of road. By Mr. Conroy from inhabitants of Kildare, praying for the erection of a Lighthouse on the North Cape, and another on the East Point of this Island; also, from Francis Baote, Teacher, praying for aid. By Mr. J. Yeo from certain inhabitants of Prince County, praying a grant in aid of individual subscription to build a wharf at New Bideford, Lot 12.

On motion of Mr. Haviland the House went into Committee on the Bill to amend the Election Law.

When the first clause was read, which specifies the sections to be repealed, hon. Mr. Coles moved that so much of the clause as referred to the 80th section, which enacts that any member holding an office may resign it and accept another without vacating his seat, be struck out—motion negatived by a division of 13 to 7.

On the second clause being read which specifies the qualification of Electors, a discussion arose which occupied the time of the House until the hour of adjournment.

AFTERNOON SITTING.

The House occupied in Committee on the Bill to alter the Election Law. The clause specifying the qualification of votes was the subject of a protracted and angry debate, the detailed Report of which will appear in due course. The clause passed.

The section requiring a certificate that statute labor has been performed and the commutation paid, was also carried after an animated discussion. Progress reported.

MONDAY, March 5.

House did not meet in the forenoon.

MONDAY AFTERNOON, March 5.

A Bill introduced by the Hon. Mr. Haviland to amend the Registration Act, was read first time. It provided for the recording of deeds on proof of the handwriting of the grantor or witnesses, in case of their death or absence from the Island; and it gave a judgment creditor his prior claim from the date of the judgment, against transfers subsequently recorded.

The amended Election Law was recommitted, and a long discussion ensued, the principal part of which arose from the following resolution, introduced by the Hon. Mr. Pope, based on some observations which had fallen from Mr. Sinclair in a previous debate on the Bill:—

WHEREAS one of the members of this House representing Lot 18, and Princetown and Royalty, is of opinion that a great number of holders of Town Lots in said Town should not be allowed to vote, unless the said Town Lots be of the yearly value of Forty Shillings; and is also of opinion that there is no prospect of Princetown ever becoming a place of any importance: And whereas Lot 17, comprising Summerside and St. Eleanor's, is a place of more importance, and contains a greater number of votes than Lot 18, Princetown and Royalty—Therefore Resolved, that so much of the Act of XIX Vic. cap. 21 as relates to the Towns, Royalties, Common, and to the division of the Electoral District in this Island, be so amended that Lot 17 be taken off the Third Electoral District of Prince County, and be an Electoral District entitled to return two members to this House; and that in lieu of Lot 17, Lot 18, Princetown and Royalty be added to the said Third Electoral District of Prince County.

TUESDAY, March 6.

Mr. Holm presented a petition from inhabitants of Lots 29 and 30; and Mr. J. Yeo a petition from Thomas Boyd—both relating to roads.

Mr. Beer presented a petition from inhabitants of Lots 35, 36 and 37, praying for a grant to build a wharf at Cramberry Point.

Hon. Mr. Haviland introduced a Bill for the protection of the Salmon Fishery. It provides that those fish shall not be caught between the 31st of August and the 1st of April.

Hon. Mr. Haviland introduced a Bill to protect the real and personal property of married females. He explained that as the law now stands the property of married women is liable for the debts of their husbands. This was almost a disgrace to an enlightened country. It was altogether unfair that women who might have a little property when married, and who might be industrious and economical, should be made liable for the debts of their extravagant and drunken husbands. The Bill is to provide a remedy in such cases.

TUESDAY AFTERNOON, March 6.

Hon. Mr. Haviland, as a member of the Government, laid on the table the detailed statement of the public accounts for the past year.

The Bill to amend the Registry Act was read a second time, and agreed to with an amendment.

WEDNESDAY, March 7.

A large number of road petitions were presented; also the following:—By Mr. Knight from inhabitants of Lots 46 and 47, praying for a grant to build a wharf; by Mr. Conroy from inhabitants of Cascumpec, praying for the erection of a Lighthouse on the North Cape, and another on the East Point; by Mr. Sinclair from inhabitants of Princetown, praying for the same; also a petition from inhabitants of Princetown and Lot 18, praying a grant to build a block to Princetown wharf; by Hon. Mr. Coles, from John Hughes, contractor of the eastern mail, praying a grant to remunerate him for loss sustained in running said mail; by Mr. J. Yeo from inhabitants of Lot 13, praying an alteration in the Small Debt Act; by Mr. Davies, from J.S. Bremner, assistant Controller of Customs, praying for an increase of salary; by Hon. Mr. Whelan from inhabitants of King's County, praying for a Lighthouse on East Point.

Hon. Mr. Haviland, by command of His Excellency, laid before the House a copy of a Despatch in answer to the Address sent Home by the Legislative Council, in reference to the exclusion of salaried officers from the Legislature.

WEDNESDAY AFTERNOON, March 7.

Some ordinary Petitions were presented.

Hon. Mr. Haviland moved that a supply be granted to Her Majesty.

The Bill to protect the Salmon Fishery, by prohibiting the catching of those fish during certain months, was read a second time and agreed to.

Post Office Bill was read a third time and passed, as was the Bill authorizing the licensing of Americans to build Fishing Vessels on the Island.

Several Petitions were received.

THURSDAY, March 8.

The special committee to whom was referred the petition of Raymond Campbell, presented their report, which set forth that from the evidence before the committee, the said Raymond Campbell had mailed a registered letter containing the sum of £7, at the Post Office, East Point, which had never been received at the Post Office, Charlottetown, and recommended that the sum be paid to him out of the public funds. The House went into committee on the report. Messrs. Beer, Davies, Longworth, and Haviland thought that if the sum was granted it would be establishing a bad precedent. Messrs. Coles, Kelly, and others were in favor of adopting the report of the special committee. As hon. members seemed generally to be of opinion that it would be desirable to obtain more information, if possible, respecting the case, the committee rose, and the Chairman reported progress and asked leave to sit again.

A number of petitions were presented.

On motion of hon. Mr. Longworth, the House resolved itself into committee on the Bill to continue certain Acts therein mentioned, viz.: the Act which regulates the surveying of timber, and the Act for licensing hawkers and pedlars. The Bill was reported agreed to without amendment.

Hon. Mr. Wightman was added to the committee on Public Accounts. House adjourned.

AFTERNOON SITTING.

Sundry petitions were presented.

Hon. Mr. Haviland introduced a Bill giving to a Judgment creditor the right to sell under Execution the interest in Real Estate, subject to the equitable claim of a mortgagee prior to the date of the judgment, obviating the necessity of filing a Bill in Chancery.—Read a first time.

FRIDAY, March 9.

Mr. Owen, Mr. Montgomery, and Hon. Col. Gray presented some ordinary road petitions.

Mr. Coles presented a petition, numerously signed from inhabitants of Lot 62, praying a grant to improve the harbor at Wood Islands, but owing to some little informality in it, which he had just observed, asked for some indulgence to have it corrected, and would avail himself of the earliest opportunity of again laying it before the House.

Hon. Col. Gray, by command, presented a message from His Excellency, desiring that the House at its rising to-day, would adjourn till Monday the 19th inst. The hon. member then made a motion accordingly, which was agreed to.

Hon. Mr. Coles called the attention of members of the Government to the state of Mount Stewart Bridge, and suggested that the Superintendent of Public Works be sent to examine the same and report thereon.

The Bill to amend the Registration Act, was read a third time and passed.

Hon. Mr. McAulay presented a petition from Roderick Campbell, praying a grant for conducting Cardigan Ferry.

Two messages were received from the Legislative Council; the first announcing that they had passed the Bill for separating the offices of Clerk of the Executive and Legislative Councils, &c.; and also the Bill to authorize the Government to open a cash account with the Bank of P. E. Island. The second announcing that they had passed the Post Office Bill, and also the Bill to amend the Act relating to the office of Sheriffs, without amendment.

On motion of hon. Mr. Haviland, the House resolved itself into a Committee of the whole on the Bill to amend the Act relating to judgments in the Supreme Court; Mr. Beer in the chair. The Bill was reported agreed to without amendment.

Hon. Col. Gray presented the School Visitor's Report, which having been read, Hon. Mr. Coles remarked, that he was sorry it did not contain more information respecting the schools in the country. As the Education Act was about to be amended, the House required particular information in reference to its working. But he understood that the Visitor had been employed last summer in a manner which he probably would not be next; he had been acting as a kind of secretary to the parties who accompanied the Governor in His Excellency's tours through the Island. He had also been once or twice at the christening of a settlement now called 'Dundas.' Mr. Stark, when School Visitor, drew up a report which had proved very useful to the House on account of the information it afforded respecting the operation of the Act, and the state of the different schools in the country. But in the report now before the House, they had nothing in reference to any country school. He had learned that it was intended there should be a full report this year, and that the Visitor had sent round circulars to the different Teachers to obtain information for that purpose, but that they had returned such flattering accounts of their own schools, he was ashamed to give them in the Report. The document no doubt contained some general remarks in regard to the state of Education, and gave a particular account of the several schools in Charlottetown, which he (Mr. Coles) supposed the Inspector had time to visit in his political tours round the city; but this was not what the country had a right to expect from an individual who was receiving £200 of the public money. He stated in the report that he did not consider it would be proper to put the country to the expense of furnishing a detailed report. Probably he alluded to the expense of printing it, but this did not excuse him for not doing his duty. The House then adjourned.

AFTERNOON SITTING.

Hon. Mr. Coles moved that the School Visiter be required to add to his Report an account of his inspection of the different schools under his supervision, during the past year. Agreed to.

His Excellency came down to the Legislative Council and gave his assent to the Bills for the appointment of Clerks to the Councils, and those relating to the Post Office, the cash account with the Bank, and the appointment of Sheriffs.

The Bill continuing certain Acts was read a third time and passed; as was also, the Salmon protection Bill.

Hon. Mr. Haviland introduced a Bill for the improvement of the present Jury Law. It provided that after six hours deliberation the verdict of nine out of twelve Jurors should be received. That the Sheriff of Queen's County should return 200 names of petty Jurors and 150 Grand, instead of 300 and 200 respectively, as at present; and that the numbers to be returned for King's and Prince Counties be reduced to 130 for petty and 65 for grand Jurors, respectively. He proposed in addition to reduce the amount of jury fees at present paid on a verdict, to twelve shillings, which was to be paid to the particular jury which tried the case, instead of being handed in to the Treasury, as those fees now are. The amount to be in addition to the statutable allowance of three shillings per day.

Some petitions were received. House adjourned.

FRIDAY, Feb. 24.

BILL TO AUTHORIZE THE GRANTING OF FISHING LICENCES TO CITIZENS OF THE UNITED STATES FOR VESSELS BUILT ON THE ISLAND.

Hon. Mr. HAVILAND moved the order of the day that the House go into Committee on said Bill.

Hon. Mr. WIGHTMAN.—I think it would not be right to allow Americans to come here and enjoy the privileges which the Bill would afford. They were granted Free Trade, in which they have never fully reciprocated; and under the Alien Bill they can now hold land in the Colony, therefore I consider that to permit them also to build vessels on the Island would be giving them too much liberty. As our forests are becoming pretty much reduced, we have little enough wood for our own ship-building trade, without allowing the Americans to come in and use it up. But I do not think they would avail themselves of the privilege which the Bill seeks to confer, because fishing licenses, or liberty to sail in our waters, would not enable them to go to other places, or even carry their fish to market.

Hon. Mr. HAVILAND.—The Bill is not a Government measure. I myself am wholly responsible for what it contains. I did not, however, expect opposition from the last speaker, as he was a member of the Government which granted Free Trade with the United States. If the Americans are so narrow-minded as not to reciprocate, I am sorry for it. Such conduct is contrary to the spirit of the age. Free Trade principles are rapidly gaining ground, and are now advocated by the ablest statesmen and economists of the present day. Even the Emperor of France is taking up the subject, and has lately concluded a treaty with Britain which places the commercial relations of these two countries on a more liberal basis, than they have ever been heretofore. It is selfish for a merchant to oppose the measure because it will allow Americans to use the wood of the Colony. We permit them to come here and purchase land, but we must not let them interfere with the merchants. The sooner our forests are cleared away, and the land turned into cultivated farms, the better for the Colony. The Bill will be a great advantage to the people of this Island. The Americans will come here to build vessels and to fish, consequently our young men will be employed. Under existing arrangements our people cannot look for employment from the Americans fishing on our coasts, for according to the laws of the Union, their ships must be manned by citizens of the United States. There were croakers in England when Free Trade was first proposed there. The cry was, could we compete with the

Russians and others who lived on black bread? Will the Americans be allowed to glut our markets? But Sir Robert Peel braved all opposition, and introduced the measure contrary to the wishes of the farmers of Britain. Let us carry out that which has been so nobly begun. Let us have the mantle of Adam Smith to fall upon us. I appeal to gentlemen on the other side of the House to give the measure their support.

Hon. Mr. POPE.—Probably the introducer of the Bill did not think that I would oppose it. I am not prepared to go for anything so much against ourselves. We are told that the Emperor of the French is in favour of Free Trade, but he expects something as an equivalent. We should not give away our privileges merely to keep up with what is called the spirit of the age. I am not disposed to give away our rights, and receive nothing in return. The Americans can come here now and purchase free land; but we cannot get registers in the United States for our vessels, nor will they allow us to take freights from one of their ports to another. I consider it my duty to oppose the Bill.

Hon. Col. GRAY.—I am not a merchant, but have a little general experience, and will offer a few remarks. I think the hon. member for Georgetown should not attribute narrow-mindedness to every one who differs from him. The last speaker remarked that the Emperor of France would not give Free Trade unless he received something in return; but I believe if we pass this Bill we will get something in return. When we passed the Alien Bill, the design was to get hold of the dollars; and I think this measure will be the means of bringing in more. The introducer of the Bill, in his argument, overlooked one point. When the Americans come here they will not only employ our young men, but as they will not be able to sail the ships built on the Island in other waters, they will be under the necessity of laying them up here during the winter. The fish, instead of being sent home all around by water to the United States, will probably be sent by railroad from Shediac, and the vessels laid up either at Charlottetown or some of the other ports. The consequence of which will be that the crews will mostly remain on the Island all winter. By and bye I think we will ship nothing to Nova Scotia or New Brunswick, but will send all our produce to the United States. In my opinion our merchants who build large ships will not be injured by the Bill. The Americans only require small craft for the fishing trade, therefore they would not compete with the builders of large vessels. I think even the merchants would be gainers by this measure on account of the increased circulation of money. I have no objection to the Bill.

Mr. DAVIES.—I cannot see that the measure would injure the merchants, or any other class of our population. As regards free trade, I believe we have derived the greatest share of the benefits from it so far. I am in favor of passing any measure that might be the means of increasing the trade of the Island. In my opinion it would not materially affect our ship-building to allow the Americans to come here and build small fishing vessels, which would be laid up during winter. As the ship-building trade has been very unprofitable of late years, probably we have not much to lose in this respect. I think that whatever is a benefit to the merchants, is a benefit to the farmers; and what is an advantage to the farmers, is also in favor of the merchants.

Hon. Mr. COLES.—I am surprised that a measure affecting our relation with foreign countries has not been made a Government measure. In the British Parliament, no member would introduce a Bill of this kind without first asking the Government if they intended to bring in such a measure, or if it had their approval. I presume there is a majority of the Government in favor of the Bill; why then has it not been brought in as a Government measure? But I will go on to the principles of the Bill. When I was in the United States, I endeavored to get our ships admitted to American registry, but they would not accede to this. The Canadian Government are now loudly complaining of this unfairness, for as the treaty stands the Americans are reaping nearly all the advantages. The Home Government, I think, would not

sanction this Bill, because they refused to allow one sent from Canada of a somewhat similar nature. All the Colonies must unite if they expect to carry anything. I would suggest that an address be sent to the Imperial Government, asking them to interfere and get American registry for our ships; and that the other Colonies be solicited to join us in this request. An arrangement of this kind would be more advantageous to all parties than what is proposed by the measure, for if a man-of-war were to fall in with any of the vessels built and licensed under the Bill, she would seize them if beyond three miles from shore. This would be leading the Americans into a trap. I am not opposed to free trade; but I do not think the Bill will be much benefit, for the Americans now take out registers for their vessels in other persons' names. I do not know if those members engaged in the shipbuilding trade are opposing the Bill from selfish motives. They have a perfect right to protect our privileges. If the Americans are going to give anything, they must get something in return. It was the right of fishing on our coast—which is allowed to be the best fishing ground—that gained Reciprocity from them, and the other Provinces may thank us for the boon. Now we have a right to enquire what is to be received in return for the privileges to be conferred by the Bill. I think it is a measure to gain a little popularity. If they had said, the time has come when it is necessary to address the Home Government on the subject, something might be done. We have no power over the seas, so our licensees would not enable vessels to sail further than our own waters. The arrangement must be made through the Imperial Government; and I hope the hon. member will withdraw his Bill, and get up an address to the British Government, which would pass unanimously. I am not opposed to the principle of the Bill, but let us go about it properly.

Mr. SINCLAIR.—I am happy to think that I will for once be able to support the hon. member for Georgetown. I believe the measure would be an advantage to us, and do not care what benefit it might be to the Americans. If they were allowed to come here and build vessels, it would give an impulse to our young men, and improve our method of shipbuilding; besides they would then employ our men on board their vessels. Giving them liberty to fish on our shores is an advantage to them, but none to us. Let us open up free trade in every way that would be for the general benefit of the Colony. It might injure a few, but we are legislating for the greater number. I fully concur in the principles of the Bill, and think it might prove an advantage to the Island.

Hon. Mr. THORNTON.—I have all along been in favor of free trade. It has not caused all the evils that had been attributed to it. We have given the Americans also the right to hold a certain quantity of land, and I am sorry that we did not give them the liberty to hold more. The Bill under consideration, by inducing them to come here, would create a consumption for our produce, and increase the circulation of money. Every place on the Island that they come to during summer is receiving an advantage. It has been urged as an objection, that they would cut down our forests. I wish there was no other objection. At one time we were not permitted to export juniper knees lest there should be none left for our shipbuilders; but this restriction was removed, and no inconvenience has followed. I hope the merchants will see the propriety of going more into the fishing trade than they have yet done. If it proves remunerative to the Americans, why not to them? I think it is out of the question to talk of this small Colony passing an address to the Home Government, and communicating with the other Colonies on the subject of our relations with the United States. It would at least require a long time to complete the arrangement.

Mr. OWEN.—I am disposed to support the Bill, as we should give every encouragement to the Americans to come here. They would employ our young men to fish in the summer, and in the winter to build vessels and work at the cooper trade. The hon. member, Mr. Coles, was wrong in stating that our fisheries are the best; last year the greatest catch was at Gaspé, and other places are just as good as

this. I think it would be good policy for us to pass the Bill, because then the Americans might be induced to come to this Island to prosecute the fishing trade.

Mr. DOUSE.—With the remarks of the hon. member Mr. Thornton, I fully agree. I would encourage Jonathan in every manner possible to come here, that we might have a chance to get hold of the almighty dollar. The main thing we want is a market for our produce. Something has been gained by free trade. Look at the price of barley now, compared with what it used to be. And I think we would gain more, if we could induce the Americans to come here and carry on business. It has been objected that they would cut down our forests and occupy our land. Let them come along; we can give them plenty of land. At Belfast, I could find room for 10,000, and give them space to launch their ships too.

Hon. Mr. LONGWORTH.—We have been taunted for not making the Bill a government measure, as it would materially affect the foreign relations of the Colony. I for my part would not shrink the responsibility of doing so; it would be no disgrace to any government to introduce the Bill. But I think we should afford a fair opportunity to hon. members on the other side of the house to support a measure that would be for the general benefit. It has been stated that though free trade is the order of the day, yet when we grant any favor we should always see that we receive an equivalent. I consider that the impetus the measure would give to the trade of the Colony would be a sufficient equivalent in this case. The hon. member Mr. Wightman, appears to think that it would prove injurious to the people of the Island. But I am of opinion that it would further every interest of the Colony. Our youth would be benefited by the knowledge which they would receive of the best method of prosecuting the fisheries. By being employed in the building of vessels they would also acquire knowledge in this respect, as the Americans are celebrated for their superior ships. Advantages would accrue to the mercantile interest; money would circulate more freely, and the demand for goods would be increased. By the increased importation our revenue would be augmented. It has been urged as an objection to the Bill, that ships sailing under its provisions would be liable to be seized by a man-of-war. But it is not contemplated to pass the Bill without a suspending clause; it must receive the sanction of the Home Government, and then it would have sufficient authority to render them safe though sailing beyond our waters. It is not intended that the vessels should have the right to trade, but only the right to fish. When in distress, however, vessels can go into any port. Another argument brought forward against the passing of the Bill is that our ships are not admitted to American registry. Though we were granted the privilege, I do not consider it would be any advantage to us, for our ships could not compete with those of the United States; they would not bring half the price. A greater benefit to us than this would be to obtain a share of their carrying trade. But the Americans will never go so far as to grant the Colonies this privilege. I am happy to see that some gentlemen on the opposite side of the House are prepared to support the measure.

Mr. MACNEILL.—I cannot agree with every thing advanced by the hon. member Mr. Longworth. The Americans he said would teach our youth how to fish. This would be very little advantage, for I do not believe the people in the different parts of the country are going to turn their attention to fishing. He also said that the Americans would improve our method of building ships, by taking our young men into their employment. Our mechanics can build as good ships as they can, but our wood is not equal to theirs. The Bill would deprive us of our privileges and give scarcely any advantage in return. In Britain now the people are holding meetings and agitating in favor of doing away with the free trade grievance. We should be careful in passing measures of this kind. I would give every encouragement to the Americans, but will not consent to give away our privileges.

Mr. HOWAT.—The measure would certainly not prove injurious; on the contrary, I think it would be a general benefit. It would be the means of raising the price of agricultural produce, and also the price of timber. We would gain more by selling our timber than by building ships. If the labor spent in building vessels and fishing were spent in cultivating the land, the Colony would improve more rapidly.

Mr. CONROY.—I am inclined to support the Bill, because the more money that can be brought into the country the better. Shipbuilding would enable our farmers to sell their produce for cash. I would encourage the Americans in every manner to come to the Island. We have a sample of them in our neighborhood, and I wish that we had more like them. In regard to our young men going to fish with the Americans, I could not recommend it, for what they would gain in knowledge, they would lose in morality. Those who come back from the fishing do not appear the same men. They are not so kind; in short if I may be allowed the expression, they have a sort of black-guard appearance. As long as we have plenty of land to cultivate, they should turn their attention to farming.

Mr. HOLM.—I am in favour of the Bill. Our forests are becoming pretty much reduced; but small vessels could be built when large ones could not. Something is required to be done, as our population is scarcely increasing. Some hon. members are not disposed to allow the Americans to come here and build vessels; but we should not act like the dog in the manger, neither take the advantage ourselves nor give it to others.

Mr. DOYLE.—I cannot agree with the hon. member Mr. Conroy, that the Americans bring vice into the country. They are about as moral as other men. I would go for any measure that might increase our trade; but think our young men should be protected in their privileges. If it would be an advantage to the Americans to be allowed to build vessels on the Island, surely those who live here might engage in the trade with a fair chance of success. If the men employed in the fishing vessels would be about here in the winter, they would be more a burden than a benefit to us. I will oppose the Bill.

Mr. MONTGOMERY.—I entertain some doubts respecting the Bill. Probably if we give this privilege to the Americans, they will take away our timber. I think it would be well to encourage the young men of the Colony to engage in the shipbuilding trade. Our own people should be protected.

Hon. Mr. PERRY.—I believe the people of this Island are better adapted to cultivate the land than to fish. But I am not afraid our fishermen would lose their morals, by going among the Americans, for those people generally behave well. If they injure the morals of those who go with them to the fishing, surely they would do much more evil by being allowed to settle in the country. I would encourage the Americans to come here, because they would bring capital to the country, and employ our people to build vessels, make barrels and erect sheds and other buildings. Some hon. member remarked that to give them the right to build vessels here, would operate against the young men of Colony engaging in the trade. There is nothing to prevent them from doing so now; they may build as many as they please. But if they do not choose to build vessels, this House could not compel them.

Mr. McALLAN.—We have heard a great deal in reference to the Bill. I was pleased with the remarks of the hon. member, Mr. Perry. By passing the Alien Bill, we gave the Americans a right to the wood on the Island. It has been said that they can obtain registers here now in other persons' names. This is a strong argument, in favor of the Bill. If they can procure registers in this manner now what evil would result from making it legal to receive them? If capital is not brought into the Colony, and employment afforded to our young men, they will drift away to other countries. No country can prosper with a sparse population. We, therefore, should endeavor to keep our youth at home. I hear no arguments advanced against the Bill; certainly then it should pass.

Hon. Mr. COLES.—I rise to move the following amendment to the motion made by the hon. member, Mr. Haviland:

Resolved, That it is inexpedient at present to go into Committee on the Bill; but that an humble Address be presented to Her Majesty, requesting Her Majesty's Government to negotiate with the American Government, with the view of getting that Government to reciprocate in the coasting trade, and to admit Colonial built vessels to American registry; and that His Excellency the Lieutenant Governor be requested to invite the attention of the Governments of the neighbouring Provinces to this important subject.

In my opinion this will be the best course for the House to adopt. No person has any objection to grant the Americans a privilege, if they

give one in return. I think, however, that the benefit which will result to them from the measure under consideration will be very slight, as they can now obtain British registers, and sail into any port in the United States, whereas under the provisions of the Bill they will be confined to our own coasts. The hon. member, Mr. Longworth, said that it would be no advantage to us to have our vessels admitted to American registry. But I contend there would be ten times as many vessels built on the Island if the Americans would concede us this privilege. I concur in what has been said, that it would prove ruinous for their fishermen to remain here all winter; nor would they do so, as they generally trade during that season to the West Indies, or other warm countries. Some hon. members are now great advocates for free trade, who a few years ago strongly opposed the passing of a measure to permit lawyers from the other Provinces to plead in our Courts of Justice. I am pleased to see that they are now becoming so liberal. To get up an Address to Her Majesty is the only course likely to be successful which we can adopt in reference to this subject. I feel certain the British Government would not sanction the Bill, because in case of a war breaking out with the United States, the Americans might send a number of men here and sail off with the vessels licensed under its provisions. The other Provinces, and particularly Canada, which is very powerful, would no doubt join us in this movement.

Hon. Col. GRAY.—The hon. member who has just sat down appears to think that nothing good can emanate from this side of the House. On this account I am glad that the Bill was not introduced as a Government measure. Last year we know how he opposed the resolutions on the Land Question. His case reminds me of the person who was flogged, to whom the chastiser said, strike high or strike low, I cannot please you. The hon. member says he was always in favor of free trade, and talks about what he did to bring it about. But I will not admit that he had anything to do with obtaining reciprocity; it was granted through the interference of the Imperial Government. He says Canada would join us in procuring American registry for Colonial built ships. But she will do very little for us, as she is about £10,000,000 in debt, and desires to go back to the old system of protection. The hon. member also said the Home Government will not sanction the Bill, because it will allow foreigners to come here and build ships. They are allowed to do so in Britain, and why not on this Island? The French have vessels built there, and the first prize taken by our ships in the Russian War, was a vessel built at Greenwich.

Mr. COOPER.—I understand the Bill is intended to give foreigners the right to fish all round these coasts in vessels built on this Island. These vessels are not to be allowed to trade, and they must be laid up here all winter. The measure is somewhat of a peculiar nature, and I think it would afford the Americans too much liberty. They might, perhaps, become pirates and do what they pleased.

Hon. Mr. HAVILAND.—I have listened attentively to the arguments on both sides, and am glad the Bill was not made a Government measure. I am pleased to learn that the hon. member for Princetown and myself are for once pulling together. It has been said that the Bill would prevent our young men from building vessels. This is a most fallacious argument, for they can build as many now as they please. The hon. member, Mr. Coles, has alluded to the measure in reference to lawyers. I once thought it necessary that they should be twelve months on the Island before admitted to plead in our Courts; but am now in favor of free trade among the lawyers, as well as in every thing else. The hon. member, Mr. McNeill, remarked that public meetings were being held in Britain to agitate against free trade. I admit there have been small meetings of this kind; but take up the public papers—take up the *Times*, and he would see that protection is opposed to the spirit of the age. As regards our joining Canada in the narrow-minded policy which she wishes to adopt, simply because she is burdened with an enormous public debt, I would discard the idea. There is no Colony which has reaped so much from the Reciprocity Treaty as ours, and none which has so much interest in its continuance. Let us then take an independent stand. Sending an Address to the Home Government is a tedious process; but the Bill under consideration is a short method to obtain what we desire. It may or may not meet with the approval of the British Government, but my sole desire in bringing it forward is to benefit my country.

Hon. Mr. COLES.—I wish to correct a statement which has been made by the last speaker. I did not say that we should join Canada in her restrictive policy; but only in her demand for full reciprocity.

The House then divided on Mr. Coles' amendment. For it—Hons. Messrs. Coles, Wightman, Messrs. Doyle, McNeill, J. Yee.—5.

Against it—Hons. Messrs. Gray, Haviland, Kelly, Laird, Longworth, Perry, Thoratou, Whelan, Messrs. Beer, Conroy, Cooper, Davies, Douse, Holm, Howat, Owen, Ramsay, Sinclair, Sutherland, McAulay.—20.

The question was then put on the main motion, that the House go into Committee on the Bill, which was agreed to, and the House resolved itself accordingly. After some time spent therein, progress was reported, and the House adjourned.

D. LAIRD, Reporter.

DECIMAL CURRENCY BILL.

TUESDAY AFTERNOON, 28th February.

Mr. McNEILL.—I rise, Mr. Speaker, to move the second reading of the Bill of which I have given notice, to authorise the keeping of the public accounts in dollars and cents. The Bill will not have the effect which has been attributed to it, of changing the currency. It does not interfere with that subject. In Nova Scotia, last year, the Hon. Mr. Young, then the leader of the Opposition, introduced a similar measure, which was supported by the Government, without reference to party differences. Canada had adopted the decimal system some years since, and New Brunswick two years ago passed such a law, which is to go into operation this year. The Bill, I may state, is brought in by myself, as an independent member, without previous consultation with hon. members, either of the Government or Opposition. It will have the effect of saving a great amount of labor, and its application to the public accounts will gradually induce mercantile men to adopt the system of keeping their accounts in dollars and cents. The decimal system obtains over nearly the whole of North America; it is in practice in France, and has been strenuously agitated, and, I believe, that the time is not remote, when its advantages will be recognised by the British public. The Bill, I consider, will be a great boon to the people of the Island. Our trade with the United States is already very large, and is constantly increasing; and by assimilating our mode of accounting to theirs, our people would readily understand their currency, and their intercourse would be greatly facilitated. I leave the Bill, however, to the action of the House.

Hon. Mr. COLES.—The adoption of the currency of the United States will not increase our traffic with them. The Americans know well enough what the value of our currency is in dollars and cents; but the bulk of the people of the Island would be subjected to great inconvenience in making their calculations in American money. The hon. member says that the Bill proposes the adoption of the system in keeping the public accounts; but that would impose upon all parties through whose hands public money is disbursed to make up their returns in the same manner. The difficulty of such an innovation must be perceptible to any one who reflects upon the subject for a moment. We had better adhere to the good old British practice. The other Colonies have not acted upon the system, but have found it expedient to keep to the old mode. When we shall have seen the results of the experience of the decimal system, it will be time enough for us to adopt or reject it. It is true that we have extensive dealings with the United States, but we also trade largely with Great Britain; and when the Railway shall be completed between Shediac and St. John, I believe that New Brunswick will be the best and largest market for our produce. It would be a long time before the people of the Island would become accustomed to the change, and nothing but confusion would ensue from the public accounts being kept in dollars and cents, and the accounts of mercantile men and others in pounds, shillings and pence.

Hon. Mr. YEO.—The proposed alteration in the currency would be attended with great difficulty. When I was in England, about ten years since, great efforts were being made to introduce the decimal system there, but it has not been adopted yet. The great bulk of the people are tenants, and their leases specify the rents to be paid in our present currency or in Sterling. The Bill would be productive of no good, but a great deal of annoyance and confusion. The same would be the case with Merchants, and others who had to pay duties on their importations. As to the alleged

increased facility in keeping accounts, I have never found any difficulty in that respect. I have large dealings in Boston, New York, and other parts of the States, as well as with Britain and the neighbouring Colonies; and although some of my accounts are made out in dollars and cents, and others in pounds, shillings and pence, I experience no inconvenience from the difference.

Hon. Mr. LONGWORTH.—It is, I believe, quite true, as the hon. member who introduced the Bill, has stated, that he has not applied to any member of the Government on the subject. He has brought it in on his own responsibility; and while I give him credit for a sincere belief that the measure will be of benefit to the country, I must say, that, after a very cursory glance at the Bill, I am not prepared to support it. It is time, as that hon. member stated, that the decimal system has been recognised by legislation in other Colonies; but in New Brunswick the law has remained for years a dead letter on the Statute Book. I know not the reason,—it may be the result of some deep rooted prejudice against any deviation from long established British usage. New Brunswick, being a Colony which prides itself upon its adherence to British institutions, it has not been adopted in practice there. In Nova Scotia the system only came into operation on the first of January last, consequently we have no means of knowing how its working will affect the people of that Province. But I think that the example of the mother country is quite sufficient a guide for us in dealing with so momentous a question as the currency. The Imperial Parliament appointed a Committee to examine and report as to the expediency of introducing the decimal system. An influential Committee, chosen from both sides of the House, and representing all interests, was appointed. Their report, which was of considerable length, and which reviewed the question in all its bearings, was adverse to the proposed change; and really I cannot see what benefits can be expected to result to the Island, when the change was not considered an improvement in Great Britain, where all the accounts of her great monetary institutions and establishments, public and private, are kept in pounds, shillings and pence. It is true that in the United States, Mexico and Texas the computation is by dollars and cents; but there is no reason why we should deviate from our system to conciliate the people of foreign countries. As to the argument that the Bill would have the effect of inducing Americans to open accounts with us, they have already all fair and legitimate inducements to do so, and they manifest no reluctance to avail themselves of them. The Bill might, indeed, to a certain extent, facilitate the dealings between the Island and the United States, but such facility would not justify us in deviating from long established usage and unsettling our financial system. The Bill strikes at the root of our present mode of computation. It specifies the value of foreign coins relating to dollars and cents; for, by the existing statute, the value of the Mexican and American dollar is fixed at 6s 3d, but the Bill before the Committee gives the value of the sovereign at five dollars, thus making the latter coin worth £1 11s 3d. It is impossible that such a Bill can go into operation without a thorough change in our present currency act. If the measure is intended to assimilate our currency to that of Nova Scotia it will have the effect of adding 20 per cent. to the present value of our money, and will consequently affect all existing contracts to that extent. This aspect of the question, alone, is entitled to grave consideration; and I am satisfied that hon. members have not had time to give to the subject that deliberation which its importance demands. The time may, and probably will, come when the neighbouring Colonies, having tried the decimal system, their experience may influ-

once us to adopt it; but we may safely rest content with a mode which has stood the test of centuries, until older countries shall have shown us an improvement realized in practice.

Hon. Mr. THORNTON—I have as yet heard no reasons in favor of the Bill sufficient to induce me to support it. I shall, therefore, give it my opposition, as being productive of no good. The Bill provides that the public accounts be made out in dollars and cents, but allows a column in which they may be kept in pounds, shillings and pence. If notice was given last year of the introduction of this Bill, the Government should have given the hon. member, Mr. McNeill, notice that they would not support it. Any measure affecting the currency should be introduced by the Government. There is no inconvenience felt by Americans trading with the Island from our present system. When a man from the United States sees a dollar he knows it is worth 100 cents, and one of our farmers selling his bushel of potatoes for an English shilling is aware that he receives 1s. 6d. currency; but he would be sadly puzzled to tell what that amount would be in cents. As to the alleged facilities to the mercantile community to flow from the adoption of the system of accounting in dollars and cents, I cannot see them; for if a merchant receives his invoice of American goods made up in that currency, he finds no difficulty in ascertaining the amount in ours; and the exporter of our produce to the States as readily computes the amount of his sales there in pounds, shillings and pence. Suppose that troops should be again stationed in the Island—they would be paid in British money, with the value of which they are acquainted—what would the soldier know about cents, if he was required to receive change in a purchase, in such currency? At present he could tell the number of pence or halfpence he would be entitled to receive after paying for what he bought, but he would have no idea of the new computation. We do not require the alteration which the Bill would effect, but what we do want is a legally established coinage, as they have in the other Colonies. Some years ago, a Bill for that purpose was disallowed at home, and the consequence has been that individual speculators have, to their own great profit, been in the habit of putting into circulation a lot of copper coins, of so comparatively small intrinsic value that three of them will not weigh as much as a Nova Scotia penny piece.

Hon. Mr. WIGHTMAN—There is no doubt that the hon. member, Mr. McNeill, in introducing this Bill, was actuated by the best motives—that he sincerely believes in the beneficial character of the change proposed; but I think that before he sought to make so great an alteration in our monetary system he should have elicited the opinions of the Government, to whose province the subject peculiarly appertains. The sudden alteration which the Bill would create must be productive of very serious inconvenience; in fact there would be no end to the confusion it would cause in all matters of account. We had better wait till we see how the system will work in the other Colonies. As has been said in this debate, Canada passed an Act establishing the decimal system some years ago; and some grave objections must have existed to its practical working, or it would have been in operation long since. I have no objection to that system, but its introduction would seriously embarrass the largest portion of the people of the Island. I, therefore, oppose the Bill, which I would cheerfully support if I could see any advantage likely to result from it.

Mr. COOPER—I consider that the decimal system possesses great conveniences, but before we could realize them we would require to have a coinage suitable to it. Until we had that, it would be no easy matter for the bulk of our people to habituate themselves to the new method—which could not work satisfactorily without the decimal coins which would circulate in the other Colonies at the same value as in the Island, which is not the case at present.

Mr. DAVIES—I am in favor of the principle of the decimal system, which would greatly facilitate all monetary calculations, and I doubt not that eventually we shall adopt it; but at present the country does not require it, and is not prepared for it. No merchant labours under any difficulty in consequence of his American accounts being made up in dollars and cents. In fact, that system has been adopted by two of the Banks in

New Brunswick: the Westmorland, and the Bank of British North America. The reason why our Bank notes did not circulate freely in the neighboring Colonies is to be found in the fact that the balance of trade is so much against the Island. I do not coincide in the opinions expressed by some hon. members that the Bill should, of necessity, be a Government measure. Any member, in my opinion, is justified in introducing such a Bill without previous reference to the Government, or consultation with its members; and it should be discussed without reference to any political organization. In Great Britain the principle on which the Bill is based has met with the general recognition of the mercantile community, and the principal objection to its adoption has been the inconveniences which its practical adoption would cause. As I said before, the system will, I believe, be ultimately carried into practice in the Island, as being more simple and convenient, and its adoption is only matter of time. The action of the Bill, if it became law to-day, would not depress or enhance the value of our produce in the slightest degree.

Mr. BEER—I think that hon. members do not fully understand the object of the Bill, when they argue about its effect upon existing contracts. As I understood the hon. member who introduced it, it only provides that the public accounts be kept in dollars and cents: and it is expected that the adoption of that plan will gradually induce private individuals to act upon the same system, which is a much more simple and easy method of computation than by pounds, shillings and pence. Although, as in the cases of all important deviations from established usages, the introduction of the proposed system of account would cause inconvenience at first, its superiority over our present method is so great that I have no doubt it will be generally recognized and acted on, before many years. Had the Bank adopted it, and made its notes to represent dollars and cents, that institution and the public at large would have experienced its advantages in the circulation of the notes in the other Colonies.

Mr. SINCLAIR—While I agree with the opinions of the last two speakers as to the comparative superiority of the decimal system, I must vote against the Bill, because I consider that the Island is not yet prepared for the great change it would effect. The time will, I believe, soon arrive when it will be necessary to adopt it, on account of its simplicity, and the facilities for calculation it affords. Any radical change in long continued usages has always encountered the prejudices naturally arising from a departure from the beaten track. It is better that we should wait till the experience of the other Colonies shall have gradually prepared us for its adoption. The people are annually acquiring a practical knowledge of the system from the constantly increasing intercourse with the Americans who frequent our shores, and whose dealings are in dollars and cents. I do not see how the Bill would affect existing contracts by raising our currency to the level of that of Nova Scotia, as stated by the hon. member, Mr. Longworth. The superiority of the decimal system has been already recognised by some of the Banking institutions of New Brunswick, whose notes represent dollars. The Island Bank notes express their value in pounds and shillings respectively. One injurious consequence of this style is that a five shilling note is very liable to be mistaken for a five pound one, and *vice versa*. If their value was expressed in dollars, such mistakes would not occur. The decimal system offers such advantages that its general adoption is but a question of time.

Mr. HOWAT—The country is satisfied with the present system, and I do not believe that the people find any inconvenience in keeping their accounts. The principal inconvenience which they experience is in the difficulty of getting anything to count. The question whether the Bill would alter our currency, admits of no doubt. It would add one-fifth to present contracts, and would consequently raise the rents to that extent. That alone is sufficient to cause its

rejection, for if we cannot benefit the tenantry, we ought at least to do them no injury. I agree with the opinions expressed that we should wait and see how the proposed system shall work in other Colonies. No doubt, it may be convenient to merchants to have it established, but the great majority of the population of the Island are not of that class.

Hon. Col. GRAY—I feel convinced that ere many years the decimal mode of computation will be adopted in England and the Colonies, as being at once far more convenient than our present mode of pounds, shillings and pence. No doubt our currency is in a very extraordinary state, and has been subjected to different acts of legislation, which, from time to time, have been productive of confusion. Some 80 years ago it was attempted to keep dollars in the Island by cutting out a piece from the centre, and styling the remaining portion by the old name of dollar. In more recent times the one-ninth Bill occasioned some temporary embarrassment and confusion, and encountered opposition which, I agree with the hon. member, Mr. Sinclair, necessarily attend any innovation on long accustomed usages. I was myself a witness to the strong feelings of opposition to the use of railways which were entertained in England on their first introduction, but such objections are now no longer entertained, and a similar future awaits the system propounded in the Bill before the House. The hon. member will, I hope, see the propriety of withdrawing the measure at present, and hiding his time until its advantages will be recognised and its adoption demanded by the people.

Mr. MACNEILL—It appears to be the general impression of the House that the Bill would be beneficial, but it seems that the pressure from without is not yet sufficiently strong to induce hon. members, who admit that they approve of it, to give it their support. I have always considered it the duty of this House, as composed of gentlemen who are the chosen of the people, to lead the way in all matters of acknowledged improvement; and I am particularly surprised at the opposition of that reformer, *par excellence*, the hon. Mr. Coles, who admits the advantages of the system he opposes. So far from causing a higher rate of rents, as has been alleged, the Bill will have an effect directly the reverse, as the augmented circulation of dollars and cents will enable the farmers to sell their produce at more remunerating prices, and this they will be in a position to pay their landlord with less trouble and inconvenience than at present. Although strongly in favor of the Bill, I am not so wedded to it as not to defer to the general opinion of the House, which has been so emphatically expressed, and therefore I shall not divide on the amendment of the hon. member, Mr. Coles.

Hon. Mr. Coles's amendment, that the Bill be read a second time that day three months, was then put and carried.

WEDNESDAY, Feb. 29, 1860.

POST OFFICE BILL.

On motion of the Hon. Mr. Haviland, the House resolved itself into a Committee of the whole on the Bill to amend the Act for the transfer of the island posts of this Island, and also on the despatch in reference thereto. Mr. McNeill in the chair.

Hon. Mr. COLES—The Bill contemplates an arrangement which the late Government were willing to effect. But the Bill of last Session took a wider range; it contemplated the introduction of a system adopted in the neighbouring provinces, besides providing for the prepayment of postage on letters passing between this Colony and the United Kingdom, as recommended by the Postmaster General of England.

This recommendation the late Government were willing to carry out. The subject was referred to the then Postmaster General, Mr. Davies, who reported that the proposed arrangement would facilitate the business of the office. But the present Government last year introduced a Bill quite different from the one under consideration. It was designed to assimilate our postal arrangements to those of the neighbouring Colonies, thus providing that all unpaid letters should be detained; yet its rejection by the Legislative Council was styled by the majority of the House as the result of factious opposition, as may be seen from this paragraph of the Address to Her Majesty—

“The House of Assembly feel constrained to complain to Your Majesty that the refusal to pass this Bill was based more upon a factious opposition to the Assembly, than a due regard to the unprejudiced discharge of their functions as a branch of the Legislature, the Bill being thrown out by the influence of two of its members who were members of Your Majesty's late Government of this Colony, when the following special report was agreed to, and as the House of Assembly has every reason to conclude by the unanimous opinion of the Government as then constituted.”

Now, notwithstanding unworthy motives are here attributed to members of the Council in the despatch before the House on which the present Bill is founded, there is nothing like a threat of annihilating that body for the independent course it took in rejecting the Bill. The despatch says:—

“It would, certainly, be most convenient that the system should be adopted and brought into operation, purely and simply as proposed by Her Majesty's Government. But, on the other hand, you will understand that, if the Legislature should wish, in some measure, to qualify the compulsory nature of the arrangement with respect to letters sent to this country, there would be no objection on the part of the General Post Office to waive the detention of letters for non-payment, provided that all unpaid and insufficiently paid letters should be charged with the amount of deficient postage, together with the rate of 6d., in addition, as a fine.”

This is yielding a point, for it would be very hard, as was argued last Session, that a letter should be returned simply because the postage was not prepaid. But now the House Government is willing to receive the detention of letters for non-payment, provided the unpaid postage, and a fine of 6d. stg. be charged, the penalty to be equally divided between the Mother Country and the Colony. I think we should thank the Legislative Council for having rejected the Bill of last year. The declaration of hon. members on the opposite side, that the Councillors were “men of straw,” now goes for nothing. As regards the objection that they were men of no property and no education, it has not been removed. I believe that the nominees of the late Government are possessed of as much property as those of the present. And have they appointed gentlemen of better education? They have not. Mr. Palmer may be as well educated as others who have a seat at that board, but not more so. Besides, what have they done? They have appointed a rejected candidate to that body notwithstanding all their complaints against the late Government in this respect. But they say he was not rejected since the introduction of Responsible Government. So it is with others now in the Council. Col. Swabey has not been rejected since Responsible Government was granted. Last Session the cry was, Prince County is not fairly represented in that body; but where is poor Prince County now? One of the Councillors from that County lately resigned, and an individual residing in Queen's County has been appointed to the vacant seat. I am not opposed to the Bill under consideration, but was to the one

introduced last Session; and I must say that I feel proud that the British Government did not even rebuke the Legislative Council for expressing an independent opinion in reference to its provisions.

