

# PARLIAMENTARY REPORTER

CHARLOTTETOWN, P. E. ISLAND, APRIL 12, 1859.

## MEETING OF THE LEGISLATURE.

The Legislature having, by Proclamation, been summoned to meet for the despatch of business on this, Tuesday, the 12th day of April, 1859, a new House of Assembly was convened and sworn in as follows:—

### Queen's County.

*Charlottetown, Common and Royalty.*

Hon. Edward Palmer, Daniel Davies, Esqr.

#### First District.

Donald Montgomery, Esqr. Colin Holm, Esqr.

#### Second District.

Hon. John Longworth, Hon. Alexander Laird.

#### Third District.

Hon. George Coles, Hon. Francis Kelly.

#### Fourth District.

William Douse, Esqr. Hon. Lieut. Col. Gray.

### Prince County.

*Princetown Royalty and Lot 18.*

Hon. Donald Montgomery, George Sinclair, Esqr.

#### First District.

Nicholas Conroy, Esqr. Patrick Doyle, Esqr.

#### Second District.

David Ramsay, Esqr. John Yeo, Esqr.

#### Third District.

Hon. James Yeo, Hon. S. B. Perry.

#### Fourth District.

Hon. James C. Pope, Cornelius Howat, Esqr.

### King's County.

*Georgetown, Common and Royalty, and Reserved Land.*

Hon. T. Heath Haviland, Andrew A. McDonald, Esqr.

#### First District.

William Cooper, Esqr. John Knight, Esqr.

#### Second District.

Hon. Edward Whelan, John Sutherland, Esqr.

#### Third District.

Hon. Edward Thornton, Ronald Walker, Esqr.

#### Fourth District.

Hon. Joseph Wightman, Finlay McNeill, Esqr.

The Honorable DONALD MONTGOMERY was elected Speaker without opposition.

The Speaker elect having been presented to His Excellency the Lieutenant Governor, His Excellency signified his approval of the choice made by the House, and having granted the usual and ancient privileges of Parliament, opened the first Session of the Twenty-first General Assembly with the following

### SPEECH:

*Mr. President and Honourable Gentlemen of the Legislative Council;*

*Mr. Speaker and Gentlemen of the House of Assembly;*

ALTHOUGH the period has arrived when our Legislative labours usually terminate, I rely with confidence on your zeal and patriotism to devote sufficient time to the maturing of those measures which are essential to the maintenance of the public credit, however inconvenient the sacrifice may, I fear, prove to many of you.

The late crisis in Commercial affairs, which has occasioned such universal embarrassment, has been felt in this community with much severity; but I trust it will not be without its advantage, and that it may have the effect of confining commercial enterprise in future, within less speculative limits.

A decrease in the public Revenue was anticipated, but I am happy to inform you that it is not so great as was apprehended; and I trust that by judicious economy in future appropriations, you will find means of meeting the deficiency.

*Mr. Speaker and Gentlemen of the House of Assembly;*

The Accounts of the past year, and the Estimates for the current year, shall be laid before you, and I rely on your readiness to grant the necessary supplies for the public service.

*Mr. President and Honourable Gentlemen of the Legislative Council;*

*Mr. Speaker and Gentlemen of the House of Assembly.*

The very abundant harvest of the last Season with which Providence has blessed the labours of the people, has demanded the expression of our thankfulness. Produce of all sorts has found ready sale, at remunerative prices, and has been exported to an unusual extent; in addition to which, a considerable increase in the export of Fish, justifies the belief that this branch of industry will ere long, attract the attention to which it is manifestly entitled.

Since I last met you, communications have reached me from Her Majesty's Government, and from the Governor General, on the subject of a Federal Union of the North American Provinces, copies of which shall be placed before you.

The Act of the last Session relating to the Fishery Reserves in this Island has not been sanctioned. A copy of a Despatch from the Principal Secretary of State for the Colonies, setting forth the grounds of the disallowance of that Act, with other documents relating to the same subject, will be communicated to you.

Copies of the Secretary of State's Despatches will also be communicated to you, regarding the contemplated guaranteed Loan, which it is not the intention of Her Majesty's Government to propose to the Imperial Parliament.

You will be glad to observe, with satisfaction, that the whole question of the Land tenures, together with that of the Fisheries, has engaged the anxious attention of the Secretary of State; and I would earnestly recommend to your consideration his suggestion for facilitating the equitable adjustment of those difficulties which have so long retarded the prosperity of the Colony.