Mr. COOPER—I wish simply to make a remark. The Council could not amend the Bill because it related to the payment of money; and as they felt they could not pass the Bill, they had no other alternative than to reject it altogether.

Hon. Mr. LONGWORTH—We have heard a very lengthy speech from the leader of the Opposition. His object is very apparent; it is to vent a little feeling in reference to the dispute with the Legislative Council last Session. That dispute has nothing to do with the question under consideration. It seems to be his endeavour to lose no opportunity of rendering the proceedings of this House ridiculous in the eyes of the people. It ill becomes him thus to speak, as it appears he does not intend to oppose the Bill; but is only launching out a tirade against certain individuals. The address of this House to the Queen was not for the purpose of imputing unworthy motives to members of the Council, but to prevent distorted views from going before Her Majesty's Government. It did not go so far as the address drawn up by the Council. They had no cause for passing their address; it was only got up for the purpose of bringing the two Houses into collision. The House of Assembly last year deemed it a duty to pass a Bill to meet the wishes of the British Government in regard to the postal arrangements between the two countries. The hon. member, however, appears to think that Prince Edward Island will now enjoy a privilege which the other Colonies do not hold. But this Island is not more deserving of favour than the other Provinces, besides Nova Scotia and New Brunswick enjoy the privilege mentioned in the despatch. There is only a very slight difference between the Bill under consideration and the one introduced last Session; yet the hon. member states he is not opposed to the present Bill. What then is the reason that he raises objections? Simply because the House passed an address last year respecting the Legislative Council. He alluded to some expressions of hon. members regarding the Council in the discussion on that address. Statements no doubt were hastily made in the heat of debate, but no discourteous language was employed. The hon. member then went into a comparison between the former members of the Council and those appointed by the present Government, and stated that Mr. Simpson was a rejected candidate of the same stamp as Col. Swabey. But the comparison will not hold good. Mr. Swabey was appointed to the Council long before the introduction of Responsible Government. He resigned his seat in that body, and endeavoured to obtain a constituency, but failed, and was immediately after reappointed to the Council. He therefore may be considered as having received his reappointment because he was rejected, for if he had been elected he could not have been reappointed. But Mr. Simpson's case is altogether different. He had never been a member of the Council previous to his rejection, and he did not receive his appointment under the old regime. Nor will the comparison hold good between Mr. Simpson and Mr. Aldous; the former was not rejected under constitutional Government, but the latter was, and should not have been appointed to a seat in the Council.

Hon. Mr. WHELAN—Who gave him an office?

Hon. Mr. LONGWORTH—He was appointed to an office by the present Government because he was a fit person—the right man in the right place. The hon. member, Mr. Coles, appears to think that the Legislative Council deserves praise for rejecting the Bill of last Session; but there is nothing in the despatch before the House to warrant what he has

stated to be the result of the independent action or expression of opinion on the part of the Legislative Council. That body gave no reasons for rejecting the Bill.

Hon. Mr. WHELAN—What did Dr. Johnson do?

Hon. Mr. LONGWORTH—He followed suit. Colonel Swabey gave his veto to the Bill without assigning any reasons. Dr. Johnson being only a short time a member of that body, and not fully acquainted with the subject, was silent.

Hon. Col. GRAY—A great amount of extraneous matter has been introduced into this debate. I do not understand what all the discussion about rejected candidates and the Legislative Council has to do with the Bill. But I will offer a remark respecting the appointments to that body. I have heard no objection in the country to rejected candidates being appointed to the Council. Unless they obtain some of the public offices, I think the people are indifferent on the subject. Under the late Government the complaint was that if one of their friends happened to be rejected, he was almost immediately appointed to office. With respect to the question under consideration, I may say that I approve of the principle of the Bill. I believe the people of this Island are far better able to pay postage than the poorer classes in Britain, because money can be more easily earned here than in the old country. I have been told by an intimate acquaintance connected with the Post Office at home, that thousands of letters were lying in the office for the simple reason that the persons had not the money to pay the postage. We ought to be ashamed to say that we are unable to prepay our letters. I think we ought to have adopted the suggestion of the Postmaster General of England, and made our postal arrangements the same as they are in the other Colonies. I entertained the hope that this Island would have taken the lead in this matter as it has acted in doing away with Departmental Government, on account of which we have received praise from the Canadian newspapers. There is one provision in the Bill that I think ought to have been omitted, which is that if a letter be sent to Britain unpaid, a fine is to be exacted. In my opinion it would be better to have a double postage. I hope, however, that the time is not far distant when an ocean penny postage will be established. Almost every improvement is objected to at first. The steam engine, the electric telegraph, railroads, and free trade met with opposition. But as this is an age of progress, I feel confident that we will soon see an ocean postage numbered among the improvements of the day.

Hon. Mr. COLES—I thought the hon. member was going to introduce a proposal for the establishment of a penny postage; when he does so he shall have my support. I do not see that telegraphs and railroads have any closer connection with the question before the House than the Legislative Council. The hon. member, Mr. Longworth, displayed his talent for special pleading in vindicating the actions of the Government, but his arguments were not very weighty. I have yet to learn that Col. Swabey gave a silent vote on the Bill of last Session. I understand that at least one member of the Council gave his reasons freely for opposing the bill, and that his arguments were the means of convincing Dr. Johnson that it was objectionable. The hon. member labored hard to show the difference between Col. Swabey and Mr. Simpson as rejected candidates. They were both rejected, he admits, before the introduction of Responsible Government, but Mr. Swabey, he says, was appointed to the Council under the old regime, and Mr. Simpson under constitutional Government. This is a very slight difference, and does not justify the appointment of Mr. Simpson after all that they have said against the nomination of rejected can-

didates to that body: But the great reflection cast upon Col. Swabey last year was, that he held thirteen or fourteen offices. Now, though he filled some ten or twelve, he was only receiving emoluments for one or two; and the Government have done themselves no honor by turning him out of certain of these situations, such as member of the Board of Education, Trustee of the Central Academy, and Trustee of the Lunatic Asylum. The late Government never dismissed any one from these offices because opposed to their own political principles. The hon. member in the course of his remarks said that they had appointed Mr. Aldous to office because he was a fit person. This is not very complimentary to his own party, for it is equal to saying that they had not another individual qualified for the situation. But as Mr. Aldous was actually dismissed from office on the change of Government, it is evident he was only re-appointed on condition that he would resign his seat in the Legislative Council. I may again say that I did not rise to oppose the Bill, but only to correct some misstatements.

Mr. DAVIES—This discussion has taken a wide range. I think the Bill will be a general benefit; it at least cannot prove any great inconvenience, as merchants and men in business almost always prepay their letters, and others generally do so out of courtesy. I hope, with the hon. member for Belfast, that a penny postage will soon be established.

Hon. Mr. McAULAY—It appears that the necessity of the Bill has been altogether overlooked in the discussion. The postal arrangements of Britain are like a great piece of machinery, when one small wheel goes out of place the whole is deranged. As the other Colonies have adopted the system recommended by the Imperial Government, we should pass this Bill to prevent the trouble which a variety of Colonial post office regulations must occasion in the department at home. I am at a loss to know what a discussion about rejected candidates has to do with the subject under consideration. To be defeated in running an election is no disgrace; even the great Lord McAulay was rejected by perhaps the most enlightened constituency in the world, namely, that of Edinburgh.

Hon. Mr. HAVILAND—As a member of the Government I feel sorry that I have been unable, on account of ill health, to defend the Bill; but hon. members have wandered so far from the subject, and said so little in reference to the measure, that defence has been unnecessary. I do not think we will either gain or lose by the Bill, for those who write letters generally receive letters in return, and but seldom pay postage both ways. The leader of the Opposition attempts to justify the Council for rejecting the Bill of last Session because it was different from the one now before the House; but in my opinion that Bill was better than this. The Bill of last year authorised the Government to raise the postage on letters according to the requirements of the public service, as is the law in the neighbouring Provinces; but under the present Bill no alteration can be made when the House is not in session.

Mr. HOWAT—Before the question is put I would offer a remark. The provisions of this Bill appear to be similar to those of the one introduced last Session, but notwithstanding this the leader of the Opposition seems to be willing to support the present measure. The Bill was rejected by the Council last year because they were in a position to do as they pleased. Now, in my opinion, the hon. member is only in favor of this Bill because he believes there is some infernal machine at hand which can be brought to bear upon the Council if they oppose the measure.

Mr. DAVIES—I consider we are treated unjustly by the Home Government. They bring the mails to the other Colonies; but here we have to pay for their transmission from Nova Scotia to the Island. I would ask the leader of the Opposition a question on this point.

Hon. Mr. COLES—Several representations were sent Home by the late Government in reference to this subject, but the British Government absolutely refused to alter the existing arrangement. This Colony is allowed one penny on each letter, or one-sixth of the postage, which the Home Government considers sufficient to pay for carrying the mails from Pictou. With regard to this infernal machine, I suppose the hon. member from Tryon alludes to some despatch in reference to the Legislative Council. He is endeavouring to make his constituents believe he is all right, but they will be calling him to account some of these days.

The Bill was reported agreed to without amendment. House adjourned.

D. LAIRD, Reporter.

WEDNESDAY AFTERNOON, Feb. 29.

Hon. Col. GRAY, by command, presented the following Message from His Excellency the Lieutenant Governor:—

GEORGE DENNAS, Lieutenant Governor.

"The Lieutenant Governor has received from his Grace the Duke of Newcastle, an acknowledgement of the Address from the House of Assembly to Her Majesty, praying for a re-construction of the Legislative Council, which was transmitted by Sir Dominick Daly to Sir Edward Bulwer Lytton, late principal Secretary of State for the Colonies."

"While acquainting the House that their address was duly laid at the foot of the Throne, the Lieutenant Governor does not feel himself at liberty, at present, to make public the correspondence which ensued upon the subject, and he therefore trusts that the House of Assembly will be satisfied with the assurance that their Address has received the anxious consideration of Her Majesty's Secretary of State, who, while relying on the spirit of mutual forbearance to promote concord between the Upper and Lower House, has yet placed in the hands of the Lieut. Governor the power of making such an alteration in the Legislative Council as will ensure the harmonious working together of the two branches of the Legislature."

Hon. Mr. COLES considered that the Message was so extraordinary that he had never, in his public experience, seen any official communication like it. His Excellency stated that he had received powers necessary to insure the harmonious working of the Council and the House; what, then, was the use of the Message if the Despatches were not transmitted with it? The instructions referred to should have been sent down, as they were caused by an address of the House, last session. He moved to refer the Message to a committee of the whole House.

Hon. Col. GRAY, was compelled, as a loyal subject, to recognise the prerogative of the Crown in submitting or withholding Despatches. If the Lieutenant Governor was bound to send down all such documents, there would be little need of such an office. Although responsible government had been conceded, he was not prepared to regard the Queen's representative as a mere automaton.

Hon. Mr. COLES, without yielding to the hon. member in respect of loyalty, was not disposed to submit passively to whatever course the Government might choose to adopt. The message should be referred to committee, and the subject matter of it there discussed.

Hon. Mr. HAVILAND regretted that he was disqualified, by indisposition, from answering, at length, the hon. member. When any alteration in the constitution of the Council should take place, it would be time enough to discuss the subject; at present, it would be premature to enter into it.

Hon. Mr. LONGWORTH did not consider that the hon. Mr. Coles intended to press his motion. He had merely moved for the committee, in consequence of the Speaker having stated that there was no motion before the House. No necessity for the committee had been alleged. The message was plain and explicit. It stated that the Lieut. Governor had received certain powers.

Hon. Mr. THORNTON—Suppose the message stated that instructions had been received to alter the constitution of the House, would they not have the right to know the nature of them? The Council were equally a branch of the Legislature, and the House was entitled to know what the instructions were.

Hon. Mr. COLES asked what were the object and intention of the message, if it was not to be taken into consideration! When it was recollected that the leader of the Government could make public reference, before his late Charlottetown constituents, to the nature of the instructions, the whole correspondence on the subject should be laid before the House. That correspondence had been elicited by an address of the House, and, although the Government might seek to hoodwink the country, and endeavour to shut the mouths of the minority, he would make his sentiments known. The despatches were on a subject of public importance, and the public should be in possession of them, and the members of the majority should assist in obtaining them.

Mr. HOLM was of opinion that the constitution of the Legislative Council was a matter of royal prerogative, and, if the Lieutenant Governor had received instructions of a character calculated to insure harmony and co-operation between that body and the House, he did not think that there was any occasion to call for the despatches in which they were embodied.

Mr. DAVIES—The non-production of despatches was not altogether unprecedented in the history of the Island. In the time of Sir Alexander Bannerman, despatches had been withheld. In the case before the House, the Lieutenant Governor had stated that it was not convenient to the public business to produce the correspondence. Such ground of objection was usually taken and received.

Mr. BEER thought hon. members need not manifest such anxiety on the subject of the constitution of the Legislative Council, the members of which were nominees of the Crown. It might be desirable, when any alteration in the Council should have been made, to ask for the despatches under which it had been effected, and then to go into committee on the subject.

Hon. Mr. MACAULAY would be second to none in vindicating the rights of the House, if he saw any attempts to infringe them. But in the message he could only recognise an act of condescension on the part of the Lieutenant Governor, who had given the House information on a subject which had been matter of discussion, and on which the House had passed an address to the Crown, last Session. He would recommend to the hon. member Mr. Coles, the study of the relations between prerogative and popular rights.

Mr. SINCLAIR—A short time ago, the favorite topic with the majority was the privileges of the people, now all their interest was manifested in favor of the rights of the Crown. In the celebrated three days' parliament, the majority manifested no lack of discourtesy to the then representative of the Sovereign; now, the same party tells the House that they must be content to remain in ignorance of an important public despatch. The late administration had been taunted with keeping despatches secret, but we now had a greater degree of darkness than before; for not only were the despatches withheld, but the question of the Legislative Council had not even been alluded to in the speech. The House was told that the correspondence would be produced, when the proper time should arrive. It appeared that it was to be kept back until such time as the Council might oppose the Government, when the latter body was to be annihilated by the sudden explosion of the "infernal machine" alluded to by the hon. member Mr. Howat. The action of the Government in this matter was based on the old tyrannical principles under which the government of the Island had been formerly carried on.

Hon. Mr. WHELAN.—No objection to the late Government had been so incessantly harped upon, as the allegation that they had withheld despatches. Loud were the decla-

mations against them at the Temperance Hall, before the elections, on that alleged misconduct, and the people were assured that, under the present Government, no official correspondence would be kept secret. But, now, the Lieutenant Governor was made to ask the House to forbear—not to make him divulge the communications he may have received on a subject, the important nature of which is admitted by all. We had been told in the journal which is the organ of the Government, that his Excellency had received power to alter the constitution of the Council, so as to prevent its offering any opposition to the House. Now, so far from any change in that body having been effected, the Government was in this extraordinary and unamiable position, that they censored themselves behind the assertion of the prerogative, and made the Governor ask, as a favor, that the House be silent on the subject, and we were virtually told that the correspondence could not be safely entrusted to our consideration. By those remarks he intended no personal disrespect to his Excellency—he held his advisers responsible, as they were, and, constitutionally, should be. The message informed the House that the address of last year "had received the anxious consideration of Her Majesty's Secretary of State, who, while relying on the spirit of mutual forbearance to promote concord between the upper and lower House, has yet placed in the hands of the Lieut. Governor the power of making such an alteration in the Legislative Council as will ensure the harmonious working together of the two branches of the Legislature." Why was not the House informed of these powers? Why not told whether the principles asserted in the address had been affirmed, or, if denied, why should the House not be in possession of the reasons of the failure? Besides the present case, the Government had inserted in the Speech a paragraph to the effect, that the address on the subject of the Land Commission had been graciously received, and that the details were nearly completed. But what did the despatches, submitted to the House, disclose, in corroboration of that statement? Why, that, so far from having been graciously received, the address had not even been presented to Her Majesty! Nay, more, that the details were such as prevented its presentation; therefore, it could not have been "graciously received." The only facts proved by the correspondence were, that, in October last, Sir Samuel Cunard had been applied to by a subordinate in the Colonial Office, and there was no evidence that Sir Samuel Cunard had ever replied to the communication. The assurance in the Speech that the Commission would be speedily arranged, was not justified by the correspondence before the House. How then was any reliance to be placed on the veracity of the Executive, when they were proved to have wilfully misstated facts!

Hons. Mr. HAVILAND and Col. GRAY rose to order. Such language should not be tolerated. The Government had been charged with having made wilful misstatements.

The words having been taken down by the Clerk—

Mr. BEER, moved that the hon. member have leave to withdraw them.

Hon. Mr. WHELAN did not, for a moment, intend to charge his Excellency with having misstated facts,—he repeated the imputation against his advisers. If he had used the epithet "wilful," he withdrew it.

Hon. Col. GRAY, as a Member of the Executive, was satisfied with the disclaimer.

Mr. COOPER.—The message was, indeed, a strange document of its kind. Last Session the Legislative Council had been stigmatised in terms actually disgraceful; and now the Government make use of the Lieut. Governor as a cat-paw, with which to whitewash themselves.

Mr. HOWAT.—It had been stated that the Council was a branch of the Legislature, as independent as the House. That was true, but each body was so in its own order. The Council was constituted by the Crown—the House emanated from the people. Why, then, had not the Crown as much right to control, or reconstruct, the Council, as the people had to remodel the popular branch? The Lieut. Governor stated that he was investigated with powers to ensure the harmonious working of the two bodies. While he (Mr. H.)

would oppose any encroachments upon the rights of the people, or the privileges of the Council, the House had no right to interfere with the constitutional exercise of the prerogative of the Crown. It was no concern of theirs in what manner the Crown exercised its authority; enough to know that power to effect changes had been given.

The motion of Hon. Mr. Coles, that the Message be referred to Committee, was then put, and lost on the following division;—

Yeas.—Messrs. Coles, Conroy, Cooper, Doyle, Kelly, Perry, Sinclair, Sutherland, Thornton, Whelan, Wightman.—11.

Nays.—Messrs. Beers, Davies, Douse, Gray, Haviland, Helm, Howat, Laird, Longworth, McAulay, McNeill, Montgomery, Owen, Pope, Ramsay, Hon. Mr. Yeo.—16.

AMERICAN FISHING VESSELS' BILL.

The Committee on the Bill to license Fishing Vessels built on the Island by Americans, was then resumed.

Mr. McNEILL.—I am opposed to the Bill, for I consider that the Americans have, at present, more privileges than ourselves, and the Bill proposes to make further concessions to them, without stipulating that we are to receive anything in return. I have no idea of yielding the rights of our own people to foreigners, without something which might be considered as an equivalent. The Americans always contrive to get the best of the bargain in any international arrangement. The amendment of the Hon. Mr. Coles will, at any rate, obtain something for us.

Hon. Mr. WIGHTMAN.—Having already expressed my disapproval of the Bill, it is unnecessary that I should reiterate the objections I previously expressed. The Americans have already the right to trade in our harbors, they can carry on their business from one of our ports to another. They refuse to allow us the same privilege. Last year we gave them the right to hold 200 acres of land in the Island, on the same terms as British subjects. If this Bill passes, the Americans will come here for three or four years, when, having cut away the small remnant of our forests, they will bid us good-bye. I would be among the readiest to support the Bill, if they would reciprocate the privileges we have conferred upon them, by allowing Colonial built ships to obtain an American Registry, and admitting us to a participation in their coasting trade, from which we are at present debarred. The Bill asks nothing from them, but freely proffers a boon—which we should not tender before seeking an equivalent.

Mr. BEER.—As to the objection that the Bill will have an effect injurious to our ship-building interests, I cannot see much force in it, for it is well known that, for years past, it has been a losing, and, in several instances, a ruinous business to those engaged in it, so that the sooner it is abandoned the better. I can see no reason why the Americans should not be allowed to come with their dollars, and buy our timber and employ our labor; and if they lose by doing so, it will be their business, and not ours, for they will be the sufferers, and our people the gainers.

Hon. Col. GRAY.—I agree with the hon. member who has just sat down, that the Bill will be beneficial to the Island; but I think that he has taken a very limited view of the benefits which would accrue to us from its enactment. I highly approve of the Alien Land Bill, as being one step in the right direction. The present measure I regard as another. It will not interfere with the business of ship-building, as the class of vessels, the building of which it contemplates, would not require for their construction wood of the quality or dimensions which are employed in the building of large ships. The large number of American fishermen who frequent our shores would, under the Bill, be enabled to take double the number of fares that they now do,—for, by the completion of the Railroad from Shediac to St. John, which will be finished next summer, the dangers and length of time of the long passage through the Gut of Canso, or North about by St. Paul's, will be obviated. I observed that, at a meeting recently held at Princetown, the opinion was ex-

pressed that Prince County would soon rival, if it did not surpass, Queen's, in prosperity. The time, I trust, is not remote when the increasing fisheries may induce the construction of a railway from Princetown to Summerside, which would carry the fish to the latter place, already within a few hours sail of the Shediac terminus of the railway to St. John. The freight by railway and steamer would be far less than at present, besides the saving of loss of life and time attendant upon the present mode. [The hon. member here read the rates of freights on several of the American lines of railway in the United States—in proof of his assertions as to the difference of cost of transit.] The Bill would have a very beneficial effect in this respect. The Americans would come here, spend their money in purchasing our timber, and employing our young men in building the vessels, and in fishing during the summer season. In the winter they would be profitably employed in providing for the next year's employment, by making the necessary barrels. This latter business would afford steady and remunerative labor to a large class of our people during a period of, at present, almost total and compulsory inactivity. We require, not annexation to the States, but the most enlarged intercourse with them. I will meet the complaint of the hon. member, Mr. Wightman, as to the non-concession of American registers, and the American coasting trade to our vessels, by asking, why the Government, of which he was a member, did not demand those privileges, when they passed the Reciprocity Bill? They should not have let the favorable moment pass unimproved. I feel convinced that the opponents of the measure will, on consideration, change their views on the Bill, which I repeat will, in my opinion, be productive of great benefit to the Island.

Hon. Mr. POPE.—I was opposed to the Bill when it was before the House, and since it has been in Committee, I have heard nothing to induce me to change my opinion. We have been told that the ship-builders on the Island have all been ruined, and, I suppose, it is deemed beneficial to allow the Americans to follow suit in the profitable business. If it don't pay, hon. members are desirous that Americans may spend their money here to their own disadvantage. The opinion has been insinuated that the opponents of the Bill are actuated by interested motives. I can tell them, however, that the Island ship-builders have no cause, on their own account, to fear the operation of the Bill, for ship-building can, of course, be most advantageously prosecuted, in yards already established and equipped; and our merchants engaged in that business, would find an increased demand for the various articles of ship chandlery, which they have on hand, from the Americans, who might be disposed to build fishing vessels here. We can build more cheaply than strangers. The Americans at present build and own vessels here, not in their own names, it is true, but the registers are taken out in the names of their partners and friends, who are British subjects; and they not only employ these vessels in fishing, but, after the season is over, they take cargoes of produce to the States and the neighboring Colonies, which they could not do with the vessels built under the Bill. If we, by employing our vessels six months in the year, can hardly make them pay, how can the Americans do so, by using theirs only three? There was an inconsistency in the reasoning of the hon. member, Mr. Beer. He said that we would be benefited in the employment of our people by the Americans, in fishing and building vessels; but, in the same breath, he stated that it would be better, if they were farmers. True it is, that the Bill will not interfere with our carrying trade with England, but the Americans already have a participation in that. When we are told that our farmers now get four or five shillings a bushel for their barley, because it is admitted to the American market free of duty, I answer, that if the British Government had given up all our privileges to the Americans, they would have continued the duty on our produce. I am in favor of reciprocity, as much as any member, and if the Americans would open to us their coasting trade, and allow our vessels an American registry, I would cheerfully give them all they want; but I will not consent to make them a present of our remaining privileges without receiving something which may be considered as an equivalent.

Mr. COOPER.—I would have no objection to the Bill if I thought it would be acted upon in the manner, and to the extent, its advocates allege that it would. It would, in such case, prove beneficial to the people of the Island; but it is in violation of the Navigation Laws, without an alteration in which it cannot be sanctioned by the Imperial Government. At present the Fishermen who frequent our coasts are glad to land their salt and stores, and take freights. The vessels to be constructed and employed under the provisions of the Bill could not do so. They would have to be laid up during the winter season, when the frost would so affect the hulls by forcing the oakum from the seams, that they would be in a far worse state than if they had been steadily employed; and if their sails and rigging were stowed on board, they would be liable to great injury from rats and mice.

Hon. Mr. HAVILAND.—The present debate is the most irregular that I have ever witnessed since I have been in the House. The principle of the Bill was discussed and affirmed before it went into Committee. The hon. member, Mr. Wightman, was the first to violate the rule of parliamentary debate. He replied to a speech made last week, instead of confining himself to the details of the measure. The Hon. Mr. Pope, also, was present when the principle of the Bill was under consideration. He says that the Bill will cause no loss; but, on the contrary, be productive of advantage, to shipbuilders. How is it, then, that we find the shipbuilders the only opponents of it? The Hon. Mr. Wightman also says that the Bill will do no harm—that the timber of the Island is of so inferior a quality, that the Americans will not use it—that the Bill will be a mere dead letter on our Statute Book. Whence, then, his opposition? Did my voice permit, I could easily shew that the Bill will be a general benefit to the Island—that land with timber on it will be enhanced in value, for the greater competition will increase the price. Hon. members who oppose the Bill profess great admiration for the theory of Free Trade; but when they think it is about to press upon their own coasts, they evince a very uneasy sensitiveness.

Hon. Mr. LONGWORTH.—When the principle of the Bill was before the House, I stated the reasons which induced me to support it. I shall not, therefore, recapitulate them; but I think that the arguments of the hon. Messrs. Wightman and Pope against it are fallacious, and based upon a misconception of the facts. The hon. member who has just sat down, has shewn the inconsistency of their opposing a measure which, they say, will not inflict an injury on the people. And I maintain if any idea that Island shipbuilding will suffer from the Bill, is operating on the minds of those hon. members, they are labouring under an erroneous impression. The Bill will not affect the interests of our shipbuilders—it but allows Americans to build vessels of a particular class, into the construction of which but little, if any, of the wood used in constructing large vessels would be used. As to the success which would attend American builders under this Bill, we know that whether they could build their small vessels to advantage, they are very successful fishermen; and I believe that the Bill would be beneficial to the Island in so far as it would habituate our mechanics to an improved style of model and construction of our small craft, which, at present, it will not be denied, are inferior to those of the United States in those respects. The Bill, also, will afford our fishermen the means of obtaining valuable information on the subject of making the Fisheries more lucrative to them than they are at present. If Americans can prosecute a successful business, 500 or 600 miles from home, our own people, living in the immediate vicinity of the Fishing grounds once acquainted with the mode pursued by the strangers, would find the fishing more lucrative to them than their rivals. It has been said that the Americans would not avail themselves of the Bill; that may be so, but if they should, they must bring money or goods with them, for without them they cannot build vessels. I agree with the Hon. Mr. Pope that no disadvantage will accrue to the local merchant or shipbuilder, for their markets for ship-

chandlery and materials of various kinds will be enlarged. So far are the supporters of the Bill from bartering away the rights of the people, that by the Bill we shall gain every thing and lose nothing; for, as has been repeatedly stated, the Americans cannot come and build on the Island without employing labor and circulating money.

Hon. Mr. YEO.—I am decidedly opposed to the Bill, and I cannot understand how any one who has the interests of the country at heart, can support it. The Americans would bring their own supplies, as they do at present. They may be seen every season lying off and on about East Point and North Cape, trading with the people, and supplying them with articles on which no duty has been paid. In Great Britain, it has been found, that foreigners are taking the greater portion of the carrying trade, to the serious injury of Imperial shipping interest.

Mr. CONROY.—As I suppose the allusion to the alleged illicit traffic at the North Cape was intended for me as Collector of Impost in that district, I may say that I am not aware that Americans are greater violators of the Revenue Laws than some others. I may have heard of a poor man exchanging a bushel of potatoes for half a pound of tea, which formed part of the supplies of the fishing vessels. I support the Bill for one reason, among others, that it will provide for the farmer a better market for his timber than he has at present. Since I came to Charlottetown, I have ascertained that birch timber is here worth about forty-eight Shillings per ton. This price is three times as high as in the District which I represent. I trust that if the Bill should induce Americans to come among us, the farmer who has lumber will get a good price for it.

Mr. SINCLAIR.—I expressed myself so fully on this subject on the second reading of the Bill, that I do not intend to occupy much of the time of the Committee. When I first spoke on the Bill, I was only afraid that the advantages anticipated from the Bill would not be realized—that Americans would not avail themselves of it; but now, when I perceive that the opponents of the Bill are nearly all merchants and shipbuilders, I think practical good will result from it. One reason for the opposition of merchants is the fear that Americans will undersell them. The arguments against the Bill are, in my opinion, entitled to no weight. There is but one which I consider worth answering. It is said we should not give privileges to the Americans, because they do not reciprocate; but, when we consider that practically we are about to receive great benefits ourselves, the refusal to avail ourselves of them for such reason, is on a par with the case of a man biting his nose off to spite his face. If we insisted on obtaining reciprocity from the American Government as the price of the trifling privileges conceded by the Bill, we would be laughed at. My idea is, that we should seek to benefit our own country, and to attain such object, we should pursue our own policy, irrespectively to that of others. If the Americans choose to adopt a system of protection, let them do so, I am an advocate for Free Trade.

The subsequent clauses were then agreed to, and the Bill reported as agreed to with amendments.

W. M. Howe, Reporter.

SHERIFFS' BILL.

THURSDAY, March 1.

Mon. Mr. Haviland moved the second reading of the Bill to amend the Act relating to Sheriffs.

Hon. Mr. COLES.—I am opposed to the Bill, as it provides for taking the power of appointing Sheriffs out of the hands of the Government, and vesting it in the Judges of the Supreme Court. By this measure Sheriffs may be appointed who are so violently opposed to the party in power, that they may seize every opportunity of bringing the Government into trouble. Cases somewhat of this nature occurred when the system proposed was formerly in operation. The Executive alone is responsible for carrying out the Government of the country; it therefore should possess the power of appointing the sheriffs, as well as other public officers, and be held in like manner accountable for their actions. Here the Government has no control over the Judges; we are even told

that it cannot impeach them; they might appoint the greatest black-guards in the country as sheriff. The Judges of the Colony, it is well known, were appointed from a certain party, and though I have every confidence in them, I believe they still retain a little party feeling. The measure is a purely party question, for the majority are aware that the Judges hold the same political principles as themselves. If any alteration is required in the Sheriff's Act, it is that a clause be introduced for choosing them by ballot. A better method than what is proposed by the Bill would be to empower the Judges to appoint three persons, and the Government three, from which six the Governor should choose one. But the Colony has had some experience of the present law, and I defy any person to show that injustice has occurred under its operation. As the Government have the power now of appointing Sheriffs of their own party, I do not see what more they need desire. I move that the Bill be read this day three months.

Hon. Mr. LONGWORTH.—I am surprised to hear the remarks of the hon. member who has just sat down. He said that the Bill was a purely party measure. If the Government wished to make it a party question, they would leave the power of appointing Sheriffs as at present, and not vest it in the Judges of the Supreme Court. I contend that if we desire to make the Sheriff an independent officer of justice, we will take his appointment out of the hands of the Executive. He is not an officer of the Government, and they have no control over him. Whenever they interfere with him in the performance of his duties, they pollute the fountains of justice. The hon. member stated that party feeling might influence the Judges in their appointments to this office, thereby causing trouble to the Government of the day. But the Judges are sworn to do justice, and would not be influenced by any mere party consideration. Sheriffs are also bound by the solemn engagement of an oath, and can not, or ought not, to be controlled in any other manner than by a writ being placed in their hands. He said that the Judges might appoint the greatest blackguard in the country to the office. This is certainly stamping them with no very high character. He appears to think the late Government had sufficient reasons for the alteration which they made in the Act; but I can see no argument at all in favor of the change. The Sheriffs should be appointed by persons who stand entirely aloof from the Executive Government. He remarked that it would be better to allow the Judges to appoint three, and the Government three. This method might do very well, provided the Government had any right to interfere in the appointments, but they have not. This is the time for the present Government to show that they are opposed to the existing law; and it speaks well of them that they have come forward at this early stage of their career to amend it, before the power passes from their hands.

Hon. Mr. HAVILAND.—I concur in what has been said by the last speaker. The Government would not be justified in allowing the present law to remain any longer on the Statute Book. The method proposed, is that carried out in England, where it has been in operation for centuries. When the officers of justice there were appointed at the beck of the Crown, a person's life was unsafe, if he belonged to the opposite party. Macaulay, in his essays, says, when such was the case, men arranged calculated their chances for life according to the party to which they belonged. For some time, in the county of Westmorland, the office of Sheriff was hereditary, but an act was lately passed to abolish such an unfair system; and if it had then been thought necessary that the appointment should be vested in the Government, it would have been so stipulated. A Sheriff should be appointed by men who are in a situation which would place him above suspicion. The Judges are the authorities in whom is vested the power of maintaining justice: in whose hands then can the appointment be more safely placed? But should they appoint an individual to that office for party purposes, they would be highly culpable. One reason that the Government ought not to have the appointment of Sheriffs is, that just on the eve of an election they might nominate an opposition candidate to the office, and thus subject him to a fine.

Hon. Mr. WHELAN.—I never knew of a bill being introduced by the opposite party which was not defended in the same sing-song manner. They would say it was so just, they were certain nothing could be said against it, and they were surprised to hear the remarks of hon. members. I may adopt the same style of language, and say I am surprised at their want of argument in support of the bill. Much has been said against the existing law. I believe I had the honor to introduce the measure, and thought then, and still think it safe to vest the appointment of Sheriffs in the eight or nine gentlemen who are entrusted with the Government of the Colony. The hon. member for Georgetown stated

that a Sheriff should be above suspicion. Will he tell us that if the appointment be taken out of the hands of the Government, and placed in the power of the Chief Justice, he will then be above suspicion? I am ashamed to hear a sentiment of this kind, as it hints that the whole Government may be suspected, and that the Judges are the only persons in the land who are above suspicion. I will not say that the Chief Justice has no right to be interested in politics; Judges have always had their predilections, and always will have to the end of time. The majority know very well, when they propose this measure, that the appointments will be in accordance with their own wishes. It has been asserted that the Sheriff is an officer over whom the Government have no control. I do not say that they should tell him to do this thing and that, but certainly he is in some measure under their authority. But to go back to the argument of the hon. member, Mr. Longworth, that they have no right to appoint an officer over whom they have no control, I would like to ask, who appoints the Judges? If a vacancy were to occur in the judgship of the Colony, who would appoint a successor but the Government? If, then, they can be entrusted with the appointment of judges, why not also with that of Sheriff? We are reminded that the Sheriff is sworn to the faithful performance of his duties. The members of the Executive Council are also under oath, still we are told, if the Sheriff is appointed by them, he is liable to suspicion. The hon. member for the Second District of Queen's County remarked, that he saw no argument in favor of the existing law. I believe the chief reason for passing the Act was, that it changed the appointment from one irresponsible to nine responsible individuals. The hon. member for Georgetown spoke as if he would not entrust his life to a Sheriff appointed by a party to whom he was opposed. I entertain no similar fears, but can assure the hon. member that while he and his party remain in power, I shall consider my life perfectly safe from any such danger. But his favorite argument is, that the existing method is unconstitutional—it is not in accordance with the time-honored institutions of Britain. When it suits his own purpose, however, he can set aside British principle. Will he tell us that the present system of government in this Colony is an imitation of the departmental government of Britain? The hon. member may say as much as he pleases in reference to the necessity of this Bill, but I defy him to show that the people have given veritable evidence of their opposition to the Act at present in operation. There are, at least, no petitions before the House on the subject.

Hon. Mr. YEO.—The late Government took power into their hands, to which they had no right. I think we have had quite enough of the present system of appointing Sheriffs, for the last five years. Only look at the returns which some of them made at a late election. The opposite party say that there has been no complaint, but this is false. The people in many parts of the country are strongly opposed to the system. I wonder that men can stand forward and vindicate such a course as that pursued by the late Government.

Mr. DAVIES.—I commend the Government for introducing this Bill, and shall cheerfully give it my support. I believe that the alteration made by the opposite party in the method of appointing Sheriffs was that which placed them where they are. The day on which they passed the Act they lost a thousand supporters. Under Responsible Government, the Executive have quite sufficient power in their hands, without having the appointments to the office in question. Under the existing law, partisan Sheriffs have been appointed, both by the late, and by the present Government. Sheriffs should be above the influence or control of the Executive. This is particularly necessary at the time of elections, for even under the former system my brother, I have heard, was appointed to the office to prevent him, if possible, from offering himself as a candidate. The hon. member, Mr. Whelan, stated, that the present law was passed to change the appointment from irresponsible to responsible individuals. I do not consider the Judges are altogether irresponsible; their actions are pretty well canvassed by the public. I am of opinion that hon. members on the other side of the House found it to their cost that they passed the Act now in operation.

Hon. Mr. WHELAN.—Allow me to say, that the party who passed it were returned with an overwhelming majority at the next general election.

Mr. CONROY.—With respect to what has been stated by the last speaker, in regard to partisan Sheriffs, I may say, that I was offered the appointment by the late Government, when they believed I was opposed to the party. I do not think that, under the present system, partisan men have always been appointed. I am satisfied to allow the Act to remain as at present.

Mr. DOUSE.—I am disposed to place the appointment in the power of those two individuals in whose hands it may be said, our lives are entrusted. The Judges are the proper parties to appoint the Sheriffs, who are officers of justice. In several cases the present Act has worked injuriously; and I think we are quite safe in returning to the former system, which is the one adopted in the Old Country. I am in favor of British institutions.

Hon. Mr. WIGHTMAN.—We have heard no complaint in the country respecting the present Act. Since this is the case, I think it is unnecessary to introduce any change. Sheriffs hold a very responsible situation. On this account, I am opposed to their being appointed annually; as many who take the office are at first almost wholly unacquainted with the duties which they have to perform. They should not be appointed for a less period than two or three years. If the hon. member for Georgetown will introduce a clause to this effect it shall have my support. I see no necessity for the change contemplated by the Bill.

Mr. MONTGOMERY.—It is not so much with the appointments made by the late Government, or by the present, that we have to do, as with the principle of the existing law. Suitable persons may have been appointed by both parties, yet this does not say but the tendency of the present system is to place partisans in the office. I know there is a general feeling against it in the country. I will give my support to the Bill under consideration.

Hon. Mr. POPE.—If the present majority have introduced any measure for which they deserve more credit than another, it is this Bill. It shows that they are willing to take the responsibility of doing right, without being asked, by petitions from the people, to pursue any particular course. The hon. member, Mr. Coles, stated, that the Judges might appoint the greatest blackguard in the country to the office of Sheriff. I would like to ask, if the Government might not do the same? The Judges of the Colony are respectable men, in whom every confidence may be placed, but there are sometimes men in the Government of whom this can not be said. A few years ago we had a Government of this description; even life, I think, was scarcely safe in their hands.

Mr. SINCLAIR.—I have listened attentively to the discussion, but have heard very little in favor of the Bill. I admit it is desirable that violent partisans should not be appointed to the office, but do not think the method proposed will prove a remedy, for the judges have their party feelings as well as other men; and whatever little feeling of this kind they may possess, will no doubt influence them to appoint men of the party to which they belong. But the Government are responsible to the people, and will not appoint men who would violate the sanctity of an oath. If they do, the country will stamp them with disgrace. The Government appear to take great credit to themselves, because they are taking the power out of their own hands, and vesting it in the Judges of the Supreme Court. They, however, well know that the Judges belong to their own party; and that though they shift the power from themselves to these gentlemen, it will still be exercised in their own favor. I do not think any advantage will accrue from the proposed alteration in the law, as it has been shown that partisan Sheriffs were also appointed under the former Act.

Mr. HOWAT.—The last speaker says that the Government are responsible to the people, and, therefore, will appoint proper persons to the office. But what is their responsibility in this case? They have only to give an account of their doings every four years, while the Sheriffs have to be appointed annually. The Judges are more free from partisanship than any Government can be; so, of two evils, I would say, let us choose the least. It has been stated, that there is no complaint against the existing law. But there is objection to it; yet it cannot be expected that the farmers in the country have time to be running about telling every person their complaints. Their representatives are here to express their opinions, and I, for one, inform this House that there is much dissatisfaction in the country respecting the present system of appointing Sheriffs.

Mr. BEER.—With regard to the remark, that the people have made no complaint in reference to the existing law, I must say, that I scarcely ever heard an assertion so unfounded. There has been a very general complaint against it. I think if it is at all possible to get the appointment of Sheriffs clear of partisanship, it is by placing it in the hands of the Judges. An hon. member on the other side of the House stated, that the people have not petitioned for the change. I would ask him, when the Act was passed for increasing the representation of the Colony, how many petitions were before the House praying for that alteration? I believe the Bill under consideration will give general satisfaction.

Hon. Mr. McAULAY.—There is one argument in favor of the Bill, which has escaped the notice of hon. members who have spoken, namely, that when the appointment is vested in the Judges, it is then in the hands of individuals who are among the most intelligent

and learned in the community; whereas, under the present system, it may devolve upon ignorant men. The intelligence of the country rose against the Act now in force when first introduced, and well it might, for justice was endangered. Sufficient arguments have been adduced to convince me of the necessity of this measure.

Hon. Mr. THORNTON.—I was very careless about the alteration formerly made in the method of appointing Sheriffs, and am very indifferent respecting the Bill under consideration. The Governor cannot know so well as the Council who are proper persons to appoint to the office. Even the Judges have not so good an opportunity of being acquainted with the people of the country as the members of the Council, and would probably be under the necessity of consulting them before they could make an appointment. The Governor, too, could scarcely make a choice without asking the advice of some of the members of his Council. Taking these things into consideration, I cannot see that the appointment will be better in the hands of the Judges, than at present; and think there must be some ulterior reason for introducing this Bill. I have heard that the Government are unable to please their numerous friends who are seeking after office. Probably, then, the object of this measure is to remove a part of the responsibility from their shoulders; that they may not be under the necessity of disappointing a number of their supporters.

Hon. Mr. COLES.—The hon. member from Georgetown, Mr. McAulay, says that the appointment is safer in the hands of the Judges than in the power of the Government, because the former are always intelligent men. Now, I maintain that, notwithstanding their learning, they are not always the best judges in reference to the appointment of Sheriffs. Once, under the old regime, a person was appointed to the office who was unable to sign his own name, and had to be excused on that account from serving. But who, other than the Executive, appoints the Judges? Surely, then, if the Government have sufficient intelligence to appoint the higher officers of justice, they may also be entrusted with the appointment of Sheriffs. The hon. member, Mr. Davies, referred to the case of his brother, and said that he understood he was appointed to the office to prevent him offering as a candidate at an approaching election.

Mr. DAVIES.—I only said, I heard that was the case.

Hon. Mr. COLES.—What the hon. member heard is true. There can be no question, but the appointment was made with that intention. Now, this does not show that the Judges are above suspicion. They may make appointments for party purposes as well as the Government. The hon. member, Mr. Pope, remarked, that a few years ago we had a Government, in whose hands life was scarcely safe. I suppose he alluded to the late Government. But, Sir, there never was a Government in this Colony under which the laws were more respected, than under the late administration. They never had occasion to send soldiers to the East Point to quell riotous proceedings, nor constables the way of Georgetown to apprehend sheriff-shooters. The other summer a great crowd was called in from the country to censure that Government, but they had too much confidence in the people to suppose that they would raise any disturbance. But I contend that, if the Sheriff then had not been a nominee of the Government, a riot would not have been prevented. The arguments advanced by the opposite party in support of the Bill, have, I think, been more against it than in its favor.

The House then divided on Mr. Coles' amendment, that the Bill be read this day three months:—

For it—Hon. Messrs. Coles, Kelly, Perry, Wightman, Whelan, Messrs. Conroy, Cooper, Doyle, Knight, Sinclair, Sutherland.—11.

Against it—Hons. Col. Gray, Haveland, Laird, Longworth, Pope, Yeo, Messrs. Beer, Davies, Douse, Hobin, Howat, McNeill, Montgomery, Ramsay.—14.

The Bill was then read a second time, and committed to a committee of the whole House—Mr. McNeill in the chair. When the committee rose, the Chairman reported the Bill agreed to without amendment.

B. LAMM, Reporter.

ELECTION BILL.

SATURDAY, March 3.

The order of the day for the second reading of the Bill having been read,—

Hon. Mr. HAVILAND, in moving that the House go into the order of the day, said—I may state, that the object of the Bill is simply to protect the privilege of electors. The law, as it now stands, is not sufficiently explicit, the consequence of which is, that parties who have no right to vote are frequently allowed to come forward and exercise the privilege, to the injustice of those who possess the requisite qualification. At the last general election much trouble arose out of this absurdity in certain parts of the Act. This Bill, in particular, defines much more clearly the qualification of electors

voting under the elective franchise clause. If called upon by the returning officer, or any candidate or his representative, they are required to produce a certificate from the road overseer, in whose precinct they may have performed statute labor, or paid commutation money, testifying to that effect, which, provided they are of age, shall be considered sufficient evidence of their right to vote. Several forms of oaths have also been annexed to the Bill. In the present law there is only one form given, consequently, the returning officer has to use a sort of sliding oath for the different kinds of electors; hence, if any dispute should arise, the person taking such an oath could not be found guilty of perjury. Another clause in the Bill has been introduced, on account of a remarkable case that lately occurred in Britain, which gave rise to an alteration in the election law there, and also in Canada, from which latter this clause is copied. The case was that of a returned member, whose election was contested, having accepted an office, and thus rendered another election necessary, when it became a question whether the election could be proceeded with. The clause provides, that if a scrutiny be demanded by an unsuccessful candidate, and while the question is still pending, the person, whose election is contested, shall accept an office, or his seat be otherwise declared vacant, and another election be held, this subsequent election shall not in any manner affect the person who demanded the scrutiny; but, if the committee appointed to investigate the case report in his favor, he shall take his seat as though no subsequent election had taken place.

Hon. Mr. COLES.—There may be some necessity for amending the Election Law, but as regards the clause mentioned by the hon. member, I do not see it is of much importance. The person who protests cannot prevent the other from again running his election. Sometimes scrutines are demanded on very frivolous pretexts, and a protest may be entered merely to prevent a member from taking office. I admit that an alteration in the oath may be required, as it is not very explicit. But the main feature of the Bill is one respecting which the House should be very cautious. The intention of the present law is to confer universal suffrage, but this Bill throws an encumbrance in the way, by saying that a certificate must be produced that statute labor has been performed or commutation money paid. A refractory overseer, at the time of an election, might refuse to give the certificates. I think the law in this particular is well enough, for a person cannot vote unless he has been 12 months in the district; besides, it is a great inconvenience for a man to be compelled to produce a receipt. He would almost require to have it framed in order to prevent it from being lost. There need not be any partisanship displayed in reference to this provision, because it will affect both parties alike. I have no objection to amend the law; it should be as explicit as possible.