Having some time since tendered my resignation of the post which I have had the honor of occupying in this Island for nearly five years, my services will be employed in another position of Her Majesty's Colonial possessions. My Successor in this Government is appointed, and the further proceedings for giving effect to the remaining arrangements, which have been delayed by the state of the navigation, may be expected to be completed at an early date.

I trust you feel assured of my unabated desire earnestly to co-operate with you in your endeavors to promote the general welfare.

## LEGISLATIVE COUNCIL.

WEDNESDAY, APRIL 13, 1859.

### NOTICES COPIED FROM THE ORDER BOOK.

#### FORMATION OF THE GOVERNMENT.

"April 13th, 1859.—Mr. Swabey gives notice that he will, on Monday the 20th instant, call the attention of the House to the formation of the Government of the Colony, and propose an address to Her Majesty the Queen relating thereto."

#### VACCINATION—SMALL POX.

Mr. Johnson gives notice that he will, on Friday, ask permission to bring in a Bill to encourage and facilitate Vaccination in Prince Edward Island, in order to the amelioration and prevention of the dangers of Small Pox—and also move for the production of papers and correspondence relating thereto.

#### ADDRESS TO HIS EXCELLENCY.

HON. COL. SWABEY, from the Committee appointed to prepare an Address in answer to His Excellency's Speech, reported the draft thereof.

#### TENDERS FOR PRINTING THE JOURNALS.

HON. Mr. ALDOUS, from the Committee appointed to receive Tenders for printing the Journals of this House of the present session, reported that the Committee had received five Tenders, which are as follows:

First—From Mr. James J. Rice—offering to perform the work for the sum of Nineteen shillings and ten pence per sheet of four pages, and to bind the same for the sum of 3s. 9d. each copy.

Second—From Mr. James Barrett Cooper—offering to perform the work for 19s. 6d. per sheet of four pages, and to bind each copy for the sum of 3s. 6d.

Third—From Mr. William Malone—offering to perform the work for the sum of 17s. per sheet, and to bind each copy for the sum of 3s. 6d.

Fourth—From Messrs. Walsh & Grant—offering to perform the work for the sum of Twenty shillings per sheet, and the sum of 3s. 6d. for binding and stitching each copy.

Fifth—From Mr. John S. Bremner—offering to perform the work for the sum of Seventeen shillings per sheet, and three shillings for binding each copy.

Mr. Bremner's Tender, being the lowest, was accepted by the House.

THURSDAY, 14th April, 1859.

#### ADDRESS TO HIS EXCELLENCY.

The Address of the House to His Excellency, as below given, was agreed to in Committee of the whole, reported, and ordered to be engrossed.

To His Excellency, Sir Dominick Daly, Knight, Lieut. Governor, &c., &c., &c.

The humble Address of Her Majesty's Legislative Council in General Assembly convened—

May it please Your Excellency, we her Majesty's dutiful and loyal subjects, the Legislative Council in General Assembly convened, beg to offer our thanks for Your Excellency's Speech at the opening of the present session.

We beg to assure Your Excellency of our readiness under the circumstances of the country, to devote our time cheerfully and diligently to the adoption of such measures as may be necessary to sustain public credit.

We rejoice to find that, notwithstanding the great difficulties which have oppressed and limited the movements of the commercial world; the deficiencies in the revenue of the Island are far less than at such a crisis might have been reasonably apprehended; and we trust the embarrassment which we have shared in common with the rest of the world will soon disappear.

We hope that those difficulties to which Your Excellency has alluded will in some measure receive alleviation from the happy circumstance that the labours of the agricultural population have, through divine favour, been blessed with a plentiful harvest.

The progressive increase of the Fisheries, though by no means commensurate with the capabilities of the Colony, affords satisfactory hope that this source of prosperity may be at length rendered available.

The question of a Federal Union of Her Majesty's North American Provinces is one beset with difficulties; but should any proposition, suited to the isolated position of this Island, be moved on this subject it will receive our anxious consideration.

When we shall obtain official knowledge of the Despatches of Her Majesty's Colonial Minister, to which Your Excellency makes allusion, they shall receive our careful attention.