Mr. McALLAY.—I am glad to hear that the hon. member has no objection that the law be amended. It is quite necessary, I consider, that electors should have certificates, because it will prevent them from voting in different places. The Bill, it is evident, has not been introduced for party purposes, for it will, as has been said, affect both parties alike. As I believe it will prove a general benefit, it shall have my support.

Mr. COOPER.—I understand that the Statute Labor Act is to be amended this Session; if so, a clause may be introduced into it to meet the requirement of this Bill, otherwise it will be impossible to carry it into effect, for overseers at present are not bound to furnish certificates. However, though this provision be made, I am of opinion that the method proposed will be very cumbersome, and will thus cripple the free exercise of the elective privilege.

Mr. CONROY.—I am opposed to that part of the Bill which relates to road certificates, as that service is very irregularly attended to. The overseers are generally careless, and some of them unable to write, yet this Bill contemplates placing the franchise in their hands. An overseer, when asked for a certificate, might put the person off, by saying there would be no election this year, and still one might occur; in what position would the elective franchise then be? I think this provision will deprive one-third of the electors of their votes.

Hon. Mr. LONGWORTH.—The Bill is not a party measure, but one calculated to benefit electors of every shade of opinion. It is well known that persons have frequently come forward and exercised the elective privilege, who did not possess the requisite qualification; and that others have sometimes voted at two or three different polling divisions. The object of the Bill is to guard the interests of the people—to prevent designing men from imposing on the rights of honest and independent electors; and I would like to ask hon. members on the other side of the House, if this object can be better attained in any other manner than by the method proposed? It is not intended to cramp the elective privilege, but to give those who have a right to vote a well-defined qualification. The form of oath in the present act, as has been said, is very imperfect, the returning officer having to supply words to make it suit the different classes of voters; in which case it is difficult to prove perjury, because the precise words employed cannot be recollectet. The hon. members, Mr. Coles and Mr. Conroy, object to the Bill, on the ground that it will place the franchise in the power of road overseers. But a Bill to amend the Road Act, which is now in the hands of the Law Clerk, makes provision for this, by requiring the overseers, under stringent regulations, to furnish certificates; and if some few cannot write—though I am not aware that the commissioners are in the habit of appointing such—they may have them written in their presence. Another object of the bill is to divide the main clause of the Act, in which the several qualifications are jumbled up together, into three or four sections; thus one will define the property qualifications of electors for the towns, and another of those for county districts, and another the qualification of those voting under the universal suffrage provision.

Hon. Mr. Haviland's motion was then agreed to, and the Bill committed to a Committee of the whole House.—Mr. J. Yeo in the chair.

On the first clause being read, which specifies the sections of the Act to be repealed,—

Hon. Mr. COLES said, he wished to ask the introducer of the Bill why the 80th section was included among the number?

Hon. Mr. LONGWORTH.—The reason for repeating this section is, that as it provides that any member of this House who holds an office, may resign it and accept another, without vacating his seat, it concedes too much. As the law at present stands, an hon. member who holds an office, though only that of Road Commissioner, may be appointed to one of the highest offices in the Colony, without being under the necessity of vacating his seat.

Hon. Mr. WHELAN.—The principle involved in this clause may extend too far. It was copied from the Nova Scotia Act, and was intended to provide that a member might exchange one departmental office for another, without going back to his constituents. If this section is to be repealed, another of the same nature should be substituted in its place.

Hon. Mr. COLES.—The principle should not be carried further than that one departmental office may be exchanged for another.

Hon. Mr. LONGWORTH.—We must ignore the principle altogether, as it is opposed to the system of government now established in the Colony.

Hon. Mr. Coles then moved that so much of the clause as referred to the 80th section of the act be struck out, which was negatived on the following division:—

YEAS.—Hon. Messrs. Coles, Wightman, Kelly, Whelan, Messrs. Knight, Sutherland, Sinclair.—7.

NAYS.—Hons. Speaker, Pope, Col. Gray, Longworth, Haviland, Laird; Messrs. Ramsay, Montgomery, Beer, Howat, Holm, Davies, Owen.—13.

The clause which specifies the property qualification of the electors of Towns and Royalities was then read.

Mr. SINCLAIR.—As we are informed that the Bill is not a party measure, I hope I may be allowed to suggest an amendment to this clause, which I consider objectionable, because it confers the privilege of voting upon every owner of a town lot irrespective of its value. It is certainly unjust

that persons who hold town lots of no value should have a right to vote; some protection ought to be afforded to resident electors. The clause confers upon certain individuals the privilege of buying up land to divide among their friends to give them votes. In the country districts a person cannot vote on property of less than the yearly value of 40s.; why then should not the same rule be extended to the owners of town lots and common lots. If the clause were thus amended it would require these lots to be improved, before they could be held as a qualification to vote.

The hon. the SPEAKER—The hon. member who has just sat down might almost as well have moved to disfranchise Princetown altogether. The people there have in a great measure been deprived of the privileges which were intended to be granted them when the place was laid off for a town. Had the Jail and Court House been built at Princetown, it would no doubt have been in a more flourishing condition. The electors of that place are compelled to pay as heavy taxes as the owners of lots in Charlestown and Georgetown, still they possess no greater privilege as regards public grants than the people residing in country districts; certainly then it would be unfair to deprive them of the right to vote though the land held in some cases may not at present be of the yearly value of 40s.

Hon. Col. GRAY—Did I understand the hon. member opposite, for Princetown, to say that there are town lots in that place of no value?

Mr. SINCLAIR—Yes, or at most worth only 1s. 6d. or 2s. The hon. the Speaker has stated that I desire to deprive the people of Princetown of their privileges; but the amendment which I have suggested would have quite an opposite effect. It would secure their privileges by preventing others from coming in to interfere with their rights. But if the clause were amended as I desire, Princetown would not be the only place benefited, for I suppose there are likewise lots in Georgetown of little or no value. I contend that it is unfair to allow persons to come from other districts to vote in Princetown on land which is only worth a few shillings.

Hon. Mr. LONGWORTH—I am surprised to hear an hon. member advocating the disfranchisement of his constituents. Does he mean to say that a privilege which has been a long time conceded, should be no longer exercised? His object is very apparent, it is to uphold his own interests which are probably in danger. To adopt the amendment which he has suggested would be a species of class legislation, and its result would be to prevent people from purchasing property in Princetown. The hon. member should have stood up and advocated the very contrary to what he has proposed.

Hon. Mr. COLES—I think quite the reverse. The hon. member for Princetown does not desire to disfranchise a single elector; but only to see the property improved. The very object in granting these town lots was that houses might be built on them; and if those who hold the land were thus to improve their property, they would still retain the right to vote though the amendment suggested be agreed to. Until the last few years the lots of Princetown were considered of no value, when they began to be bought up for the purpose of obtaining the privilege of voting. In any other district non residents are not allowed to vote unless they possess property in it worth 40s a year; and this is the provision that the hon. member wishes to have extended to Princetown. He deserves credit for proposing the amendment, as his desire is to improve the place. I suppose, however, if he gains his object, I will lose my own franchise there, but if I consider it of any value, I will probably improve the property. But I believe there is a feeling rising up in Princetown against the Government because that County is not represented in the Legislative Council; and I dare say they will make themselves heard. If only a few men were to turn there, it would change an election.

Mr. MACAULAY—The last speaker seems to have a peculiar sympathy for the hon. member from Princetown. He has been endeavoring to help him out of a difficulty, but I dare say if he (Mr. Sinclair) were opposed to him, he would be allowed to struggle for himself. The argument of

the hon. member for Princetown is rather novel. He appears to think that a person who has property of no value, and yet has to pay taxes on it, should not be allowed to vote, while we know that those who hold no property at all are permitted to exercise this privilege. The hon. member made some allusion to Georgetown the place which I have the honor to represent, but I can assure him that no valueless property is to be found there.

Hon. Mr. POPE—Last year, in this House, I hinted that the hon. member Mr. Sinclair would sometime attempt to disfranchise Princetown, and it appears my words are coming true, for certainly he has made an effort of this kind. Probably some day I will lend him my assistance to disfranchise it, and give the privilege to Seaside and St. Eleanor's. I believe there is not a lot in Princetown worth 40s. a year, excepting perhaps one owned by Mr. McNutt, who occasionally resides there. A number of the lots is bog land, of little or no value.

Hon. Mr. WHELAN—Is your own property there bog land.

Hon. Mr. POPE—No, the land which I hold there is good; it is not bogs. To amend the clause as proposed by Mr. Sinclair, would in my opinion cause a great deal of false swearing respecting the value of property, consequently I think it will be better to leave it as it is for the present; besides, I do not consider it would be proper to deprive the electors of Princetown of their franchise, while they are compelled to pay heavy taxes. I am glad to hear that the late Colonial Secretary is taking such an interest in the people of Prince County; but I can assure him he now possesses very little influence in that part of the country.

Hon. Mr. WHELAN—The hon. member who has just sat down, should exercise a little modesty, since he has not yet carried off very many laurels. He has been equivocating with respect to the value of lots in Princetown.

Hon. Col. GRAY—I rise to order, the hon. member has employed insulting language.

Here considerable altercation ensued.

Hon. Mr. WHELAN proceeded.—The hon. member Mr. Pope, stated that the land which he himself holds in Princetown is good and not bogs, and that the only property there of any value is that owned by Mr. McNutt. Such language appears to me to be something like equivocating. For my own part I have always thought it improper that persons who happen to own property in Princetown, worth perhaps only a few shillings, should enjoy the same privilege as others. I myself secured one of these town lots for the trifling sum of 18s., and can now vote there on land which I never saw, and never wish to see.

The hon. the SPEAKER—It is astonishing to hear the opinions which several hon. members seem to entertain. They once maintained that every person who pays taxes should have the right to vote; but now they say that those who hold property in Princetown, though they have to pay taxes—heavy taxes—ought to be denied this privilege. Some who have spoken appear to think that place will never become a town, but I am of a different opinion. It possesses one of the finest harbors in the Island, which is also convenient to the best fishing ground on our coasts. This harbor is much resorted to by American fishermen; and I think it highly probable that at no distant day there will be a town where it was originally intended one should be built. Only last summer, I understand, some Americans were examining land there, with the view of making a purchase for building purposes.

Progress was reported, and the House adjourned.

FRIDAY AFTERNOON, 2nd March.

Hon. Mr. HAVILAND, in moving the second reading of the Bill to authorize the Government to open an account with the Bank, explained that the measure was intended to enable holders of Treasury Warrants to get them cashed without the loss of discount, to which, for some time back, they had been subjected—a loss which had been seriously

felt by a large class, who could ill afford it, as schoolmasters, contractors and others who had been compelled to submit to large deductions from the nominal amount of their claims, in consequence of the want of cash in the Treasury. A similar Act was in force in New Brunswick, and in Nova Scotia the Government had on several occasions adopted the practice. It was proposed to limit the amount of the credit asked to £10,000 currency; and while the Bank was to charge interest on its advances, it was to allow it on moneys paid to it by the Government.

Hon. Mr. COLES presumed that the supporters of the Government were prepared to pass it, whether it were right or wrong. If a similar Bill were in force in the other colonies, he thought they were foolish in passing it, as this measure did not specify what rate of interest the Bank was to charge. There was nothing to prevent them taking nine or ten per cent, if they saw fit. Besides, the circumstances of the neighbouring colonies were different from ours. The Bill should limit the rate of interest, and should specify whether it was to apply to Debentures as well as to Warrants. The Bank could get no better security for their money than those securities, and might, if they pleased, purchase them without the intervention of the Bill. He did not rise for the purpose of opposing the Bill. When the late Government was in power, he had been anxious to enter into an arrangement of the kind, but the Bank would not accede to the proposition. His objection was that the Bank might take advantage of the Country, if the Bill did not limit the rate of interest.

Hon. Mr. LONGWORTH said that no argument was necessary to prove that great benefits would result from the Bill. Every public creditor would feel the advantage of it. As to the objection of the hon. member, he would tell him that the Bank would take and allow interest at six per cent on the account. The holders of Debentures were secured by having prior claims on the general revenue; and the Bill would enable teachers and contractors to get their Warrants cashed at the face. The Bank asked no security; it was ready to open an account of £10,000 with the Government, and the object of the Bill was merely to authorise the Government to enter into the arrangement. The Government would lose nothing by the operation. It was very often necessary to call in Warrants for payment, as funds might accumulate in the Treasury; thus the Colony was losing interest on these funds, which the outstanding Warrants were earning from the public. By the Bill, interest would be allowed on all payments by the Government, as in the case of a private individual. Therefore there was no force in the objection of the hon. member. The public must derive benefit from the Bill, as Warrants would be no longer at a discount, and the public credit would be sustained by its obligations being promptly met.

Hon. Col. GRAY was happy to hear the explanation of the hon. member, as he was a director of the Bank. The Government had appointed himself and the Hon. Mr. Palmer, a Committee to negotiate with the Bank on the subject of the account, and he was happy to say that their overture had been met in a spirit of liberality most gratifying, and nothing could exceed the courtesy with which the President and Directors had received the proposals of the Government. No one could deny that a great boon would be conferred upon the holders of Warrants, by affording the means of converting them into cash without submitting to the heavy discount which they previously had to pay. The benefit would be especially felt by country school teachers, who would, after the bill became law, be no longer under the necessity of losing their time in Charlottetown hawking their Warrants about until they could find a discounteer at an exorbitant rate to take them; and any unprejudiced mind must admit the great improvement which the Bill would effect, when it should be considered that this amelioration would involve no additional cost to the country, which, on the contrary, would gain to a considerable amount, for of late a party purposing to enter into a contract with Government well knowing that he would receive the amount of his contract in Warrants, which could not be paid at the face, but be subjected to heavy discount, the exact amount of which he could not fore-

tell, would, as a matter of self-protection, tender for any public work at a price which might leave him a reasonable remuneration, after paying the discount on his Warrant. After the passage of the Bill, he would tender at a much lower rate, because he would be sure of receiving the amount of his contract in cash. Besides that advantage, the Treasurer, as had been said, was at present obliged to keep a large amount of cash lying idle, for certain periods, in the chest, on which the Bank would allow interest—thus effecting a direct saving to the country, according to the amounts from time to time paid in. Never in the history of any country had a Bank acted with more liberality towards a Government than the Bank of Prince Edward Island had in this matter. He had not expected that that institution would have done business with the Government on lower terms than they demanded from individuals, but it had offered to do so in the present case, for while the rate of interest in the one case was 7½ per cent, the Government were to be charged but 6.

Hon. Mr. WIGHTMAN would give the Bill his hearty concurrence, as he considered it a measure much called for by the circumstances of the country, and he had listened with much pleasure to the statement of the Hon. Mr. Longworth that interest was to be allowed by the Bank on all deposits to the credit of the account. This would ensure the country against any great loss by the transaction. He was glad to think that teachers and others would no longer be under the necessity of losing heavy discounts on their warrants. Such discounts had been exacted as high as 20 per cent of the value. Every one acquainted with the circumstances of the country should support the Bill.

Mr. BEER congratulated the House and the country on having at length a Government which possessed the confidence of the capitalists of the Island. The late Government, owing to the reckless extravagance which characterised their administration, did not obtain such confidence. Formerly warrants were passed from hand to hand at ten, fifteen, or even twenty per cent discount. At present it was difficult to get them. The only reason for their great depreciation was, that formerly the people were convinced that the late Government was going beyond their means, a course which they believed their successors would not pursue. He hoped there would be no opposition to the Bill.

Mr. DAVIES, from what he had read in the reports of the Legislative Council's debates, was of opinion that an erroneous impression of the nature of the arrangement with the Bank had gone abroad. Those reports conveyed the idea that the Bank would not allow interest on surplus moneys of Government in their hands; he was happy to hear that such was not the case.

Hon. Mr. LONGWORTH—In case of such surplus, the Government would employ it in paying off outstanding warrants.

Hon. Mr. HAVILAND would answer the objection of the hon. member Mr. Coles to the Bill not limiting the rate of interest. The Bank could not charge what they pleased, for the law limited the rate to six per cent, unless where another should be specifically agreed upon. He could not understand why that hon. member was so particular on that subject. The House could trust the Government to make the best bargain they could for the public, and if their conduct should not have the effect of easing the public burdens, they could—and he presumed would—be turned out of office. Some two years since that hon. member and his party, then in power, manifested no such anxiety on the score of interest to be paid on Government securities, for, without any law to warrant their proceedings, they gave 10 per cent to a Halifax merchant to cash debentures. The Government were accountable to the House for their action with the Bank.

Mr. COOPER—No doubt Warrants had been subjected to heavy rates of discount, which operated very injuriously to those whose necessities compelled them to submit to the deductions, but now that a recognized arrangement was to be entered into between the Bank and the Government, it was but fair that the Bill should specify not only the rate of interest, but also the length of time necessary to entitle a deposit to bear interest, otherwise it might be that all the interest payable might not be more than sufficient to pay for the trouble of receiving and paying out the moneys.

The Bill was then read a second time and committed—Mr. Owen in the Chair.

Hon. Mr. COLES repeated his objection that the Bill did not specify the rate of interest. It was due to the House that full particulars of the contemplated arrangement should be given. The Hon. Col. Gray had eulogized the liberality and courtesy of the Bank Directors; but that was an institution for the lending of money, and he supposed that it would always act courteously to private individuals as well as to officials who might have occasion to confer with them on business. He himself had always experienced courteous treatment at their hands. He was satisfied with the arrangement, but did not consider that the Bank had paid a very great compliment to the Government by entering into it. The Government asked £10,000. No doubt it was required; and the Bank would, by charging 6 per cent until it was repaid, do better than they would by advancing small loans to individuals, for it may be outstanding six or twelve months. The Liberals had made a better bargain when they circulated Debentures bearing only 5 per cent interest. As to the argument of greater confidence in the present Government, urged by the hon. member, Mr. Beer, there was not much foundation for his opinion, for he should recollect that during the time to which reference had been made, the Bank, so far from being in a position to make advances, had applied to the then Government for an extension of the time limited for the suspension of specie payments. The Bank was now in a better position. The country had been favoured with good crops, trade was reviving, and greater confidence was felt in the stability of business of all kinds. If the late Government had applied to a gentleman from Halifax to purchase warrants, it should be remembered that such application was intended to enable the Road Correspondent to carry on the business of his department. At that time the road vote was £11,000, far more than thrice the amount of last year for the same purpose; so there was a greater necessity for the course of the late Government.

Hon. Mr. LONGWORTH—The arrangement would cause no gain to the Bank, which can, at present, invest all their available means at 7½ per cent, and can find ample employment for it at that rate. Interest would not be charged as on a loan, but on the balance of the account. It was not a permanent Act. It could be revised next year, when the operation of it could be carefully scrutinized. Where a loan was contracted for a number of years it would be necessary that the terms between both parties should be specified; but the object of the Bill was only to authorize the opening of an account which would enable the public creditor to get the money which he had earned. It was provided that the transactions under the Bill should be submitted and reviewed by the House next year. A Bill similar in its object to the one before the committee worked well in Nova Scotia, but that Bill did afford equal security to the public creditor with the present, which gives him a prior claim on the Bank whose demands on the Government would not ensue till the warrants had been paid.

Hon. Mr. POPE was glad to see that the Bank had come into the arrangement. A short time ago warrants were at a discount of 10, 15 or 20 per cent discount. As to the £11,000 road money voted by the last Government in the year when the hon. leader of the opposition gave ten per cent to the gentleman from Halifax, if that was the rate of discount on the whole amount the public must have lost eleven hundred pounds. Such a sum would have paid a good many teachers. When the Government changed hands, warrants were at a discount; now they were at par, and was this the time to object to the poor hard-working men employed on the roads and bridges; and in the public getting the full amount of their earnings? Every public creditor should get what he had earned, and the recent condition of the public credit under the late Government was so disgraceful that he hoped never to see it in such a state again.

The Bill was then agreed to without amendment.

Wm. M. Howe, Reporter.

SUMMARY OF PROCEEDINGS.

THURSDAY, March 22.

On motion of Mr. McAulay, it was resolved that there be a call of the House on Monday next, to take into consideration the several petitions lying on the table.

Mr. Beer, from the Special Committee appointed to examine the petition of John Shannon, reported, that as it referred to matters of a local and private nature, its prayer could not be entertained by the House. The report was received.

On motion of Hon. Mr. Coles, a call of the House was ordered for Tuesday next, on the Despatches relative to the appointment of a Land Commission.

Hon. Mr. Longworth presented a Bill to alter the Statute Labor Act, which was read a first time. It provides that keeping the Main Post Roads in a state of repair shall be let by contract for a certain number of years, and contemplates the reduction of Commutation Money for a single person from 4s. to 3s. a year. It also requires overseers to furnish certificates to those who may commute or perform their statute labor, in order to meet a provision in the new Election Bill respecting the qualifications of persons voting under the elective franchise.

AFTERNOON SITTING.

Mr. Beer moved the House into Committee on the Memorial of the Mayor and Common Council, and the petition of divers inhabitants of Charlottetown, on the subject of the proposed new Market House.

The Memorial asked a grant for purchase of a site for the Market House; whilst the petition prayed that the House would not sanction its erection elsewhere than on Queen Square, and that a Bill might pass authorising the transfer to the city of a site on the west side of the Square. After a very long discussion, Hon. Mr. Pope moved a resolution, adopting the prayer of the petition. To this Mr. Perry moved an amendment, that the Speaker take the chair. The amendment was lost, and Mr. Pope's carried to the House, when, the question being put, Hon. Mr. Haviland moved that the report be received this day 3 months.—Lost.

Yeas—Messrs. Haviland, Gray, Coles, Whelan, Thornton, McAulay, Keily, McNeill, Longworth, John Yeo, and Perry—11.

Nays—Messrs. Yeo, Douse, Beer, Ramsay, Laird, Pope, Cooper, Holm, Howat, Sinclair, Doyle, Conroy, Owen, Sutherland, Montgomery—15.

Mr. Pope's resolution was carried by the same division—the relative position of the above names being changed.

FRIDAY, March 23.

On motion of Mr. Beer, a Committee was appointed to bring in a Bill in accordance with the resolution passed yesterday in reference to the site of a new Market House.

On motion of Hon. Mr. Haviland, it was resolved that the House to-morrow do go into a Committee of Supply.

Mr. Beer moved that the House resolve itself into Committee on the Bill to amend the Act relating to the City of Charlottetown. It contemplated to extend the power of the Mayor's Court to try for debts contracted in the City by persons residing in the Country; and also to try cases of slander. After some discussion in regard to the Bill, the principle of which was objected to by country members generally, Hon. Mr. Perry moved in amendment that it be committed this day three months. Amendment agreed to.

Hon. Mr. Haviland laid on the table the Estimates for 1860.

The Bill to amend the Land Purchase Act was read a third time and passed, Mr. Cooper only voting against it; also the Bill to amend the Act relating to Township Boundary Lines.

Hon. Mr. Longworth having moved that the time for receiving petitions be extended, presented one from Robert Mooney, praying for the sum of £10, taken from his salary as Register of Deeds on account of unfinished work in that office at the time of his resignation.—Read and laid on the table.

The Bill to protect the rights of married women was read a third time and passed.

FRIDAY AFTERNOON.

The House was occupied in Committee on the Bill to amend the Statute Labor Act.—Progress reported.

SATURDAY, March 24.

Mr. Sinclair presented a petition from inhabitants of Lot 18, praying the enactment of a Bankrupt Law.

Hon. Mr. Haviland laid on the table the vouchers for the past year—referred to the Committee on Public Accounts.

Hon. Col. Gray presented to the House a document which had been laid before the Executive Council by the Postmaster General, recommending an increase of salary to the second Assistant in the Post Office at Charlottetown, and to the Postmaster at Cascumpee, Tignish, and Souris.

Then House then resolved itself into a Committee of Supply, Mr. McNeill in the chair.

Hon. Mr. Haviland moved that £5,000 be granted for the Road service, including special grants; £500 for contingencies, and £100 for new roads. The discussion on this motion occupied the remainder of the forenoon.

SATURDAY AFTERNOON.

House in Committee of Supply. The road scale introduced by the Hon. Mr. Haviland, appropriating £5000 to the general service, to be appropriated as follows:—Queen's County £1,600; Prince and King's Counties £1,600 each; Charlottetown & Royalty £200; was, after some discussion adopted, the report of which will appear in due course.

MONDAY, March 26.

Call of the House—absent, Hon. Mr. Kelly and Mr. Knight. Mr. Kelly afterwards coming in, his apology was accepted.

On motion of Hon. Mr. Thornton the order of the day for the consideration of petitions was taken up.

The petition of inhabitants of Lots 34 and 35, praying a grant for an additional block to wharf at Apple Tree Farm, was referred to the members of the District.

The petition from Cascumpee praying a grant for the extension of the Elective Telegraph to that part of the Island, was then taken up. After considerable discussion it was referred to a Special Committee to report next session, generally, on telegraphic communication throughout the Island.

An amendment of the Legislative Council to the Salmon Fishery Bill was then agreed to, viz.: that the penalty for violating the law instead of being £5, be not greater than £5 nor less than £1.

Hon. Col. Gray, by command, presented a Despatch from the Secretary of State for the Colonies, in reference to Australia.

MONDAY AFTERNOON.

The House was occupied in discussing the merits of petitions. The only debate of the evening arose on that preferred by John Smith, Esq., Sheriff of King's County, for compensation for the loss of a horse, shot while the Sheriff was in execution of his duty—referred to supply. The prayer of a petition from the Princetown Board of Health, for aid to build an hospital, was rejected—as was an application for aid to the Mechanics' Institute of the same place. A petition for aid to erect a similar institution at New London was referred to supply; and an intimation from the Hon. Mr. Whelan that he would apply for assistance towards the erection of an Institute at St. Peter's, was received with general declarations of support.

TUESDAY, March 27.

Hon. Mr. WHELAN asked members of the Government what action had been taken on the subject of an address to the Lieutenant Governor, which had been adopted last session, praying that the Executive would institute enquiries as to the practicability and cost of constructing a breakwater at St. Peter's Bay. The hon. member read a letter from three influential persons resident at St. Peter's, from which it appeared that 600 feet had been already constructed, at an expense of £250, realized from private subscription. That amount had been contributed on the faith that the Government would carry out the wishes of the people.

The whole extent of the proposed breakwater was 1200 feet, of which one-half had been, as he had stated, completed, but the remainder would cost about double the amount of the work already performed. The work was not of a strictly local nature—the want of it affected the country generally; as at present the bar prevented the ingress and egress of vessels with their cargoes, thus affecting the general commerce of the Island.

Hon. Mr. LONGWORTH replied that the Government had not lost sight of the subject. Correspondence had taken place with parties in England as to the costs of providing a dredging machine. His Excellency the Lieutenant Governor had instituted enquiries when at St. Peter's, and the impression on the members of the Government, after obtaining all the information they could, was that it would be a waste of money to endeavor to deepen the channels of the harbours on the North side of the Island, on account of the movable sands, which would speedily renew the obstructions. He had himself written to Pictou and had been informed that a dredging machine could be procured there for £300 Nova Scotia currency. It was represented as capable of removing mud and loose sand, but he had not been told whether it could be hired. The hon. member read part of the correspondence. He could not say how far the Government was prepared to aid in the construction of the breakwater, but he had no hesitation in saying that if it would have the effect of improving St. Peter's harbour, it would be their duty to assist. The Government had not sent any party to examine the site, because none but a competent engineer would be able to give a proper opinion on the subject, and such a person could not be obtained for the service. The matter had better be deferred, and a proper examination of the locality could be made.

Hon. Mr. WHELAN gave notice of an address to His Excellency on the subject.

Mr. HOLM also wished to ask the members of the Government what information had been received in reference to the cost of procuring a dredging machine, as the Lieutenant Governor had also been addressed on this subject. He thought it would be necessary to have the harbor at Crapaud deepened, and hoped such a machine would be procured.

Hon. Mr. LONGWORTH replied that the information which had been received from parties in Pictou was the most reliable that could be obtained. A machine similar to the one which had been used to deepen the East River there, would be most suitable for this Island. It would cost about £470; but he thought it probable that the one in Pictou could be hired.

Hon. Mr. Haviland laid some papers on the table in reference to the contract on the Ferry Wharf at Southport.

Hon. Mr. Kelly presented a petition from Lots 33 and 34, praying that the Bill before the House to amend the Jury Law, might not pass.

House resumed consideration of petitions. A petition from Summerside for a grant to assist in paying for a Fire Engine, and a petition of Micmac Indians for food and seed grain, were referred to supply. The petition from Cascumpee for a Small Debt Court house and Luck-up, was deferred till next session. Petition of R. B. Irving, late School Visitor, was withdrawn. Adjourned for one hour.

AFTERNOON SITTING.

The petition of Christopher Boultenhouse, Esq., for aid in establishing steam communication by the Steamer *Lord Seaforth*, between Georgetown and ports in the Gut of Canso and the Island of Cape Breton, was referred to supply.

The House then went into Committee on the Despatches relating to the Land Tenures.—Progress was reported.

WEDNESDAY, March 28.

The above committee was resumed, and after a protracted debate the following Resolution, moved by Hon. Col. Gray, in amendment to one proposed by Hon. Mr. Coles, was carried—

Whereas, by a Despatch from His Grace the Duke of Newcastle, bearing date sixth September last, in answer to the Address from

the House of Assembly, on the appointment of Commissioners to enquire into, and report upon, the Land Tenures in this Colony. His Grace was pleased to state that he had opened a correspondence with the Proprietor on the subject of the desired appointment of such Commissioners. *And whereas*, although, from unavoidable causes, therein referred to, at the date of the said Despatch, such progress had not been made in the matter as this House had hoped for: *Resolved*, nevertheless, that sufficient there-in appears to warrant this Committee in entertaining every confidence that Her Majesty's Colonial Minister will give effect, at the earliest period that the circumstances of the case will admit of, to the prayer of the Address.

Hon. Mr. Coles' Resolution:—

WHEREAS, the present House of Assembly did, on the ninth of May last, agree to an address to Her Majesty the Queen, which was transmitted in the usual way, accompanied by a series of resolutions, introduced to this House in the form of a Government measure, recommending the appointment of a Commission, to investigate the long agitated question regarding the Land Tenures, and to settle the same to the satisfaction of all parties concerned. *And whereas* one of the principal objects of the Commission aforesaid was to secure, through amicable intercession with the Land Proprietor, a remission of the arrears of rents, where they appeared to press heavily upon industrious tenants; as well as to determine the rates at which tenants might be enabled to purchase the fee simple of their farms, and to give time for completing the purchase, without causing inconvenience or embarrassment to the tenant. *And whereas* His Excellency the Lieut. Governor was pleased to inform the House of Assembly, at the opening of the present Session, that the Address and Resolutions, as aforesaid, had been graciously received by Her Majesty, and that arrangements were in progress for instituting the Commission immediately. *And whereas* it appears by a despatch from Her Majesty's Right Honourable Secretary of State for the Colonies, dated 6th Sept. 1859, that Her Majesty's Government disapproves of the action taken by the Government of this Island with regard to the appointment of a Commission, as aforesaid, his Grace the Duke of Newcastle expressing his conviction that there is no prospect of a beneficial result from the labours of a Commission if its action were fettered by conditions such as those proposed in the Resolutions adopted by this House; and his Grace further states that he "cannot advise Her Majesty to entertain the question" thus raised.

Resolved, therefore, that, in view of this expression of opinion by the Duke of Newcastle, it appears doubtful whether the Address and Resolutions of this House were presented to Her Majesty; and it is evident to this House that Her Majesty the Queen is not yet advised to listen to the suggestions of the People's Representatives in this Colony, as detailed in their Resolutions of last Session; and that the action of this House upon the question has therefore, as yet, been rendered nugatory.

Whereas it appears by a Despatch from His Excellency the Lieut. Governor of this Colony, to His Grace the Duke of Newcastle, dated the 3rd October, 1859, that the Executive Council unanimously assented His Excellency "that nothing could be further from the wish of the House of Assembly than in any way to impede the free and independent action of the Commission," as His Grace seemed to think would be the case if the Resolutions of this House were to be regarded as the basis of the said Commission:

Resolved, That, as the House of Assembly has not authorised the Executive Council to give advice to the Lieutenant Governor, such as that which is referred to in His Excellency's Despatch of the 3d October last, with respect to any deviation from the spirit of the Resolutions agreed to by this House in the last Session, the Executive Council have, therefore, exceeded their constitutional authority in giving such advice to His Excellency the Lieutenant Governor.

Mr. Cooper read a long document which he moved as an amendment—lost.

AFTERNOON SITTING.

Hon. Col. Gray presented a petition from certain citizens of Charlottetown praying that a site for the new Market House be granted on the water lots close to east side of Prince Street Wharf, or on Hillsborough Square.

Petitions disposed of.—The petition of W. C. Burke, for a sum to enable him to continue running his steamer on the Hillsborough; and the petition from Cascumpee praying a grant for a sailing packet from that port to Miramichi, were referred to supply. The petition of Peter Crane and Gooden, Bay Verte, for a grant to run a packet from thence to Charlottetown, was rejected.

The petition of certain inhabitants of Crapaud, praying for a Court of Enquiry, and the passing of an Act to confirm leaseholders in the peaceable possession of their property, elicited considerable discussion. Hon. Mr. Laird

moved that it be referred to a special committee to report thereon by Bill or otherwise, which was carried on the following division—Ayes 13. Nays 12.

Before the Committee could be appointed, Mr. Thornton moved for an adjournment, which was carried.

THURSDAY, March 29.

House in Committee on Election Bill. The forenoon and part of the afternoon were occupied in discussing a resolution submitted by Hon. Mr. Pope, to the effect that the town representation of Prince County be changed from Princetown and Royalty and Lot 18, to Lot 17, which contains Summerside and St. Eleanor's.

Hon. Mr. Coles moved in amendment, that one representative be given to each, which was lost, 24 to 4.

The question was then put on Mr. Pope's resolution, which was carried on the following division:
Ayes—Hons. Messrs. Pope, Perry, Coles, Laird, Long-Years—Hons. Messrs. Pope, Perry, Coles, Laird, Long-Years, Gray, Haviland, Yeo; Messrs. Davies, Holm, Hewat, McNeill, Douse, Ramsay, Owen, McAulay, Sutherland, Beer—18.

Nays—Hons. the Speaker, Wightman, Whelan, Kelly, Thornton; Messrs. Sinclair, Montgomery, Conroy, Doyle, Cooper—10.

The Committee then rose, and the Chairman reported progress and asked leave to sit again.

Hon. Mr. Thornton moved that the Committee have leave to sit this day three months—motion lost, 17 to 11. Mr. Coles who voted for the resolution, voting for this motion, because opposed to the Bill as a whole.

AFTERNOON SITTING.

The Charlottetown Market Bill was committed, and was sustained after a long debate.

FRIDAY, March 30.

Two resolutions were reported to the House from the Committee of Supply:—

1. *Resolved*, That the sum of £5000 be granted for the service of roads, bridges and wharfs for the present year, including all special grants, and that the same be apportioned to each County as follows: Queen's County, (including Charlottetown and Royalty,) £1800; Prince County, £1600; King's County, £1600.

Mr. Beer moved, in amendment, that £2000 be given to Queen's County, and £1500 to each of the other two Counties. Motion lost on a division of 14 to 7.

2. *Resolved*, That the following sums be granted and placed at the disposal of the Executive Government, for services herein mentioned, viz:—for roads opened under Compensation Act, £150; for contingent repairs of roads, bridges and wharfs, to be equally divided between the three Counties, £500.

Resolutions agreed to.

Hon. Mr. Coles presented a petition from Lots 38, 37, and 35, against the Jury Bill.

The following resolution was moved by Hon. Mr. Longworth, seconded by Hon. Mr. Coles, and carried by acclamation:—

Resolved, That a Committee be appointed to join a Committee of the Legislative Council to prepare an Address to Her Majesty the Queen, praying that His Royal Highness the Prince of Wales will be graciously pleased to visit this Her Majesty's loyal Colony of Prince Edward Island in the course of His Royal Highness's contemplated visit in the ensuing Summer to these North American Provinces.

On motion of Hon. Mr. Coles, seconded by Hon. Mr. Haviland, the House then unanimously joined in three hearty cheers to Her Majesty the Queen.

The House then went into Committee of Supply, when the subject of resolution was agreed to *nem. con.*—

Resolved, That a sum sufficient be granted and placed at the disposal of the Government to defray the expense of giving to His Royal Highness the Prince of Wales a loyal and suitable reception upon His Royal Highness's visiting this Island during the ensuing summer.

The Market site Bill was then taken up in Committee, and reported agreed to without amendment.

The petition of J. D. Hazzard for the payment of an old account for public printing, was referred to supply; and also a petition from New London for deepening French River. The petition of new settlers on Lot 61, for seed grain, was withdrawn.

FRIDAY AFTERNOON.

The Election Bill was recommitted, and agreed to, with amendments.

Hon. Mr. Thoratou called attention to an article which appeared in the *Islander*, newspaper, which represented him as having left the House in consequence of disgust at the resolutions moved by the Hon. Mr. Coles, on the Land Question, on Wednesday last. Such was not the fact; he had supported the resolutions referred to, and the reporters were, he had no doubt, in a position to verify his assertion. The truth was that, tired of the long document being read by Mr. Cooper, and not anticipating that the division would take place so soon, he had left for a short time, having, however, previously divided in Committee in favor of Mr. Coles' motion. Hon. Mr. Wightman, who had also been referred to in the same article, had left the House in company with Mr. Douze, in consequence of a notice to attend a meeting of the Royal Agricultural Society, not imagining that the division would be taken so soon, but supposing that the House would adjourn at the usual time.

Some petitions were disposed of.

SATURDAY, March 31.

Hon. Mr. Perry presented a petition from Edward O'Brien, praying for aid. The hon. member strongly urged the prayer of the petitioner. It was referred to supply; as also a petition from Donald McKinnon, Canoe Cove. The petition of Patrick Cawdon, for loss sustained in building chimneys of St. Eleanor's Jail, was also referred to Supply.

The House then went into Committee to resume consideration of the Road Act Amendment Bill. Progress was reported.

AFTERNOON.

The Highway Act was agreed to with amendments.

MONDAY, April 2.

Consideration of petitions resumed. Mr. Cooper presented a petition from Black Pond, for the closing of a road, and Mr. McAulay a counter petition from the same place—both referred to the Members of the district. The petition of Richard Hayes, Souris, praying a sum for attending a draw-bridge, was also referred to the Members of the district. A petition from Cavendish and Rustico, for the establishment of a ferry on Hunter's River, near Gardiner's old ferry, was referred to supply. The petition of Thomas Hickie, praying a grant for services as land surveyor, was withdrawn, the remedy being elsewhere.

House again in Committee of Supply. A resolution was reported agreed to, granting the following sums to the several Churches in Charlottetown, as the rent of pews for the use of the Legislature, and in the case of the English and Scotch Churches, also for the Lieut. Governor, viz.: Church of England, £16; Church of Scotland, £14; Roman Catholic Church, £14; the Free Church of Scotland, the Wesleyan, the Baptist, and the Bible Christian Churches, each, £7.

TUESDAY, April 3.

Hon. Mr. Haviland, a member of the Government, laid before the House an application of Andrew Mitchell and James Muirhead, for water privileges in front of lots at Summerside. The hon. member explained that these parties had applied to the Government, but they had no power to grant such privileges at that place, which was only Township land, without an act of the Legislature, and it now remained with the House to decide what action would be taken on the subject. The papers were referred to a Committee of the whole House to-morrow.

Mr. Beer moved that the Market House Bill be read a third time.

Hon. Mr. Coles moved, in amendment, that it be read this day three months. Amendment negatived, 15 to 6.

The Bill was then read a third time, and passed.

The petition of Ann Cullen, widow, Charlottetown, for aid, and the petition of John Doyrant, for inspecting the building of a wharf, were referred to Supply.

A petition from Orwell, praying the House to encourage the fisheries, by authorising the formation of companies, granting liberal bounties, and if any benefit is to be derived from the Fishery Reserves, to render them available for the purposes intended, elicited considerable discussion.

Hon. Mr. Coles moved that it be referred to a Committee of the whole House in the afternoon sitting.

Hon. Mr. Haviland moved, in amendment, that it is inexpedient to grant the prayer of the petition. Amendment carried, 12 to 6.

WEDNESDAY, April 4.

Mr. J. Yeo obtained leave of absence till Tuesday next.

On motion of the Hon. Mr. Perry, the House then went into Committee on the report of the special Committee on Teachers' Petitions. It was reported agreed to, with amendments.

The petition of Mary Kelly, widow, Charlottetown, was referred to Supply.

The special committee appointed to examine and report on the petition of Mr. McNally, Battery Point, praying a consideration for keeping a house of entertainment, and a light in his window to accommodate travellers on the ice between Charlottetown and Mount Stewart Bridge, presented their report, recommending that he be granted a tavern licence free of charge for such services. Report not received, on the ground that it would be establishing a bad precedent.

On motion of Hon. Mr. Longworth, the House resolved itself into Committee on the Bill relating to the duties of harbor and ballast master for the port of Charlottetown. The Bill was reported agreed to without amendment.

THURSDAY, April 5.

Hon. Col. Gray, by command, presented a message from His Excellency desiring that the House at its rising to-day, should adjourn until Saturday.

The Statute Labor Bill, and the Bill relating to the duties of harbor and ballast master for that part of the Port of Charlottetown not under the control of the City Council, were read a third time and passed.

The House then spent some time in Committee of Supply.

Hon. Mr. Laird moved a resolution granting the sum of £200 to the Royal Agricultural Society, for the purpose of importing a thorough bred Blood Horse, the balance, after he is sold, to be paid into the Treasury; and the charge for services not to exceed 20s.

Mr. Beer was opposed to the resolution. He thought it was unnecessary to vote money for that object this year, there being a number of such horses already in the Colony.

Hon. Mr. Coles considered that the Society was entitled to the amount, as they had not drawn the sum voted to them last year. A horse of this description was now much wanted on the Island. It would by no means be a useless expenditure; large sums had been brought to the Colony by exporting horses; and no doubt if care was taken to improve the stock, it would become an important trade when railway communication was opened up from Shediac to the United States.

The hon. the Speaker, Messrs. Howat, Sinclair and McAulay, had no objection to the resolution, provided that the services of the Horse were not confined to Queen's County, but also extended to the other Counties. The resolution was agreed to.

Hon. Mr. Longworth introduced a Bill to consolidate and amend the Small Debt Act. He stated that it was brought in on account of the numerous petitions before the House on the subject. The hon. member then explained that under the present law the jurisdiction of the Small Debt Courts is limited to £10, except at certain times when it is allowed to extend to £20; but this Bill provides to extend their power to £20 all the year round. It also gives debtors tried, in these Courts, the benefit of the insolvent law, as well as those whose cases come before the Supreme Court. The Bill likewise contemplates abolishing imprisonment for all debts under £10.

SATURDAY, April 7.

Hon. Mr. Longworth moved the order of the day for the second reading of the Small Debt Bill.

Some discussion ensued (which will be given in extended debates,) in the course of which Mr. Coles moved in amendment, that the Bill be read this day three months.—Amendment negatived 18 to 3.

The House then resolved itself into Committees on the Bill. Progress reported.

MONDAY, April 9.

Hon. Mr. Longworth rose to answer a question which hon. Mr. Whelan had asked members of the Government on Saturday, in reference to the appropriation which would be required for the Post Roads under the Statute Labor Bill. The Government had taken the subject into consideration, and as they could not consent that the whole amount for this service should be taken out of the general revenue, they had come to the conclusion that each County should appropriate for these roads a part of its share of the £5000 voted for roads and bridges. Formerly it was customary to grant Queen's County a larger sum than the other two; but this year the House had thought proper to place the whole three on an equal footing. Under these circumstances, though the greater portion of the Post Roads was in Queen's County, the Government considered it would be a fair division if Prince and King's Counties each should allow £75, and Queen's County £100 for this service. It was presumed that not more than £500 or £600 would be required, and the remainder after the £250 was expended, might be taken out of the general revenue under the provisions of the Bill.

Hon. Mr. Coles thought if £250 was all they intended to take from the Counties, it was scarcely worth disturbing the road scales, which some hon. members had already prepared. This sum would make a considerable reduction in the amounts allowed to the different districts, but it would not be much out of the general revenue. Members in making out their scales would find that they had quite too little without this reduction. An application had just come in to-day for a grant to repair a bridge at Cove Head, and he scarcely knew now it was to be met. The sum voted last year for contingencies, he understood, was not all expended, and with the money granted for the same purpose this year, and a small sum additional from the general revenue, he thought the amount required for the Post Roads might be made up.

Mr. Cooper considered it was unnecessary to make a special appropriation for the Post Roads this year. Perhaps the Legislative Council might reject the Bill; but even if it became law, the best time he thought to begin the contracts would be in August; and the roads this spring might be repaired in the usual manner.

Hon. Mr. Haviland said it was quite reasonable that the money for the Post roads should be taken out of the £5000 voted for the road service; because if the Bill had not been introduced this session, provision would have been made for them out of this sum, and why should it not be so still? He for one would not consent to take the whole amount required for these roads out of the general revenue.

Hons. Messrs. Thornton, Coles and Perry thought it was not in order to discuss the subject while the Speaker was in the chair,—the House should go into Committee of Supply.

Hons. Messrs. Longworth, Haviland and Laird maintained it was unnecessary to go into Committee, as there was no alteration to be made in the amount of the vote formerly passed, but only instructions given to hon. members, when dividing their money, to reserve a sum for the Post roads from each County; but lest it might be considered a bad precedent, they agreed to go into Supply.

In Committee the resolution granting £5000 for the road service was re-considered, and amended, so as to specify that £100 should be taken from the share allotted to Queen's County, and £75 from the share of each of the other two Counties, the said £250 to be appropriated for the main post roads.

House again in committee on the Small Debt Bill. Progress was reported, and the House adjourned.

D. LAIRD, Reporter.

MONDAY, March 5, 1860.

AFTERNOON SITTING.

ELECTION BILL.

Mr. DAVIES.—I do not attribute selfish motives to the hon. member from Princetown, Mr. Sinclair, in the suggestion he made this morning. That gentleman is undoubtedly very popular among his constituents, who returned him at the head of the poll.