We learn with regret of Your Excellency's intended departure from our shores. Wherever Providence may guide your steps we trust that health and happiness may attend Your Excellency; and we cannot seize this opportunity to pass without conveying to Your Excellency the expression of our highest sense of the strict impartiality with which, under circumstances of much difficulty, you have exercised Her Majesty's authority in this Island, not only with credit to yourself, but also to the satisfaction of a large majority of the inhabitants of this loyal Colony.

It was ordered that the said Address be presented to His Excellency by the whole House.

## HOUSE OF ASSEMBLY.

THURSDAY, APRIL 14, 1859.

### ADDRESS IN ANSWER TO THE LIEUT. GOVERNOR'S SPEECH.

Mr. DOUSE moved the order of the day, that the House go into Committee on the draft Address in answer to His Excellency's Speech.

The draft having been read, Mr. Conroy was appointed Chairman of the Committee.

The first five paragraphs passed without opposition or comment.



On the sixth being read by the Chairman—

Hon. Mr. COLES rose, not for the purpose of objecting to the paragraph, but when he considered that, last year the present Government and its supporters objected to the use of the word "abundant" in reference to the harvest of the then past season, he could not but consider that, in applying the term "very abundant" to last year's crop, they had out-heroded Herod. Hon. Mr. Yeo, in particular, asserted that the Government was not as well acquainted with the country as he was. He was happy to bear testimony to the abundance of the late harvest, and it must be gratifying not only to the Legislature but to all classes of the community to know that the agriculturists had obtained remunerative prices for their produce. Last year the Government were taunted with the absence of reference to the introduction of any specific measure in the speech, which was termed a bag of wind. The present speech was entitled to the same designation, and when he reflected that after eight years in opposition, the new Government had mentioned no intended measures of a beneficial nature to be introduced, he certainly was surprised. They should at least show something to induce the country to believe that they were sincere in their assertions that the late Government was a do-nothing Government, and that they would do everything. Last year the Government introduced a bill, but up to the present time there was no information before the House of the formation of the Executive or of the new incumbents of the public offices. He believed that some were not yet appointed. It was reported that one appointment had been made of a gentleman not in the Island. Since the decline of prices in shipbuilding, and the constant diminution in the quantity of timber, the main and most reliable resources of the people would be found in the diligent prosecution of agriculture and the fisheries. The example set by a few individuals from the United States who had largely, and he believed, successfully embarked in the latter business, must have the effect of stimulating our people to greater exertions. He trusted that their past experience would induce them to persevere, and although he was not disposed to adopt the American system of bounties, he considered that every reasonable encouragement should be afforded to them. As the next paragraph would probably elicit discussion, he suggested the propriety of an adjournment.

Hon. Mr. YEO.—As reference had been made to him, he had no hesitation in stating that in the part of the country with which he was more particularly acquainted, the crops last year exceeded those of the preceding one by at least 25 per cent., especially in the articles of oats and barley.

Hon. Mr. COLES admitted that there was an increase in these articles, but last year the turnip crop failed to a considerable extent.

Hon. Mr. HAVILAND had objected last year to the term "abundant" in the speech, because he considered that it was not justified by the facts. As to the partial failure of the turnip crop, it was not so generally cultivated as the cereals. In fact, oats and barley were the main dependence of the agriculturist, the former especially, and never had there been known in the Island such crops and such prices, nor where the general depression in commercial business was considered, was money so plenty with our farmers. With reference to the character of the Address, it was not the intention of the Government to introduce any new measures of importance, as the season was too far advanced. The blame for that omission rested with the late Government, who, knowing the close division of parties returned at the general election in June last, should have convened the Legislature in January. The country did not expect extraordinary measures at this session. Besides, what would be the use of the Government introducing and carrying through the House any measures in accordance with the political views of the majority, when the other branch of the Legislature was in so extraordinary a state. The Government would be foolish, indeed, did they submit such measures to a packed body, bound hand and foot to support those who sent them there. The hon. member had alluded to the fact that the Government would bring in no Bill. A reference to the order book would show that he had given notice of his intention to introduce a Bill authorizing

Aliens to hold lands in the Island to a limited extent. The inducement afforded by such a measure to Americans to settle among us would be found very beneficial to the agricultural and other interests of the Island.