The residents of the District naturally feel aggrieved at people coming from a distance and voting on property of little value; but it will not do to make a distinction in the individual case of Princetown. Although I believe that Summerside will be the principal place in the County, it by no means follows that Princetown is to be considered as of no importance. It possesses the finest harbour on the North side of the Island, and the increase of the Fisheries must contribute to its advancement. No sufficient reasons have been adduced in support of the hon. member's views. Very few lots in Princetown will be found worth 10s. per annum. A voter in that District resident in Charlottetown would be the sole judge of the value of his Lot, and to carry out the plan proposed, an official appraisalment would be necessary, or a great amount of false swearing would result.

Hon. Mr. HAVILAND.—The hon. member, Mr. Sinclair, said that there were Lots in Princetown not worth more than 1s. 6d. each. I defy him to get a Town Lot in Georgetown, which I represent, for less than £10, and he would find some difficulty in purchasing at that price.

Hon. SPEAKER.—Princetown has more land of good quality than Georgetown, and its situation is one of the handsomest on the Island; and it is not entitled to the designation of a swamp. Last year several Americans visited it, and expressed themselves very warmly in praise of the place as a station for the prosecution of the Fisheries. I am, indeed, surprised that my hon. colleague should disparage the place which he represents; but when that hon. member has done so, I cannot be surprised that the privileges of his constituents should be transferred to other parts of the County.

Hon. Col. GRAY.—If we are to legislate merely with regard to the present, I might be inclined to support the hon. member, Mr. Sinclair; but we must have regard to the probabilities of the future. It would be an act of injustice to disfranchise Princetown because at present the value of the Lots there is small. Although Summerside is now in advance of Princetown, I consider that a brilliant future awaits the latter place. As I stated on a previous occasion, its material prosperity will be enhanced when the Shediac Railway shall be completed, and then the local advantages for carrying on the fishery business will soon cover the Town with buildings, and the reproach of the paucity of houses will be removed.

Mr. SINCLAIR.—When I introduced the amendment this morning, I had no idea that I should bring down so much ire and indignation on my head. I supposed the matter would be argued on principle, and that no unworthy motives would be imputed. I have been charged with having acted with a view to promote my own interest. I brought the question forward in the interest of Princetown, where my property is situated. I am not so desirous of a seat in this House as to seek it by unworthy means. I moved the amendment because, as a native of, and resident owner of property in, the District, I felt it was unfair that non-residents should have the power of deciding the elections in virtue of land of no appreciable value. I was sent here by the suffrage of a large majority of the resident electors. The hon. member, Mr. Pope, has not on all occasions shown himself so earnest a supporter of the interests of Prince County, whose rights he has suffered to be sacrificed in favour of Queen's County. I have been misrepresented as having argued in favour of disfranchising Princetown, while my only object was to make the electoral qualification of absentees of some value, and I would be content to support 20s. as the annual value of a Lot on which a non-resident should vote. It is unfair to deprive Princetown of privileges retained by the other Towns, which received them at the same time. If I could not be returned by a majority of the resident electors I would not consent to represent the District.

Hon. Mr. WIGHTMAN opposed the amendment, as making an exception from the general law in respect of Princetown, and it would operate unjustly on voters resident in King's and Queen's Counties.

Hon. Mr. LAIRD coincided with the last speaker. It would be invidious to make the distinction in the case of Princetown. Lots may be very valuable which produce no annual return to the owner.

Mr. OWEN.—It was wrong to deprive owners of property in Princetown of their franchise. The hon. member, Mr. Sinclair, must be actuated by selfish motives in seeking their disfranchisement. Previously to 1856 the hon. member was defeated at the hustings, and afterwards Lot 13 was added to Princetown and Royalty.

Mr. BEER agreed with Mr. Owen. He was not disposed to believe in the disclaimer of interested motives by the hon. member, Mr. Sinclair. His belief in that gentleman's sincerity was considerably shaken by what transpired in the House the other day, when referring to a charge he had publicly made against the Reporters, of having done him injustice through feelings of servility to his opponents in the House. That hon. member had expressly exempted Mr. Howe from the imputation, which he applied to Mr. Beagley, for whose re-appointment, however, he (Mr. Sinclair) had voted. If Princetown merited the description the hon. member had given, it should yield its privileges to Summerside.

Mr. HOWAT was of opinion that the effect of the course proposed by the hon. member, Mr. Sinclair, would not induce owners of Lots in Princetown to improve their properties. The true question, however, was as to the propriety of allowing Princetown to retain its electoral privileges. The town itself was so disproportionate in population to the other Towns in the Island, that in 1856, Lot 18 was added to it, thus making the whole an electoral district. The hon. leader of the opposition had expressed himself in favour of giving Town privileges to Summerside, instead of Princetown; but why did he not carry out his views when he had the power? If, as has been said, the hon. member, Mr. Sinclair, objected to the addition of Lot 18 to Princetown, he would be disposed to believe him sincere, if he had moved to throw off Lot 18. The actual motive appeared to be the impression that there were too many non-resident conservative voters for Princetown to suit that hon. member. He hoped that gentleman's constituents would view his conduct fairly, and reward him according to their opinion of his merits.

Hon. Mr. COLES would answer the hon. member, by reminding him that the hon. member, Mr. Haviland, on the introduction of the Bill, had objected to the increase of the number of members by the last House, and Mr. Howat was a supporter of his. Why then did they not reduce it to 24, the original number? The hon. member, Mr. Sinclair, was justified in the course he had pursued in claiming that the property qualification should be of some value. He had no intention to disfranchise Princetown. As to what had been said about Americans settling there, it should be borne in mind that not being British subjects, they would have no right to vote. There was no use in arguing the matter at any length, as there was a majority prepared to vote the change. The amendment would have the effect of improving the value of the Lots. Houses would be erected—Cooper's Shops and other buildings connected with the fishing business would be built; and if the railroad referred to, connecting Princetown with Summerside were in operation, the former would soon outstrip the latter, as being the most eligible fishing station on the Island. The original conditions for grants of Town Lots were, that they should be built on—of Pasture Lots, that they should be cleared; and some have been ejected for non-compliance with these terms.

Hon. Col. GRAY had been misunderstood by the hon. leader of the opposition. He was well aware that American Citizens could not vote at our elections. He was happy to perceive that hon. member agreed with him as to the future prospects of Princetown.

Hon. SPEAKER.—If his hon. colleague had intended the disclaimer of obtaining a seat by unworthy motives to apply to him, he would repudiate it with scorn. As to his statement that he would not sit in the house unless as the representative of the majority of resident electors, he was not inclined to believe the assertion. He was not in the habit of making improper allusions as his hon. colleague was. It did not become his position in the House.

Mr. SINCLAIR.—The hon. member, Mr. Howat, had asked why he had not sought to throw off Lot 18 from Princetown. The answer was, that the union of Lot 18 was the only means of preventing the resident voters of the latter from being entirely swamped by non-resident electors. His only object was to secure the privileges of the place; and although it had been sought to make him the scape goat for the political acts of others, and he had been threatened with the adverse opinions of his constituents, he was not afraid to give an account of his conduct. If the majority intended to disfranchise Princetown, they could do so; but they should not lay the blame on his shoulders.

Mr. MONTGOMERY was in favour of the clause, as simplifying the election law, and tending to prevent the loss of time consumed last year in settling controverted elections.

Hon. Mr. POPE.—The addition of Lot 18 to Princetown, and the increase of members to 30, was merely a political dodge to secure the late Government in power; but it had signally failed. It was supposed by them that the union of Lot 18 to Princetown

and Royalty would give them two supporters. He would prefer reducing the number of members to 24; but it was easier to increase than reduce. The proposed District, Lot 17, contained more houses and inhabitants than Lot 18 and Princetown combined. He should be happy to assist Mr. Sinclair in disfranchising those who sent him (Mr. Sinclair) there. As reference had been made to his care of the interests of Prince County, in connection with a recent appointment to the Legislative Council, he would state for the information of Prince County members, that at the time of that appointment he was absent from Charlottetown, on account of illness in his family. When he heard of what had been done, he disapproved of it, and he received the assurance of his colleagues in the Government, that the appointment had been made without consideration of the peculiar claims of Prince County, and that it should in future receive ample justice as regarded representation in both branches of the Legislature.

Hon. Mr. COLES.—Prince County had a just cause of complaint at the slight which the Government had put on it in the last appointment to the Legislative Council. They had three seats at their disposal, and they had filled them all with gentlemen from Queen's County, which had previously an undue preponderance in that body. It was not to be expected that the hon. Mr. Pope should be present at the Council Board when sickness was in his family; but it would have been easy for his colleagues in the Government to have obtained his opinion before filling the vacancy, more especially so when it was considered that that vacancy had been caused by the resignation of a gentleman from Prince County. The Legislative Council now consists of the following relative numbers, viz:—9 members from Queen's, 2 from King's, and but 1 from Prince County.

Hon. Mr. LONGWORTH.—The question relative to the Legislative Council was not properly before the House. The hon. leader of the opposition would not receive the thanks of the people of Prince County for his advocacy. His only object was to injure the Government, if he could. It was sufficient that the County was satisfied that no injustice was intended by the Government. King's County would have an equal ground of complaint, as to inequality of local representation; and in Nova Scotia, out of a Council consisting of some 20 members, 11 or 12 were residents of Halifax, while Cape Breton, an Island larger than this, sent but 2.

After some observations of a personal character, Mr. Sinclair's amendment was put and lost on the following division:—

AYES—Messrs. Whelan, Coles, Conroy, Sinclair, Sutherland, Knight—6.

NAYS—Messrs. Wightman, Davies, Howat, Laird, Haviland, Longworth, Bear, Gray, Montgomery, Yeo, Ramsay, Pope, Speaker—13.

The original clause then passed.

On the clause requiring an elector, on Statute Labor qualification, to produce a certificate of having performed his statute labor, when required at the polls, having been read,

Hon. Mr. COLES objected, as it would put it in the power of any partizan overseer to increase the number of votes by giving false certificates. If a receipt were produced, a candidate would naturally be disposed to believe it genuine, as they allow the vote to be recorded, unquestioned. The law did not compel the overseer to give the receipt for the commutation money, and in a majority of cases he did not do so. The elector should not be bound to keep his receipts. All documents were to be left in the hands of the returning officer; and in case of a new election, after a scrutiny, how was the voter to produce his receipt at the poll, when it had been forwarded to the Secretary's office among the papers connected with the controverted seat? Besides, there were many efficient overseers who could not give the certificate, on account of their inability to write. The clause had better be omitted; it would but create difficulty and delay at the hustings, without any compensating improvement.

Hon. Mr. LONGWORTH.—Last session it had been proved before the House that parties had voted two or three times, when they had no legal right to do so. The class of electors who vote merely on the statute labor qualification, were not so well known as the owners of property, and some check was absolutely necessary to prevent the abuse of the franchise. If the genuineness of the receipt were disputed, the voter could be sworn. There was a provision that the receipts were to be handed back to the owners, and if they

were lost, the overseer would be required to furnish new ones. The Statute Labor Act was in process of amendment, to compel overseers to give receipts, under heavy penalties. The measure would have the effect of preventing illegal voting, and causing parties to work on the roads or pay their commutation. At present young men employed in shipyards and other places, were in the habit of voting on the Statute Labor qualification, representing that relatives had done their road work for them.

Mr. CONROY—It would be impossible for the returning officer to return the receipts, which might amount to 500 or 600. It might happen that a vote might be questioned, although it was known that the party tendering it had performed his Statute labor, but it might be that he had not his receipt with him. Many overseers were unable to write, and even on those who could, a vast amount of additional labor would be imposed, as well as a great power of influencing elections.

Mr. BERRY—Members seemed to be under the impression that nearly all electors vote on the Statute labor qualification, while the fact was that the majority were composed of leaseholders, who voted in right of their properties. The evil to be remedied was in the case of transient persons, some of whom were in the habit of going from one polling place to another and boasting of the number of times they had voted.

Mr. DAVIES would support any measure which might tend to check the tendency to false swearing and immorality, which the present system fostered. The revenue was too small to admit the adoption of the system of registration. The clause would, in his opinion, have the effect of checking, in a great degree, the evils which resulted from the imperfections of the law as it at present stood.

Hon. Mr. HAVILAND—The objection that overseers could not comply with the provisions of the clause, from their inability to write, was of no weight; because such disability would afford a sufficient reason against their appointment, for they were required by Statute to keep regular accounts, and make returns to the Government. Any public officer declining to perform the duties of his situation, was liable to prosecution as a misdemeanant, besides being responsible for damages at the suit of any person aggrieved by his misconduct.

Some conversation ensued as to the propriety of inserting in the Act, a penalty to be imposed on overseers refusing to give a certificate. The House decided that such enactment would more appropriately form a portion of the Highway Act.

Hon. Mr. HAVILAND moved the first reading of a Bill to amend the Act for the Registration of Deeds. The Bill provided for the Registry of a Deed on proof of the handwriting of the witness or grantor, in case of the death or absence from the Island of the former—read a first time.

The Committee on the Election Law was resumed.

Mr. MONTGOMERY having proposed that the polling place for electors on Lot 22, residing on the North side of the Malpique road, should vote at the polling place in Lot 67; and Mr. OWEN having suggested a transfer of the polling place in the 3rd District of King's County, from Narrow's Creek to Grand River Bridge, it was agreed that the disposition of the polling places should form the subject of a separate clause, after members should have had an opportunity of deliberation on the subject.

The clause providing that the *onus* of proof of the legality of a vote should be devolved upon the party maintaining it after production of *prime facie* evidence adduced against its validity, was, after objections from Mr. Coles, that the party impugning a vote should prove his charge, assented to. The hon. Mr. Haviland, Mr. Longworth and others contending that the sufficient evidence in the majority of cases on which questions might arise, such for instance as to the age of a voter, the period of his residence in the Island, &c., would be in the sole possession of the party voting.

Hon. Mr. POPE introduced the resolution which has been already published, on the subject of transferring the electoral privileges of a Town from Princetown and Lot 18, to Lot 17, which elicited a brief repetition of the arguments pro and con which have been already given to the public.

Progress was then reported. W. H. HOWE, Reporter.

SUMMARY OF PROCEEDINGS.

HOUSE OF ASSEMBLY,

Monday, April 9.

AFTERNOON SITTING.

House again in Committee on the Small Debt Bill. Progress was reported.

Mr. Beer from the Committee appointed to bring in a Bill to amend the Act for preventing Swine running at large in Summerside, reported a draft, which was read a first time.

Hon. Mr. Haviland introduced a Bill to prevent fraud by secret Bills of Sale—read a first time.

Tuesday, April 10.

House met at 4 o'clock.

The Bill relating to Swine at Summerside, read a second time, committed, and agreed to with an amendment.

Hon. Col. Gray, by command, presented a copy of a Despatch from His Grace the Duke of Newcastle in reference to the Revenue Act of last session.

Hon. Col. Gray introduced a Bill to incorporate the Minister and Trustees of the Church at Little Sands—read a first time.

House again spent some time in Committee on the Small Debt Bill.

Mr. McNeill from the Committee on New Roads, presented their report, which was referred to a Committee of the whole to-morrow.

Wednesday, April 11.

Hon. Mr. Longworth presented a petition from Rustico and New Glasgow, praying for a Court of Inquiry—laid on the table.

Hon. Mr. Haviland's Bill to prevent fraud by granting liberty to file Bills of Sale in the Prothonotary's office of the County, was committed and reported agreed to without amendment.

Mr. McNeill from the Committee of Public Accounts, presented their report.

Hon. Mr. Yeo obtained leave of absence till Monday.

Hon. Col. Gray, by command, presented a message from His Excellency transmitting a copy of a Despatch and its enclosure from the Duke of Newcastle regarding the appointment of Land Commission—read, ordered to be printed, and made the order of the day for to-morrow.

House again in Committee on the Small Debt Bill—reported agreed to with amendments, and ordered to be engrossed.

Hon. Col. Gray introduced a Bill to incorporate the Minister and Trustees of St. Columba's Church, Blair-in-Athol, St. Peter's Road—read first time.

Thursday, April 12.

Resolution relative to the appropriation for Post Roads was received and agreed to.

House went into Committee on the report of special Committee on new Roads—report agreed to with an amendment.

Mr. Montgomery presented a petition from Orapaud, praying for a Court of Inquiry, which was read and laid on the table.

Committee of Supply resumed. A resolution was agreed to, granting £50 to W. C. Bourke for running his steamer semi-weekly from Ch. Town to Mount Stewart Bridge.

Mr. Conroy moved that a sum be granted for a sailing packet between Cascaumpec and Miramichi—motion lost on the following division—

For it—Messrs. Conroy, Pope, Ramsay, J. Yeo, Davies, Doyle, Sinclair, Kelly, Coles, Perry—10.

Against it—the Speaker, Messrs. Gray, Longworth, Haviland, Montgomery, Beer, Laird, Howat, Holm, McAulay, Owen, Thornton, Cooper—13.

Adjourned.

Friday, April 13.

House in Committee on the Despatch of the Secretary of State for the Colonies, laid before the House on Wednesday last.

Hon. Col. Gray moved the subjoined resolution—

Resolved, That this House deem it expedient to concur in the suggestion offered for the consideration of the House of Assembly, as set forth in the Despatch from His Grace the Duke of Newcastle, dated Downing Street, 21st March, 1860, on the subject of the proposed appointment of a Commission of Enquiry for the arrangement of the long pending dispute between the Landlords and Tenants of this Island. The House of Assembly therefore agree to the appointment of three Commissioners, one by Her Majesty, one by the House of Assembly, and the third by the Proprietors; the expense of the Commission to be equally divided between the Imperial Government, the general revenues of the Colony, and the Proprietors.

The House of Assembly also agree on the part of the Tenantry to abide by the decision of the Commissioners or the majority of them, and pledge themselves to concur in whatever measures may be required to give validity to that decision.

Hon. Mr. Coles proposed the following as an amendment:

Whereas by a Despatch of His Grace the Duke of Newcastle, to His Excellency the Lieutenant Governor, dated 21st March, 1860, and laid before this House by message on the 11th instant, His Grace refers to his Despatch No. 11, of September last, on the Land Commission, and encloses a copy of a letter from Sir Samuel Cornam and other Proprietors of land in this Island, wherein they suggest that instead of the mode proposed by the Address of the House of Assembly, three Commissioners or Referees should be appointed, one to be named by Her Majesty, one by the House of Assembly, and the third by the Proprietors;—which proposal, His Grace the Duke of Newcastle approves of, and if the consent of all the parties can be obtained to the proposal. But it will be necessary before going further into the matter, to be assured that the Tenants will accept as binding the decision of the Commissioners or the majority of them, and as far as possible that the Legislature of the Colony would concur in any measure which might be required to give validity to that decision.

Resolved, therefore, that there are no means of ascertaining the views and opinions of the Tenantry upon the important questions at issue, unless by an appeal to the whole people of the Colony in the usual and constitutional manner; and without such a course being pursued, any decision come to by the Commissioners or Referees alluded to, if appointed, should not be considered as binding upon the Tenantry.

The debate on the resolutions occupied the time of the House till the hour of adjournment, and was then uncompleted.

SATURDAY, April 14.

House again in Committee on the Despatch of 21st March, in reference to the appointment of a Commission to settle the Land Question—debate on the resolutions proposed yesterday resumed. When the question was put on the resolution moved by Hon. Mr. Coles in amendment to the one submitted by Hon. Col. Gray, it was lost on the following division:—

YEAS—Hons. Coles, Kelly; Messrs. Sutherland, Cooper, Contoy—5.

NAYS—Hons. Col. Gray, the Speaker, Pope, Longworth, Haviland, Laird, Thomson, Perry; Messrs. Ramsay, Montgomery, Beer, McNeill, Howat, Hohn, Davies, Owen, Sinclair, Doyle, McAnlay—19.

The question was then put on Hon. Col. Gray's resolution, which was carried on the same division, the position of the names being changed.

The Committee then proceeded to the appointment of a Referee on behalf of the Tenantry, in accordance with the resolution just passed.

Hon. Mr. Longworth named the Hon. Joseph Howe, of Nova Scotia, as a person whose talents and experience eminently qualified him for the appointment.

After some desultory debate, chiefly respecting the probability of his consenting to act as Commissioner or Referee, if appointed, Mr. Howat submitted the following resolution, which was agreed to:—

Resolved, That in order to carry into effect the suggestions of His Grace the Duke of Newcastle, as set forth in his Despatch to His Excellency Lieutenant Governor Dundas, of the 21st March last, for the purpose of settling the long pending question between Landlord and Tenant in this Island, this House do hereby name the Honourable Joseph Howe, of Nova Scotia, as the Referee or Arbitrator on behalf of the Tenantry of this Island, to act under the Commission to be issued by Her Majesty's Government, as set forth in the despatch referred to, the other two Referees or Arbitrators under the said Commission to be named, as intimated in said Despatch, one by Her Majesty's Imperial Government, and the other by the Proprietors.

The Committee then rose, and the chairman reported two resolutions. When the Speaker was about to put the question on Hon. Col. Gray's resolution, Hon. Mr. Coles again moved his amendment, which was lost on the same division as above, excepting the name of the chairman, J. Yeo, for the Speaker, inserting that of Whelan among the yeas, and omitting that of Davis in the division, the latter being absent when this vote was taken, and Mr. Whelan absent in Committee.

The resolution in reference to the nomination of Hon. Joseph Howe as Referee, when put by the Speaker, was unanimously agreed to.

Adjourned for the hour.

D. LAIRD, Reporter.

WEDNESDAY, APRIL TWENTY, March 21.

MARRIED WOMAN'S BILL.

Hon. Mr. HAVILAND moved the second reading of the Bill to protect the property of married women from liability for the debts of their husbands. At present all the personal property which a woman might own became absolutely vested in the husband after marriage, and her real estate was his during her life, and in case of a child being born, during that of the husband, and was liable for his debts. Thus it often happened that the separate property of the wife—the gift of, or inheritance from her family, was taken from her and applied to the payment of her husband's debts. The Bill left the separate property of the wife liable for her debts contracted before marriage, and secured to her any property she might acquire by her own exertions, when living separate from her husband. As the law at present stood, the husband or his creditors could seize her earnings, and apply them to their own purposes. Some were opposed to the measure, supposing it would tend to encourage fraudulent transfers from the husband to the wife; but the Bill dealt merely with the property of the wife derived from others than the husband.

Hon. Mr. COLES thought the Bill might operate against the ladies who probably found it no easy matter to get husbands as the law now stood; and offers would probably not be so numerous if the Bill passed as at present. (Laughter.)

Hon. Col. GRAY wished to know if the Bill made a distinction between real and personal property, and whether it provided any limitation of the value to be affected by it? It was, he admitted, desirable to protect married women who had been deserted by their husbands, and whose separate earnings should be preserved to themselves. Serious inconvenience, however, might occur in the disposition of real estate, where the rights of children were concerned, if the Bill comprised within the scope of its action property of that nature.

Hon. Mr. HAVILAND explained that the Bill extended to property of all kinds, which might have accrued to the wife from any source other than her husband. At present it was legal and usual to attain the same object by creating an estate in trust, for the separate benefit of the wife. As to limiting the amount to be protected, no principle could be urged for it. Why should not the wife's property, if worth £10,000, be secured to her as surely as if it amounted only to hundreds?

Hon. Mr. LAIRD—A woman should not marry if she could not trust her husband with her property.

Hon. Mr. HAVILAND—What woman would refuse the chance of marriage? (Laughter.)

Mr. COOPER objected to the Bill, on the ground that while the wife was at liberty to spend her husband's means, and while her extravagance might reduce him to bankruptcy her own property would be exempted from liability for the debts which she herself had contracted.

Hon. Mr. LONGWORTH—The Bill proposed to confer on married women the absolute control of property acquired prior or subsequent to marriage, thus introducing a most important change in the law. Grave questions would arise if the Bill came into operation as to the ownership of property, and the sources whence it was derived. As the law now stood, the husband had a limited interest in the real estate of the wife, and if the parties had a child, he became invested with the property during his own life by the courtesy of England. If

the Bill should be passed, it might have a very prejudicial effect on business in cases where the wife might be desirous of assisting the husband by disposing of her property, to enable him to commence or enlarge his business. This could not be done under the Bill, unless a special power was reserved before marriage; and it might happen that after the death of the wife, who could make no testamentary disposition after marriage, the property would go to heirs, to whom she never wished or intended that it should. He highly approved of that portion of the Bill which would secure to married women, deserted by their husbands, the fruits of their industry. Such protection was very necessary; but the first part he decidedly objected to.

Mr. DOUSE thought it better not to alter the law as contemplated by the Bill, which might create discord in families, and would afford facilities for fraudulent transfers of property.

Hon. Mr. YEO expressed himself to the same effect.

Hon. Mr. KELLY did not regard the measure as liable to the objections urged. No creditor of the husband would be injured by being prevented from seizing the separate property of the wife, which, not having been acquired from the husband, ought not to be liable to be squandered by him.

Hon. Mr. LAIRD approved of the property of both parties being viewed as a joint stock after marriage, and that the Bill would not work beneficially. He was in favor of protecting the earnings of married women whose husbands had deserted them, and to that extent he would support the Bill.

Mr. BEER was in favor of protecting the separate earnings of the wife, even those acquired before marriage; but the Bill, he feared, would lead to dishonesty.

Hon. Mr. THORNTON approved of the latter clauses of the Bill (those relating to the separate earnings of married women), but objected to the first, which gave her property to the sole control of the wife. The measure would have a tendency to create dissension in families. Besides, there was no necessity for the Bill, as the wife's property could be secured to her separate use by the law, as at present established. The measure was based upon the idea that married women were in every case entitled to special protection; but instances might arise where the fallacy of such opinion would be proved by the fact of a dissolute wife squandering the property of her honest and industrious husband, and leaving him for a time, then returning and renewing her career of extravagance at his expense while her own property would remain intact, and furnish the means of subsequent dissipation.

Hon. Mr. HAVLAND—All the opposition which had been manifested to the Bill had been directed to the first clause, which he considered the best of those contained in the Bill. He could not acknowledge the correctness of the anticipation, that the Bill would create dissension in families. His own idea was that it would tend to ensure harmony between man and wife, as in all cases where the latter held property in her own right, there would be a refuge from destitution when fortune frowned on the exertions of the husband. As to the supposed difficulty of ascertaining the ownership of property levied on by a Sheriff, an additional difficulty would be experienced, for at present such officer had to declare whose interests he was about to dispose of, and in the case of the sale of real estate, the Registry Office afforded him the necessary information.

Hon. Mr. WHELAN recorded to the measure his warm support. The main objection to the first clause was that a married woman might be of dissolute habits, and consequently squander her husband's property and neglect their children, whom he would be compelled to support. Cases of such a nature would be very rare in their occurrence. It was far more likely that the husband would neglect his duties. He could see no prospect of injury or injustice resulting from the clause. It was a foul wrong that the separate property of the wife, which had accrued to her either before or after marriage, should be taken to pay the debts, or be at the disposal of a spendthrift husband. Although no cases had arisen in the Island requiring the proposed alteration of the law, they might occur at any moment, and it was the duty of the Legislature to provide against the evils by anticipation.

Hon. Mr. THORNTON moved that the Bill be read a second time that day three months. He was not surprised at the zeal manifested

by the hon. member, Mr. Wheian, in behalf of the fair sex, considering that he was a native of the Emerald Isle. (Laughter.) He could not recognise the validity of the argument drawn from the legislation of Nova Scotia or New Brunswick. He had no objection to that part of the Bill which secured to her own use the separate earnings of the wife whose husband had deserted her. He was opposed to the principle of the first part, which would infuse a spirit of bargain and of separation of interests between parties about to contract marriage.

Hon. Mr. LONGWORTH could not support the motion of the Hon. Mr. Thornton, for although he agreed with him in his opinion against the first clause of the Bill, he thought it but right to support the measure in so far as it secured the property earned by wives deserted by their husbands. The Hon. Mr. Haviland had stated truly enough that under the present law, the Sheriff had to declare whose property he was selling under execution; but although the Record Office might give evidence of ownership in cases of the seizure and sale of real estate, how could that office be enabled to ascertain the property in chattels? It might be that the father had given to his daughter on her marriage a certain number of cattle, which specific animals had been exchanged for others which thus became the property of the husband; and in such case, the virtual property of the wife would be appropriated to the payment of the husband's debts. The fact was, that the Bill would have a tendency to promote fraud, and on that account he opposed that portion to which he had stated his objections.

Mr. BEER would support the Bill if the first clause were omitted. That part of it would, in his opinion, lead to fraud; for it would be a matter of no difficulty for a man who saw ruin impending over him, to transfer his property to some friend who should reconvey it to his wife, and thus creditors would be defrauded, and business hampered in proportion to the depreciation of personal confidence.

Hon. Mr. PERRY thought that it would be unfair and wrong in principle that a married woman should be at liberty to run her husband into debt by wilful extravagance; and when he might be the inmate of a jail on account of her liabilities she might luxuriate in the unlettered disposal of her separate means. He was in favor of going into Committee on the Bill, where the objectionable feature could be struck out.

Hon. Mr. McAULAY would support the motion for committing the Bill. Much had already been said, and much could still be urged on the subject with which the Bill proposed to deal, but there was one argument which strongly influenced him in supporting the measure. It was devised with a view of protecting the rights and interests of those who, it was admitted, required protection, and for whose sake and security a Christian Legislature should ever manifest a fostering care. The Bill would not have the effect attributed to it, of causing dissension in families; for if no higher considerations than those of worldly interest cemented the union of the family circle, the house divided against itself would not stand.

Mr. CONROY was in favor of the Bill, and one ground of his support might be found in the fact that they were legislating for those who were not and could not personally assert their rights on the floor of the House. The opponents of the Bill appeared to labor under the impression that it would confer too great power on married women, by giving them that protection which their relatively defenceless position rendered necessary. It was a most deplorable state of things that a wretched prodigal, after running through his means, and leaving his wife to struggle alone with the world, should have it in his power to return and appropriate her hard earnings. The supposed case of the wife abandoning her husband was not of equal hardship, for he was generally able to work by the maintenance of his family.

The Bill was committed and agreed to with the omission of the first clause.

W. M. Howe, Reporter.

Thursday, March 22.

STATUTE LABOR BILL.

Hon. Mr. LONGWORTH—I beg leave to present a Bill to make certain alterations in the Statute Labor Act. It has been already intimated that the Government intended to introduce a measure to improve the present road system, as well as to give effect to that part of the Election Bill which requires electors to produce certificates from road overseers. The principal alteration contemplated by the bill is in reference to the main post roads, respecting which there have been so many complaints, that the Government considered it necessary to introduce some measure with the view of keeping them in a constant state of repair. After giving the subject mature consideration, they have come to the conclusion that the best method is to authorise the Commissioners to let these roads by contract for a certain number of years, subject to the approval of the Government. Perhaps the best method of all would be to appoint a Road Supervisor, as is done in the neighboring Colonies, to whom all returns are made. But the revenue of the Colony will not, at present, admit of this course. We are burdened with a heavy public debt, which it behoves us, if possible, to diminish before we proceed to

any new outlay. It is presumed, however, that the alteration contemplated by the Bill will have a very good effect. Those who reside on the main post roads will perform their statute labor, or pay their commutation money, as heretofore; but the contractor shall have the benefit of such labor or money, the amount of which he will be able to form an estimate of at the time of taking the contract. The post roads intended to come under this provision are those leading from Charlottetown to the following places, namely: Georgetown, Summerside via St. Eleanor's, St. Peter's, Hooper's Corner via Tryon and Cape Traverse. But such parts of these roads as are included in the Charlottetown and Royalty districts, are to be excepted. The other provision has been incidentally referred to in the debate on the Election Bill. It requires road overseers, under stringent regulations, to furnish certificates to those who have conformed to the Statute Labor Act; and if any of these certificates happen to be lost, they are bound to furnish a duplicate. The Bill also provides that all road overseers shall send in their returns to the Commissioners, who shall forward them to the Road Correspondent, in whose office they are to be kept for reference. But I have almost omitted to mention that the Bill contemplates another important alteration. The commutation money is to be reduced from 4s. to 3s. throughout the Island. This is to encourage all to pay, because it has been ascertained that more work can be obtained for this sum, than is usually performed under the statute labor provision.

The Bill was then read a first time.

Hon. Mr. LONGWORTH moved that the order against reading bills twice on the same day, be suspended, and that it be read a second time this afternoon.

Hon. Mr. COLES.—An important bill like this should not be hurried through the House; time should be given hon. members thoroughly to weigh its provisions. The parts of the post roads within 5 or 6 miles of Charlottetown, which are excepted in the bill, are just those that most require to be let by contract for a number of years. Beyond that distance they are not so liable to be cut up, for the travelling is less, consequently one repairing in the season is almost sufficient. With respect to the system proposed, I consider that our Road Commissioners, not being scientific men, are incapable of superintending the performance of such contracts; the majority of them are entirely ignorant of the proper method of either making roads or constructing bridges. The very man in the Island who is best qualified for the Commissioner's office has lately been dismissed. I allude to the hon. member from Cardigan, on my right, who has for a long time discharged the duties of that office with credit to himself, and advantage to the Colony. I believe that if a proper Road Supervisor were appointed, it would be a saving to the country, besides a consideration on account of having the roads made on one uniform system, which cannot be the case while a number of differently qualified Commissioners are to have charge of the contracts. How absurd to talk of the Colony being so much in debt, as not to be able to afford the salary of a Supervisor. When we are called upon every year to vote large sums to repair bridges which have been improperly constructed. Let such an officer be appointed, and give him a salary of £100 a year, and my conviction is that hundreds of pounds would be saved to the Colony every season. To let roads by contract, on which statute labor is performed, will, I fear, occasion much trouble. The contractors will be continually complaining that the people have not wrought the full time required by law, and petitions will be coming before the House every year on the subject. The statute labor should be performed on the side roads, and the repair of post roads solely intrusted to the contractors.

Hon. Mr. LONGWORTH.—I have no desire to hurry the Bill through the House, further than to expedite the public business; but if any hon. member wishes more time to consider it, I will withdraw my motion. I was somewhat surprised to hear the hon. the leader of the opposition express himself so warmly on this subject. He appears to have risen under the influence of improper motives, as he objects to the Bill because it does not provide for the appointment of a Road Supervisor; and when in power himself, he never introduced a measure to institute such an office.

Hon. Mr. COLES.—I did. Some years ago, I introduced a bill to appoint a Superintendent of public works and highways, but the House thought the salary was too high.

Hon. Mr. LONGWORTH.—I was not aware of such a measure ever being before the House. No doubt the appointment of a person to have the control of this department would be highly desirable; but the method proposed by the Bill is the best we could contrive under present circumstances. £100, as suggested by the hon. member, would not be a sufficient salary for a person fully competent to discharge the duties of a road supervisor; and the state of our finances will not warrant us to grant even that amount. The hon. the leader of the opposition seems to think that the Road Commissioners are not qualified to superintend the contracts on the post roads, and that as some understand road-making better than others, one part of the road will be different from another, thus presenting, I suppose, the appearance of a piece of patch-work. But the soil of this Island will not admit of great variety in this respect, and we must for the present employ such material as we possess; besides, there are only two or three commissioners in each county, through whose districts the post roads pass, consequently the diversity can not be very great. If any person who holds this office were to show himself particularly successful in improving the roads in his district, he might be entitled to £1 or £5 more than the salary allowed by law. The hon. member also objects to the exception taken in the Bill with regard to the roads in the vicinity of Charlottetown. He stated that the parts of the roads within a few miles of the city are those which most require to be let by contract. The Government have considered it better to leave the oversight of these roads as at present, and allow the money appropriated for them to be expended under the immediate eye of the Commissioner.

Mr. BEER.—Allusion has been made to the system of repairing the roads in the vicinity of Charlottetown. I think the system, if properly carried out, is good; but though the late Commissioner for these roads did very well, yet it is notorious that he spent all the money at his disposal in two or three months, at the first of the season, so that in Autumn, when the roads became bad, he was unable to employ any person to work on them. There is something to do on these roads all the time, and the money should be laid out gradually, as required.

On motion of Hon. Mr. Longworth, it was ordered that the Bill be read a second time to-morrow.

The House then adjourned for one hour.

AFTERNOON SITTING.

CHARLOTTETOWN MARKET HOUSE

The House went into Committee on the Bill to provide for a site for a Market House. The different petitions on the subject were read by the Chairman, Mr. Jean Yeo.

Mr. BEER.—The necessity for a new Market House is so universally admitted that no arguments are requisite on that point. Wide differences of opinion, however, exist as to the site; these are to be expected when we consider that private interests are involved in the decision. The present Market House, even if the situation were unobjectionable, is entirely too small to afford the requisite accommodation, and is nearly rotten. The City funds are in such state that it cannot afford to rebuild it. Such is the financial condition of the Corporation, that only a few weeks ago, the Collector of taxes returned a list of 200 defaulters in payment of their taxes for last year. The inhabitants of the City can not bear any increase to their present rate of assessment. The school, land, and other taxes amount to about £3 per annum to a person in comparatively small business, while others are called upon to pay £10 or £12. The City has a claim upon the general revenue for a matter of this nature, for it pays into the Treasury about one twelfth part of the whole. I trust that a majority of members will recognize its claims by an appropriation towards the erection of a suitable building, and although I am not wedded to any particular site, I am decidedly opposed to the locality known as Reddin's Swamp. The principal consideration which should actuate the House in a matter of

this nature, is a situation sufficiently central to accommodate the public. If the finances of the Colony justified the purchase of a site, I would be in favor of procuring one of the public squares. The property of the Misses Stewart or that opposite the Temperance Hall, would be eligible situations, but there are no funds wherewith to purchase either of them. For these reasons, and in view of the numerous and respectable signatures to the petition for placing the building on Queen Square, I support the Bill.

Hon. Col. GRAY—In the remarks I may make on the Bill, I trust I shall get credit for being uninfluenced by motives of personal interest, for owning no property in the City, I am actuated only by a desire to benefit and improve my native Town. The true point at issue is not the details of the structure to be erected, but whether the House will sanction the appropriation of the small portion of Queen's Square remaining unoccupied to the purposes of a public market. As to the petition referred to by the hon. member, Mr. Beer, it is well known that it is not a matter of difficulty to get up petitions: last year parties admitted that they had affixed their signatures to petitions, the subject matters of which they were ignorant of. I was yesterday informed by a gentleman that he signed this petition under the impression that it was contemplated to establish the Market on Mr. Reddin's lots. At the original laying out of the City, three water lots were reserved for a Market site. The old market shed stood on the site of the present building, and I should have supposed that every inhabitant of Charlottetown would rejoice to have it removed, and the square kept in as park-like condition as possible. The citizens should protest *en masse* against the square being occupied in the manner proposed. In all cities the markets are a little removed from the main thoroughfares of the population. A regard to the future progress of a Town induces this practice. Doubtless a few parties are interested in having a market on Queen Square, on account of their stores and places of business being in immediate vicinity to it. When a comparatively small portion of the community seeks to influence the House in selecting a site, which will not meet the wishes of the majority of the citizens, it is right that we should pause and ask, what will be the result in a few years, if their request is acceded to? It will be necessary to erect public buildings. A Town Hall, new Court House, Post Office, Police Station and other buildings will be required, and where will the sites be found? If the whole western side of Queen Square be given for a public market—and the petitioners state that they will be content with no less—whence are the funds to come with which to purchase sites for the buildings I have named? Under these circumstances it is the duty of all parties to look for a situation other than that on Queen's Square, which is the only ground which the Government can make available for public offices, with a due regard to the general convenience. If the people of Charlottetown are so anxious to have the Market House near its present site, let them buy the Misses Stewart's lots, and have it there, and not on the square, which the general Government ought not to be called on to yield for such purpose. I move that it is not expedient to grant the site on Queen's Square.

Hon. Mr. COLES—Neither the City nor the general Government can allocate the ground without the intervention of the House. In the plan by which the Town was originally laid off a certain portion was reserved as the site for a market, but the Government subsequently exchanged that reserve for ground for a Church. The duty of the House is to decide on the future situation of the Market House, irrespectively of all considerations of the past; and it will probably be desirable that members should, before arriving at a definite conclusion, visit the different localities named and judge for themselves of their comparative merits. When hon. members urge that the City is already suffering from an onerous amount of taxation, it should be borne in mind that the Government gave up to the City, on its incorporation, the building now used as a City Hall and Post Office. Queen's County is generally interested in having a commodious Market House, in a convenient situa-

tion, for the farmers who attend for the purpose of disposing of their produce. I believe that the House is willing to recognize the propriety of a vote for a market building for Charlottetown, as for Georgetown, Summerside or Princetown, if the latter should ever assume proportions to justify it. At present there is no room on Queen's Square for a market without affecting the approach to the Colonial Building in a manner which would detract from its appropriate character, and impress strangers with an opinion derogatory to the taste of the citizens, in disfiguring what should be the most ornamental part of the City, if it were preserved as it was originally intended. Without the least desire to interfere with the personal interests of those who think their business would be injured by the removal of the market from the square, it is our duty to look to the future. At present the market is a nuisance to families residing around the square. A space of 163 by 160 feet can be procured opposite the northwest corner of the square. This locality offers the advantage of affording capabilities of good cellerage, the rent of which alone would pay the interest of the purchase money. This advantage would not be realized from low boggy ground. If the building were erected on the site I refer to, a second story could be profitably employed for the purposes of an industrial exhibition, which could be held for weeks in a room 100 by 150 feet in dimension, and would produce a good return, while benefitting the Island by bringing together specimens of our manufactures and productions.

Mr. DOUSE—From what I have heard in this debate it would seem that some hon. members are of opinion that Charlottetown is but an unhealthy swamp; on the contrary, no Town is more salubriously situated than the City. As to what has been said that markets are generally held at a distance from the centres of population, I can answer that my observation of other Towns such as Bath, Bristol, New York, Philadelphia, Quebec and other places, does not confirm the statement. In the Towns which I have mentioned, the produce brought to market generally pays tolls. If a good square building were erected, with, say, four entrances, with convenient rooms above and good cellars below, people would readily avail themselves of the accommodation and pay for it in the shape of market dues. Horses and carts have no right to be allowed standing about a Market House, but should be removed as soon as their loads were deposited in the market.

Mr. COOPER—A Market House could be made an ornament to Queen Square, if appropriately built and kept in proper order. As Mr. Douse said, horses and carts should be taken away. It is urged that the quantities of produce brought to the market would tend to confusion, it could be obviated by having more market days, on which particular articles might be exposed for sale. It was preposterous to call upon the House to vote money for a site when a portion of the square could be had for the purpose. Charlottetown had been in receipt of grants for local purposes extending over a number of years, and it was absurd to purchase the ground for a new Market House, when there was public ground of ample accommodation.

Mr. HOWAT—The question is whether the present site is to be continued. It has been stated that its location on Queen's Square is prejudicial to the health of the Town, and its establishment on a lot to the westward of the square, or in the neighborhood of the Temperance Hall, has been suggested. I cannot see that the result will affect the health of the people, as asserted, and I do not admit the necessity of purchasing any property, when you have what will answer your purpose as well. It is admitted that the Legislature has power to authorize the building on Queen Square, and there is no reason why we should refuse the petition which asks for a site on that square, where it can be had without cost. The price of a lot to be bought would probably be about £2000, and it is admitted, nay, positively stated, that the City Council cannot afford the outlay, and the general Government have not the means at their disposal. The hon. leader of the Opposition seemed to have in his mind the idea of something like the Crystal

Palace for an industrial exhibition. The misfortune is that we would have nothing of any consequence to exhibit. When that hon. member deprecates the market as an improper encroachment on the square, he forgets that St. Paul's Church proves the right of the people to interfere with it. Some hon. members seem to think that the general revenue is to be drawn on for every local object connected with Charlottetown. When the Colonial Building was erected at the general expense of the Country, it was considered that the Town received quite a sufficient sum from the Treasury to last for some time, but every session since the House has been applied to for special appropriations. I will support the petition for keeping the market on the square, to which the country people have as much right as the residents in Charlottetown, and if it is to be kept as an ornamental park, the former would have as much right to the pleasure as the latter.

Mr. MACNEILL.—I am opposed to the market being held on Queen's Square, which is at present quite small enough for the health and general convenience of the inhabitants. Any building in addition to those already erected on it would seriously detract from the appearance and character, not only of the particular square, but of the City generally, of which it forms one of the most attractive features. While I say this, I must add that I am by no means disposed to purchase another site from the public Treasury. The City has three squares, besides Queen's, still vacant, and one of them, the Hillsborough, is in a more central situation than Queen's. It is conveniently situated with reference to the Malpeque and St. Peter's Roads, and in the vicinity of the Ferry Wharf. While King's and Hillsborough Squares are unoccupied, it is unnecessary to call upon the Treasury, in the present depressed state of the Revenue, for the cost of a site.

Mr. HOLM.—The principal objection to locating the Market House on Queen's Square is, that such erection would injure it as a pleasure ground, and it is asserted that some of the other public squares are more suitable for the purpose. I presume that argument might apply as strongly to their appropriation for purposes of recreation. Queen's Square offers but limited accommodation for such purpose, while it is an eligible site for a market. In the present financial condition of the country I am decidedly opposed to the purchase of a site, which might cost between £2000 and £3000.

Hon. Mr. LONGWORTH.—It is natural that parties resident in Charlottetown should have their several preferences as to the site to be selected; but it must be remembered that a Market is intended for the mutual accommodation of consumers and producers—of buyers and sellers, and it is our duty to legislate in such manner as to promote the interests of all. When the town was originally laid out, certain squares were reserved for the public health and convenience. Such reservations are deemed of great importance in all towns, and nothing should be suffered to divert them from the purposes for which they had been set apart. In the case of Queen Square, an argument had been based on the fact of its having been occupied by a Market House already; but no portion of it had ever been formally set apart for such purpose. At first, a mere temporary shed was ran up, and the site had been removed from one part of the square to another. When the present Market House was erected, it was generally understood that it was to be only a temporary encumbrance of the square, and no written authority sanctioned its location. In no other town was there to be found a Market House placed on one of the public squares. On market days Queen Square is monopolised by the frequenters of the market, and the accumulation of decaying and otherwise offensive matter, must necessarily tend to engender and perpetuate disease. If we allow the new building to be erected on the square, on which it is sought to place it, so far from being an ornament, it will be found to be a disgrace and deformity. As the City increases, in equal proportion will be the increase of the nuisances already experienced from the market being held on the square. As to the market being situated on any or either of the public squares, I do not feel it necessary to enter into any discussion as to their comparative eligibility. The City Corporation applied to the Government for authority to build a Market House on Queen Square, to which application it was replied, that the Executive had no such power. That want of power applied to the other squares equally with the one referred to, and if the Government had possessed the authority, the exercise of which was requested, they would not have complied with the request. The question is, whether the site

shall be on Queen Square or not; and it appears to me that every sound argument is against placing it there; and even if it were formally and authoritatively placed there in the early settlement of the town, yet the subsequent increase of the place would justify its removal, from a regard to the danger to the public health, which would accrue from its continuance in its original situation.

Hon. Mr. THORNTON.—I have always been opposed to placing the Market House on the principal square of the town, and Queen's is already encumbered to a considerable extent; and we are now asked to occupy the remaining portion by a market. In dealing with a matter of this nature, we should be influenced by considerations not of present convenience, but of future necessity. As to the convenience and advantage of having the market in the centre of the population, I would change its relative position, as I believe such situation conducive to disease. The late Dr. Conroy stated that the water used by the bulk of the inhabitants was greatly contaminated, and from the elevated position of Queen Square, the continuance of a market there must add to the evil. It is now sought to take from the general public their right to the free use of the square. As last year we were requested to give to the Civic body certain Water Lots, which application was properly refused, I give the Government credit for refusing the application of the City Council. Some years ago Hillsborough and King Squares were asked of as situations for a market; but because certain parties carrying on business in Queen Street were interested in keeping it in its old situation, all change was declined. I have no personal interest in the matter myself, but I wish to act with regard to the permanent interests of Charlottetown, the extension of which can only take place in an easterly direction. It would, therefore, be advisable to build a market to the eastward of Queen Square. It has been asked, why should we contribute towards the purchase of a site, when one can be obtained for nothing on Queen Square? I answer we ought to, because we should locate the market where the greatest accommodation will be afforded to the greatest number, and not merely gratify the desires of those interested in a particular neighbourhood. A primary consideration should be to select a site, the occupation of which, as a market, will not be prejudicial to the health of the City.

Hon. SPEAKER.—The argument of the hon. member, Mr. Thornton, is somewhat inconsistent, for, while he objects to Queen Square being occupied as a market, on the ground that its situation would endanger the health of the inhabitants, he yet advocates a more central situation, where, of course, the danger would be greater. It seems that some hon. members do not wish to see the market placed on any of the squares. Their objection suggests the question, are they prepared to expend £2000 or £3000 for the purchase of a site? We know they are not, and I for one am disposed to support the prayer of the petition for the west side of Queen Square, in preference to the outlay necessary for the purchase of a site. There will be no necessity for the occupation of a very large portion of the square. All that will be required will be adequate accommodation for market produce, and the parties who frequent it. The other squares being totally unoccupied by buildings, are more adapted than Queen's for purposes of recreation. Of course, no objection can be urged against the people of Charlottetown putting the market in any other situation, if they choose to purchase it themselves.

Mr. OWEN.—Would the Charlottetown people be willing to buy an adequate site at an expense, perhaps, of £3000 or £4000? Application having been made for the west side of Queen Square, it was the duty of the House to give it, as it will render unnecessary the purchase of ground elsewhere; and there is room sufficient. I would prefer, if we could purchase, a situation near the harbor, as that would greatly accommodate parties who have to cross the ferries, and would not subject to any inconvenience the farmers coming from the Charlottetown side of the harbor, with their carts and waggons. The other squares are not large enough, and are liable to the additional objection, that the country people would be taken to a distance from the business portion of the City.

Hon. Col. GRAY.—Hillsborough and King Squares are severally larger than the ground asked on the west side of Queen Square. I agree with the hon. member, Mr. Owen, as to the desirableness that a situation near the water should be procured, if our means enabled us to obtain one.

Mr. MONTGOMERY.—When the people of Charlottetown have petitioned for the Market House to be placed in a particular situation, I see no reason why their wishes should not be complied with, more especially when I consider that there are no funds wherewith to purchase another site.

Hon. Mr. POPE.—It has been said that the appearance of Queen Square would be damaged by the erection of a market

House on the western side. On the contrary, I maintain that a proper building would improve its aspect. The present state of the market is disgraceful, and the comfort and convenience of a properly built and well managed Market House on the square admit of no question. I admit that it would have been better had the square been kept unoccupied by buildings, as originally intended; but if the petitioners in favor of having it there, choose to deprive themselves of the benefits of air and recreation, it is their business, not ours. If it be, as asserted by the hon. member, Mr. Thornton, that a market on Queen Square would poison the water of the neighbourhood, surely it is better to let the petitioners enjoy the fatal privilege they have asked, than by changing the site confer the deadly gift on those who have not solicited it. It would be preferable to have the market on or near Mr. Reddin's Wharf, on account of the superior facilities for drainage which that situation affords; but the finances are inadequate. A great injustice would be done by the removal from Queen Square.

Hon. Mr. COLES.—The market should not be so immediately contiguous to the Colonial Building. It was disgraceful to the City that a stranger wishing to visit the building should have to wade to it through the accumulated mud and filth of a public market. In Halifax and other places, the Hall of Legislation and Governmental Offices are surrounded by iron railings and kept in an ornamental condition; and the same should be the case with Queen Square. Unless some protection be extended now, in a few years access to the Building will be matter of difficulty. The City Council do not ask for thousands for the purchase of a site. A few hundreds would be sufficient, and the people would not complain of a small appropriation for such an object. I am willing to appropriate a moderate sum for a market; but I will not consent to perpetuate a nuisance on Queen Square. In other cities our market would be indicated as a nuisance. The memorial of the City Council for the purchase of a site should meet the favorable consideration of the House, for that body represents some 1,200 voters, while the contra petition bears but some 400 signatures. The purchase of a site would not cost £3000. A suitable piece of ground could be procured for about a third of that sum.

Hon. Mr. POPE.—It has been said that the petition in favor of placing the market on Queen Square was not to be put into comparison with the memorial of the City Council, which should be regarded as the expression of the general opinion of the citizens in favor of purchasing a site. But that memorial actually strengthened the case of the petitioners, for the Council stated that they had applied for the western side of the square, and that the Government had decided that they could not grant the application. This proved the general desire of the inhabitants as to the locality; and he hoped other country members would not aid in placing a Market House in Charlottetown in a situation which was not approved of by the people.

Mr. COOPER.—The objection that the erection of the Market House on the site asked, would leave too limited a space around the Building, is of no force, when it is considered that there would still remain a greater open area than is found sufficient in other places. The Colonial Building in Halifax has not so much, and many squares in London are of less dimensions. As far as the question of health is concerned, I believe a more open City than Charlottetown cannot be found.

Hon. Mr. HAVILAND.—The hon. member should recollect that the squares in London are private property, and are built round the open spaces in the centre. There is, therefore, no analogy between the two cases. It appears that members from the Country are afraid of putting their hands into the public purse to prevent the misappropriation of public ground. There is a little manifestation of selfishness in such a course. The hon. member, Mr. Howat would locate the market on the square, because he was afraid that the House would have to pass a grant for the purchase of a site, if any other locality were selected. That hon. member said the other evening that the people of Egmont Bay, and its vicinity, did not come to Charlottetown to market, and that consequently they should not be required to contribute towards it, as they would if a grant out of the general Revenue was voted for the purpose. That declaration disclosed a narrow policy, the prototype of which was to be found in one of *Æsop's* fables. The interests of Charlottetown and the country parts of the Island were not antagonistic, but identical, and could and ought

to be fostered for their mutual interests. If the principle involved in the statement to which I allude were recognized and carried into practice, where, I ask, would now be the wharves, public buildings, and other improvements in Prince County, which have been built and made from the general Revenue of the Colony? Such an argument is nonsensical—it is mere clap net, as the hon. member himself would be the first to admit, if it were applied to his own District. To return to the subject before the Committee, I am decidedly opposed to the contemplated market being established on Hillsborough, or any of the other squares, which should be preserved intact for the purposes for which they were originally intended. I should prefer a site near the water side, which would accommodate parties living on the East and West Rivers, and on the opposite side of the Ferry. The people in Queen-street and vicinity indulged in doleful anticipations of impending ruin when the Ferry Wharf was erected at the foot of Prince-street. How have they these anticipations been realized? Have they not the same amount of custom as they enjoyed when the Ferry was at the foot of Queen-street? But were the case otherwise, I ask, are we to sacrifice the general good to the private interests, real or supposed, of some 400 individuals? This building is already too small, and in a few years will require additions; and as the property of the people of the whole Island, it should be guarded by all against the inconvenience which would result from too limited a space surrounding it, and should be preserved in a condition adapted to convenience of the people.

Hon. Mr. YEO.—The building we are in is an ornament to the square, on which no one can say that it has stopped the circulation of plenty of pure air. The town and the country are very healthy. The fact is, to one man dying on this Island, three or four run away. Laughter.

Hon. Mr. LAIRD.—I have heard nothing to satisfy my mind that the Market House should not be placed upon the square. I consider it the most proper situation, and my opinion on the subject is entertained by my constituents. A good deal has been said about rubbish accumulating on the square from the market. That may and does arise from the want of room in the old Market House; but certainly affords no argument against the new one proposed. If it shall be properly conducted, and sufficient room be provided, there is no danger of refuse matter accumulating.

Mr. OWEN.—If hon. members consider a Market House such a nuisance on the square, let them build a wall ten feet high; if they think fit, and keep the country people on the market side of it.

Mr. SINCLAIR.—Queen Square is the most suitable place for the market; and so far am I from considering it a nuisance, that I regard a market day as one of the most interesting in Charlottetown. There is always business in the neighborhood of a market. As interested for the country people, I shall support that situation which offers most room, and where is that advantage to be found, if it be not on the squares, and which of them is so convenient in point of local situation as Queen's? We have the positive statement that the Civic authorities are unable to purchase a site. A small plot of ground would not be sufficient, consequently a large amount would be required to buy a space adequate to the requirements of the people, both of the town and country, the latter of whom will not support an appropriation for such object, while ground can be obtained on a public square. The buildings already erected on this square prevent its being used as a mere pleasure ground, while the other squares being altogether unencumbered can be applied to such purpose without objection from any. In other towns the ornamental parks and squares are not found in the centres of business.

Hon. Mr. MACAULAY.—I am in favor of postponing this debate during the absence of one of the Representatives of the City—Mr. Davies. If we are to give effect to the wishes of any portion of the people of the Island who may feel themselves particularly interested in the subject before us, it is desirable that their Representatives should be here, in order that they may give their opinions on a

matter, in the discussion of which, it is only reasonable to suppose that they would reflect the sentiments of the general body whom they represent, in a more reliable degree than other hon. members can be supposed to do. Both the petition and the memorial before us are in favor of having the Market House on Queen Square, and that being the case, I, as a Representative of the people under the system of Responsible Government, am willing to aid in giving effect to the opinion thus expressed. That the present Market House can be allowed longer to cumber the ground, no one will be hardy enough to affirm. Such a specimen of public architecture as, I believe, peculiar to Charlottetown, and future generations, should they see a representation of it, will suppose that their ancestors had some long forgotten necessity for a gigantic extinguisher. In times past it might have answered the purposes for which it was intended, but now it is a timeworn relic of by-gone days. But I must say that I think it a humiliating reflection that the City of Charlottetown—the Capital of the Island—of the great wealth of which we are so constantly reminded—cannot build a Market House without coming to the Treasury and asking for aid. But it is our duty, before we appropriate money for ornamental pleasure grounds, to provide for objects of utility. As a comparatively poor community, we should first secure the useful, and afterwards, when our means enable us, we might indulge our taste for the ornamental. The hon. leader of the opposition desires to reverse this order. As the people wish to locate the market on the west side of Queen Square, we shall be remiss in our duty as Representatives, if we do not give effect to their wishes. My own individual opinion would lead me to prefer that all the public squares should be kept clear of obstructions. The free circulation of pure air is an object of primary importance; but I will not set up my personal views in opposition to those of the people who are to be principally affected by our action in the matter. It has been said that the petition being signed by but four hundred must not be supposed to represent the views of the majority; but I have been credibly informed that of all those to whom it was submitted for signature but two declined to affix their names, and their only objection was, that they believed that the House would take action in accordance with the request of the Common Council.

Mr. BEER.—The hon. member may ridicule as much as he pleases the idea of Charlottetown asking for money with which to build a Market House. A compliance with that request is no more than what it has a right to expect. It is not a tithe of what it is entitled to.

Hon. Mr. PERRY.—I see no necessity for voting money to purchase land for a public purpose of acknowledged utility, when we already have other land adapted for it, which we are asked to reserve as pleasure grounds for the people of Charlottetown. Queen Square is probably the driest part of Charlottetown, and there is nothing to prevent any one passing from Stamper's Corner to this building, with as little inconvenience as he would experience in going the same distance in any other part of the City. I move that the Speaker take the chair.

Hon. Mr. POPE submitted a resolution, in lieu of one previously submitted by Mr. Beer, who now withdrew his.

Hon. Mr. PERRY would press his motion as an amendment.

Mr. CONROY.—I see no necessity for the Speaker taking the Chair. The site asked for is in close proximity to that of the present Market House. I consider that the larger attendance of country and town's people at market is one of the greatest ornaments to Charlottetown. The names signed to the petition afford the most reliable proof of the opinion of the City; but I hope that when they get the ground, the citizens will build the Market House themselves.

Mr. PERRY'S motion was put and lost.

Hon. Mr. POPE'S resolution was then put and carried without division.

W. M. Howz, Reporter.

SATURDAY, March 24.

SALARIES OF POSTMASTERS.

Hon. Col. GRAY presented to the House a communication which had been laid before the Executive Council by the Post Master General, recommending an increase of Salary to the Postmaster at St. Eleanor's, Cascumpee, Tignish and Souris, and to the second Clerk in the Post Office, Charlottetown, which, having been read, the hon. member, in moving that it be laid on the table, said it was scarcely necessary to offer a remark respecting the document. But he would notice one point; it stated that the salary of the second Assistant in the General Post Office was insufficient. He admitted that when the late Government voted that officer £100, they only allowed him a fair remuneration for his services; still he thought that £70 was a sufficient salary for a novice in the office a year or two at first. It was a large allowance as a schoolmaster received; and taking into consideration the state of the public funds last year, he considered the Government had acted properly in reducing the salary. With respect to the Postmasters in the Western section of the Island alluded to in the communication, their labor, it appeared, had been increased on account of the Post Master General's causing an interchange of mails at these offices, to prevent delay in forwarding letters to New Brunswick and the United States; they, therefore, might be considered entitled to a larger sum than the ordinary allowance of £2. The labor of the Postmaster at Souris, he also believed was greater than in most of the country offices. Whether the salaries of these postmasters should be increased or not, was a matter for the House to consider.

Hon. Mr. COLES thought it was unnecessary to bring this communication before the House. The Statute allowance of the second Assistant in the General Post Office was £100, and hon. members could not reasonably object to the sum. The reduction made in the salary last year was probably owing to the fact that a son of the Hon. Col. Swabey then held the office. £70 was altogether an insufficient allowance for that officer, whoever he might be. His case was quite different from that of a schoolmaster, as he had to work longer hours, and also pay at a higher rate for his boarding, on account of living in town. The Government should take the responsibility, and vote the sum of £100, as recommended by the Postmaster General. In regard to the other Postmasters mentioned, he concurred in the opinion that they were insufficiently remunerated. A few years ago the salaries of the Postmasters at Georgetown and at Summerside were raised, on account of the increase of business at these places; and if any convenience were to result from an interchange of mails at the offices in question, the postmasters there also should be rewarded for their extra labor. He saw no necessity for entering the communication of the Post Master General on the Journals; the Government ought to have proposed to increase the salaries, if they considered it necessary.

Hon. Col. GRAY, in explanation, said that had it not been impossible to separate that part of the communication respecting the second Assistant in town, from that in regard to postmasters in the country, the case of the former might not have been brought before the House. But as a member of the Government, he would never consent to grant any money without the authority of this honorable body. The remark in reference to the salary being lowered, because a son of the Hon. Col. Swabey held the office, was recalled for. The Government knew that he was to be dismissed, before the vote was passed. He maintained that if £200 was considered a sufficient salary for the Treasurer, who had to give heavy security, surely £70 was ample remuneration for a young novice in the Post Office. If there had been an error committed, it was safe to be on the side of economy.

Hon. Mr. YEO was in favor of increasing the salaries of the country postmasters in question; the sum they now received was scarcely sufficient to pay them for candle-light.

Mr. CONROY was glad that the hon. member, who last spoke, had learned something in the course of a year, for last Session he had opposed a petition which he (Mr. Conroy) presented from the postmaster at Tignish for an addition to

his salary. That person had since been dismissed from the office; still he would not oppose the proposal to increase the salary of his successor irrespective of his creed or political views.

Mr. SINCLAIR concurred in what was stated in the Post Master General's report, that some of the postmasters in the country were not sufficiently remunerated for their trouble. But there was one office to which no reference had been made, namely, that of Princetown, in which there was quite as much to do as in any other country office. He was not aware of the reason that the postmaster there had not also made application, but he knew that the duties of his office occupied a great part of his time. Numbers of American fishermen received and forwarded letters at that office, and he thought if certain of the salaries were to be increased, Princetown should not be overlooked.

Mr. HOWAT believed that some, if not all, of the postmasters in the country were under-paid; but the question was whether the funds of the Colony were in a state to warrant any increase. The House could not well raise one salary without raising all, and this would cause far too great an outlay. He thought they would require to economise as much as possible for another year.

After some further discussion, scarcely relevant to the subject, the motion that the communication be laid on the table, was agreed to.

ROAD SERVICE.

The House then went into the second order of the day, viz.: into a Committee of the whole in consideration of Supply.—Mr. McNeill in the chair.

Hon. Mr. HAVLAND moved a resolution (already published) that £5000, including special grants, be appropriated for the Road Service, with an additional sum for contingencies and new roads. The amount, he said, was not so large as had been granted on some former years; but it was £2000 more than was allowed last Session. He considered that it was as much as the country could well afford. A large grant would be required for Education this year, and unless some scheme were devised to increase the revenue, the Government could not come forward and propose a larger vote for this service.

Mr. DOUSE.—I am very sorry to hear that there are to be no special grants this year, as several are required in the district which I represent. The harbor of Woodville, and the wharf at Poval, and at one or two other places, require much more than can be appropriated to them out of the ordinary road money for the district. The country expects something from this House; and are we going to act so niggardly because the Colony happens to be some thousands of pounds in debt? Are we to take so much consideration for our children that, lest they should have this debt to pay, we will refuse to grant the necessary supplies? I consider that they, having the benefit of our labors, will be better able than we are to pay off the public debt. If no special grants are to be given, in our district, we will be under the necessity of robbing the roads to complete the wharfs which have been begun. It is all very well for those who live in town, and have their wharfs, to talk of no special grants, but poor people in those parts of the country, where there is no convenience for shipping, find it difficult to dispose of their surplus produce at remunerative prices.

Hon. Mr. LONGWORTH.—I regret that the hon. member for Belfast has taken an incorrect view of this subject. Other hon. members will be placed in the same position as himself, and will have to make the best of their division of the money. I admit there may be large claims in his district, but I can say the same with respect to the one which my hon. colleague and myself represent. We have to provide for several special contracts; the bridge at Crooked Creek, which was carried away, and New Glasgow and Poplar Island bridges all require considerable grants, besides the principal highways pass through our district, and must not be overlooked. Yet, I do not complain, because it is as fair for one as another. Last Session a great deal of bad feeling was displayed in regard to the vote for this service, and though the grant is £2000 more this year, I suppose there will be equally as much dissatisfaction. I know that a certain member from King's County has also objections to the arrangement in regard to special grants, but I cannot admit that a district on the sea coast has greater claims than those more in the centre of the Island.

Mr. CONROY.—If we are to be cut off from special grants, I do not see how the bridge in our district at Cascumpec is to be completed; it cannot be done in less than three or four years, with

no other appropriation than the member's grants. If the Government intend to act in this manner, I would recommend that the bridge be sold for making fences, or for some other purpose.

Hon. Col. GRAY.—I wish to ask the hon. member if there is any road to it?

Mr. CONROY.—It is no use to turn the bridge into ridicule. Of what service would a road be to a bridge that is incomplete, other than to lead people out to be troubled in the water. If a sufficient sum were voted this Session to complete the work, no application would require to be made another year, and the public in the meantime would be saved the inconveniences of crossing over nearly a mile of a ferry. Some have petitioned to remove the bridge to another place; if it must be shifted, let it be so, only I hope that an effort will be made to have it completed.

Mr. McAULAY.—This Cascumpec must be a great place, if the whole arrangement of the Colony is to be detangled on its account. The bridge at that locality, it appears, is one to which there is no access; and if £1000 have been squandered on it already, it is high time for this House to desist from such a waste of the public money. Though the hon. member for Tignish had a right to expect a special grant for this bridge, I must say that Cardigan, where I reside, has a much greater claim. A bridge on that river would not only be a great convenience to the travelling public, but also answer the purpose of a wharf. And the advantage would not be confined to that neighborhood; St. Peter's also would be benefited, as the people in that part have scarcely any opportunity of sending their produce to market, except by conveying it through to Cardigan. Notwithstanding there is a petition before the House, unnumbered and respectfully signed, for a bridge at this place, I am satisfied with the resolution, if the Government think they cannot propose a larger sum.

Hon. Mr. COLES.—I suppose the Government have come to the conclusion that £5000 is all that they can allow for this service; and, perhaps, it is as much as the Colony can afford. But some very heavy grants are required. I see by the report of the Superintendent of Public Works on Mount Stewart Bridge, that it will take £400 to put it in a state of repair. No doubt it might be patched up for a less sum, but it would be unsafe. In our district, then, if we grant the sum necessary to renew this bridge, there will only be about £68 left for other purposes. It has been stated that a larger grant could not be given for this service, unless some scheme were devised to increase the revenue. I will suggest a method, that is to do away with the Statute Labor, and impose a tax of 2s. on every 100 acres of land, and let those who hold large tracts in a wilderness state pay for making new roads through their property. With respect to the bridge at Cascumpec, I understand it is on the road to Charlottetown, and that there is no way for travelers to get along, without crossing the ferry. The former members for the district appropriated large sums towards its erection, and something ought to be done to have it completed, otherwise the £700 or £800 expended will be lost to the country. The people there have subscribed largely towards it, but in its present state they can receive nothing for their money. I would suggest, however, that the Superintendent of Public Works be sent to examine and report on it before any further sum be granted.

Mr. OWEN.—I do not agree with the method proposed by the Government. I consider it would be better to grant about £4000 for the general service, and then let special grants be given where most needed. I presented a petition for a bridge at Cardigan, which would require between £300 and £400, but since there are to be no special grants, very little can be done towards it. Bridges and wharfs are, as it were, the market places in the country; and in the case of Cardigan, the Government should remember that a large portion of the Worrell Estate is still unsold, and that the only convenient shipping place for that part of the County, is where the bridge is proposed to be built.

Hon. Col. GRAY.—In regard to what has fallen from the hon. leader of the opposition, with respect to taxing proprietors for opening new roads, it would be a species of class legislation which, I think, would not be allowed by the Imperial Government. There appears to be no limit to the demand upon the Treasury. £15,000 will be required this year for education; and here we are voting £5600 in all for roads and bridges, which, when we listen to hon. members, we are led to believe is entirely too little for the service. The hon. member from Tignish requires a large grant for this bridge, and the hon. leader of the opposition so much for that bridge, and the hon. member from Cardigan so much for another; and I myself have had applications for grants to China Point wharf, Vernon River bridge, and a number of others; and again, this harbor of my hon. colleague, where nearly

all the money for the district last year was expended, must have a further sum, so that if all the demands were to be answered, the whole revenue of the Colony would not be sufficient for this service alone. But until the Government see how the money is to be obtained, they would not be justified in coming down with a larger sum than that proposed in the resolution. We must endeavor to keep our expenditure within our income.

Hon. Mr. THORNTON.—I wish to know whether more than £5000 cannot be granted for the service; if not, I suppose we must be satisfied. But out of a revenue of some £40,000, surely a larger sum might be allowed; were it increased from £5000 to £7000, I believe the country would not complain. If we go on at this rate we will be unable to keep our roads in repair. The Government have found means to increase the salaries of the Clerks in the public offices, but the funds are so low that they must limit the grant for the road service, which is all the money from the public chest that the people in the country obtain.

After some remarks from Hon. Mr. Longworth, who replied that more work was performed last year on the roads with £3000, than was on some former years when the grant was £7000; and that the increase in the salaries of the Clerks was not worth mentioning, it being only £55, the Committee rose, and the chairman reported progress.

Adjourned for one hour.

D. LAIRD, Reporter.

FRIDAY, March 23.

HIGHWAY ACT AMENDMENT BILL.

AFTERNOON SITTING.

The House in Committee on the amended Statute Labor Act—Mr. Sutherland in the Chair.

The first clause having been read—

Hon. Mr. LONGWORTH explained its object. At present no Commissioner of Highways had authority to let any of the roads within his jurisdiction to contract. Under the present system it was a subject of complaint that the main roads were in a bad condition. The law, as it now stood, specified the period within which Statute Labor must be performed, and parties had the option of commuting that labor for money, or of performing it. This system had not worked satisfactorily. The clause authorized the letting of the main Post Roads by contract, and by it the contractor would have the benefit both of the labor and the money in cases of commutation. A statement of the persons liable, and the respective amounts of their liabilities, would be prepared, so that any party contracting would know what amount he was to receive from this source. As to the period of time over which the contracts were to extend, it would be for the House determine that point.

Hon. Mr. THORNTON would prefer that the contractor should be the overseer of the road as well as receiver of the commutation money, and that he should receive a small sum in lieu of the daily labor. The sooner Statute Labor was abolished the better. No man could reasonably refuse to pay the price of a bushel of oats, rather than perform Statute Labor on the roads. He was in favor of letting the main Post Roads by auction. A question of so general a nature as this should be decided on its merits, independently of local feelings or personal interests.

Mr. COOPER agreed that the contractor should receive the commutation money. He thought some inconvenience might arise from the abolition of Statute Labor—the commutation rate of which should not be made too low. The main roads should be let for a period of not less than five years.

Mr. OWEN did not approve of the clause. Until cash payments should be, by law, substituted for the performance of Statute Labor, a contractor would not take it into his consideration in tendering for the road. The clause excepted from its operation the 12th District of Queen's County. In that District the system of employing parties and paying them by the day, was found to work satisfactorily, and he would ask, why could not the same principle be adopted on the main Post Roads generally? The contractor would not, in tendering for the contract, consider the Statute Labor as of any

value; but if it were once placed at his disposal, as contemplated by the Bill, he would enforce the performance of it to the utmost extent to which the law allowed him to go. The late Government had sold the winter roads, and found the system both expensive and troublesome. And the operation of the clause under consideration would be found equally inconvenient. He opposed any alteration in the present system, until money payments were substituted for the Statute Labor in every District, and that change he was not prepared to advocate.

Mr. BEER would support the clause, to which he had given mature consideration.

Hon. Mr. COLES said, that if Statute Labor was to be retained, it should be performed at those seasons of the year in which it could be most usefully applied. But little benefit was experienced from the present system of ploughing up sods, and putting them on the roads in the month of July. When he was a member of the Government, he had always deprecated the practice. If the Government let the road, the contracts should be for four years. He would, rather than retain the system of Statute Labor, reduce the commutation money to 1s. 6d. If the Government, however, decided on retaining the labor, the contractor should have nothing to do with it. He might object to the sufficiency of any parties appearing in order to perform it, and the Government would be continually annoyed with complaints on the subject. Besides, parties might materially affect his ability to perform his contract, by assigning a variety of excuses on grounds personal to themselves, of the truth or falsity of which the contractor could not judge. He did not think it advisable to let all the main roads by contract; but if it were done, it should be for a term of years, and all hollows in the roads, within ten miles from Charlottetown, should be levelled by macadamization, and the contractors would find it to be to their own advantage to do so. This, of course, could not be done over the whole extent of the roads in the Island. Under the present system the roads were frequently in their best condition when the labor was put upon them.

Mr. BEER.—The contractor should take his chance of the proceeds of the Statute Labor, which might be performed or commuted.

Mr. OWEN did not approve of the total abolition of Statute Labor. People worked hard on the bye-roads, if they did not on the main. A contractor would merely take care that the roads were passable during the period of his contract. If parties were employed on the main roads by the day, it would give satisfaction.

Hon. SPEAKER.—If the course recommended by the hon. member were adopted, it would be necessary to increase the salaries of the Road Commissioners, for it would be absurd to suppose that a Commissioner would devote such portion of time as would be requisite, for the sum of £10 a year. He approved of the main roads being let by contract, and the only difficulty appeared to be the application of the Statute Labor. It would not do to allow the contractor to be the overseer of the Statute Labor, for the reasons assigned by hon. members; and, now that it was intended to reduce the commutation, he saw no reason why the people should object to pay, in preference to working on the main roads.

Hon. Mr. LONGWORTH.—The reason why the 12th District of Queen's County was excepted, was because it was placed under special authority. It was advisable to let the main roads to contract, and while it was deemed best to leave it optional with parties to perform their Statute Labor or commute it, the rate of commutation had been reduced expressly with the object of rendering it more advantageous to a party to pay the money than to perform the labor. If a party preferred to perform his labor, it would manifestly be wrong to give the contractor the control over him. If such power were given, it might be abused, therefore the overseer who had no direct personal interest should direct him. The principle of letting the public roads by contract was a sound one.

Hon. Mr. YEO thought difficulty would be experienced with reference to the optional performance of Statute Labor.

Mr. DOYLE was in favour of Statute Labor being retained on the bye-roads. The contractor on the main Post Roads should have the whole management of the whole distance covered by his contract, of which he should receive the full amount from Government. But the whole of the Statute Labor should be expended on the bye-roads.

Mr. HOWAT agreed that the contractor should have no control over the performance of Statute Labor. Perhaps it would be better to employ all the Statute Labor or commutation under the overseer at one end of a line of road, and let the remainder by contract. For instance, if in a distance of six miles the Statute Labor would be sufficient to keep in order two miles, the contract would only be for the remainder, and the Commissioner might not be under the necessity of drawing any money from the Treasury. The idea of compulsory commutation for Statute Labor he repudiated. It was put forward as a device, and if now approved, in a few years the people would find themselves subject to a money tax to the full value of the Statute Labor to which they are now liable. It would be impossible for them to pay all their taxes in money.

Hon. Mr. COLES.—The hon. member paid but a poor compliment to his constituents, when he said that they would rather work on the roads than pay the small amount of commutation money. Perhaps the people of Fryon might agree to perform their Statute Labor this year, to serve the Government, and keep up its character for economy. The system of Statute Labor was degrading, and he would rather exact 1s. 6d. a day as commutation than continue the practice. Very little benefit resulted to the roads from it. The people, generally, made it the occasion of a frolic. In the early settlement of the Colony it was requisite to have Statute Labor on the main roads; but such necessity no longer existed, and he trusted that the people of the flourishing district of Crapaud would have too much self-respect to work on the roads, when a trifling cash payment would be taken in lieu. The contractor should have nothing to do with Statute Labor, for if he knew that a man was liable to four day's work, he would exact it to the utmost.

Mr. BEER moved that the clause, as read, be agreed to.

Mr. SINCLAIR, while giving credit for good motives to the introducer of the Bill, nevertheless thought that it would not remedy the evils complained of. There were defects in the present system which called for redress. As the hon. member, Mr. Coles, had stated, the work was done on the roads at the wrong time. The roads at present were too narrow, and before letting them to contract, grants should be applied to widen them. The Statute Labor and commutation money might be applied to keep them in repair, while they were being widened. The money proposed to be granted for those roads would have a more beneficial effect if it were offered to competition, in small jobs, which would enable many to buy seed for their farms, and by the work being performed early in the season, the people would make the money immediately available for the supply of their necessities. If the commutation were reduced, the people would soon perceive the advantage of paying it, and more work would be performed. The privilege of performing Statute Labor would interfere with any contractor's arrangements, who, in making his calculations, would not regard it as of any appreciable importance. If the contractor had the direct control of the parties performing Statute Labor, he would have a direct interest in exacting it to the last minute that the law allowed. If the roads were let in their present state, no permanent improvement would result, they would be merely kept in repair. They must be widened before any lasting improvement could be expected.

Hon. Col. GRAY.—The system of Statute Labor on the Highways was a relic of barbarism, unworthy of the present time, and should, wherever practicable, be abolished. The season in which, under the present system, the roads are repaired, was altogether inappropriate. Instead of July and August, the roads should be repaired in the Spring, when the ground could be easily turned up. The plan of letting the main roads by contract was introduced merely as an experiment, and should have a fair trial. It was proposed to let them merely for three years.

Mr. COOPER considered commutation preferable to Statute Labor; but the only course would be to leave it at the disposal of the contractor, who would allow for it at the rate of his contract. It would be impossible to make commutation compulsory immediately.

Hon. Mr. PERRY.—Difficulty might ensue if the contractor and the overseer should not work harmoniously. More had been said about the principles, than of the practical effects of the details of the Bill. The commutation at 2s. per man would not suffice to keep the roads in repair. In a few years people would be called upon to pay 10s. In his District, the inhabitants found it no easy matter to pay their School and Land Taxes, and if that was the case, how were they to raise this additional tax for roads. Although he had no doubt that the clause had been introduced with a sincere conviction that it would be conducive to the public advantage, he thought it would not be right to deprive a poor man of his chance of working on the roads.

Hon. Mr. THORNTON was surprised at what had fallen from the hon. member, who represented his constituents as too poor to pay 2s. or 3s. a day, while they could build a place of worship which would cost some £2000; and as preferring to work on the roads to commuting a day's labor for 9d. He had always advocated the abolition of Statute Labor, as being a disgrace to the country, and sooner than retain it he would fix the commutation at 2s., and he was satisfied that at that rate a greater amount of work would be applied to the roads than under the present system. The statutable age for liability to road work was from 16 to 60 years. He was willing that 50 should be the maximum, and that the commutation should be reduced.

Mr. CONROY was opposed to the compulsory commutation. In his District many would rather work on the roads than pay money, which their circumstances rendered difficult—others would, of course, prefer to pay the commutation. As to the reference made by the last speaker to the new Chapel at Tignish, as indicating the means of the people, he could say that the comparative scarcity of money among them arose from the fact, that they spared no exertion to pay their debts. In no part of the Island were the Rents better paid, and in many instances this honest disposition left the parties with little or no money. The compulsory commutation of Statute Labor was, therefore, not adapted to his District.

Hon. Mr. LAIRD approved of the clause, the objections to which were merely imaginary. The only difference the Bill would effect would be, that the main roads would be let by contract, and it was expedient to adopt that alteration.

Hon. Mr. LONGWORTH.—The contractor would not be at liberty to act as intimated by the hon. member, Mr. Sinclair, who said he would do nothing but keep the roads in a passable state of repair. He would be required to put them into proper condition, and keep them so during the time of his contract.

Mr. HOWAT repudiated the opinion attributed to him, that he wished to make people work on the roads. He only desired to leave the performance of Statute Labor or payment of commutation optional.

Mr. HOLM.—It would be to the interest of the contractor that the work should be performed as early as possible, and that it should not be postponed till July, when there is but little need of it, and when it is of very little advantage. He would like to know how the bye-roads were to be kept up, if the Statute Labor was applied to the main road?

Hon. Mr. LONGWORTH explained that the bye-roads would receive the benefit of Statute Labor, as at present.

The clause passed, and the time for the duration of contracts was fixed at from 3 to 5 years.

One or two clauses of minor importance were then agreed to, and progress was reported.

W. M. HOWE, Reporter.

LEGISLATIVE SUMMARY.

SATURDAY, April 14.

Mr. Beer from the special Committee on the petition of Rachel F. Gibson, for naturalization, presented a Bill in accordance with the prayer of the petition, which was referred to the Committee on private Bills.

Mr. Perry from the Committee on Pauper petitions, presented their report, which was committed to a Committee of the whole. Progress reported.

The House then went into Committee on the report of the Post Office Committee, which was agreed to with amendments, and is as follows:—

REPORT OF POST OFFICE COMMITTEE.

Your Committee to whom was referred the several Petitions praying for the establishment of new Post Offices, submit the following recommendations:—

That a Post Office be established at or near Kenneth Morrison's, Flat River.

That a Post Office be established at Cherry Valley, Township No. 50.

That a Post Office be established at John Sanders', Murray River, Township No. 64.

That a Post Office be established at Eneas Breanna's, Graham's Road, Township No. 26.

That a Post Office be established at Settlement of North Badesque, Lot 25.

That a Post Office be established at Southport, Lot 43.

That a Post Office be established at French River, New London.

Your Committee also recommend that the Mails be forwarded twice a week to the Wood Islands, and to the South Side of Murray Harbor.

Your Committee regret their inability to recommend the prayer of the following Petitions, viz.:

Petition from Green Vale, petition from Tracadie, petition from Mill River, Lot 21, and petition from Murray Harbor, North Side.

Your Committee recommend that the Mails for Murray Harbor, North, and Sturgeon, be forwarded via Georgetown; also, that the Mail for Montague Bridge be left at Finlay's, and a Carrier be appointed exclusively for Montague Bridge.

Your Committee further recommend that the following sums additional be paid to the Postmasters at the following places, viz.:

St. Eleanors,	£5	0	0
Cascompec,	5	0	0
Tignish,	2	10	0
Souris,	2	10	0
Summerside and Georgetown as formerly.			
Princetown,	5	0	0

Your Committee find that the returns from the Post Office at Launching Place being only as. 7d., for two quarters, recommend that the office there be discontinued.

All of which is respectfully submitted.

FINLAY McNEILL,
DANIEL DAVIES,
GEORGE SINCLAIR,
JOHN YEO.

Committee Room, 12th April, 1860.

The same Committee were appointed to prepare an Address to the Lieut. Governor, to carry out the recommendation of the report.

House in Committee on all matters relating to Roads, Bridges and Wharfs. Progress reported.

MONDAY, April 16.

Hon. Mr. Longworth from the Committee appointed to join a Committee of the Legislative Council in preparing an Address to Her Majesty in reference to the expected visit of His Royal Highness the Prince of Wales to these Colonies, presented a draft, which was agreed to and ordered to be engrossed.

The Bills to incorporate the Minister and Trustees of the Church at Little Sands, and on St. Peter's Road, were committed and reported agreed to.

Hon. Mr. Longworth presented a petition from North Rustico and New Glasgow, praying the House to take into consideration the right of private individuals to build wharfs and other obstructions on the sea shore.—Referred to the House when in Committee on the petition of parties at Summerside respecting water privileges.

Hon. Col. Gray presented a petition from John D. Hubbard and other trustees of the Temperance Hall, Cascompec, praying for an Act of Incorporation, which was read, and thereupon the hon. member presented a Bill to incorporate the Company of said Hall, which was read and referred to the Committee on private Bills.

House resolved itself into Committee of the whole on correspondence in reference to water privileges at Summerside. The following resolution was reported agreed to:—

Resolved, That it is expedient to vest in the Government power to appropriate the ungranted portions of the coasts and shores of this Island, by enabling it to grant to private individuals or corporate bodies small portions or sections thereof to be used as the sites of wharfs, slips, breakwaters, or other such purposes, for such price or consideration as may be uniformly fixed upon in such cases, but under such conditions and limitations as may be deemed necessary for the protection of public rights as affected thereby.

A Committee was appointed to bring in a Bill in accordance therewith. Adjourned.

TUESDAY, April 17.

Mr. Beer presented a Bill to prevent Swine running at large in such School Districts of this Island where the householders thereof may so desire, which was read a first time.

The Bill to prevent fraud by secret Bills of Sale was read a third time and passed.

House in Committee of Supply. Resolutions were passed granting £40 towards paying for Fire Engine for Summerside; £95 for rent of bonded warehouses at Charlottetown and Summerside, and £50 to purchase Books for Legislative Library.

The Bill for the naturalization of Rachel F. Gibson was committed and reported agreed to.

House in Committee on Ways and Means. Progress was reported. Adjourned.

WEDNESDAY, April 18.

The Bill to prevent Swine running at large in those school districts where two-thirds of the householders might so desire, was committed and reported agreed to, with amendments.

Hon. Mr. Perry being opposed to the Bill, moved that the report of the Committee be received this day three months, which was lost on the following division:—

Nays—Hons. Messrs. Pope, Yeo, Gray, Laird, Longworth, Haviland; Messrs. Beer, J. Yeo, Owen, Howat, Montgomery, Holm, Sinclair, Ramsay—14.

Yeas—Hons. Messrs. Perry, Coles, Kelly, Thornton, McAulay; Messrs. Davies, Doyle, Sutherland—8.

Hon. Mr. Longworth presented a petition from Alex. McLean, and other district Teachers, praying that the Bill to amend the Education Act may be published and deferred till next session.—Laid on the table.

The House then went into the 4th order of the day, to receive resolutions reported from Committee of Supply. All were agreed to as reported, with the exception of one granting a sum to John Doirant, for superintending the building of a wharf at Rustico, which was lost.

The following Bills were read a third time and passed, viz: Bill to Incorporate Members and Trustees of Church, St. Peter's Road, and the Church at Little Sands, and the Bill for the Naturalization of Rachel N. Gibson.

House again in Committee on roads, bridges and wharfs. Progress reported.

The Bill to incorporate Temperance Hall Company, Cascompec, was read a second time, and ordered to be engrossed.

House resolved itself into a Committee of the whole on the report of the Committee on Public Accounts. Progress was reported.

THURSDAY, April 19.

The House went into Committee to resume consideration of report of the special Committee on the petition of Raymond Campbell, respecting the loss of a money letter from mail bag between East Point and Charlottetown. The report, which recommended that the money be paid out of the public funds, was agreed to, with amendments.

Mr. McNeill presented a petition from Teachers, White Sands, in reference to proposed amendment to Education Act—read and laid on the table.

MONDAY, April 23.

The Bill for revising and reprinting the Laws of this Island was read a third time and passed.

House again in Committee on the Bill for raising a Revenue. The Bill, which was reported agreed to, contemplates increasing the *ad valorem* duty one fifth, or 25 per cent. The duty on several articles has been increased as follows—ale and porter 3d per gallon; home made malt liquor to double that of last year; brandy 6d per gallon, to be collected according to proof; wine 1s per gallon, and tobacco 1d per lb. Rum is lowered 3d per gallon, to be collected according to proof. Printing paper is to be admitted free of duty.

LIQUOR LICENSE BILL.

Hon. Mr. Longworth, by leave, presented a Bill to alter and amend the Act to regulate the granting of Licenses for the retail of spirituous liquors. It provides that no person shall receive a Tavern license in any part of this Island excepting Charlottetown, unless in addition to the certificate of two magistrates, he produce another signed by a majority of the householders in the school district in which the proposed Tavern is situate, stating that he is a man of a good moral character, and that such a house is required at that place. A separate provision is made for places where no school district is established. The Bill also contemplates raising Tavern license from £2 10s to £3 10s; and store licenses from £5 to £7 10s. It also provides that no Tavern-keeper, under a penalty of £5, shall sell spirituous liquors to any person addicted to the intemperate use of intoxicating drink, if a near relative, master, guardian, magistrate, or minister of the gospel, (the latter two resident in the same County) shall inform the said Tavern-keeper in writing that the person is so addicted.

The Jury Bill was committed and reported agreed to. This Bill provides that, in civil cases, if 9 out of 12 jurors agree, a verdict may be returned.

House again spent some time in Committee on roads, bridges and wharfs.

Hon. Col. Gray presented a Bill to amend the Normal School Act. It provides for the appointment of an assistant Master in that institution, with a salary of £150.

House adjourned.

TUESDAY, April 24.

The Bill for raising a Revenue was read a third time and passed.

The Education Bill was read a second time, and committed to a Committee of the whole House—Progress made.

Hon. the Speaker presented a letter which he had received from the Hon. Joseph Howe, of Halifax, signifying his acceptance of the appointment of Justice on behalf of the Penitentiary of this Island to settle the Land Question by a commission. The same was read by the clerk, and ordered to be inserted in the Journals of the House.

House again in Committee on the report of special committee on Public Accounts—Report adopted.

REPORT OF THE COMMITTEE ON PUBLIC ACCOUNTS.

Your Committee appointed to examine and report on the Public Accounts for the past year, have to report, that after examining the Accounts to them referred, they find that the expenditure for the Financial year ending 31st January, 1860, amounts to £44,707 12s 7d; and the receipts for the same period to £41,106 3s. 10d, thereby showing an excess of expenditure over receipts of £3,601 8s. 8d. This amount of excess added to the balance standing against the Colony on the 31st January, 1859, exhibits a debt due by the Colony on the 31st January, 1860, of £43,448 18s. 11d, and which balance includes all Debentures and Treasury Notes afloat as will appear by the annexed Tabular statement, marked A.

THE GOVERNMENT OF PRINCE EDWARD ISLAND, DR.

To Warrants unpaid 31st January, 1860,	£29,488 15 24
To Treasury Notes,	11,500 0 0
To Debentures,	23,500 0 0
	<hr/>
	£64,488 15 24

To Balance against the Colony 31st January, 1859,	39,347 10 24
To Expenditure during the year 1859-60,	44,707 12 7d

£84,555 2 10

CURRENT CR.

By Bonds in Treasury	£10,079 17 1d
" " in Attorney General's hands	503 11 0d
By Cash	0,356 8 1
By Balance	43,448 15 1d

£64,488 15 24

By Receipts at the Treasury during the year 1859-60	41,106 3 10d
By Balance against the Colony 31st January, 1860,	43,448 18 11d

£84,555 2 10

Your Committee in this statement do not place to the credit of the Colony any balance which may be due from the sales of Public Lands, or any estimated amount as value of Public Lands remaining unsold.

The total increase of the Revenue for the year ending 31st January, 1860, over the previous year is £7,814, 1s. 7d.

The accompanying tables marked B C. D., contrast the Revenue and Expenditure of the past financial year with the year 1858, and also shew the sources from which the increase has arisen; table F the headings under which the Expenditure of the past year is comprised in the classified accounts.

Your Committee observe that the Expenditure for the past year has been increased to the extent—in round numbers—of £2300 for items of Expenditure of the previous financial year, ending 31st January, 1859.

A list of Warrants issued after that date in payment of the said items of Expenditure is hereunto annexed, (which list does not include the Warrants issued in payment of the salaries of School Teachers.) No. 47 to 99, 126 to 134, 171 to 179, 182 to 188, 212 to 220, inclusive; No. 222, 282, 288, 289, 290, 297, 298, 299, 333, 330, 376, 401, 402, 403, 412, 413, 634, 883, 884, 885, 1018.

Some of the items for which such Warrants were issued your Committee particularize viz: Mill River Bridge, Cascumpec, £158; De Sable Bridge, £65 13s. 8d; Daniel Scott as for judgement of Supreme Court and expenses, £276 5s. 4d; Reporter to Legislative Council, £30; Harbor Master, Charlottetown, £30; new desks for House of Assembly, £47 17s; repairs to Government House, £57 1s; expenses of Board of Health, £126 4s 2d; 5 copies of Blue Books, £55; labor assisting Surveyor General on Public Lands from 1855 to 1859, £105 10s; to Commissioners issuing Treasury notes, £42 11s 3d; Jails, Prince and King's Counties, £113 5s 11d; Road Correspondent, £250; Printing, £269 16s 1d; Superintending printing Journals, £75; Lunatic Asylum, £200.