Hon. Mr. COLES—The hon. member appeared to be very wrathful about the Legislative Council. His allusions to that body were uncourteous, and by no means calculated to influence them to pass the Bill of which he had spoken. Perhaps he hoped that they would not sanction it. If he tried it, however, he would find that it would receive the disapproval. That body was not packed; they were as independent as the Members of this House, but the hon. member fears that they will not be a party to the destruction of the constitution, and so he wished to make the country believe that they would not pass his Bill. It had been reported that the two gentlemen last nominated to seats in the Council had not been confirmed in their appointments, but he could tell the Government that they had received their mandamuses. It had been the object of the liberal party to have every part of the country represented in that branch of the Legislature; to the effect that—to induce gentlemen resident in the country to consent to take their seats at the board, it was necessary that they should be indemnified their expenses. Even the old Tory party introduced a Bill to pay some of the Councillors;—that Bill was rejected, as it was partial in its application. It was not to be wondered at that the Council had been abused when even the Lieut. Governor had not escaped the censure of the hon. member, but now he finds it convenient to change his views. The prosperity of the country was due principally to the Reciprocity Treaty with the United States, where a ready market is always to be found for our staple exports. Before the passing of the Bill relative to that subject the case was widely different. True, the markets of the neighbouring Colonies were open to us, but they did not afford sufficient demand for our surplus produce. Newfoundland and New Brunswick are partially dependent on this Island for agricultural produce, but they were too limited to absorb what we could send. No less than 300,000 bushels of grain had been shipped last year. According to the opinions of some hon. members of the Government, Reciprocity would never be conceded.

Hon. Mr. HAVILAND—With reference to the abundance of the last harvest, the hon. member knew well that it was not attributable to the political principles or action of any party; but it afforded cause of thankfulness to that higher power who causes the earth to bring forth her fruits. He was surprised at the assurance of the hon. member in claiming credit for the institution of Reciprocity with the United States. The Bill did not originate with him.

Hon. Mr. COLES—It did.

Hon. Mr. HAVILAND—It did not. So far back as the year 1849 Mr. McLean, then a member of the House, introduced a Bill with that object, and he, Tory as he was, turned had voted in favor of it.

Hon. Mr. LONGWORTH—considered that the present discussion was altogether unnecessary: It arose from the circumstance of the hon. member (Mr. Coles) cavilling at the expression "very abundant" in reference to the late harvest. That it was so, is a fact which could not be disputed, and as that was admitted by the hon. member himself, his observations amounted to nothing. He regretted that the hon. member had, in legal phrase, travelled so far out of the record. A variety of topics had been touched upon having no possible connection with the subject matter of the paragraph now before the committee; and as those several matters would be legitimately before the House for discussion at a future period, he trusted hon. members would see the propriety of confining their observations to the matter under consideration. It could not be expected that important measures, calculated to call forth protracted discussion, could be introduced in a Session convened at so late a season of the year, and so soon after the formation of the Government. As to the observations which had been made with reference to the constitution of the Legislative Council, every hon. member would have an opportunity of expressing his sentiments at a proper time; and although the hon. member (Mr. Coles) might say that the appointments made to that body

were proper, he would assuredly find that they were not made in accordance with the Royal Instructions. There was no time now for any measures but those absolutely necessary for the public service.

Mr. GOOPER rejoiced to hear that the crops had been so abundant, more especially as he heard last fall that the wheat had injured the wheat; and potatoes had manifested symptoms of decay after having been dug. It was true that we raised large quantities of oats—more indeed than was consistent with proper farming. The prices obtained in the markets of the United States caused this by no means judicious mode of farming, which must have the ultimate effect of diminishing the productive capacity of the soil.

Hon. Mr. WHELAN did not rise with the intention of alluding to all the topics to which reference had been made, but he could not refrain from complimenting the hon. members of the Government on the rare skill they had displayed in framing the speech. It was an admirable specimen of that kind of document which is calculated to give the least possible trouble to its concoctors. No doubt, in framing it, the Government had acted on the idea enunciated by Talleyrand, that language was bestowed upon man for the purpose of concealing his thoughts. The speech bore such internal evidence of its being the production of a mind versed in the composition of such papers, that he really began to think that some of his political friends had lent their assistance in its compilation. However that might be, the non-committal character of the speech, although it might do very well for the Government, would not satisfy the country. Before their advent to power the supporters of the Government were loud in their promises of reform; nought was heard but the necessity of energetic measures of the most important nature, affecting materially, as in some cases, the institutions of the country, and the lamentations over the ruin of the country, the general exodus of the people, the almost universal bankruptcy caused by the late Government while they held the reins of power, were neither low nor far between. When at length they were invested with the coveted power, instead of propounding any remedial measures, any scheme having a tendency to relieve the evils they had, when in opposition, so feelingly deplored, they congratulated themselves upon the high prices of agricultural produce. The hon. member Mr. Longworth had alluded to the recent date at which the Government was formed, as one reason for the omission in the speech of reference to any new measures to be submitted. He presumed that the Government had been formed, but at present the House and the country had no official intelligence of its construction. True, he could infer, from the remarks that had fallen from two honorable members, Messrs. Haviland and Longworth, that they belonged to the late Government; and to them, therefore, he addressed his congratulations on the style of the speech. He would ask who were in the Government? Who was the leader? As no one rose to answer, he repeated his questions—as he still got no reply, he could but attribute the silence to the proud self-conceit with which their new honors had inspired them. Did the Liberal party, when power became theirs in 1851, sit in the House three days, leaving the Opposition in ignorance of the names of the individuals composing the Government and filling the offices? Such a state of affairs as the present was reserved for the year of grace 1859. As he knew but the two honorable members of the Government to whom he could refer, as such he would ask one of them, hon. Mr. Longworth, what were the measures essential to the public service which the Government was ready to pass?

Hon. Mr. LONGWORTH.—Such as are essential to the maintenance of the public credit.

Hon. Mr. WHELAN.—Was that all! after all the direful assertions of the ruin of the country, the urgent necessity of vigorous measures to avert impending destruction, they were prepared to introduce only the annual Revenue Bill, and the reason assigned for their showings is the lateness of the season. Truly their patriotism was at a low ebb. Let the House contrast their conduct with that of the Liberal party when it came into power in the year 1851. They took office on the 25d of April, eleven days later than the commencement of the

present session; yet they passed some 40 measures, many of them of a very important character. The speech contained reference to the Fishery Reserves Bill, the Loan Bill, the Land Question, and other matters. The paragraph on the subject of a Federal Union of the Colonies was a most important one; yet no opinion has been channeled.

Hon. Mr. LONGWORTH considered that the assertion of the hon. member, to the effect, that he was ignorant of the composition of the Government, when in his own semi-official journal, *The Examiner*, appeared not only the names of the several members of the present Government, but the leader was also announced. It was not usual for a government to make such a statement until they had been asked. The hon. member had stated, in the commencement of a somewhat lengthy speech, that it was not his intention to go into a discussion, until the debatable questions were before the House, yet he had gone over a list of alleged grievances, one of the principal of which was that the Government had not announced any important propositions at so late a period of the season. He could, however, inform him that it was probable that the Government would introduce, during the present session, two or three Bills, having reference to the public finances, and if any others were necessary, at this particular period, they would be submitted.

Hon. Mr. WHELAN.—The hon. member affected surprise at his saying that he knew not who formed the Government, because in a certain non-official paper, under his control, a list of the members of the new Administration had appeared. But it was probably in the recollection of hon. members that two lists, widely differing from each other, had appeared in that journal, and how was he to know which was the correct one? As the hon. member appeared desirous that the question should be asked, he gave notice that he would do so when the Speaker was in the chair. No less than three hon. gentlemen had been named as leaders, viz: Hon. Col. Gray, Hons. Messrs. Palmer and Laird.

LEGISLATIVE COUNCIL.

SATURDAY, 16th APRIL, 1859.

COURT-HOUSE AND LOCK-UP.

Hon. Mr. ALDQUS, by leave, presented a Petition of divers inhabitants of Casumpes, praying that this House will concur with the House of Assembly in granting a sum of money for the erection of a Court House and Lock-up in Casumpes.

Ordered.—That this Petition be referred to the special Committee appointed to report on all Petitions relating to Miscellaneous Subjects.

MONDAY, 19th April, 1859.

PRESENTATION OF THE ADDRESS TO HIS EXCELLENCY IN ANSWER TO HIS EXCELLENCY'S SPEECH AT THE OPENING OF THE SESSION.

At one o'clock the House waited on His Excellency the Lieutenant Governor with the Address in answer to the Speech at the opening of the Session; and, being returned, the Hon. the President reported that His Excellency had been pleased to receive the same, and to give an answer thereto, which was read by the Clerk, and is as follows:—

REPLY.