The sum of £3301 11s 10d was also paid the vendors of Warrell Estate and Lot 11, being (your Committee believe) balances admitted to be due by the late Government.

An increase over the expenditure of the financial year 1858, appears under the following headings in the classified accounts, viz: Education, £757 11s 8d; opening roads on Public Lands, &c., £252 9s 1d; County Jails, £171 3s 4d; expenses of the late Elections, £383 6s 8d; Lunatic Asylum £125 1s 2d; expenses of arresting W. Hughes, £137 1s 0d; extra members House of Assembly, £384 11s; which

amounts do not show the actual increase in the departments of Education, County Jail, and Lunatic Asylum, as part of the expenditure of the financial year 1858, has been included under these headings.

Your Committee submit that £5,600 of the preceding amounts ought not to be considered as forming part of the ordinary expenditure of the past year, as part of said monies were appropriated in the session of 1858, and part expended under the provisions of the Land Purchase Act.

The amount paid for Public Printing was £909 19s 10d, out of which £526 1s 9d was paid to the late Queen's Printer for his account to 17th April last, although as your Committee are informed, a portion of the work was not completed when so paid for.

The receipts from Public Lands (exclusive of Crown Lands) for the past year ending 31st January, 1860, have amounted to £2,054 0s 9d. The interest and expenses as shown by the accounts for the same time amount to £1,958 18s 10d, to which is to be added the interest on Debentures issued during the past year, and not included in Commissioner's account. The items of expenditure are, annual interest on Debentures issued prior to last year, £1027 10s; interest on Debentures issued last year estimated at £95 10s; opening roads, £270 4s 9d; assistant Surveyors, £38 2s; Wood Ringers, £27; balance due J. Ball's assistant's for old surveys, £105 10s; loss of Land Tax, £171; Commissioner's salary and journey, £319 12s 8d. Total amount of expenses, £2054 9s 5d.

The acreage sold was 3738 at an average price of 8s per acre, and realized £1424 9s 11d.

From this statement it appears that a trifling loss has arisen from the working of the land for the past year, and as the total receipts up to 31st January, 1860, £9,922 15s 6d, appear to have been absorbed in interest and expenses on said Public Lands, particularly the Worrel Estate. Your Committee recommend that the balance of Lands on hand be disposed of as quickly as possible. 37,446 acres of land remain unsold, and to expedite the sale thereof 15 miles of roads require to be opened at a probable cost, from information received from the Commissioner, of £300.

Your Committee find an increase of nearly 50 per cent on the amount of Light and Anchorage dues for the year ending January, 1860, over the preceding year.

The public Wharfage for the year ending January, 1860, was £1 8s 4d; and for the year ending January, 1860, is £29 10s 10d. These satisfactory results, your Committee, in some measure, attribute to the efficiency of the officers connected with those departments.

The Lupo Accounts from many of the outports have largely exceeded late previous years, showing a due discharge of the important duties by the different collectors. The returns from the port of Georgetown fall short by £2-153 18s 3d that of the previous year. This deficiency your Committee submit is occasioned by no dutiable goods to any extent compared with previous years for other parts of the Island, being entered at said port this last fall.

Your Committee recommend that due economy be exercised in respect of the expenditure attending Lighthouses and Jails, and that criminals confined in the Jails should contribute by some light labor to assist in making these institutions self-sustaining, the same as obtains in the United States and the neighboring Provinces.

Your Committee remark that the sum of £9,286 17s 6d has been collected as duties on 61,366 gallons of Wine, Brandy, Gin, Rum and Whiskey, for the past financial year, being an increase over the preceding year of 15,314 gallons, and an increase of duty of £2,347 12s 5d. This large consumption of intoxicating liquors, your Committee submit must have a demoralizing effect on the people of this Island, and is entitled to the deep consideration of your honorable House.

The article of Tobacco imported and home manufactured entered for the past year is 151,544 lbs, being an increase over the previous year of 42,338 lbs.

In the Post Office department, a falling off in the receipts appears to the amount of £440 7s 9d. This your Committee find is caused by only nine months' receipts from that department appearing in the past year's accounts.

The returns of the Road Correspondent are satisfactory so far as the Books in that department are concerned; and your Committee find that that officer has succeeded in disposing of the Warrants issued for the Road service without submitting to any loss by discount, notwithstanding Warrants were generally at a discount in the market at the time he made sale of them. His accounts are now audited quarterly, but previously to his accession to office, your Committee are informed, the accounts in his department were only audited annually.

All of which is respectfully submitted.

(Signed) FINLAY McNEILL, Chairman.
DANIEL DAVIES,
THOMAS OWEN,
GEORGE BEER,
JOHN YEO,
EDWARD THORNTON,
GEORGE SINCLAIR,
FRANCIS KELLY.

WEDNESDAY, April 25.

The Bill to prevent horses, &c., running at large in Charlottetown Royalty was read a third time and passed.

The Normal School Bill was read a second time, committed, and reported agreed to, with an amendment; so also the Tavern License Bill.

The House having been summoned by the Lieut. Governor to attend in the Council chamber, His Excellency was pleased to assent to two Bills, viz., the Bill relating to English Church wardens, and the Bill for raising a Revenue.

House again spent some time in Committee of Supply. Several resolutions were reported.

THURSDAY, April 26.

Mr. Holm presented a petition from Crapaud, for the passing of an act to incorporate a dredging machine company—referred to a special committee.

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

Hon. Mr. Yeo presented a petition from Cascompec praying the passing of an Act to incorporate a marine railway company at that place—referred to a special committee.

Mr. Holm from the committee on the petition from Crapaud for an act to incorporate a dredging machine company, reported a Bill, which was referred to the committee on private bills.

House again in Committee on the Education Bill—reported agreed to with amendments. On the Speaker putting the question, is it the pleasure of the House to receive the report of the committee? Hon. Mr. Coles moved that it be received this day three months.

Yeas.—Messrs. Coles, Owen, Doyle, Kelly, Cooper—5.
Nays.—Col. Gray, Messrs. Thornton, Holm, Howat, Laird, Haviland, McNeill, Beer, Montgomery, Yeo, Mc Aulay, Sinclair, Douse—13.

Several resolutions of supply were received.

The committee on private bills reported on the Bill relating to the Presbyterian burying ground at Georgetown; and on the bill for incorporating Crapaud dredging machine company. They were then in order read a second time, committed, and agreed to, with amendments.

Hon. Mr. Haviland presented the Appropriation Bill, which was read a first time; and the rule against reading bills twice on the same day having been suspended, it was read a second time, committed to a Committee of the whole House, reported agreed to, and ordered to be engrossed.

House adjourned.

FRIDAY, April 27.

The Bill to incorporate Crapaud dredging machine company, was read a third time and passed.

Hon. Col. Gray presented a Bill to give effect to the report of the Commissioners on the Land Question—read a first time.

Hon. Mr. Longworth moved that the Education Bill be read a third time.

Hon. Mr. Coles suggested that a clause should be added to it, similar to one in the present Act, providing that Teachers of the highest class who may communicate instruction in the Classics, should receive £5 additional for each scholar so taught, up to the amount of five pounds.

On motion of Hon. Mr. Longworth, a clause to that effect was added as a rider to the Bill, as also another in reference to existing contracts of Teachers in Charlottetown.

Hon. Mr. Longworth then moved that the Bill, with the riders, do now pass.

Mr. Cooper moved in amendment that it pass this day three months.

For the amendment—Messrs. Cooper, Whelan, Coles and Kelly—4.

Against it—Messrs. Gray, Beer, McNeill, Montgomery, Laird, Yeo, Haviland, Holm, Longworth, Howat, McAulay, Sinclair and Wightman—13.

The original motion was then put and carried.

House went into Committee on the Cascumpee marine railway Bill, which was agreed to.

The Bill relating to burial ground at Georgetown, was read a third time and passed.

Hon. Mr. Whelan, according to notice, moved a resolution in reference to the Elective Council Bill of last session, which is as follows—

Whereas a Bill having been passed last session in this House to render the Legislative Council elective—which Bill was printed for general information—and its further consideration having been deferred until the present session, when the Government were pledged to pass it, and, in the meantime, such steps as would secure concurrence with their views on the part of the majority of the Legislative Council. And whereas it appears that previous to the commencement of the present session, the Government were authorized to make such a change in the constitution of the Legislative Council as would be necessary to ensure harmonious co-operation with the majority of this House, and such authority having been exercised with that result:

Resolved, therefore, that if the Government were sincere in promising to re-enact the Bill of last session, they had ample time to do so, as its principles and details had been fully discussed and agreed to; but having failed to fulfil this promise, it should now be declared inexpedient to entertain for the present, the proposal to make the Legislative Council elective.

Hon. Col. Gray proposed the following as an amendment:

Resolved, That as the Legislative Council has but recently been re-constructed, this House do not deem it expedient to go into the discussion of the Elective Council Bill, the subject being such as would necessarily greatly protract the business of the session.

When the question was put on Hon. Col. Gray's amendment, there appeared for it—Hons. Col. Gray, Yeo, Pope, Haviland, Laird, Longworth, Wightman; Messrs. Montgomery, Beer, McNeill, Holm, McAulay, Owen, Doyle—14.

Against it—Hons. Messrs. Whelan and Coles; Messrs. Sinclair and Cooper—4.

Hon. Col. Gray, by command, presented a message from His Excellency, informing the House that he had received a communication from the Earl of Selkirk, expressive of his willingness to dispose of his Township lands on the Island, consisting of about 48,000 acres, both leased and unleased, for 2s 4d British sterling; and desiring the House to express its opinion on the subject. The despatch was referred to a committee of the whole to-morrow.

The Appropriation Bill was read a third time and passed.

SATURDAY, April 28.

Hon. Col. Gray, by command, presented Despatches of correspondence relating to the defences of the British North American Colonies—read and laid on the table.

The Bill to incorporate Cascumpee marine railway company, and the Bill to authorize grants on the shores of this Island, were read a third time and passed.

The Bill to give effect to the report of the Commissioners on the Land Question was committed to a committee of the whole House, and after some desultory debate, agreed to with an amendment.

House again in Committee on roads, bridges and wharfs. The chairman, Mr. Beer, reported all the scales agreed to.

Hon. Col. Gray presented a Bill to establish a College in Charlottetown, by the name of Prince of Wales College. It provides that two Professors shall be appointed for said institution, with a salary of £300 each, one of whom is to teach the Greek and Latin Classics, French, German-Mathematics and Natural Philosophy; the other Metaphysics, Logic, Rhetoric, Political Economy and History; the latter to have priority.

House went into committee on message of His Excellency in reference to the purchase of the Selkirk Estate. After some time spent therein, the chairman reported two resolutions agreed to, which were proposed by the Hon. Col. Gray, and are as follow:—

Resolved, That it is expedient for this House to authorize the Government to purchase the Selkirk Estate, at the rate of two shillings and four pence sterling per acre, including all arrears of rent now due thereon.

Resolved, That a Bill be introduced to amend the Land Purchase Act by extending its provisions from Thirty thousand to Forty thousand pounds.

When the question was about to be put on the resolutions, Hon. Mr. Coles moved the following as an amendment:—

Resolved, as the opinion of this Committee, that any extension of the Land Purchase Act, pending the decision of the contemplated Commission, or of purchasing any lands, without an investigation of the grants, would lessen the efficiency of the Commission as to be appointed.

For the amendment—Messrs. Coles, Cooper—2.

Against it—Hons. Col. Gray, Longworth, Haviland, Yeo, Pope, Wightman, Whelan, Laird, McAulay; Messrs. Montgomery, Beer, Howat, Holm, Doyle, Sinclair—15.

Hon. Col. Gray then introduced a Bill in accordance with the original resolutions, which was read a first time.

MONDAY, April 30.

The Bill to increase the amount to be loaned by the Land Purchase Act was read a second time, and agreed to in Committee.

The Bill to give effect to the report of the Land Commissioners, and the Loan Bill, were then read a third time and passed.

The College Bill was taken up in Committee and agreed to, with several amendments.

TUESDAY, May 1.

Some amendments of the Legislative Council to the Education Bill were read and considered.

Hon. Col. Gray moved that the Bill to establish a College under the name of Prince of Wales College, be read a third time.

Hon. Mr. Kelly said that as the Bill had been brought up near the close of the session, after several of the members had gone home, he would move that it be printed and laid over till next session, which was lost on the following division:—

Yeas—Messrs. Kelly, Coles, Cooper, Sinclair, Doyle—5.

Nays—Messrs. Gray, Haviland, Longworth, Laird, McAulay, Holm, Howat, Beer, Montgomery, Yeo—10.

Hon. Mr. Kelly then remarked that as it appeared the Bill would pass into Law, he would move the following clause as a rider to it:—

And whereas the Roman Catholic inhabitants of this Colony number nearly one half of its entire population, and who for several years now past, have from their own resources without any assistance from the Treasury, erected and established a College in the Royalty of Charlottetown for the education of youth, which is now in full operation, and in which are taught the several courses and branches enumerated in this Act, with the exception of the German language, and in which any of the said inhabitants desirous of giving their children education and instruction in the said superior courses and branches of education have every facility for so doing; and it is but just and reasonable that when the said Roman Catholic inhabitants will have to contribute nearly one half of the endowment provided under the Act as well as the other expenses attending the establishment of the Prince of Wales College, that the said Catholic College should at least have a similar provision for the professors therein.

Be it therefore enacted that for and during the continuance of this Act, there shall be paid to the Professors of St. Dunstan's College the sum of Three hundred pounds, in way and manner prescribed aforesaid.

Hon. Mr. HAVILAND moved that the clause be disagreed to, which was carried as follows:

Yeas—Messrs. Gray, Haviland, Longworth, Laird, Yeo, Davies, Holm, Howat, Beer, Montgomery, McAulay, Sinclair—12.

Nays—Messrs. Kelly, Coles, Cooper, Doyle—4.

The Bill was then read a third time and passed.

The Legislative Council, by message, sent down to the House a Bill entitled "an Act for the regulation of Volunteer forces."

On motion of Hon. Mr. Haviland it was read a first time.

A motion having been made to suspend the standing order against reading bills twice on the same day, in order that it might be read a second time, the hon. the Speaker objected to the House going into the consideration of the measure as being a money bill, it was an interference on the part of the Council with the privileges of the House.

After some discussion it was laid aside.

House adjourned.

SATURDAY AFTERNOON, 24th March.

SUPPLY RESUMED.

Hon. Mr. HAVILAND introduced the Road Scale for the current year. He proposed to grant £5000, to be apportioned as follows, that is to say—

Queen's County,	£1,700	0	0
King's County,	1,550	0	0
Prince County,	1,550	0	0
Charlottetown and Royalty,	200	0	0
	£5,000	0	0

Mr. CONROY moved the reconsideration of the Scale. His district would require a special grant of £200 or £300 for a Bridge at Ca-cumpee, on which some £1200 or £1300 had been already expended.

Hon. the SPEAKER was opposed to reconsider the scale. £5000 was as much as the revenue could afford for the service. When the division should be agreed to, the members of each County should meet and decide the apportionment to the different districts. When a particularly large outlay was required for any one district, it was usual for the rest of the County to contribute proportionally from the general funds. As to the bridge spoken of, the Government ought not to appropriate any sum until its locality and the benefit to result to it from the public were ascertained.

Hon. Mr. COLES—The members of the district should ascertain the relative cost of removing the bridge to another site, or of finishing it where it is at present located. Had the right of way to the bridge been given?

Mr. CONROY—The bridge could be finished and the right of way secured for £250. He had no personal or political interests to serve in the matter. The fact was, the bridge would accommodate, principally, his political opponents. His only motion was the advancement of the interest of the district.

Hon. Mr. YEO had always been opposed to the present situation, but his late colleague, hon. Mr. Warburton, had settled the matter, and there was no use his offering opposition to that gentleman at the time. He had himself subscribed £10 towards it.

Mr. OWEN—Political considerations should not interfere with the distribution of road money. The bridge at Montague, for instance, would require a special grant this year. Parties from all directions resorted to it with produce, and the public interest required that it should be put into proper condition without delay. He thought the scale should be reconsidered and the main vote reduced to £4000, and then have special grants to the amount of £2000, to be applied where circumstances rendered them necessary.

Mr. HOWAT would not alter the scale. £5000 was quite enough in view of the state of the revenue. It exceeded the road appropriations of last year; and a large amount would involve the necessity of an increase of taxation.

Hon. Mr. THORNTON—An increased grant was required for the general road service of the whole Island. He

supposed Mr. Owen's proposal would not be carried. Last year £4000 only were appropriated.

Hon. Mr. POPE—The amount expended last year was £4,700.

Hon. Mr. THORNTON—Yes, because the Government found that bridges were tumbling down, and the extra amount for repairing them would have to be deducted from this year's appropriation. He had not the slightest wish to embarrass the Government, but the improvement of the roads would have the effect of augmenting the revenue and promoting the general welfare. There was no reason to anticipate an increase of taxation, for last year the crops were so abundant that the amount of exports last fall exceeded that of former years, and the case would be similar this spring. These facts justified them in asking more. Besides, the bridges referred to at Cascoquee, Cardigan and Belfast had a strong claim for aid to a local work of great importance.

Hon. Col. GRAY—The grant included nearly £1000 more than the state of the revenue would justify, if they were to avoid the charge of extravagance preferred against the late Government.

Mr. BEER did not anticipate an increase of revenue. Last year the impositions were greater than usual, consequently they would be less during the present, and the revenue would be proportionately diminished. He was opposed to reconsider the grant. £3000 was as much as we could afford.

Mr. OWEN duly asked an increase of £1000. He was as anxious to retrench as any hon. member, but the greater the facilities of communication, the greater would be the amount of trade and the larger the revenue.

Hon. Col. GRAY—Did the hon. member recommend a course which would bring the country to the state in which it was last year, or did he wish an increase of duties to 10, 12 or 15 per cent?

Hon. Mr. POPE—This discussion was but a waste of time. It had been decided in the morning that £5000 was as much as could be afforded.

Hon. Mr. COLES—This subject always gave rise to discussion, and the original vote was frequently reconsidered. The main argument against any increase of the vote, was the alleged debt of the Colony, which was not worth talking about. For the improvement of roads and bridges it was but fair that succeeding generations, who would participate in the benefits of improved facilities of communication, should bear a portion of the cost, and a moderate degree of public liability was not as serious an evil as some might imagine. The national debt of Great Britain had a great influence in attaching the people to their institutions. He approved of Mr. Owen's suggestion that £4000 be granted for the general service, and that £2000 be voted for special grants, which were rendered necessary by the state of several bridges besides that mentioned by Mr. Owen. Mount Stewart and Poplar Island bridges were instances as out of repair, being places whence large quantities of produce were exported it was necessary that they be put in proper order.

Mr. MONTGOMERY—It was unnecessary to ask the Government for any more than £5000. They were the best judges of what the revenue could afford. He regretted that more could not be given to the roads. He had received petitions from his own district, but the people would rather forego the benefits they asked, than have the country plunged into debt.

Mr. SINCLAIR had hoped that a larger sum would have been voted for the roads, and that special grants would have been made. He had expected £200 for Princetown wharf, but if the Government thought that an additional thousand pounds could not be granted without involving the country in debt, they should either not vote it, or if they did, should come out honestly and impose taxes sufficient to meet the expenditure. He was opposed to the expenditure being allowed to exceed the revenue, highly as he appreciated the benefits accruing to the people from improved communications.

Hon. Mr. LONGWORTH—Mr. Sinclair's views did credit to his judgment. It was as unwise in a Government as in an individual to exceed their means and get into debt. The national debt of Great Britain might have the effect at-

tributed to it, but that would afford no grounds for a small and poor Colony like this to incur heavy liabilities. We could not raise money in Britain on our public credit, and we would have to meet our engagements by taxing ourselves. The principle advocated by the hon. Mr. Colice, of devolving the burdens on succeeding generations, had been illustrated by the State of Pennsylvania, where the succeeding generations repudiated the obligations contracted by their ancestors, and by so doing, degraded the credit and character of the State.

Mr. COOPER—Taxation for roads, if properly administered, was not objectionable. The money raised for such purpose was expended in the country, and the people got the benefit of the expenditure and of improved roads. In countries where there was little or no taxation, there was little or no improvement. He was opposed to an increase of the Tariff, and advocated the principle of an income tax as being the most equitable mode of providing for the public wants.

The question was then put on the motion to reconsider the scale.

Ayes—Messrs. Owen, Thornton, Conroy, Doyle, Sutherland, Sinclair, Kelly, Coles and Perry—9

Nays—the Speaker, Messrs. McArthur, Pope, Douce, Ramsay, Yeo, Montgomery, Gray, Beer, John Yeo, Longworth, Haviland, Laird, Howat and Holm—15.

Hon. Mr. THORNTON then proposed to apportion the sum as follows, viz:—£1800 to Queen's County, including Charlottetown and Royalty, and £1600 for Prince and King's Counties, respectively.

Hon. Mr. LONGWORTH thought the resolution was unjust to Queen's County. Charlottetown required an expenditure on the wharves, and the amount the City contributed to the revenue gave her a claim to their consideration. The wharves and bridges near Town were large and in a dilapidated state. So far from approving of the motion, he considered hon. Mr. Haviland's scale as too low for Queen's County, which would not receive justice by it.

Mr. BEER was of the same opinion. The population of Queen's County, exclusive of the great amount of travel over its roads from the other Counties, entitled it to a more favorable consideration. The whole Island was interested in keeping up the wharves and bridges in the County, and Pownal wharf, which was almost exclusively devoted to the service of the Mail Steamer, was on that account entitled to an allowance from the public funds.

Hon. Mr. POPE would support the motion. Members for Queen's County complained that they were not getting fair play. They seemed to have peculiar ideas of the meaning of the words. In Queen's, as the oldest settled part of the Island the roads and bridges had been all made, but in certain districts of Prince County, such for instance as Mr. Conroy's or Mr. John Yeo's, the difference was greater than some were aware of. The western road had not a horse for miles. As to Pownal wharf, the City had no cause of complaint on account of that, for it received it as a gift from the general Government, and its occupation by the mail steamer was more than compensated by the wharfage or goods deposited from that vessel. If members for Queen's had been satisfied with the same proportion as they received last, he might not have opposed it, but he would resist the spirit of encroachment which was being manifested.

Hon. Mr. PERRY—One would almost suppose, judging from the remarks of the hon. Mr. Longworth and Mr. Beer, that no person lived out of Charlottetown. True, Queen's County paid a large portion of the revenue, but it should be remembered that she receives the benefit of the official salaries. Prince County required several large appropriations. The public wharf at Summersida required repairs, and a bridge in his district would take about £60 or £70. The western road must be made passable. He would therefore support the motion.

Hon. Mr. HAVILAND—What had the people of New London, Belfast, Crapaud, and other places in Queen's County, to do with the expenditure of official salaries? They should

not do injustice to Queen's County, and although he was the representative of a King's County constituency, he honestly considered Queen's County entitled to more than was proposed for her.

Mr. CONROY would not be satisfied with less for Prince County than the sum proposed by hon. Mr. Thornton. Queen's was an old and well settled County, while, as had been stated, the western road was unsettled and unfinished. If members from King's and Prince Counties were united on the subject, they could easily carry their point.

Mr. MONTGOMERY—From what has fallen from certain members for Prince County, it would appear that they considered that no roads or bridges were required in any other part of the Island. He trusted that there was too general a spirit of justice to allow Queen's County to be deprived of her just claims.

Hon. Col. GRAY could have no objection to the members of two Counties uniting against one, if their object was merely the attainment of justice for themselves without inflicting wrong on the minority. But the mere fact of the combination would not show the justice of their proceeding. As to King's County, the only case which aroused the zeal of its representatives appeared to be that of Monague Bridge. The greater travel over the bridges in Queen's County rendered their condition a matter of safety to life and limb. Mount Stewart Bridge, in which a large section of King's County was directly interested, would require some £400, but if the members from that and Prince Counties should decide that it must be allowed to go down, there was no help for it. Vernon River Bridge, on the highway to Georgetown, required repairs. A portion of his constituents required aid to complete a work of much utility, but as they could only provide for matters of urgent necessity, it could not be afforded at present. He thought that the equitable nature of the claim preferred on behalf of Queen's County would commend itself to the consideration of the committee.

Hon. Mr. LAIRD—As to the salaries of Government officers, he thought they had been cut down pretty well, and that the amount of the road grant for Queen's County should not be affected by the argument drawn from that subject. Queen's County had more roads to keep up and more travel over them than the other Counties, the members for which, if they eluded, as suggested, might be, comparatively to Queen's, the representatives of swamps, not of population.

Hon. Mr. YEO—The original scale awarded more than its fair proportion to Queen's County, which as it had more population, so also it could apply more statute, labor or commutation money to its roads. He was opposed to the suggested union of King's and Prince Counties against Queen's. Such combination, for such a purpose, would be an act of injustice. The House should deal fairly with all parties.

Hon. Mr. HAVILAND shewed that under the scale proposed by him, Queen's would not receive as great a proportion as under the late Government. He read in corroboration extracts from the Journals.

Mr. DOUSE would regret the combination of King's and Prince Counties as suggested. The roads in Queen's County as lying between the other two, and containing the capital of the Island, were more travelled than those in either of the others, and necessarily required more money to keep them in order. Special grants was very much required. Two blocks were requisite to finish the wharf at Pownal Bay, and other public works required immediate attention. The season in which the contracts for bridges and wharves were entered into did not give the public the full benefit of their appropriation, the timber being generally got out when the sap was up.

Hon. Mr. THORNTON—King's County required large sums for her roads this year. In Mr. McNeill's district, after paying the amount due from last year, but £61 would remain. In his own he had but £136, and that was to be spread over miles and miles of roads. It would be unjust to the other counties to give more than £1800 to Queen's, with which she should be satisfied. After voting that amount, the house would be forthwith required to pay a special grant of £400 for Mount Stewart Bridge.

Mr. DOYLE supported hon. Mr. Thornton's motion. The roads in Prince County required more money than that of any other part. In the western section of the County they were nearly impassible.

Hon. Mr. PERRY would not do injustice to Queen's County, but he thought the scale proposed by hon. Mr. Thornton fair and equitable. Last year Queen's County got special grants after receiving her proportion of the general road vote, on the understanding that no such grants would be made. No reason had been shown why Queen's County should receive more than Prince. Regard should be had to the state of the roads. The western road required a great deal of work to make it passable for the Courier; there were three ferries to be kept up and two large bridges. Prince County did not receive any thing like the amount she needed.

Mr. SINCLAIR would vote for the amendment, unless a pledge was given that no special grants should be made.

Mr. HOLM—Queen's County members had the best right to complain. The scale introduced by hon. Mr. Haviland was fair and liberal to the other Counties. There were in his districts about 15 or 16 bridges, and the Commissioners had handed in reports requiring about £250 for the current year; he could only get £130, and he had to submit.

After some few brief remarks from members whose views have been already given, the committee divided on hon. Mr. Thornton's amendment as follows—

Ayes—Messrs. Ruzamay, John Yeo, Thornton, Owen, McCaulay, Whelan, Perry, Pepe, Sinclair, Doyle and Conroy—11.

Nays—Messrs. Kelly, Coles, Gray, Douse, Longworth, Beer, Speaker, Laird, Montgomery, Haviland, Yeo, Howat, Holm—13.
M. W. Howe, Reporter.

TUESDAY AFTERNOON, March 27, 1860.

LAND COMMISSION DESPATCHES.

HOUSE IN COMMITTEE.

Hon. Mr. COLES objected that the despatch did not contain anything to justify the assertion in His Excellency's speech at the opening of the Session, nor did the action of the House last year warrant the statement made by His Excellency in his letter to the Duke of Newcastle, to the effect that it was not intended to adhere to the matters of relief on which the address was founded. The speech told them that the address had been graciously received, the despatch said that the Colonial Minister could not advise Her Majesty to entertain the application. The address had been carried almost unanimously, because a general desire was entertained that the question should be settled, but the Commission would effect no good if its action was not founded on the resolutions of the House. If the proprietors had the right to sanction the appointment of the Commission, the result would be merely the confirmation of their titles. The Secretary perceived that if the resolutions were assumed as the basis of a Commission, it would be equal in effect to a Court of Escheat; so it was deemed prudent to get rid of them by the plea that they would fetter the action of the Commission. Had any subsequent despatch been received, it should have been submitted. He had delayed going into Committee, having heard that the Leader of the Government in the other branch had stated that such was the case, but a contrary statement was made in the House that morning. He repeated that proprietary influence would render the Commission nugatory, for the Journals of the House showed their constantly repeated protests against measures of a character remedial of the position of the tenants. The delay which had taken place in the appointment of the Commission had caused a great deal of dissatisfaction, and the hon. member for Bellast, Mr. Douse, had been told, in answer to his applications for rent, that although parties had the money in their possession, they would not pay until the question should be settled. He had prepared resolutions which he would read, and although he did not expect that the majority would support them, he would submit them as

expressing disapproval of a Commission on any basis other than that of the address of last year.

Whereas, the present House of Assembly did, on the ninth of May last, agree to an address to Her Majesty the Queen, which was transmitted in the usual way, accompanied by a series of resolutions, introduced to this House in the form of a Government measure, recommending the appointment of a Commission, to investigate the long agitated question regarding the Land Tenures, and to settle the same to the satisfaction of all parties concerned. And whereas one of the principal objects of the Commission aforesaid was to secure, through amicable intercession with the Land Proprietors, a remission of the arrears of rents, where they appeared to press heavily upon industrious tenants; as well as to determine the rates at which tenants might be enabled to purchase the fee simple of their farms, and to give time for completing the purchase, without causing inconvenience or embarrassment to the tenant. And whereas His Excellency the Lieut. Governor was pleased to inform the House of Assembly, at the opening of the present Session, that the Address and Resolutions, as aforesaid, had been graciously received by Her Majesty, and that arrangements were in progress for instituting the Commission immediately. And whereas it appears by a despatch from Her Majesty's Right Honourable Secretary of State for the Colonies, dated 6th September, 1859, that Her Majesty's Government disapprove of the action taken by the Government of this Island with regard to the appointment of a Commission, as aforesaid, his Grace the Duke of Newcastle expressing his conviction that there is no prospect of a beneficial result from the labors of a Commission if its action were fettered by conditions such as those proposed in the Resolutions adopted by this House; and his Grace further states that he "cannot advise Her Majesty to entertain the question" thus raised.

Resolved, therefore, that, in view of this expression of opinion by the Duke of Newcastle, it appears doubtful whether the Address and Resolutions of this House were presented to Her Majesty; and it is evident to this House that Her Majesty the Queen is not yet advised to listen to the suggestions of the People's Representatives in this Colony, as detailed in their Resolutions of last Session; and that the action of this House upon the question has therefore, as yet, been rendered nugatory.

Whereas it appears by a Despatch from His Excellency the Lieut. Governor of this Colony, to his Grace the Duke of Newcastle, dated the 3rd October, 1859, that the Executive Council unanimously assured His Excellency "that nothing could be further from the wish of the House of Assembly than in any way to impede the free and independent action of the Commission," as his Grace seemed to think would be the case if the Resolutions of this House were to be regarded as the basis of the said Commission:

Resolved, That, as the House of Assembly has not authorized the Executive Council to give advice to the Lieutenant Governor, such as that which is referred to in His Excellency's Despatch of the 3rd October last, with respect to any deviation from the spirit of the Resolutions agreed to by this House in the last Session, the Executive Council have, therefore, exceeded their constitutional authority in giving such advice to His Excellency the Lieut. Governor.

Hon. Col. GRAY—It was not to be supposed that the Lieut. Governor had not ample correspondence to justify the language he had used, and it was not customary to disclose correspondence pending the negotiations of preliminaries. Such correspondence might involve the names of individuals, and its premature publication might materially retard the progress of the question. It might suit the Leader of the Opposition to take up the time of the House in making speeches about the delay in the appointment of the Commission, but if he consulted the interests of the people, as he did his own, he would show his patriotism by not obstructing the efforts which were being made for the substantial benefit of the people. If the delay prevented the Leader of the Opposition from proceeding with any measure in lieu of the

Commission, there might be some ground for complaint; but what did he propose to substitute for the Commission? Escheat, which he had proved long ago to be impracticable. The hon. gentleman had referred to the despatch of the 6th December, relative to the objection of the Colonial Minister to the House fettering the Commission by their resolutions. It was the intention of the House to provide a court to enquire into the relations between landlord and tenant, with a view to ameliorate the condition of the latter, without interfering with the legal rights of the former, and to propose what they might consider a fair and equitable mode of adjustment. The Duke of Newcastle stated that the enquiry, if any, must be free, and the Governor said that no wish was entertained to fetter the action of the Commission which he hoped would keep in view the objects suggested by the House. The delay which had taken place was not extreme, nor by any means unprecedented. The hon. member, Mr. Cooper, had been promising the people Escheat for, he hardly could say, how many years; and it was a wonder how they could have waited so long. Eight or nine years since, Responsible Government was to settle the Land Question, while it was but nine months ago that he had prepared the resolutions, and good reasons could be assigned for the delay which had taken place. It was necessary that the proprietors should be consulted, and they and the Colonial Minister had good reasons to be cautious in dealing with any measure emanating from the Island. The correspondence on the subject of the Loan Bill had taught the Colonial Minister to proceed with caution. He had told his constituents that the proprietary titles were good, and had been recognised by our own legislation and purchase of the Worrell Estate—that he would do all that lay in his power to obtain favourable terms for the tenants; and when the hon. member, Mr. Sinclair, stated on a previous occasion that he would not ask favors of the proprietors, he could have stated that he would ask from any party boons to ameliorate the condition of the great body of the inhabitants. Before moving the following resolution in amendment, he might add that he had seen a communication stating the Commission would be appointed.

Whereas, by a Despatch from his Grace the Duke of Newcastle, bearing date 6th September last, in answer to the Address from the House of Assembly, on the appointment of Commissioners to enquire into, and report upon, the Land Tenures in this Colony, his Grace was pleased to state that he had opened a correspondence with the Proprietors on the subject of the desired appointment of such Commissioners. And whereas, although, from unavoidable causes, therein referred to, at the date of the said Despatch such progress had not been made in the matter as this House had hoped for: Resolved, nevertheless, that sufficient therein appears to warrant this Committee in entertaining every confidence that Her Majesty's Colonial Minister will give effect, at the earliest period that the circumstances of the case will admit of, to the prayer of the Address.

Hon. Mr. WHELAN—The resolution of Hon. Mr. Coles was based on an incorrect statement of facts made by the head of the Government with the sanction of his advisers, to the effect, that the address had been "graciously received." There was in the documents before the House nothing to justify the statement, and the resolution goes to show that there was no foundation for it. The Leader of the Government had stated that the delay was not unreasonable. He (Hon. Mr. Whelan) did not complain of the delay. What he did complain of was the misrepresentation made six weeks ago, that the matter was in a course of satisfactory settlement. That misrepresentation he charged upon the official advisers of His Excellency, and they had practised deception upon the House and country. The Colonial Minister's

despatch did not justify the entertainment of the hope expressed in the speech. The despatch plainly showed that the Colonial Minister had turned the back of his hand upon the resolutions, and "would have none of them." When he said that he would not advise Her Majesty to entertain the application, because the Commission would be fettered, were they to find in that language a justification for the statement that Her Majesty had graciously received the address? True, there might be other correspondence, but with that the House had no concern; they could only deal with such portion as was before them. If the Government were in possession of more correspondence on so important a question, they should produce it, and he believed that if they had received a single line holding out the hope that their policy would be practically adopted, they would have produced it long ago. The House had been asked to wait for the arrival of successive mails from England, each of which was expected to bear the important communication; but three mails had been received since the commencement of the Session, and not a syllable had been received. The Leader of the Government had stated in the morning that they had nothing more to submit on the subject.

Hon. Col. GRAY denied having made such admission.

Hon. Mr. WHELAN—Then it was to be presumed that they had more than they had brought down, and it was unfair to the House and country to withhold it. The amendment states that a correspondence had been opened by the Duke of Newcastle and the Proprietors. It is true that there was a letter from Mr. Merivale to Sir Samuel Cunard, but there was no evidence that the latter had deigned a reply to it. The House would stultify itself by voting for the amendment when they are told that their resolutions must be set aside, or the application cannot be entertained. The only result of their legislation last year appeared to be that the Government and House had been snubbed, and the amendment asked to lick the hand that had struck them. There was nothing in the despatch to warrant the amendment.

Mr. COOPER was of opinion that a Commission should be unlogged, if a settlement, final and satisfactory of the Land Question, were anticipated from its labors. The Crown could appoint one Commissioner, and the proprietors and tenantry each one. These parties should have full power to enter at large into the whole question, in all its details, and report such suggestions as would fairly and justly settle the relative rights of all; and their report would then be adopted and sanctioned by Parliament.

Hon. Mr. LONGWORTH—The Opposition sought to make the people believe that the majority had practised fraud on the public—that the Government were not sincere in the course they had pursued in this matter—that they had deceived the tenantry for the purpose of benefitting the proprietors. There was nothing to warrant such impressions, and it was unfair in this early stage of the negotiation to make the charges which had been adduced against the Government. The arrangements would soon be completed, and the Commission would be in operation before the lapse of many months. This result would reflect great credit on the hon. Col. Gray, who was animated by a sincere desire to alleviate the condition of the tenants as far as could be done consistently with equity, and his promises to his constituents had been carried out with good faith. It had been said that the despatch did not warrant the expression in the Speech that the address had been graciously received. It was not to be supposed that His Excellency would have made a statement which he was not warranted in doing, and it must be believed that when he penned the paragraph containing the

passage referred to, that he was in possession of information which fully justified the language which he used, and it was not the province of the House to pry into all the means of information which His Excellency might possess. The letter of the Lieut. Governor to the Colonial Minister had been strongly censured, as superseding the resolutions of the House, and the Opposition say that the Duke of Newcastle positively refused to sanction the Commission. On reading the prayer of the address, that Minister considered it impolitic to grant a Commission with fettered powers, and having taken this common sense view of the matter, he stated the objection to the Lieut. Governor, who replied, on the responsibility of his constitutional advisers, that the object of the Assembly was not to fetter the Commission, so as to impair their efficiency, but that it was hoped that the remedial measures suggested would receive their favorable consideration. The Minister did not refuse to grant the Commission, nor did he at any time intimate any objection to their recommending the measures proposed. He merely said:—"I cannot advise Her Majesty to entertain the question, unless it is fully understood that the Commission are at liberty to propose any measures which they may themselves judge desirable." It is a correct opinion that the Commissioners should be at liberty to propose any measures calculated to effect a final settlement on terms mutually beneficial to proprietors and tenants. The hon. Messrs. Coles and Whelan said that the Government and the Commission should be bound by the details of the Address; but the hon. member, Mr. Cooper, himself objected to that idea, and said that the Commissioners should be untrammelled. They had been told that Sir Samuel Cunard had not replied to the letter asking him if he had any suggestions to offer on the subject of the Commission. It might be sufficient to answer that he had replied to it. There was nothing in the Governor's letter inconsistent with the facts and objects of the Address. The resolutions pointed out certain evils which it was desirable to have removed, but they were not considered as binding conditions. It was not to be supposed that the powers of the Commission should be confined exclusively to the particular subjects alluded to in the resolutions. No injury could result from the Commission being invested with the most ample powers; and it was absurd to charge the Government with nullifying the act of the Legislature. The Government were anxious to carry out the views of the Legislature. The Opposition might endeavour to create the impression that the Government had sought to practise deception towards the people, but he was not afraid that they would be suspected of having withheld information from improper motives.

Hon. Mr. HAVILAND—The whole subject of the land question had been so thoroughly discussed on the debate on the address, and had been so mixed up with almost every question that it was worn thread-bare. Now, however, when there was a reasonable prospect of its being consigned to "the tomb of all the Capulets," the Opposition refuse to attend its funeral, but endeavor to resuscitate it, as a war cry at another election. He was surprised at the leader of the Opposition, who objected that the Commissioners were not tied down by particular resolutions, but were left at liberty to establish a court of Escheat if they saw fit. The resolution was an attempt at a vote of want of confidence in the Government, which he did not believe the majority of the House would support. The Government would not be found to have exceeded their constitutional powers in advising the letter of his Excellency—they had but carried out the spirit and intention of the House, which desired that every thing connected with the question of the relations between Landlord and Tenant should be gone into by the Commission, and not merely one or two topics be submitted to its action. This course afforded a

prospect of satisfying not only the old Escheator, but the recent converts to his creed, who, as is usually the case in sudden conversions, exceed in zealous attachment to their newly adopted doctrines the old believers. (Laughter.) When the leader of the Opposition now professed to have faith in the practicability of Escheat, he must have forgotten the conditions under which he took office in 1851. If that gentleman had, he could refresh his memory by referring him to the despatch of the 12th February of that year. If he said that he was not aware of the existence of that despatch when he took office, he laped himself upon the other horn of the dilemma, for he should have resigned when he discovered such was the law of the land, if he disapproved of its contents.

Hon. Mr. COLES never heard that a despatch was equal to a law of the land.

Hon. Mr. HAVILAND—It was when it referred to a constitution emanating from the Sovereign.

Hon. Mr. COLES had not taken office under that despatch.

Hon. Mr. HAVILAND—The hon. member took office on the 23rd of April.

Hon. Mr. COLES—The despatch had not been sent down at that time.

Hon. Mr. HAVILAND—But the hon. member sanctioned the contents by retaining office after it had been laid before the country. It was not the mere *ipse dixit* of Earl Gray, but the authoritative declaration of Her Majesty's Government. That was the charter under which the leader of the Opposition took office, and as he denied having done so, he would ask him if he had ever seen the document!

Hon. Mr. COLES—Not for three days after assuming office.

Hon. Mr. HAVILAND—Then as an honest politician he should not have sat at the Council Board an hour after he had seen it. He should have retired and agitated the country from one end to the other on the question, and not have continued in office eight years under it; and it was only when he could no longer drive the political coach that he became a convert to the doctrines of the hon. member Mr. Cooper, and in 1858 came out with an address promising his support of Escheat, if he could only obtain a majority at the approaching election. When he found that the power he had used for self-aggrandizement was about to pass from him, when the people no longer viewed him through a glass darkly, when they refused at length to bow the knee to Baal, he then was willing to become an Escheator, an advocate of a doctrine which no one had denounced as vehemently as himself. References had frequently been made to the shoes of the Proprietors, but he was surprised that the leader of the Opposition should have appropriated the long boots of the aspect of Escheat, in making this extraordinary jump. The hon. member must be content to wait a while ere the people would be disposed to trust him again. The majority of the House would not vote a want of confidence in the Government, and charge them with untruthfulness in having represented that the negotiations were in a fair train towards a satisfactory completion, when they knew that the contrary was the fact. It was impossible to table all the correspondence till the matter was settled. Such a course was not usual until the object was *in fait accompli*. It was unfair in the Opposition to hurry the Government, which had not been in power but a month or two more than their opponents had been years, and did not, or could not, settle the question during their long tenure of office. Appealing to the opinions of all honest men, he was willing that the conduct of the Government should be left to their *fiat*.

Hon. Mr. COLES denied that he had taken office under the terms of the despatch referred to. The correspondence made public up to the time of his forming the Government in 1851, showed that the only stipulations required by the Imperial Government as conditions precedent to the concession of responsible Government, were retiring allowances for the then Attorney General and Provincial Secretary. After the formation of the new Government, he asked for the production of Despatch No. 3. The Lieutenant Govern-

nor replied that it had been furnished him for his own guidance and instruction. Despatches were not possessed of the immutable character which the hon. member attributed to them. They differed materially one from the other with reference to the same subject, according to the varying influences and opinions for the time being at the Colonial Office. One despatch, for instance, intimated an intention of guaranteeing the Loan; this was subsequently refused. And the same argument would apply to the question of Escheat. When Sir E. Bulwer's despatch recommended an enquiry into the whole question of the landed tenures, the principle of Escheat was virtually conceded. The resolutions adopted by the House, and based on the suggestions of that despatch, were not intended by those who passed them to be of no effect whatever. He felt not the desire for power which the hon. member had attributed to him; and as far as his allusion to self aggrandizement was concerned, his allusion was much more applicable to that gentleman himself, and to his immediate friends. He, (Hon. Mr. Coles) had lost money by accepting office.

Hon. Mr. HAVILAND—The term "aggrandizement" did refer exclusively to money.

Hon. Mr. COLES had been amused at the anxiety manifested by the hon. member lest some of his supporters should support the resolution. He had cautioned them against so disastrous a course, as involving the loss of their present position. His colleague, the hon. Mr. Longworth, had labored to prove that the language of the speech was justified by the facts. His arguments would go abroad and the people might judge for themselves as to the sufficiency of his arguments. The truth was that the Government was rather surprised that so much stress had been laid by the opposition on the improper introduction into the speech of the expression "graciously received." The Government had managed in the debate on the address to get one or two country members to vote in recognition of the truth of it, and they would of course pursue the same course now. As to the authority of a despatch, he would allow the country to judge of the comparative merits of the opinions of two legal gentlemen, members of the Government. The House had already heard that of the hon. member Mr. Haviland, and he would now read that of the leader, Hon. Mr. Palmer, as enunciated by him in 1855, when Escheat formed the subject of discussion:—"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 Colonial Ministers, could be cited, all condemning a Court of Escheat as 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." Of the two opinions of the country, as I have said, may prefer which they please. As to myself, I am disposed to adopt that of hon. Mr. Palmer.

Hon. Mr. YEO regretted that the Commissioners were not here, and that the whole question was not already submitted to the investigation of three disinterested gentlemen. The tenantry would have cause to rejoice if such were the case, for by this time they must be satisfied that such measures as the Rent Roll Tax Bill and the Loan Bill were abandoned—and what better could they expect than would result from the proposed Commission? The late Government wanted to borrow £100,000, which the Tenantry were to re-pay. How could they do so while they were unable to pay their rents! The agents had often offered to give up the back rents—he himself had agreed to relinquish

the arrears due on Lot 61, if the Tenants would pay one year's rent, and his offer was not complied with. What more favorable terms could be expected he was at a loss to conceive, unless they hoped to get the land for nothing and have seed purchased and sown for them.

Mr. SINCLAIR—The resolution called attention to the contrast between the speech and the despatch, on which it was but reasonable to infer that the paragraph announcing that the address had been graciously received, was founded. If such inference were correct, he could not understand how any Government could produce such a document. Last year he considered the address and the resolutions as being equally silly. He said then that it would be superfluous to ask the Commission to become supplicants to the Proprietors, on behalf of the people—that if begging had to be performed, they could do it themselves, without the intervention of a Commission. The Duke of Newcastle took the same view, and the people ought to be grateful to him for his sagacity. He returned the address to prevent the House making a fool of itself. He foresaw that no good would result from what the House had done, but he then did all he could—he called a meeting of the Proprietors to ascertain what concessions they would be disposed to make. This was as much as the Commission could do. The Government had not yet received the answer, but the Colonial Minister has, and knowing what the Proprietors intended to do, he said that no good would result from the mode of procedure adopted by the House. If a properly constituted Commission had been asked for, some just and equitable arrangement might have been entered into, and the Government needed not in that case to have assumed the right to state that the House of Assembly did not intend to circumscribe the powers of the Commission, when the very prayer of the address specifies the particular objects sought to be attained through the Commission. How then could the Government venture to assert that the House had not meant what it had said! They should have brought the matter before the consideration of the House before proceeding to the length they had gone.

Mr. HOWAT—The hon. member, notwithstanding that he characterized the address as foolish, had voted for it; and he now showed but little regard for consistency, by deprecating that which, last year, he had supported. He (Mr. Howat) had supported the address which by requesting a Commission to investigate the "existing relations" between Landlord and Tenant, expressed the opinion of the House that the Land question in all its details should be submitted to its action. The Commission would constitute a Court of Enquiry, which differed from Escheat, inasmuch as the latter would be based on the principle of forfeiting all the lands in the Island for nonfulfilment of the conditions of the original grants, and without reference to the several royal indulgences. This he was opposed to, but a Court of Enquiry was necessary, as in the cases of some lands, it was supposed that the titles were defective. The leader of the Opposition had assumed that the Commissioners would, as a matter of course, decide as the Proprietors might wish. While there was nothing to justify such an opinion, it was unfair to prejudice the Commission; and believing that honorable and disinterested gentlemen would be appointed, he thought it unjust to anticipate their decision. The first duty will be to ascertain the rightful owner, and having done that, they can decide on the amount of arrears of rent to be remitted and the terms on which the lands may be purchased. He would like to know what arrangement was contemplated with reference to the expenses, whether the Tenants or the Proprietors or the Government were to bear them.

Hon. Col. GRAY—The question had not yet been decided. It had, however, been proposed that the Imperial Government should pay one third, the Proprietors another, and the Colonial Government the remainder.

Mr. HOWAT—His reason for asking the question was that he had heard it stated that a tenant disputing unsuccessfully the title of the landlord, would have to pay the expenses, which might be ruinous to him; but now there

would be no cause of anxiety on that account. He considered that the Government had acted wisely in stating that the House did not wish to fetter the Commission, for if they had adhered to the terms of the address as forming the basis of the Commission, the whole affair would have fallen through, and they rightly interpreted the sentiment of the House when they expressed the hope that the object specified might not be lost sight of. The delay which had taken place afforded no ground of discouragement. Every thing appeared to be progressing favorably, and he trusted the business would soon result beneficially to the country.

Mr. BEER—It was admitted by all that the negotiations were pending, and when the hon. member Mr. Coles considered that the publication of despatches caused the loss of the Land Bill, his desire to have the correspondence connected with this subject laid before the House, might be attributed to a wish that the Commission should be a failure. It would be premature to expect that the matter should have been completed already; if nothing definite should have been made known when the House should have met next session, the request for all the correspondence could with propriety be made. The late Government had failed to settle the Land question in eight years, yet they avail at the present for not having disposed of it in as many months. The Opposition asserted that the Government were throwing dust in the eyes of the people. Such practice was common to themselves when in power, and at the eve of a general election. On such occasions the constituency heard much of Free Lands, the Fishery Reserves, and the Quiet Rents. But at present no general election was at hand, and, if they were so disposed, there was no necessity for the Government to follow the example of their opponents. He would be sorry to think that any one would give the hon. member Mr. Coles credit for sincerity in his present advocacy of Escheat. If it were, as that gentleman had stated, that a Court of Escheat could be established without reference to the home Government, why was it that he did not institute it during the eight years of his tenure of power? If it were false, why did he make such assertion? He well knew that the Imperial sanction was requisite. As for himself he gave the present Government credit for being actuated by good intentions, and was willing to await the result.

Hon. Mr. COLES had never expected much sympathy or support from the hon. member, who, although he might profess unbounded confidence in the Government, had but little liberty of action as a member of the House. He had been sent there by the political alliance, and was bound to obey their instructions. With reference to his not having established a Court of Escheat during the eight years of the late Government, he had endeavored to settle the Land Question by moderate means, but his measures had been thwarted, and when the Loan Bill was refused, he considered that the only practical method left, was the intervention of twelve men as a jury in a Court of Escheat. The Proprietors might be represented by six and the Tenantry by a like number. But how would the Tenants be represented in the proposed Commission? The hon. Mr. Yeo, a member of the Government, and Mr. Douse, another proprietor, repudiated any interference with their properties by the Commissioners. That proved how small a chance the tenantry were likely to have from the operation of the Commission. He defied the hon. member, Mr. Beer, to prove his assertion that he had ever promised Free Lands to the people. The report of the Commission would not be binding on the parties to be affected by it, unless it were adopted by an Act of the Imperial or Local Legislatures. If a court of competent jurisdiction were constituted to try the question, an appeal would lie to the high legal authorities in England, in whom he had every confidence; but before the Commission were held the tenants find an advocate, except perhaps in the hon. member Mr. Cooper!

Hon. Mr. POPE, as a member of the Government, could not submit in silence to the imputations which had been thrown out against the Lieut. Governor and the Government. The Opposition had charged that, in saying that the address

had been graciously received, his Excellency had been guilty of misrepresentation, with the sanction and connivance of his advisers. Such was not the fact. His Excellency and the members of his Government had been guilty of no misrepresentation or connivance, either towards the Home Government or the House. It would be found that the expression to which so much exception had been taken, was fully justified. The cause of all this debate was that the Opposition were afraid that good would result from the Commission, and that the Government would obtain credit with the country for their policy. When they were informed by the Secretary of State that the Commission would not be granted unless it were free from any restrictions, his advisers assured the Lieut. Governor that while it was not the wish of the House of Assembly that the Commission should be fettered, they hoped that their suggestions would be carried out. The necessary negotiations were still in progress, and when members of the Opposition stated that nothing more than the despatch before them had been received on the subject, they but betrayed their ignorance of the state of the Correspondence. The Government might not see fit to put the Opposition in possession of all the information they had received. The majority of the House were satisfied that all that could, had been done; and he could assure them of his positive conviction that a Commission would shortly issue. The hon. member, Mr. Whelan, had said that the Duke of Newcastle had treated the address with contempt, that, to use his own expression, he had turned the back of his hand to it. If that were the fact, why did Mr. Merivale write to Sir Samuel Cunard on the subject? With reference to the leader of the Opposition, he never saw him occupy so unworthy a position as he had assumed in this debate. He was sorry for him when he heard him declare his want of faith in the Commission, and supporting Escheat as being preferable, and practicable, without reference to the Home Government. When he made that assertion he must have forgotten all the speeches he had made when opposing Mr. Cooper in former years; and if he preferred Escheat, why did he vote for the address praying for the Commission? That address had been passed by a nearly unanimous vote of the House; and it was futile to say that the whole scope and spirit of the resolutions and address were not the final and equitable settlement of the land question. The great object was to obtain a Commission, with competent persons to effect that result; and the Government was perfectly justified in acting in such manner as to remove any obstacles which might delay or prevent it, and to recommend the particular details to the favorable consideration of the tribunal by which they were to be adjudicated upon. He was opposed to hon. Mr. Coles's resolution, and he trusted that hon. members would feel themselves satisfied with the assurances of the Government that the Commission would go into effect, and would consequently feel themselves warranted in supporting the amendment.

Mr. HOLM would support the amendment. The hon. member, Mr. Coles, in impugning the independence of the supporters of the Government as being servile tools of the administration, had judged them, probably, by the standard of independence which characterised the adherents to his own administration. He was there as an independent man, and would support the Government as long as he believed they were acting with a view to the public good, and whenever he should have cause to change his opinion he would bid them farewell. It had been said that the Commission would never come into existence, because it had not yet been organized, and the Government had on that account been accused of insincerity. If the Commission should never be appointed, or if, after its appointment, no good should result, so long as the motives of the Government were honest and pure they could not be justly censured for the failure. It ill became the opposition to impute insincerity to the present Government in connection with this matter, when it was recollected that prior to the late election the leader of the late Government and his friends circulated throughout the length and breadth of the land that the Loan Bill had passed, and that the money to be raised by it was ready, when they had not a tittle of proof on which to rest their assertions—and when the falsehood was subsequently brought home to them, they declared that they

were not disappointed. He could see no reason for accusing the Government of misrepresentation, for the despatch did not refuse the Commission, it merely pointed out objections in order that they might be removed; and the letter from Mr. Merivale to Sir Samuel Cunard, showed conclusively that the Colonial Minister was willing to carry out the suggestion of his predecessor. After having waited in vain for years on the opposite party for a settlement of the Land Question, so little time had elapsed since the present Government came into power, that they would not be taxing their patience unduly if they gave them a reasonable period to complete the business, the negotiations connected with which were in progress.

Progress was reported.

WEDNESDAY, March 28th.

The Committee on the Land Commission Despatches was resumed.

Mr. CONROY—So much time had been already occupied in the discussion of this subject, that he need scarcely have risen at all; but it was the duty of all to express their opinions on a question of this nature. He had voted for the address and resolutions of last session, hoping that they would have the effect of stopping the agitation of the land question. Previously to the passage of the address many had abandoned Escheat as hopeless, but had since reverted to their previous opinions, believing that unless the Proprietor's titles were bad the Commission would not have been recommended. As to the expression in the speech, while he entertained all due respect for His Excellency personally, he was surprised that the Government should rely on the despatch before the Committee as a justification of the paragraph in the speech. When it was said that the Commission would speedily be in operation, he could only infer the contrary from what was before them, and although he had heard it said that the Government were in possession of information to justify the assertion in the speech, the minority of the House were not called upon to give heed to the statement, which was contradicted by the only evidence the Government had seen fit to produce. When the Government assured the Colonial Minister that the House did not intend to fetter the Commission, he presumed they expressed the sentiments of the majority. He hoped, however, that the Commission would enter on its duties, and that the result of their labors would be beneficial to the tenantry; but he would not consent to bind the people prematurely to abide by whatever conclusions the Commission might arrive at. In voting for the original resolution, in preference to the amendment, he did so on the conviction that whatever information the members of the Government and the majority might have, there was nothing to justify the minority in endorsing the latter.

Mr. MONTGOMERY had heard nothing whatever to diminish his confidence in the Government or the Commission. If the sentiments of the whole of the population could be ascertained, he had no doubt that a large majority would concede with him. Entertaining these opinions he would, of course, support the amendment.

Hon. Mr. WIGHTMAN—The only method of settling the Tenantry was by purchase from the Proprietors, on which principle the Land Purchase and Loan Bills had been introduced, and he believed that something similar would result from the Commission. He had supported the appointment of the Commission last year, and was sorry that it was not now in operation, but the House or the local Government could not force the other parties to it; for himself he would be satisfied to wait 12 or even 18 months longer, and he was happy to hear the announcement by the Government that it would soon be at work. The only way to get rid of the agitation would be by the Government purchasing the lands at a reasonable price, and he was sorry that the Worrel Estate had been bought at too high a figure; that circumstance, however, afforded no argument against subsequent purchases, and he had no doubt that the Commission would recommend such action. The statement in the speech that the address had been "graciously received," had excited the minds of the people, who would be, of course, surprised and dis-

pointed at finding that nothing had been done. He should, however, relying on what had fallen from members of the Government, give the people to understand that they had something to expect, and advise them to await the result. He would be truly glad to have the question settled, and, after the long discussion of last evening, he would say no more than that he was prepared to support the amendment.

Hon. the SPEAKER trusted that members would confine themselves to the subject, which resolved itself into the question whether the Government was fairly deserving of censure for not having already matured the Commission. All they had to deal with were the resolutions and the amendment. It was impossible that such a matter as the Commission could be concluded in a few weeks or even months. The despatch bore date in October last, and it was now only March, and certainly no such loss of time had occurred as to entitle the Government to censure. He believed they were using their best exertions to expedite the business, and he had every confidence that the Commission would be appointed.

Mr. DAVIES had taken several notes of observations made by hon. members in the debate, but was so tired of the protracted discussion that he would not enter into them. The House must trust to the good feelings of the Proprietors, and endeavor to get the best terms for the Tenantry that they could obtain. It was the interest of the Proprietors to get rid of their lands, if they did make liberal concessions, in order to effect that object. It was true that it did not appear by the particular despatch before them that the address had been graciously received, but the purport of the communication was to recommend an unfettered Commission, and as the main object of the address was to obtain a tribunal which should settle the question, the Government were quite right in stating that it was not intended to restrict its action. He trusted that the country would soon receive the benefits of its labors.

Mr. OWEN—A great deal of irrelevant matter had been introduced into the debate, to which he would not allude farther than to say that he was tired of the long discussion which had occupied nearly seven hours of the previous evening. The principle complaint was that the Executive Council had exceeded their authority. In his opinion they were fully justified in the course they had pursued, and the fact that His Excellency had stated that the address had been graciously received, satisfied him that such had been the case. While he yielded to no one in his anxiety to settle the land question, he was quite willing to wait the result of the Commission, and if that should disappoint the just expectation of the country, the House would be at liberty to take what action they might think proper. He would not in one session vote to annul what he had done in a previous one. He had too high an opinion of the gentlemen composing the Government to suppose they were deceiving the people. The sooner the debate was brought to a termination, and the House proceeded with the business of the country, the better.

Mr. MACNEILL was happy to find Hon. Mr. Wightman coinciding with the majority on this question. That hon. member was entitled to credit for a sincere anxiety to benefit the Tenantry by all just and amicable means, and he fully agreed with him in his willingness to wait, if necessary, 18 months, for a final adjustment of the whole question, and he trusted that members of the Opposition generally would come to the same conclusion. The assertion that the Government sought to strengthen the claims of the Proprietors was utterly unwarranted; he believed that they were actuated by a sincere desire to benefit the Tenantry. He trusted that the resolutions of the hon. Mr. Coles would not be approved of.

Hon. Mr. THORNTON—While as willing as the hon. member to wait till next session or longer for the result of the Commission, could not support the amendment. It had been said that the resolutions conveyed censure on the Government that they were tantamount to a vote of want of confidence. He did not view them in that light; the first was to the effect that the statement in the speech was not corroborated by the document before the House. The Duke of Newcastle said

that he could not recommend the appointment of the Commission as prayed for by the House. That statement certainly did not confirm the paragraph in the speech which announced the gracious reception of the address. The second resolution states that the Executive Council exceeded their constitutional authority, when they stated that the House had not intended that the Commission should be bound by the resolutions they had passed. This was an assumption of authority of which he entirely disapproved. If instead of taking upon themselves, during the recess, to advise the Lieutenant Governor to such effect, they had come down to the House and asked its opinion, he and others of the Opposition would have consented to a free Commission. For these reasons he would support the resolutions, not as conveying censure upon the Government, but as expressive of his own opinions and as being founded on facts. It was true that a great degree of anxiety as to the progress of the measure was felt throughout the country, and when he heard certain Proprietors in the House express the opinion that the whole affair would end in no practical result, he almost feared that the anxiety of the people was justified. He, however, hoped better things, and thought that the more prudent course would be to wait the result of the Commission before taking any action inconsistent with that which they had adopted last year.

Mr. DOUSE, as a Proprietor, considered that he had the right to manage his property without the interference of the Commissioners. It was not matter of surprise that tenants refused to pay their rents, when the constantly recurring agitation of the land question was remembered. He had supported the Commission, which he hoped might realize the expectations of its friends, although he could not recognize its right to interfere with him.

Hon. Mr. LONGWORTH—The object of the hon. member, Mr. Coles, was to thwart the Government in their efforts to settle the question, which he had attempted in vain to accomplish. The question was were the Government acting in good faith, and carrying out the opinions of the House? As to Escheat, that subject had been worn threadbare, and the leader of the Opposition only supported it when he had no other party cry to raise. This resolution was not introduced with any expectation that it would be of any benefit to the people, but merely in a spirit of Opposition to the Government while endeavoring to carry a reasonable measure. The hon. Mr. Thornton had expressed his readiness to wait for the action of the Commission, but at the same time declared his intention to support the resolutions which would strangle the measure. If it were right to wait, it must be wrong to vote for the resolutions. The sooner the question was settled the better, and it was useless to throw obstacles in the way of the Government, by alleging that they were not acting in good faith to the people, when they had referred all matters connected with the question to the adjudication of the Commission.

Mr. DOYLE had listened attentively to the discussion and was unwilling to give a silent vote on the question. He did not anticipate any good from the Commission, and his opinion was strengthened by the hon. member, Mr. Douse, denying its right to interfere with his property. The fact was that the Commission would effect no good for the tenants, because the proprietors would not consent to abide by their recommendations unless they were in support of their own claims. He agreed that it was most desirable that the land question should be settled with as little delay as possible, and the speediest mode was through a Court of Enquiry, which would not deprive any one of his just rights, but would deprive usurpers of what they had no claim to.

Hon. Mr. MACAULAY—The resolutions, if passed, would be tantamount to a vote of censure on the Government, for they charged them with having exceeded their constitutional powers, and coerced the Lieut. Governor into an unjustifiable act. He could not support such a charge until some evidence of its truth were given, and he would be deficient in his duty if he withheld his support after the production of such evidence; at present they had but the assertion of the

leader of the Opposition, and if any other proof existed of the truth of the statements in the resolutions, he would ask where was it to be found? They had occupied two days in the discussion, and what had been the result, if it had not been the proof that men changed their sentiments with their positions? Escheat had been dragged into the debate for the purpose of deceiving the people, in the hope that the leader of the late Government might be restored to power; and it had been advocated by him in open and direct contradiction of the opinions he had expressed in the Session of 1855, when he strenuously insisted that Escheat was impossible. Was it to be expected that people would entertain favorably the advice to strive for what the adviser admitted to be an impossibility. Such contradiction, such evidence of a desire to obtain power by any means, convinced him that there was as little sincerity in the resolutions as in the advocacy of Escheat. Many years ago, he had been consulted on the subject of Escheat; he told the people not to trust to their own opinions on the subject, but to take the advice of some eminent lawyers in the other Colonies. Had that course been adopted, there would have been no agitation; and the bootless labors of the apostle of Escheat, Mr. Cooper, and their cost, might have been saved. If the amount that his expeditions to England cost the people had been placed at compound interest, a fund would have accrued, which would have been sufficient to buy up the fee simple of a large portion of township lands. Last year, when a moderate measure, likely to lead to practical results, was introduced, it received the general support of the minority, who were somewhat taken by surprise; and now, when they were afraid that good would result, they refused to wait for the maturity of the policy which they had sanctioned 8 or 9 months previously. The purchase by the late Government of the Worrall Estate, the titles to which were doubtful, for £24,000, precluded the idea of their sincerity in supporting Escheat; and the only inference that could be drawn from their present conduct was, that they feared lest their opponents should confer benefits on the country. He would support the amendment.

Hon. Mr. POPE.—It was time the discussion was closed. The only question was, would the House sustain the Government in freeing the Commission from all restrictions, and submitting to them—the land question in its broadest aspect. It was probable that the Commissioners would now be appointed. What good they might do he could not tell. He was not as sanguine as others as to the beneficial results of their labors. It was, however, likely that considerable remission of arrears of rent, and favorable terms of purchase, might be recommended; but if they did no good, they could do no harm; and for any benefits accruing to the country from their action, hon. Col. Gray was entitled to the whole credit, for the idea emanated from him. The Governor and Government were justified in saying that the Commission was progressing; and the despatch intimated that the address would be entertained, if the restrictions were removed.

Hon. Col. GRAY—So much obstruction to the public business had been caused by the protracted discussion that he would merely notice briefly and succinctly some of the observations which had been made. He had been pleased to hear the opinions of the hon. member Mr. Wightman, which, coming from an opponent of the Government, entitled him to the credit of having acted in a praiseworthy spirit on the question before them. That gentleman had always been consistent in his opposition to Escheat, and he (Col. Gray) agreed with him *in toto* with reference to the Land Purchase Bill. He had always considered it a good measure, and had given the hon. the leader of the late Government credit for good motives in bringing it forward; but the operations under it had failed, either because the Worrell Estate had been purchased at too high a rate, or that the more eligible lands had been sold for half their value, and the inferior quality remained unsold. He was in favour of purchasing up the proprietary titles, if the lands could be obtained at a very low rate. The arguments of the hon. introducer of the resolutions had been so often and ably refuted, and they were of so weak and inconsistent a character that he would not occupy time by a

inconsistent a character, that he would not occupy time by a further review of them. The hon. Mr. Thornton would find it difficult to reconcile his conduct in supporting the Government by saying that he was willing to wait the action of the Commission, and censuring them by giving his support to the resolutions. His hon. colleague, Mr. Douse, had stated that the Commission had nothing to do with him—that they had no right to take his property. They certainly had not, nor had they the right to take his (Col. Gray's)—but the great object was to obtain the consent of the great Proprietors in England; and, if not one estate is benefited, the Commission will not have been in vain. The hon. Mr. Yeo had expressed himself to a somewhat similar effect, and he would ask, why, with these opinions, had they supported the resolutions last session? They probably had done so because they were aware that a majority of the House would support them, and that had they opposed them they would have been pointed at as Proprietors. However, when it was considered that the resolutions had been supported by all but Mr. Cooper, he thought the two gentlemen would find their opposition now rather uphill work. As to the poverty of the tenantry on Lord Selkirk's property, he trusted that Mr. Douse would plead that before the Commission. The argument of the hon. member Mr. Doyle was indeed peculiar. He said that he was anxious to settle the Land question, and to attain that object would support a Court of Enquiry; yet opposed resolutions having for their object the establishment of such a Court. The hon. member Mr. Pope had expressed an opinion that no great good nor harm would result from the Commission, yet admitted that remission of arrears of rents and reasonable terms of purchase might be expected. If those expectations should be realized, certainly much good would be done. If a depressing incubus of heavy arrears were removed from the shoulders of the farmer, new spirit would be infused into his mind, and new vigor into his body, and he could and would then work with a will and industry which previously he had not known. It was not to be expected that the Commission could do every thing that every one might wish. He had told his constituents that he could not interfere with the legal rights of the Proprietors, but that he was willing to appear before them, requesting a boon for the people.

Mr. CONROY—The operation of the Commission must be unfair, if it should be confined to the remission of arrears; for the hon. member Mr. Douse had stated that parties in his district were in debt for as many as 18 years' rent. Such was not the case in the district he represented. There the people essayed to pay their rents before any other debt, and there were little or no arrears. If then in Belfast, people could be released from the obligation of paying rent for 18 years, and no favour should be shown to those who had struggled hard and paid honestly, it would be rewarding the least deserving class at the expense of those who should be encouraged.

Hon. Mr. KELLY had not taken part in the discussion, but the question was so important and involved interests of so grave a nature, that he did not think it right to give a silent vote on the subject. He had entertained some hopes that good might result from the Commission, but he frankly admitted that he had now abandoned them, after having heard the statement of the hon. Col. Gray, that only the large Proprietors would be bound by the Commission.

Hon. Col. GRAY denied having expressed himself to that effect.

Hon. Mr. KELLY—The hon. member stated, in referring to Messrs. Douse and Yeo's views, to the effect, that small properties would not be affected. A large portion of the Island came under that designation, his own district was peculiarly so, and the settlers stood in great need of relief. He recollected no period at which the agents were so exacting—notes and bonds were being taken for the security of all arrears of rent, and he would ask, if those securities would be subject to the action of the Commission?

Hon. Col. GRAY—The hon. member had heard him state last year, that they could only expect acts of grace from the Proprietors.

Hon. Mr. KELLY had then no hopes for the tenantry in his district. The class of great Proprietors resided in Britain, and they held no property in the part of the country he represented.

Hon. Mr. WHELAN—Had the Government stated last

night that they had received a despatch sanctioning the Commission, that statement would have influenced the present discussion. The leader of the Government had said nothing to indicate that there was any despatch on the subject other than that before the committee—for when he said that they had no further correspondence to submit, the natural inference was that none had been received. The Government knew that in stating what they did, they were necessarily creating such impression; but to-day it was intimated that other communications had been received. Ethical writers maintained that the wilful creation of an erroneous impression was equally immoral as the promulgation of a false statement. If it were true that the Government had further correspondence, why did they withhold it? If it were improper or inconvenient that the whole should be submitted, they might at least furnish them with an extract. Their refusal to do so furnished a striking commentary on the public declarations of the party, that under their regime there would be no more secret despatches. It might be proper for a Government to withhold correspondence because the business to which it referred was in a state which rendered the publication inconvenient to the public service, but in the case before them they had correspondence which they had been induced to believe was complete; and now, after a long debate, it incidentally transpired that the leader of the Government had seen some other document from the Duke of Newcastle. The Government had failed to satisfy the country, and had condemned and falsified their declarations on the subject of secret despatches. He had been amused last night at the eulogies which members of the Government and of the majority had passed upon the action of the Colonial Minister. The hon. Mr. Longworth and the rest of the majority had commended the wise and common-sense views of that statesman; in vetoing the resolutions they had themselves supported, in declaring that they were impracticable, and that he would not recommend the appointment of the Commission unless the restrictions were withdrawn. What must have been their feelings if the Duke of Newcastle had sent out, in the first instance, a despatch announcing that the address, as it passed the House, had been graciously received. In that case, as a matter of course, they must have characterised his views as unwise and nonsensical, unpolitic and unstatesman-like, for endorsing their own proceedings. They seemed to enjoy the pleasure of receiving a rebuff. He believed that if any satisfactory correspondence could be adduced, it would have been submitted ere this, and the Government would not have submitted to the awkward position in which they were placed, if they could have improved their situation before the country. Last session they had been told that the land question would probably be settled in eight months, and now from all that appeared there was no more probability of its settlement than there was then, and the people would be amused by a repetition of the same statements, and the eve of a general election, when the day would be that despatches would soon arrive, and it would be only fair to retain the present Government in power, in order that they might settle the question. Never having any idea that the Commission would do any good, he cared not if it never went into operation. On behalf of the tenants he expected no relief from a body deriving its inspiration from the proprietors and the Government; and when the leader of the Government stated that the address had been supported unanimously, with the exception of Mr. Cooper, he would remind the House that the journals showed his name recorded in opposition to it.

Hon. Col. Gray's amendment was then put, and carried on the following division:—

AYES—Mr. Speaker, Ramsay, Yeo, Montgomery, Gray, Beer, McNeill, Longworth, Haviland, Land, Howat, Holm, Davies, Owen, McAulay.—15.

NAVS—Perry, Thornton, Whelan, Coles, Cooper, Kelly, Sinclair, Sutherland, Doyle, Conroy.—10.

A long document, the commencement of which was a preamble, the body a speech, and the conclusion a resolution, was moved in amendment by Mr. Cooper, but it was decided that it could not be received.

ELECTION BILL.

House again in Committee on this Bill—Mr. J. Yeo in the Chair. Discussion resumed on the resolution in reference to transferring the political privileges of a town from Princetown to Summerside and St. Eleanor's.

Hon. Mr. POPE—I presume there will be little opposition to the resolution before the Committee. It was, I may say, suggested by the hon. member for Princetown himself. It is absurd that a place which has only some 200 votes should have the power to return two members to this House. When this privilege was granted to Princetown, it was intended to be the capital of the county; but as St. Eleanor's and Summerside now virtually hold that position, the privilege should be transferred to them. But while I would deprive Princetown of representation as a town, I consider it nothing but right and reasonable that it should also be relieved from all extra taxes. The question will then be are the people of Summerside willing to take the taxes now borne by Princetown upon their shoulders? I maintain that they are already heavily taxed, many of them having to pay 15s. on their houses, consequently if the principle of taxation at Princetown were adopted there, it would be an advantage to Summerside. I believe that in a town and royalty there are about 4000 acres, so the whole of Lot 17 might very well be brought in with Summerside; but I would not give it the advantages which Lot 18 now has, that of possessing extra elective privileges without any additional taxation. The hon. leader of the Opposition stated that he would support the resolution if the preamble were amended or struck out. I am not particular about the preamble, my desire is to aid the hon. member Mr. Sinclair to disfranchise Princetown, as well as to do justice to the thriving village of Summerside. The people of Lot 17 knowing this resolution to be before the House, lately held a public meeting, and got up a petition in its favor, because one in opposition to it was being sent in from Princetown. I think every person ought to see that it is reasonable Summerside should be the county town.

Mr. SINCLAIR—The hon. member for Bedeque seems to think there will be no opposition to the resolution. It shall at least receive what I can give. He insinuates that I desire to disfranchise Princetown, though he very well knows that I never expressed anything of the kind. When hon. members come to consider this subject calmly, and aside from party feeling, they will, I think, see that it would be an act of injustice to deprive Princetown of its privileges. It is well known that it is a place which has been laid off for a town, and that the Government holds a considerable quantity of land there. True it has not progressed very rapidly, but other places are nearly in the same position. Georgetown has made very little improvement,—in fact Charlottetown is the only place which has arisen to any importance. But this is not to be wondered at, as the Island can not be expected to support many towns. I do not see that Summerside has become so great a town that it should claim the privilege of returning two members. The Government possesses no lands there, and though it has improved rapidly the last few years, no person can tell how long this improvement may continue. Before it can have a right to this privilege it should be in a greater state of progress—it

should have a population sufficient to entitle it to become the county town. The hon. member has expressed his desire to include the whole of Lot 17 with Summerside, which goes to prove that he himself thinks it is not far enough advanced as a town to warrant the proposed change. The people of Princetown have for a number of years paid very high taxes, and several new roads have been laid off in the place, for which they have had to pay besides. Certainly then it is unjust to treat them as proposed by the hon. member for Bedeque. Princetown, I believe, will become a town at no distant day. Its situation is such that when the population of the Colony increases it will be built up. When our people turn their attention more to the fisheries it must rise, as its central position on the north side admirably adapts it for that trade. But while there is plenty of land to be obtained, we cannot expect this branch of industry to receive much attention, and probably some years may elapse before Princetown becomes a place of much importance; but that it will ultimately be built, few I think, will deny. I believe there is a petition before the House from St. Eleanor's and Summerside in favor of the resolution, which the hon. member says was got up because there would be one sent in from Princetown of a contrary nature. The people of Princetown never thought of the like until they heard what was doing at Summerside and St. Eleanor's; and though they immediately started a counter petition, the time was so short that fewer signatures were obtained than would otherwise have been. If it is considered that Princetown should be deprived of representation, I would like to hear upon what grounds Summerside has a better claim.

Hon. Mr. HAVILAND—When this matter was first brought before the House, it took me rather by surprise: but having since given it mature consideration, I have been led to the conclusion that the claim of Summerside and Lot 17 to representation is much greater than that of Princetown and Lot 18. The hon. member, Mr. Sinclair, appears to think that the franchise is a kind of property, and that to take it away would be like depriving persons of their houses or lands. The elective privilege should never be looked upon as property, but as a trust; and because it is such the Legislature has power to transfer it from one part of the country to another. The Legislature acted upon this principle in 1856 when it annexed Lot 18 to Princetown. The members for that place ought no longer to be called the members of Princetown, but of Princetown and Lot 18. If the people who hold town lots there have had to pay high taxes, they have possessed the peculiar privilege of voting. But if they are to be deprived of representation as a town, the taxes may be changed, and made the same as on Township lands. The hon. member for Princetown argues that Summerside is not far enough advanced to be made the county town, since it is proposed to take in with it the whole of Lot 17. But this Township may be said to contain two towns, Summerside and St. Eleanor's, which circumstance gives it a much superior claim to Princetown and Lot 18. St. Eleanor's has been the capital of Prince County for a number of years, and I believe if that county were canvassed to-morrow, a large majority of the people would be found

to prefer it to Princetown. The principle on which the resolution is based is that the franchise should be taken from towns which do not increase, and given to those that do. I do not see what trade is ever to make Princetown a place of importance. Georgetown has slowly, no doubt, but gradually improved. The first time I was returned to represent it, I obtained only 67 votes, whereas at the last election, I received 140, more than double the number. It has now many respectable buildings and a considerable trade. But Princetown remains the same as when laid off by the Surveyor General, which shows that a grand mistake was made when that place was selected for a town. It is not in a central position. I would venture to say that hundreds in Prince County have never seen the site where the town was proposed to be built. Summerside is the best place that can be chosen for the county town, both on account of its position and extensive trade. When the railway in New Brunswick is completed, Summerside will no doubt rapidly increase; and I would not wonder, but I might live to see it the largest town in the Colony.

Hon. Mr. McAULAY—I generally agree with my hon. colleague, because he displays so much common sense; but we differ a little on this subject. I shall advert briefly to the history of towns. People are divided into two great classes, agriculturists and artisans. Artisans are led to collect into one place on account of the facilities which are thus afforded for carrying on their employment; so that in all new countries, and in those emerging from barbarism, towns gradually arise. Following out this principle, and to make provision for what might naturally be expected to occur in an increasing Colony, we find that in this Island a number of years ago, three places were laid off for towns. But the selection for Prince County did not prove a judicious one. The site chosen never became an emporium of trade. Another part of the county became the seat of commerce, and when we see that place, in spite of disadvantages, springing up into a town, we ought to foster it. But Summerside has, in some respects, been favored. It has been connected by steam communication with Shediac and Charlottetown. The hon. member, Mr Haviland, has prophesied that it will become the largest town in the Colony; and if we may judge of its future progress by that of the last few years, in all probability his prediction will come true. I think, however, the Committee should pause before they pass the resolution. We ought to be careful not to deprive any place of its privileges. But Princetown was deprived of its privileges long before the present resolution was thought of. It was deprived of its representation as a town when the late party in power swamped it by the annexation of Lot 18. I feel sorry that the proposal that Princetown shall cease to be a borough, should annoy a single individual; still I consider it my duty to support the resolution. But Princetown ought to be relieved from all extra taxation, and Summerside should be made to bear the burden.

Hon. Mr. COLES—I thought we were going to be favored with the history of towns from the creation, but it turned out a very meagre affair. The disfranchisement of Princetown, which was at first rather spoken of in jest, is now becoming a serious matter.

I am of opinion, as I before remarked, that since Summerside has risen to be a town, it should have a distinct representation, because its interests are becoming different from those of country districts. But the question is should Princetown be wholly disfranchised? I see that by the new Reform Bill in Britain it is not proposed to deprive small old boroughs totally of their representation, but to allow them to return one member. Now we may adopt this principle with respect to Princetown, by leaving it one, and giving the other to Summerside. Princetown could not reasonably complain at such an arrangement; and as Summerside is only rising into a town, one member would be sufficient for it at present. When it becomes as large as Charlottetown it ought then to be allowed another. I think the House should make some regulation now respecting the building of Summerside; the streets should be made at right angles, and also of a certain width. The site is an excellent one, and if it be only properly laid off, it will make a very pretty town.

Hon. the SPEAKER—I would like to know from the hon. member who has just sat down whether he intends to include Lot 18 with Princetown in his proposal to give one member to each, for as long as that is the case Princetown may be said to have no representation. To give only one representative to Princetown, along with Lot 18, would disfranchise the town altogether. If it were placed in its former position by being separated from that Township, one member would not be so objectionable. But the suggestion of the hon. leader of the Opposition I can never agree with. If the present representation of Princetown is to be taken away it shall be without my concurrence. I cannot understand what the Government has to do with Summerside. There is no Government land in the place. If the representation be given to it, property there will rise; but it will fall in Princetown, and thus cause a loss to the Government, which, I think, is one of the strongest arguments against the proposed change. Princetown has been rather unfortunate. Had the public buildings not been taken away, it would have made some progress. I know that persons there took out timber with the intention of building, but they proceeded no further when they learned that the public buildings were to be erected at another place. I am sorry that Princetown appears to be doomed. First it was deprived of the public buildings, then Lot 18 was joined to it, and now it is proposed to disfranchise it altogether. It is one of the oldest settlements in the Island, and though the people there have been paying heavy taxes, they have made very few claims upon the Government. I think it would be unjust for the Legislature to deprive Princetown of the last privilege it seems to possess. I never thought that the proposition of the hon. member for Bedeque was to be more than a joke. I regret that my colleague made any reference to the place, as I feared the consequences. The Committee, I trust, will negative the resolution before them. But how ever hon. members may be disposed to act, I shall give it all the opposition in my power.

Mr. COOPER—Before representation be given to Summerside something else should be taken into consideration. No arrangement has yet been made there respecting public buildings, and other things

which require to be attended to in every town. In other places when a town is laid off, the people generally elect magistrates, who have the power to regulate all such matters. Some provision of this kind should be made in Summerside before it can have a claim to representation. Again, we should ascertain what it will do for the general revenue, before we give it this privilege. I consider the House ought to defer this subject for the present, and no doubt the enterprising people of that place will make application for the necessary regulations.

Mr. DAVIES—I believe that the proper place for the capital of Prince County is Summerside; but it is not to be wondered at that the members for Princetown are opposed to the resolution. I may say, as I did on a former occasion, that Summerside is now certainly entitled to representation. It will no doubt become a place of importance; still I do not think it will outvie Charlottetown. It is perhaps more convenient to the railway in New Brunswick, but when the line is completed from Halifax to Pictou, Charlottetown will possess equal advantages. I hope if the representation is transferred to Summerside the people there will be prepared to bear any additional taxation which may be occasioned by the change.

Mr. BEER—A grand mistake was made when the site for the county town was chosen on the north side of the Island. The harbours there close up much earlier in the season than on the south side. Justice ought now to be done to the County, and the representation given to a place better adapted for the purposes of trade. Summerside is clearly entitled to the privilege, as it possesses, besides advantages for commerce, a numerous and enterprising population. The resolution shall have my support.

Hon. Mr. WIGHTMAN—I never was at Princetown, and am consequently not in a position fully to judge of the advantages or disadvantages of the situation for a town; but I think the step proposed to be taken is a very summary one. For my own part I will lend my support to nothing of the kind, as Princetown has made no application for a change. The Colony is certainly retrograding if we are going to disfranchise one of our boroughs. In Canada they are granting privileges to new towns almost every day. Instead of disfranchising Princetown we should foster it by all the means in our power. The people there are, I believe, as intelligent and industrious as at Summerside. We have heard it stated to-day that the place is unsuitable for a town; but all must admit that it is admirably adapted for the fishing trade, which probably ere long, will be prosecuted to a much greater extent in the Colony. The hon. member Mr. Sinclair proposed that the qualification of electors in Princetown should be made 40s a year, in order that those who own land there might be under the necessity of improving it before they could exercise the privilege. This might be well, but to disfranchise them altogether is out of the question.

Hon. Mr. PERRY—I almost consider it my duty to support the resolution, because it was partly suggested by the hon. member for Princetown himself. Perhaps the people there feel the taxes burdensome. The population of Princetown has increased very little since I first came to this House, while in the same

time that of Summerside has nearly trebled, and it would have increased more if the place had possessed a separate representation. I see a great number of my constituents have signed a petition in favor of the resolution, and I feel it my duty to carry out their wishes.

Mr. SINCLAIR—The hon. member says that he almost feels bound to support the resolution because I suggested it. He must know that I made no such suggestion; what I proposed was quite different—it was to protect the privileges of the people of Princetown. Summerside, with all its advantages, has not very many more votes than Princetown; and the Royalty of the latter place is much more populous than the Royalty of Charlottetown. It is only on account of the Court House and Jail being built at St. Eleanor's, and the traffic between Summerside and New Brunswick that these places have increased. The hon. member, Mr. Beer, stated that the harbor of Princetown is closed up earlier than those on the south side of the Island; but this is not correct, for vessels leave that harbour as late in the season, as from almost any port in the Colony.

Hon. Mr. LONGWORTH—I have listened attentively to the opinions of hon. members, and I must say that notwithstanding all the arguments advanced by those opposed to the resolution, I have not been convinced that Princetown is entitled to retain its representation. The strongest argument which they have brought forward appears to be that there is Government land at that place; but I cannot understand why a borough should be entitled to representation because the Government holds property there. It is not on this ground that representation is granted in England or in any other country with which I am acquainted. The principle maintained by the reformers in Britain, is that whenever a town has reached that state of decay that its population is too small to entitle it to representation, it ought to be disfranchised. Now here is a place which was laid off for a town some 80 or 100 years ago, and what is its history? The town has never been built. As has been already remarked, a mistake was certainly committed when a site for the borough of Prince County was chosen on the North side, but probably then the people had no means of judging more correctly. While the most of our communication is with the United States and the lower Provinces there is no prospect of it being built. In process of time it may become a fishing station, but can never rise to be more than a village. This House does not desire to deprive Prince County of a borough; the question is whether Summerside or Princetown be entitled to the privilege. I think on account of its population, and also from its position, Summerside has a superior claim. It has increased the last few years at a rate perfectly astonishing; and is calculated still further to rise in importance. I agree with the hon. member, Mr. Haviland, that it will probably soon outstrip Charlottetown. The hon. member for Murray Harbor appeared to take a very extraordinary view of the case. His argument seemed to be that since the inhabitants of Princetown had made no application to be disfranchised they should not be interfered with. I wonder if this principle was acted upon when the famous bill was introduced by which the representation of the Colony was increased and Lot 18 added to Princetown. I never

heard that the people of Princetown petitioned for the change. No, Mr. Chairman, it was contrary to their wishes. If an alteration could be effected in their representation then when there was no application on the subject before the House, surely it can be done with much more reason now when there is a petition on the table from Summerside and vicinity in favor of the resolution. We have a right to accede to the wishes of the people of Summerside, provided it is a more suitable place for the county town than Princetown. I would be the last person to rise in this House to deprive any town or district of a representation to which it is justly entitled. This privilege belongs to no place on account of Government land being there, but as has already been properly remarked, it is a trust which can be given or taken away. Princetown it is admitted on all hands is no further advanced now than it was 28 years ago. I visited the place about that time, and saw only one house in what is called the town. The number, I believe, remains the same to this day. Where, then, can be the injustice of disfranchising such a place?

Hon. Mr. WIGHTMAN—There is no stronger proof needed in favor of my argument than this petition from the Royalty of Princetown; (he here read a part of it). Considering the prayer of this petition and the number of signatures to it, I think the step we are about to take is a very serious one indeed. The resolution, I believe, was only brought up by the hon. member for Bedeque on account of a statement made by the hon. member Mr. Sinclair, but that gentleman should not gratify his feelings at the expense of the people of Princetown.

Hon. Mr. YEO—The hon. member, Mr. Wightman, has never been at Princetown, or he would not for one moment say that its representation should be continued. There are shipyards all round Summerside, and it is a place of considerable business, but at Princetown there is not even a shop, unless it be a blacksmith's forge. I do not think any person should complain with reference to the proposed change.

Mr. CONROY—I am surprised to hear the change which has come over some hon. member's opinions in a few days; for they must have had as much information when this question was first brought up as they now have. It appears Princetown was laid off for a town a number of years ago, and the right was given to it of returning two members, of which privilege it is now sought to be deprived. I am acquainted with several of the inhabitants of Princetown Royalty, and knew them to be respectable people. I cannot see that they should be deprived of a privilege which they have so long possessed, as the place is at least not retrograding. I fear the resolution was only proposed on account of something expressed by the hon. member for Princetown; but he should not thus be made the object of attack since he was only wishing to secure the rights of his constituents. Nothing has fallen from him to justify this course of procedure. I shall vote for Princetown retaining its privileges.

Hon. Mr. COLES—Hon. members appear to argue as they wish to vote, and not according to a sense of right. The supporters of the party in power must have a fling at the late Government as well as at the member for Princetown. From their own showing the late Government acted properly in the case of Princetown, for if it is right to disfranchise the place now, it was right then to add Lot 18 to it. True there is no shipbuilding there, but the people have to pay heavy taxes, and the place may yet rise to importance if the fisheries come to be more generally prosecuted. I move that the representation of Princetown and Royalty and Lot 18 be reduced to one member, and that one be given to Lot 17. If this motion is lost, I will probably vote to disfranchise Princetown altogether.

Hon. Mr. POPE—I entirely disagree with this motion, for I do not consider that Princetown is in any respect entitled to a distinct representation. It has been said that the people there have to pay heavy taxes; but so also have the people of Summerside. A law was passed last year to

enable them to tax themselves, and they have done so to the amount of about £50. The member for Princetown says Summerside is not yet far enough advanced to entitle it to representation; but there is not a place in the Lower Provinces which has increased so rapidly. When I went there to reside not many years ago, there were only a few houses in the place, but now they number upwards of 200. The hon. leader of the Opposition, I am glad to hear, is disposed to adhere to his word. If his own motion be lost he is willing to support the original resolution. The hon. member, Mr. Sinclair, said that the proposed change would lessen the value of property in Princetown; but if it be true, as he formerly stated, that the lots there are worth only from 1s. 6d. to 2s., they cannot much decrease. Though by changing the representation to Summerside the eighteen penny lots of Princetown were rendered utterly valueless, the loss would not be great. One lot in Summerside is worth nearly the whole in Princetown. I have heard no arguments yet against the resolution.

Hon. Col. GRAY—Mr. Chairman, I cannot let a matter of such grave importance as removing the shire town of a county pass without expressing my opinion. With reference to the remark of the hon. member for Tignish that some hon. members had changed their views, I may say for myself that I have not allowed my judgment to be biased, for I entertain the same opinion now as I did when the subject was first brought before the House. I disclaim being influenced by anything which the hon. member for Princetown may have stated; no blame can be attached to him for the course which he has taken to defend the interests of his constituents. Princetown may some day become a place of importance; but St. Eleanor's has been a long time the capital of the county, and should have a representation. I have been there, and was so much pleased with its appearance that I have almost a desire to become a citizen of that place. With respect to Summerside, I think it will in a short time vie with Charlottetown. To illustrate how it has improved, I may state that I was offered a lot in the town six years ago for a very small sum; and I suppose I could not purchase the same land now for ten times the amount. The railroad in New Brunswick has done much for it, and will be the means of making it a place of considerable importance. I heard an hon. member remark that there were no Government lands there; but though this be the case, it contains quite a number of very respectable houses. I agree with the hon. leader of the Opposition that its streets should be laid off at right angles. I again say that in recording my vote in favour of the resolution, I will do it from no party consideration.

Hon. the SPEAKER—Several of those who have spoken on this subject, appear to think that Richmond Bay is closed up earlier in the season than harbours on the south side of the Island; but I believe vessels have entered there later than in almost any other part of the Colony. I have seen it open when Bedeque harbor was full of ice. Hon. Col. Gray says that St. Eleanor's is a pretty place. I agree with him, but think if he had visited Princetown, he would entertain the same opinions respecting it.

Hon. Col. GRAY—I did visit the place, but could not find the town. (Laughter.)

Hon. the SPEAKER—The hon. member may have seen the place, and I am certain if he has, he must consider it one of the prettiest spots in the Island. I admit that Summerside has increased rapidly, but think there is scarcely a better site for a town in the Colony than Princetown. It appears to me that several hon. members have taken up their position on this question, and all that I can say will be of no avail. I have had the honor to represent Princetown for a number of years; and believe I have had as an intelligent and independent a constituency as any member of this House. I do not approve of hon. Mr. Coles' proposition, but would vote for it rather than that Princetown should entirely lose its representation.

Mr. SINCLAIR—Evidently the fate of Princetown is sealed. Even the leader of the Opposition seems to be willing to aid the majority in this movement. He, how-

ever, is in favor of allowing Princetown to retain one representative, and giving the other to Summerside. But I cannot consent to any alteration without first consulting my constituents. The majority of this House, in my opinion, are acting very unjustly towards the people of Princetown; because a large number of these exerted themselves to support the party, and if it were not for them it is very doubtful if some of the supporters of the Government would occupy their present position.

Mr. McNEILL—I am sorry to hear hon. members oppose this place—this good old town. I would say of it, *Requiescat in pace*.

Mr. HOWAT—I am inclined to support the resolution on the ground that Summerside has a larger population than Princetown. It is the peculiar position of Princetown which prevents it from rising. It is not in the centre of the county, and is not so conveniently situated as Summerside for trade. I do not see any injustice in the proposed change.

Hon. Mr. WHELAN—Mr. Chairman, allow me one observation with regard to the hon. the Speaker. He is about to be very unfairly treated by his own party. It appears that when Lot 18 was added to Princetown, he thought it was done with the intention of depriving him of his place. I introduced the Bill by which that alteration was made, and can assure him that in promoting the change, I had no personal views in the matter. The bill was not designed to affect individuals, and I feel certain the hon. the Speaker will admit that it is with the addition of Lot 18 a much more respectable constituency than before. There is no individual of his party whom I would rather see in this House than himself. I will add my testimony to what he has said respecting the intelligence of those whom he represents. I do not think there is a community in the Island which exceeds them in this respect. This is evidenced by the fine Institute which they have built, and the manner in which they have improved their farms. The public spirit which they have thus evinced, renders them worthy of the privileges which they enjoy. I am astonished to see those who voted against adding Lot 18 to Princetown, now become a party to its political extinction. I shall record my vote against the resolution.

Several hon. members having objected to the preamble of the resolution because it reflected upon the hon. member for Princetown, Mr. Sinclair, it was altered by Mr. Pope to meet their views, and is as follows:—

Whereas the site for the County Town of Prince County was originally laid off at the extreme end of the County on the North side of the Island, and was entitled with its Royalty to return to this House two members to represent said Town and Royalty; and whereas at the present time, from the small number of inhabitants residing in the said Town, and the limited amount of business therein transacted, the said Town of Princetown should not be considered as the County Town, more particularly as Lot 17, comprising the flourishing Towns of Summerside and St. Eleanor's, is near the centre of said County, and from its position, number of inhabitants, and extensive commerce, as well as from the fact of the Court House and other public buildings being situate therein, until it to be fairly considered as the County Town, and to all political privileges as such.

Resolved, therefore, That so much of the Act of XIX Victoria, Cap. 21, as relates to the Towns, Royalities, and Commons, and to the divisions of the Electoral Districts in this Island, be so amended that Lot 17 be taken of the third Electoral District of Prince County, and be entitled to return two members to this House, and that in lieu of Lot 17, Lot 18 and Princetown and Royalty be added to the said third Electoral District of Prince County.

The division on this resolution and Mr. Colles' amendment has been already published.

DAVID LAIRD, Reporter.

MONDAY AFTERNOON, April 16
COMMITTEE ON WATER PRIVILEGES.

The House in Committee on the subject of granting water privileges. Petitions and correspondence on the subject having been read.

Hon. Mr. HAVILAND explained that it rested with the House to take such action as they thought fit in the matter, which was of great importance, as affecting the rights of owners of lands fronting on navigable rivers, to erect wharfs or breakworks in front of their properties. Grave doubts were entertained as to the right to licence such erections. Summerside was the only locality where it had been done; but the principle involved affected the country generally. A question had occurred in the district represented by the Hon. Messrs. Laird and Longworth, and petitions had been presented to the House expressive of the dissatisfaction of the settlers at the alleged interference with their privileges. Wharves were essential to the mercantile progress of a country, and it was necessary for the Legislature to decide what powers should be given to the owners of water fronts. The question was not invested with a party character. A former Attorney General had given it as his opinion that the sanction of the Legislature was necessary for the action of Government.

Mr. MONTGOMERY asked if it were intended to give a general authority, or to limit it to the vicinity of towns. Country localities might be seriously inconvenienced by wharves being run out into the rivers to low water mark, as they would prevent the farmers collecting sea manure.

Mr. BEER saw no objection to granting the privilege of erecting wharves in the country, which could be constructed with open spaces, so as to admit boats to pass under to gather sea-weed. He was in favor of sanctioning the wharf at Rustico, which formed the subject of some of the petitions, if it were built so as not to interfere with the navigation, by preventing the collection of sea manure. At Summerside there was already a long wharf, than which no greater obstruction to the free navigation of the space between high and low water mark could be constructed, and, therefore, he saw no harm in allowing erections of a similar character in that particular locality. In other parts of the country the case was widely different.

Hon. Mr. COLES—The question for the House to decide was, not the particular situation of Summerside, but whether the public had or had not the right freely to use the space between high and low water marks, for the collection of sea-weed, or for any other purpose. If it was admitted that they had, no Government had the right to grant sites for the erection of wharves any where. The right to all below high water mark was vested in the public; and the wharves in Charlottetown below that mark had been built on land specially granted by the Crown, which right had been transferred to the Assembly by the Civil List Bill. He hoped the question, as far as it referred to Summerside, would be settled in a manner beneficial to that rising town, which might require peculiar privileges. When he was in the Government he had reserved the rights of the public to the free access to the side of the public wharves, that no obstruction should be presented to the approach of vessels to discharge or receive freight, or to be repaired. Parties had applied for a licence of occupation of the space he alluded to, but the Government required a plan, in order that they might judge of the necessary reservations to the public.

Hon. Col. GRAY, while opposed to granting to individuals privileges which might interfere with the general rights of the public at large, admitted that towns had claims to which other parts of the Island could lay no claim. He had understood that the late Government had made distinctions between individuals in their action on this matter. The Hon. Mr. Wightman, he believed, had been allowed to build a wharf out to the channel without being charged for the privilege, while others had been called upon to pay for a similar right. In cases of towns, the Government should be empowered to afford every facility for the prosecution of mercantile business; but in country districts, they should cautiously guard the public interests—should guard against the obstruction of the highways, of which, at Cavendish, some of the petitions complained. He did not know the particular locality specified in the papers he referred to, but if it were as he surmised, a serious inconvenience must have been occasioned.

Hon. Mr. COLES—Hon. Mr. Wightman made application for the right to the channel.

Hon. Mr. POPE was glad the subject was before the House. He was interested in it, as owning water lots at Summerside. In the present position of the question, he knew not how to build on them. It had been said last year that individuals denied the late Government. He for one considered that although the right was in the Crown, the lots were for the general use of the public, and it should not be left in the power of any Government to benefit or injure any particular individual, by asking what amount they chose. As he was the party referred to by the leader of the opposition, as having applied for lots at Summerside—he denied having done so, any more than the Hon. Mr. Wightman. He received a notice to pay 2s. a foot, and that amount was subsequently reduced to 1s. 6d., which was demanded under a threat of prosecution; the notice and threat he equally disregarded. He had been selected individually, as opposed to the late Government, while Hon. Mr. Wightman, a member of it, was allowed to go free. He would have paid 1s. 6d. per foot, but considered that it was an unjust demand, preferred against himself personally. Mr. Murhead got a grant at 1s. per foot. With reference to the resolution the House might adopt, he hoped it would define the duty of Government so as to prevent favoritism or persecution; and, in country districts, put it out of the power of any man to gratify his bad feelings towards another, by taking the front of his farm, which should be at the disposal of the owner so long as he did not obstruct the freedom of navigation.

Hon. Mr. COLES—The hon. member had imputed dishonest motives to the late Government, but had admitted that he had taken possession of public property, which it was their duty to protect. The harbor master had, doubtless, called the attention of the Government to the fact, and had been referred to the Act pointing out his duty. The sum of 2s. was not very high; but the main object of the Government was to obtain an acknowledgement of their title. The hon. Mr. Wightman had been told that he would have to make terms for his occupancy, as the late Government were determined to act on a general consistent plan for the protection of the public property, and not on personal grounds. He agreed that all reasonable privileges should be conceded, but it would not do to allow individuals to take public property for their own benefit, whenever they chose, as the hon. member had done.

Hon. Mr. LONGWORTH—While private individuals owned to high water mark, the lee in the soil below that was in the Crown, and the right of use in the general public. This double right rendered it a matter of some difficulty so to adjust the question, as to give the Crown the power to authorize the erection without encroaching on public rights. It was a well established principle, that public interest superseded private. A distinction should, he thought, be made between shipping piers and the ordinary shores of the Island. If the Government were empowered to grant the water fronts, and wharves erected on them obstructed the navigation, such erections could be indicted by the grand juries as nuisances.

Hon. Mr. POPE—If the late Government were so zealous to preserve the rights of the public in the water lots at Summerside, it was strange that they should be willing to barter them away for 1s. 6d. per foot. He had never asserted any claim of right to those lots; but was aware that on complaint made he would have to leave them. According to the hon. leader of the opposition, every man who laid down a slip or a boom in front of his property, was guilty of a dishonest appropriation of public property.

Hon. Mr. LAIRD—It was but fair that parties at a place like Summerside should have the privilege of laying down launchways or booms, which were not permanent obstructions to navigation, and Government should be empowered to grant the right to do so. The case complained of at Rustico was, however, quite different. There the farmers depended greatly on obtaining sea manure. The late Government had appointed Commissioners, of whom he had been one, to open a road; and no complaint had been made until some two years

ago, when an American merchant built houses and stages on the public road, and filled up the spaces between the piles with stones, thus effectually preventing the people from obtaining the sea-weed. This no one had a right to do.

Hon. SPEAKER—The stages were erected in front of the property, and he had been informed that the proprietor had expended \$10,000 in the erection of breakwaters, &c. It would be a serious hardship to deprive him of such an amount. The breakwaters were an accommodation to all in the neighborhood who owned boats. The owner had done a great deal of good to the country; he had instituted a most extensive fishery, the benefits of which were widely experienced in the extended outlay of money it occasioned. The petitioners complained of the obstruction to their getting sea manure. He had been informed by the proprietor that the people had never been prevented from getting as much as they chose, and in fact that they were in the habit of going on the premises and removing it. He was inclined to suspect the existence of personal ill-feelings.

Hon. Mr. LAIRD—The land was in the public, and no amount of expenditure by an individual in the prosecution of his private business would deprive the public of its rights.

Hon. Mr. PERRY—The question affected the whole Island. If private individuals were allowed to monopolize the shores, the people would lose the benefit of the sea manure, which, in his district, was worth hundreds. If one person be allowed the exclusive possession to low water mark, he would not be able to take more than a small portion of it, and storms would sweep the rest to sea, and thus a general loss would be experienced. He would cheerfully do all in his power to encourage the fisheries, and if breakwaters were constructed so as not to interfere with the right of way, he had no objection to them.

Mr. DAVIES—There was no doubt that the establishment at Rustico had been and was productive of great benefits to the people, but that circumstance afforded no justification for encroachment on the rights of others. Private breakwaters and wharves, however necessary, should not be suffered to interfere with a general right of way, and thus debar the public from their privileges. They should, at all events, be constructed with sufficient archways.

Hon. Mr. THORNTON—They had been debating whether they would prevent a business in which it was admitted a large amount of capital was invested, for the sake of a few loads of manure. It was their duty to encourage trade, any unwise interference with which would only injure the Colony. The case instanced of the hon. Mr. Wightman had no bearing on this part of the discussion, as his wharves were an accommodation to the public, and presented no obstacle to the collection of sea manure, which parties did not seek in the cove on the South side of St. Andrew's Point.

Mr. DOYLE had no objection to erections below high water mark for the prosecution of the fisheries, if people could conveniently pass under them. No obstruction should be offered to the prosecution of the farming.

Hon. Mr. Longworth submitted the following resolution, which was adopted:—

RESOLVED, That it is expedient to vest in the Government power to appropriate the ungranted portions of the Coasts and Shores of this Island, by enabling it to grant to private individuals, or Corporate bodies, small portions or sections thereof, to be used as the sites of Wharves, Slips, Breakwaters, or other such purposes, for such price or consideration as may be uniformly fixed upon in such cases, but under such conditions and limitations as may be deemed necessary for the protection of public rights as affected thereby.

The following gentlemen were appointed a Committee to prepare the Bill:—

Hon. Messrs. Longworth, Haviland, Coles, Thornton and Pope.

M. W. Howe, Reporter.

FRIDAY, March 30,

PROPOSED VISIT OF THE PRINCE OF WALES.

Hon. Mr. LONGWORTH—I rise to bring to the notice of this honorable House a subject which I am sure will give satisfaction to every representative of the people. By the last mail from England His Excellency the Lieutenant Governor received a despatch from the Duke of Newcastle conveying the information that His Royal Highness the Prince of Wales purposes to visit early in the ensuing summer Her Majesty's possessions in North America, and that it is highly probable he will extend his visit to this Colony. His Excellency not desiring to forestall the expression of feeling on the part of the House has not sent down the despatch, but still he considers that the information should be communicated in order that the Legislature may take such steps as they shall think proper with respect to the contemplated visit of the Heir Apparent to the throne. The other Colonies have taken action in this matter, and surely the Legislature of this Island, which is named after the grandfather of His Royal Highness, will be equally forward to display their loyalty. I gave notice yesterday that the Government intends, when the House is in Committee of supply, to vote a sum to give him a suitable reception. Canada has appropriated £50,000 for this purpose, but I am certain no person will expect this Colony, which has only a small revenue, to give a large sum towards this object. Probably it will become us to name no particular amount, but to empower the Government to appropriate such a sum as they may deem sufficient. As the mail for England leaves this evening, it is necessary that the Lieut. Governor should be able by it to inform the Duke of Newcastle what arrangement the Colony intends to make to receive His Royal Highness. The Government have thought it proper first to move that an Address be sent to Her Majesty the Queen, as done in the other Provinces, praying that His Royal Highness may be pleased to visit the Colony; and afterwards when the House is in supply, to appropriate a sum sufficient to give him a suitable reception. I therefore beg leave to move the following resolution:—

Resolved, That a Committee be appointed to join a Committee of the Legislative Council to prepare an address to Her Majesty the Queen, praying that His Royal Highness the Prince of Wales will be graciously pleased to visit this Her Majesty's loyal Colony of Prince Edward Island, in the course of His Royal Highness's contemplated visit in the ensuing summer, to these North American Provinces.

Hon. Mr. COLES—It affords me great pleasure to second the motion of the hon. member for the second district of Queen's County. As one of the representatives of the people, I will cheerfully co-operate to give an honorable reception to His Royal Highness the Prince of Wales; and I am certain that the action on the part of the House will afford satisfaction to every person in the Colony. Were the whole year's revenue required for this purpose, I believe it would be freely given. It is not, however, by extensive preparations on such an occasion that loyalty is best displayed, but by warmth of feeling. The Prince is not going to visit the Colony on account of money voted for his reception; and probably to present him with a loyal address would be quite sufficient. But this Island is not backward in these matters; look at the reception given last summer to General Williams, which was in several respects superior to those which he received in the neighboring Provinces. Though His Royal Highness only receive one equal to it, the Colony will not have acted dishonorably; but I feel assured that the people of this Island, which was named after the grandfather of the young Prince, will not be satisfied unless he receives a more noble reception than the General, and I believe they will rejoice to pay a considerable sum for the object. If there is sufficient time, and general notice can be given of his arrival, my opinion is that there will be few left in the country on that day. I repeat that it is with pleasure I second the motion for the address.

Hon. Col. GRAY—I was pleased to hear the remarks of the hon. leader of the Opposition. They did honor alike to his head and to his heart. Though we may not be so wealthy as some of the other Colonies, yet we possess as loyal hearts. From what I know personally of the actions of royalty, I am certain that the young Prince will not expect much display. I think it improbable that he will reach this Island before the first of July or August, and the people in the country will then have time to come in and welcome to our shores the Heir Apparent to the British throne. They will be able to give him several hearty cheers, which will afford him more pleasure than any lavish expenditure of money on his account.

Hon. Mr. THORNTON—It is not necessary to say much on this subject, because it is one on which we are all unanimous. When we consider that the Prince of Wales will probably be our future Sovereign, and the greatest Sovereign in the world, we should rejoice in the prospect of having an opportunity to do him honor. In New Brunswick at one time they voted £10,000 towards his reception, but more I suppose they would not give; here, however, I am happy to learn, no particular amount is to be mentioned—no limitation made; but a sum sufficient named. We gave an honorable reception to General Williams, and surely when the son of our beloved Queen visits our shores we ought to display our loyalty by giving him a greater than was accorded to even the "Hero of Kars." I will cheerfully vote for any sum which may be considered necessary.

Hon. Mr. PERRY—I shall willingly support the motion. I believe we have here as loyal inhabitants as there are in any portion of Her Majesty's dominions. There is scarcely an individual in the Colony, I think, who will not consider the day on which the Prince arrives as a general holiday.

Hon. Mr. MACAULAY—With respect to the resolution before the House, I do not think it right to be altogether silent. Only a few years ago our Island was a howling wilderness, but by the energy of the Anglo-Saxon race it is what it is—a thriving Colony. We should be proud that we are so far advanced as to be considered worthy of a visit from the Heir Apparent, who will probably ere long be the father of his people; and we ought to do our utmost to give him a most hearty welcome. But the Colony is small, and he might forget to visit us, unless he receives a special invitation by an address forwarded to her Majesty. It has been well remarked that the loyalty of the people would afford him greater satisfaction than any lavish expenditure of money; but if any preparation is necessary to give him a suitable reception, I will with pleasure support a resolution to place as large a sum at the disposal of the Government as may be required. I have every confidence in the Executive, and think the House should give them this discretionary power.

The resolution submitted by Mr. Longworth was then put and carried by acclamation.

A resolution placing a sum sufficient at the disposal of the Government to prepare for the reception of the Prince, was afterwards passed in supply *nem con.*

DAVID LAIRD, Reporter.

FRIDAY AFTERNOON, April 27.

DEBATE ON THE LEGISLATIVE COUNCIL.

Hon. Mr. WHELAN—It will be in the recollection of the House, that, a few days since, I asked the leader of the Government whether they intended to give practical effect to the Bill passed last session for making the Legislative Council elective. I then stated my intention to move a resolution on the subject, and it is with that object that I now rise. The resolution I submit is proposed with a view of giving hon. members an opportunity of recording their opinions, and not with any expectation that it will be carried; but it is right that the country should know whether the Government intend to carry out in good faith the measure they last session so strenuously supported. The resolution is as follows:

Whereas a Bill having been passed last Session in this House to re-constitute the Legislative Council elective, which Bill was printed for general information, and its further consideration having been deferred until the present Session, when the Government were pledged to pass it—taking, in the mean time, such steps as would secure concurrence with their views on the part of the majority of the Legislative Council. And whereas it appears that, previous to the commencement of the present Session, the Government were authorized to make such a change in the constitution of the Legislative Council as would be necessary to ensure harmonious co-operation with the majority of this House; and such authority having been exercised with that result:

Resolved, therefore, that if the Government were sincere in promising to re-constitute the Bill of last Session, they had ample time to do so—as its principles and details had been fully discussed and agreed to; but having failed to fulfil this promise, it should now be declared inexpedient to entertain, for the present, the proposal to make the Legislative Council elective.

The Government having stated that it is inexpedient to introduce the Bill at this late period of the session, that declaration should go fairly before the country. Whatever position others may be placed in by their votes on this occasion, the hon. member Mr. Kelly and myself cannot be charged with inconsistency, for we were the only opponents of the Bill. For myself, I am prepared to oppose it again, if it should be reintroduced. I have not been convinced of the policy of applying the elective principle to the Council, and I believe the Government entertain the same opinion, otherwise they would have given effect to it ere this. The reason assigned for not proceeding with the measure, is by no means satisfactory; for the necessity of the Bill was declared last session to be urgent, and the only reason for delay which we then heard, was the utility of sending it to the Council, as that body was so constituted that its rejection would be inevitable; but that reason exists no longer, for the Government have changed the political complexion of the upper branch by the addition of so many members that they have a majority there to carry out their policy. The Council now counts no less than seventeen members, and the reason assigned for the increase is the rejection of the Election Bill. I complain not of this exercise of authority, but certainly the justification is paltry. But one measure has been rejected by the Council. Why, Sir, year after year that body threw out several measures of the late Government which had passed the House, and no idea of its reconstruction on that account was entertained. Another reason assigned is, if possible, more unsubstantial than that with reference to the loss of the Election Bill. We have been told that the session is too far advanced—that members are anxious that it should close as soon as possible. I have no doubt that we all feel the same anxiety, but why could not the Bill have been introduced at the commencement of the session, and the Government during the two months and a half which have elapsed since that time, have had ample time to increase the Council to its present number and thus have insured its passage. As the House had adopted the Bill last session, it would merely have been requisite this year to have passed it through Committee, and the Council would have had ample time to have debated it. If the Government intend to abandon the Bill, let them say so; if they adhere to it, let them pass it into law.

Hon. Col. GRAY—The resolution proposed by the hon. member is very indefinite and evasive. It proposes nothing, and does not indicate the course which he and his party are prepared to take on the question. With reference to the principle of an elective Council, I have since last session conversed with several people on the subject, and they appeared to be tolerably indifferent about its application until they shall see that body systematically obstructing the action of the House. They look with more interest to the Land Commission. The idea of having the Council elective originated in the fact of the great influence over them possessed by the leader of the late Government—especially when members were biased by the possession of Government offices. That system is now at an end, and people have confidence in the Council, especially since the influ-

sion of new blood by the appointments recently made of gentlemen of independence. The exclusion of salaried officials from both branches has had the effect of rendering members less liable to be actuated by strong partisan feelings, and motives of self interest, than was the case under the previous system. Last year it was boasted that the Council had the Government at their mercy, and I have been informed that the rejection of the new School Act and the Revenue Bill has been agreed upon, unless the House shall pay the members of the upper branch. My opinions on the subject of electing the Council have undergone no change since last session; but I may mention that I heard from high authority on the other side of the ocean, that the Imperial Government is not altogether satisfied with the working of the elective Legislative Council in Canada. As I do not consider it necessary to detain the House at any length, I will merely move the following amendment:—

Resolved, That as the Legislative Council has but recently been reconstituted, this House do not now deem it expedient to go into the discussion of the Elective Council Bill, the subject being such as would necessarily greatly protract the business of the Session.

Hon. Mr. COLES—I am sorry that the Government has abandoned their measure of last year. Ever since the introduction of responsible Government I have been in favor of the gradual application of the elective principle to the Council, considering it an improvement on the present system. As the hon. leader of the Government has stated that the Imperial Government is dissatisfied with the working of the elective principle as applied to the Legislative Council in Canada, the inference is that they will not sanction its introduction into any other Colony, and that the Government have a despatch to that effect. If such be the case, then they are placing members in an awkward position by withholding information which should be tabled, that parties might be aware of the decision of the Imperial authorities and govern themselves accordingly. The House and the people should be in possession of some definite information as to the constitution of the Council, which ought not to be subject to such additions to its numbers from time to time as a Government might find it their interest to make. The leader of the Government says that his opinion remains unchanged since last year, but himself and his colleagues and supporters denounced the constitution of the Council in no measured terms, as the published debates will shew. It may be convenient to adopt a different course now, but there has been no expression of public opinion to induce the change. As to what has been said about the intended rejection by the Council of the Revenue and School Bills if the members were not paid, I know that such intention did not exist, and proof that I am correct may be found in the fact that last year, notwithstanding all the abuse they received, they passed the Revenue and appropriation Bills and rejected but one Government measure—the Post Office Bill, their action on which has been approved by the British Governments. With reference to my alleged influence over the Council during the time of the late Government, I can safely say that no appointment to that body was made with a view to carry any particular measure, nor was I ever conscious of having the influence imputed to me. As to the greater independence of the Council since the removal of officials, it will be found that it contains nearly as many now as formerly. The Judge of Probates, a Sheriff, and Commissioners of Small Debts, have seats there, and the obligations of party are as strong as those of office. If the charge of subserviency applied to the Council during the late Government, it is equally applicable to it as at present constituted; for the Government have nominated none but those who would carry out their own views. No sufficient reason has been shewn for withholding the Bills this session, and the Government cannot justify their conduct before the country, and they must be considered as having abandoned the measure.

Hon. Col. GRAY—The hon. member misunderstands what I said. I said nothing to justify the inference that the Bill had been abandoned or that the Government had

received a despatch requiring the abandonment. I stated that I had received a communication from a high authority in England, and I am constantly communicating with persons high in authority there.

Hon. Mr. LONGWORTH—The resolution proposed by the hon. member Mr. Whelan is of an extraordinary nature, inasmuch as it asserts no political principle and embodies no proposition. The motives which led to its introduction are of course best known to the hon. member himself; but if his object is the creation of political capital—if he seeks to increase his own popularity or that of his party—or to weaken the position of the Government, I fear he will not be successful. There is nothing to show that the Government has abandoned the principles on which they acted last session. He probably would like us to act so as to bring on a crisis similar to that which occurred in Canada, and which resulted in the loss of the Revenue Bill. He would fain see the Bill rejected by the Council, that he might have the satisfaction of taunting the Government with inability to carry out their measures. But the Government have acted wisely in constitutionally changing the political complexion of the Council, which is now sufficiently remodelled for all necessary purposes. If the resolution is intended to elicit a declaration of the future policy of the Government, it will fail of its object. The hon. leader of the Opposition has asserted that the recent nominees to the Council are bound to support the measures of the Government. As a member of the Government which nominated them, I only know that they were selected as being gentlemen of intelligence, integrity of character and personal influence, who would neither vote against the dictates of their consciences, nor as the blind supporters of any particular policy. The hon. gentleman further stated that the nominees of his Government were not selected for the purpose of subserving the interests of his party—that in fact, they were at liberty to act as they thought fit; but what is the conclusion to be drawn from the whole tenor of their conduct? Was it not conclusive that their whole policy was of a party complexion? If it was right in that hon. member to select parties entertaining views similar to his own, he should not censure the present Government for following the example he had set. Had he acted differently, it is probable that the necessity for alteration would not have arisen. If I wanted a convincing proof of that necessity, and of the intimate relations which subsist between the Council as formerly composed and the hon. member, I can find it in his assertion that he *knows* that they did not intend to throw out the Revenue Bill. How should he know the intentions of that body? If he knew what they intended to do, it is but reasonable to infer that his knowledge extended to what they purposed doing, and that he was aware of their predetermined rejection of the Elective Bill. This is quite sufficient to justify the Government in the course they have pursued.

Hon. Mr. WRIGHTMAN—The Bill was passed last year, in order, as was then stated, that the opinions of the people might be elicited, but now we have no petitions before us, either for or against it. The responsibility of not proceeding with the Bill and also of having changed so materially the composition of the Council rested entirely with the Government, and there was a general complaint throughout the country that they had given no reason for the course which they had pursued, and shew no necessity for the addition they had made to the number of councillors.

Hon. Mr. WHELAN—I have indeed been amazed at the illogical character of the arguments advanced by members of the Government, particularly the hon. Mr. Longworth, when he characterised the resolution I introduced as vague, indefinite and void of any distinct propositions, yet in the same breath, asserted that it was intended to create political capital and popularity. Actuated by no desire to protract this already long session, I merely brought forward the resolution with a view to test the sincerity of the Government who introduced and passed the elective Council Bill and now abandon it. As I said before, I did not and do not, approve of the Bill; but that does not preclude me from using the reasons which induced its promoters to con-

sign it to the tomb of all the capriots. The plea that there has not been time sufficient, cannot be truthfully advanced. A couple of hours would have sufficed for passing this measure through the House. We have passed but thirty-eight Bills this year, ten of which are mere abstracts of others, and no great principle of public policy is involved in any of them. If the Government had the power, as it is to be presumed they had, to increase the number of councillors as they have done, it was easy for them to have carried the Bill through the Council. Their whole action with reference to the measure has been delusion, and their present course is to my mind, confirmatory of that opinion.

Mr. HOWAT—The hon. member says that his object is to test the sincerity of the majority on the Elective Council Bill. As one of that majority, I may say that last year I supported that measure, and I have not changed my opinion of it. The Council last session was obstructive, and they may be so again. Hitherto since the recent additions to that body it has worked well in conjunction with the House, but it may not continue to do so in future. For my own part, I think it would be as well to abolish it altogether, but the Imperial Government will not sanction that course; therefore, I consider that the elective principle is the next best we could adopt. If the Council is a mere echo of the House, it is useless; if obstructive, worse than useless. The session has been already so protracted, that I agree with the statement of the amendment that it is inexpedient to introduce the Bill now. The Council has been but lately reconstructed, and no evil can result from deferring the matter till next session, when any change which may be found necessary may be adopted.

Mr. SINCLAIR—I agree with the hon. member that it would be better to abolish the Council altogether, if we had the power. As at present constituted it is useless—merely an echo to this House. When the Bill to make it elective passed the House last session, the majority stated that the people wished to elect the Councillors, and that it would be a mere farce to send the Bill to the Council for their sanction until the Government should have received authority so to reconstruct it as to ensure its passage there. Such authority they had received, and it was their duty to have introduced the Bill at the beginning of the session. I believe it was brought in and passed, not from any admiration of the principle on which it was based, but that it had its origin in personal feelings towards particular individuals. The Council should be in a more independent position; its character should not be changed with every change of Government. Election would render them more independent, and perhaps the best mode would be by electing the Councillors from this House. At present it is a merely useless echo to the House. For the additional members recently appointed, were selected in order that they should support the measures of the Government, and they are aware of the fact.

Hon. M. YEO—There was no use in sending the Bill to the Council as it was composed last session. It was not constituted in accordance with the royal instructions, which directed that members should be nominated from among the principal proprietors, not one of whom had a seat at the Board.

Mr. COOPER—The Government are pledged to have the Bill in operation this year, but they changed their course, and have swamped the old Council by introducing several of their own supporters; and, prior to this remodeling, threats were held out which should not have been made use of to an independent body. If the Council is not independent it can be of no service. I agree with the hon. member Mr. Sinclair, that the best depository of the electoral franchise for Councillors would be this House; which might, by a majority, say of two thirds, elect one of its members annually to the upper branch. Such a plan would, I believe, receive the sanction of the Home Government.

Hon. Mr. POPE—The hon. member, Mr. Whelan, in his journal, the *Examiner*, stated that the Government had no authority to reconstruct the Council, but his resolution states that it appears authority has been given, and he assigns as his motive for its introduction, that he desires to

test the sincerity of the Government. His object is to let the impression go abroad that the Government had no intention of giving effect to their measure when they introduced it. I supported the Bill last year, but when I find that by a wise exercise of the prerogative the public business can be carried on harmoniously and satisfactorily, I for one am content. I support the amendment of the hon. Mr. Gray, because it is now too late in the session to go into the question, and I have no desire to gratify the curiosity of the hon. member who introduced the resolution. The people of the country, satisfied with the present composition of the Council, are quite content to let things remain as they are until next session.

Hon. Mr. HAYLAND—When I considered the length of time which has elapsed since the hon. member first moved in this matter, I was prepared to listen to a long and eloquent address, but now that the cork is drawn the long bottled up contents are found to be flat and stale to a most unusual degree. The reason of that is, the hon. member himself is unpleasantly conscious that no interest is felt in the subject at present. I must say, that it is somewhat novel for a member to move a censure on the Government for not having brought forward a measure to which he declares himself opposed. Such a resolution coming from others of his party, for instance, the hon. Mr. Coles, Mr. Sinclair or Mr. Cooper, would not excite my surprise, for they, as supporters of the Bill, might consistently disapprove of any delay in its introduction. I profess myself unable to find a parallel to this resolution, which, like a tadpole, is all head and tail, and lamentably deficient in body—(laughter.) With reference to the Bill, my views are unchanged. I am in favor of the adoption of the elective principle, but at this late period of the session the Government do not consider its introduction expedient, and at present it might be difficult to predict its fate in the Council, the sentiments of several of the members of which are known to be strongly adverse to it, while the opinions of the four gentlemen newly appointed to the board are not known, although I have no doubt that they would pass upon the measure fairly and conscientiously according to their several convictions of its character and effect. The hon. member alluded to the number of Bills passed as being very small, in consideration of the length of the session. He will find it dangerous to quote precedents, for while we have passed 38 Bills this session, I can tell him that a reference to the statutes of 1857 and 1858, when his party was in power, will shew that in the former of those years but 21 Acts were passed, while the latter year can boast of no more than 16, thus making a total of 37 for two years, being less than the legislative results of this session alone. The hon. leader of the Opposition has characterised the members of the Council as being men of independence. That character is scarcely compatible with his positive and public avowal of his knowledge of the course they intended to pursue with reference to particular measures. The gentlemen recently appointed to the Council are all of independent characters. They are not at the command of a general officer to reject or pass a Bill as they may be ordered. It has been said that the Government are pledged to pass the Bill because it was printed. The maintainers of that doctrine may possibly remember the fate of the Municipal Incorporations and the Board of Works Bills. Both these measures passed the House and both were printed, but no more was heard of them afterwards. In supporting the amendment I feel that I can justify my conduct to my constituents, and conscious of that, I care not if I fail to please the Opposition.

Hon. Mr. McAULAY—If any present necessity for the passing of the Bill can be shown, it would of course be the duty of the House to carry it this session; but it is not an act of wisdom to pass measures before circumstances justify their enactment. The principle of an elective Legislative Council has been discussed in other Colonies, and in some of them it has been adopted; but when rumors are abroad that in practice it is not found to work satisfactorily it was right and proper that the Government should pause, ere they engrained it on our political system, and they are

entitled to the confidence of the House for having done so. Had the hon. member who introduced the resolution advocated the principle and details of the elective Council Bill, he might be supposed to be sincere in introducing and supporting his motion, but that credit cannot be awarded to him, for he virtually says, by his resolution and remarks, "the Government have not done right in refusing to do what I declare to be wrong to do." It is evident that his only object is to damage the Government, and to effect that object he has not hesitated to place himself in this absurd position. We have seen Legislative Councilors nominated by the leader of the late Government, and paid out of the public funds, merely for the purpose of keeping him and his party in power—in possession of that power for his love of which the hon. member whose resolution we are discussing, admitted he was notorious. Such an admission coming from such a source is entitled to every credit, and but shews that the leader of the Government would be a tyrant if his power were commensurate with his desires. The science of British Legislation is based on the principle of the retirement of the ruling party when it shall have ceased to retain the support of a majority of the people. The growth and expansion of that principle has been the work of centuries, and to the natural repugnance of the British people to the introduction of sudden and organic changes in their institutions, is the vigor and solidity of the democratic element in their Government to be attributed. We read of the Athenian lawgiver, Lycurgus, who having prepared a wise code of laws for the governance of the citizens of Athens, and obtained their sanction of it, fearing lest "the fickle breath of popular applause" might induce alterations, bound them by oath not to alter his laws until his return from a contemplated journey; and then he expatriated himself and went away to die in a foreign country. When I hear some hon. members advocate the abolition of the Legislative Council, as being of no practical utility, my mind reverts to the fate which befell the once great and powerful Poland, from the want of a power in the state intermediate between the crown and the people. The history of no nation presents a more continuous evidence of the spirit of martial enterprise, and none of so rapid and total a decline in moral and material influence—originally embracing nearly the extent of modern Russia, and geographically situate on the frontiers of civilization, often did the king-making republicans roll back the tide of barbarian invasion—and history has recorded the marvelous exploit of the Poles, when in 1653, under their King, John Lubeski, they routed the force of the teaguering Infidel under the walls of Vienna. This is not the place nor the occasion to give the details of the hardihood and vigor of the relieving force, nor of their heroic leader, but so sensible were they who had reaped the benefit of his efforts, that on his entering the walls through a breach which on that memorable 11th September, the Turks would, but for him, have traversed, he was followed by grateful thousands to the Church, where an aged priest of the christian faith preached a sermon of thanksgiving for the deliverance of the city, from the inspired text—"There was a man sent from Heaven and his name was John." Why has a people capable of such acts, a people which has shewn itself foremost in every field, a people with such traditions, been swept from the family of nations. The reason is it had no second power in the state between the king and the people. The latter had the direct and immediate right of appointing their monarch, and as this power was shared equally by the whole population assembled on an open plain, the action of the waves on which the ship of state had to ride shattered her so seriously that she became an easy prey to the wreckers on the coast around her. Such an instance shews the necessity of having an intermediate branch, and although a representative aristocracy may be a novelty and may work some inconvenience, I would be prepared to support any change in preference to having a body of hirelings working for a party at the public expense.

Hon. Col Gray's amendment was then carried on the following division:—

For it—14. Against it—Hons. Messrs. Whelan, Coles; Messrs. Sinclair and Cooper—4.

SATURDAY AFTERNOON, April 28.

PURCHASE OF THE SELKIRK ESTATE.

Hon. Col. GRAY—It is not necessary to repeat my approval of the principle of the Land Purchase Bill, and my objections to the mode in which it has been worked. It is now for the House to consider the propriety of the Government entertaining the proposition of the Earl of Selkirk, and of putting them in a position to accept it by enlarging the positions of the Bill. I regret that my hon. colleague, Mr. Douse, is not present, as it would be desirable to have the benefit of his intimate knowledge of the Estate, in the management of which he has been long engaged.

Mr. COOPER—Lord Selkirk gave in his adhesion to the Commission to which the proposal should be referred. The Imperial Government knows that it has done wrong, and they should bear a portion of the cost of repairing the injury.

Hon. Mr. HAVILAND—Does the hon. member imagine that the Commissioners would recommend terms as liberal as those offered by Lord Selkirk? It would be ridiculous to reject such a proposal. If we allow the present golden opportunity to pass unimproved, the Mail which leaves here on Monday next will take home offers from private individuals, and middlemen will step between the Government and the settlers, as in the case of the Worrell Estate. Supposing that the Commission should declare the lands forfeited to the Crown, they would not be given to the people gratis, but would form a source of Revenue.

Mr. COOPER—We are asked to pay about £8,000, when there is a prospect of receiving money from the British Government, whose suggestion of the Commission was an admission that they had done wrong. The management of the property, the surveys, and watching of the timber, &c., would double the price to the tenant.

Hon. Mr. WIGHTMAN—Are we justified in declining their offer, and allowing others to become the purchasers for 3s. 6d. currency per acre? My opinion is, that we should embrace the opportunity, and thus avoid one of the causes which enhanced the cost of the Worrell Estate. Lot 31 might have been purchased by the late Government, had not the agent interfered, and, representing the Government as unable to purchase it, bought it himself at 4s. 4d. sterling per acre, and, I am informed, now asks 40 shillings an acre. Had the Government purchased that Lot, the tenants would have had more advantageous terms, and in the case of the Selkirk property, it is idle to expect a more liberal proposal. When the arrears of rent are remitted the people will be encouraged to buy the freeholds, and the property will be settled.

Hon. Mr. YEO—The offer is so low that no one can expect more advantageous terms. The Government can get the property for less than half what the Worrell Estate cost.

Several members spoke very briefly, recommending the acceptance of Lord Selkirk's offer, and Hon. Col. Gray having submitted a resolution for increasing the amount at present limited for the operation of the Land Purchase Bill by £10,000.

Hon. Mr. COLES—The Government now proposes to purchase 48,000 acres of land, in addition to the Worrell Estate, and to enable them to effect that object they are about to increase the scope of the Land Purchase Bill. They are thus adopting the policy of the late Government; and had not they and their friends used their influence to prevent the Loan Bill becoming law, money sufficient to buy up all the proprietary titles could have been obtained at probably less than 4 per cent, whereas the people will have to pay 6 under present circumstances. A great difference of opinion had taken place in the minds of the Government and their supporters since the time when they denounced the idea of imposing a tax for the purpose of converting the leasehold into a freehold tenure. Now, it seems that they have no such objection. As to the management of the Worrell Estate and the amount realized from it, up to the present time, I do not anticipate that the settlers on the Selkirk property will be willing to pay very highly for their lands. In fact the most valuable are already held in freehold. The threatened interposition of private speculators unless the offer be accepted before Monday, is not entitled to much consideration, as an argument for the House hastily closing with this offer, which has been prompted more by regard to the ques-

tion of Quit Rents than anything else. The Government should refer the offer to the Commission, to which it would be a guide in estimating the value to be put upon other properties; and they might possibly get the guarantee of a loan for a general purchase, which would save a large amount of interest. I am opposed to the extension of the Land Purchase Bill, until the Imperial Guarantee shall have been obtained for a loan, before which it will be found that £30,000 bearing six per cent interest is as much as the country can afford for this particular object.

Hon. Col. GRAY—I have not altered my opinion on the subject of the Loan Bill, which, if granted, would have had a disastrous effect upon the Colony; for if the results of the limited operations connected with the purchase and disposal of the Worrell Estate have been so unsatisfactory, the control and management of £100,000 sterling would have been far more prejudicial in their consequences.

Mr. COOPER, having asked if the titles were to be subject to investigation, and the terms on which Government would settle the tenants,

Hon. Mr. LONGWORTH—I am not surprised at the persistence of the hon. member. The wonder would be, that he should swerve from the path he has trodden so long. When he says that it is wrong to assume any debt on account of the purchase of this property, and that the offer should be referred to the Commission, does he expect that better terms will be obtained by waiting? The fact is, I believe, he would not accept the free transfer of the land, if its acceptance involved the loss of his occupation of agitating the question of Escheat. If that were granted, and if the lands were declared forfeited, they could not be afforded to the people for much less than the price at which they are now offered. I deny that the majority are justly chargeable with inconsistency in advocating the acceptance of this offer. Our objection was not to the principle, but to the working of the Land Purchase Bill, with reference to the Worrell Estate. Had the price given for it not been so high, and the classification of the best lands so very low, that property might have been self-sustaining. I do not wonder at the opposition of the hon. member, Mr. Coles, it is natural that he should not be pleased at the prospect of such a property as the Selkirk Estate passing into the hands of the present Government, at a price so low that they can settle the people in freehold without imposing burdens on the general public, for if ordinary prudence be observed, the whole amount of principal, interest and cost of management will be realized in eight or ten years.

Hon. Mr. COLES, having briefly recapitulated his objections to the proposed action of the House, and submitted an amendment expressive of his views, was followed by the

Hon. Mr. POPE—The hon. member opposes the purchase for fear that the Government may obtain credit for the benefits they will confer upon the people. His assertion that the majority opposed his taxation for the purpose of converting tenants into freeholders, is true, and the affairs of the Worrell Estate justify the opposition, while had the late Government succeeded in obtaining the loan they tried for, I believe the Colony would have been ruined. Such an opinion is but a legitimate inference from their management of the Worrell Estate. The present Government is in a position very different from that of their predecessors; they do not intend to send parties to report upon the desirability of effecting a purchase, on the completion of which depend the livings of the very parties employed to examine and report upon the property. There is nothing to prevent the Selkirk property being self-sustaining, for while the rents amount to upwards of £1400, the interest on the first cost will be only £400 annually. The Hon. Leader of the Opposition said last night that it would be a good bargain, and should be accepted as a compensation for the Worrell Estate, but now opposes it, and refers the offer to the Commission, on the deliberations of which I believe the offer of Lord Selkirk will have a good effect. I am happy to bear testimony to the fact that the hon. member, Col. Gray, is entitled to the whole credit of the offer having been made; and the people of Belfast have cause to be grateful for his exertions in their behalf.

Hon. Mr. WHELAN—I do not often find myself voting differently from the hon. member, Mr. Coles, but if he presses his amendment, a regard for consistency will induce me to vote against it. As to waiting for the Commission to decide upon this offer, I cannot see the propriety of that course, for I have no great faith that it will be in operation, and still less that its operation will be followed by any practical benefit to the tenantry. But supposing that the Commission were in operation, and even were the land liable to be escheated—the proceedings would render the cost to intending purchasers greater than the amount now asked for it. But the probability is, that the Estate would not be in the market when the Commission should sit, for it is idle to suppose that Lord Selkirk will hesitate to accept from private individuals that which he has consented to take from Government. I do not coincide with the hon. member, Mr. Pope, in his opinion that all the credit which may accrue from the acceptance of this offer is due to the hon. the Leader of the Government. I rather think that they who passed the Land Purchase Bill, under the provisions of which it is proposed to purchase the property, are deserving of any reputation which may accrue from this operation. While I say this I do not hesitate to award all praise for sincerity of purpose to that hon. member, but my hon. friend the leader of the late Government is justly entitled to the credit of the measure which his political opponents have adopted, and I regret that he should appear to repudiate his principles because of such adoption. It ought to be a source of gratification to him to see his opponents acting on his measures. In 1855 the then Commissioner of

Public Lands applied to Lord Selkirk to sell his Estate to the Government, and I believe his Lordship authorised his agent—Mr. Deans, to treat for the transfer, which might then have been effected had it not been for the intervention of middlemen. The Government seek to veil their inconsistency by charges of mismanagement of the Worrell Estate. The Bill under which that purchase was effected, and which they are about to extend, was opposed by them before a foot of land had been bought; and had not the present Col. Secretary interfered, it would have been procured for much less. But notwithstanding these complaints about that property, no evidence has as yet been adduced that any loss has been sustained from it. I am prepared to support the resolution of the leader of the Government, and I hope that the management of the Selkirk property may be such as to prevent any necessity for retaliating upon them charges similar to those they have preferred with reference to the Worrell Estate.

Hon. Mr. Coles' amendment was then put and lost on the following division:—

Ayes,—Messrs. Coles and Cooper,—2.

NAYS,—Messrs. Whelan, McKay, Wightman, Speaker, Yee, Pope, Montgomery, Beer, Gray, Longworth, Haviland, Laird, Howatt, Hohn and Davies,—15.

Hon. Col. Gray's resolution was then put and carried, and a Bill in accordance with it was brought in and read first time.

W. M. Howe, Reporter.