“Mr. President and Honourable Gentlemen of the Legislative Council;

I thank you very sincerely for this Address, assuring me, as it does, of your cheerful co-operation in all necessary measures for the protection of the public interests; and I assure you that I most fully appreciate the very gratifying terms in which you alluded to my approaching departure and my administration of the Government of this Island.”

MAIL SERVICE.

Hon. Mr. FORGAN, by leave, presented a Petition of Ewen Morrison of Ellis River, praying that the Legislative Council will concur with the House of Assembly in granting him remuneration for ferrying the Mail Courier over Ellis Ferry, and for repairing his Scow.

Ordered—That the said Petition be referred to the special Committee appointed to report on all Petitions relating to Miscellaneous Subjects.

TUESDAY, 19th April, 1859.

POST OFFICE.

Hon. Mr. DINGWELL, by leave, presented a Petition of divers Inhabitants of Townships Nos. 85 and 89, praying that a Post Office may be established at or near James McDonald's farm on the St. Peter's Road.

Ordered—That the said Petition be referred to the special Committee appointed to report on all Petitions relating to Miscellaneous Subjects.

Hon. Mr. DINGWELL also presented a Petition of Simon Gill, Teacher at Mossell River, setting forth that the full allowance for his services had been withheld in consequence of his not having the average number of scholars in attendance during the last month, and praying the favourable consideration of this House.

Ordered—That the said Petition be referred to the special Committee appointed to report on Petitions relating to Education.

Hon. Mr. FORGAN also by leave presented a Petition of Arch'd. C. Beckford, praying remuneration for his services as a Teacher at Ellis River.

Ordered—That the said Petition be referred to the Special Committee appointed to report on all Petitions relating to Education.

WEDNESDAY, 20th April, 1859.

Hon. Mr. HUTCHINSON, by leave, presented a Petition of Catherine Dornan of Charlottetown, widow, in indigent circumstances, praying relief.

Ordered—That the said petition be referred to the special Committee appointed to report on all Petitions relating to Paupers.

IMPOST AND EXCISE ACCOUNTS.

Hon. Col. SWABEY laid before the House the Accounts of the Collector of Impost and Excise. His Honor, in doing so, said the duty was one which would properly have devolved upon a member of the Government, had there been a member of the House, but there was not, at least if there was he was ignorant of the fact; and, therefore, it was that he had consented to present these accounts.

THURSDAY, 21st April, 1859.

Hon. Col. SWABEY presented a Petition of divers Inhabitants of Townships Nos. 36, 37 and 38, setting forth that the Main Road leading from Savage Harbour to Charlottetown is obstructed by three gates, to the great annoyance of travellers and the people of the surrounding settlements, and praying that such measures may be adopted, as will cause the said gates to be removed.

Ordered—That the said Petition be referred to the special Committee appointed to report on all Petitions relating to Miscellaneous Subjects.

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

By the Hon. Mr. JOHNSON—A Petition of Henry Macky, Teacher, praying remuneration for his services as such, at the bulk settlement of Tryon River.

A Petition of Bettie Price, Teacher, praying remuneration for her services at South Shore, Bedeque.

By the Hon. the PRESIDENT, a Petition of Lewis Walker, Teacher, and the Trustees of West Point School, Township No. 8, praying that the said Teacher may be remunerated for his services for eight months last past.

By Hon. Mr. WALKER, a Petition of Cornelius Hasting-ton, praying remuneration for his services as a Teacher at Mill Road, Lot 55, his allowance having been withheld, in consequence of there not having been the average number of scholars in attendance required by law.

By Hon. Mr. CRASWELL, a Petition of the Trustees of the Birch Hill District School, praying that Sarah Jane Lawson, their Teacher, may be remunerated for her services for twelve months.

Ordered—That the last five preceding Petitions be referred to the special Committee appointed to report on all Petitions relating to Education.

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

By Hon. Mr. WALKER—A Petition of Mary Kelly of Charlottetown, widow, with four female children, two of which are Idiots, praying relief.

A Petition of Mary Ann Shea, of Charlottetown, in indigent circumstances, praying relief.

By Hon. Mr. CRASWELL—A Petition of Mary Francis, an infirm female Indian, in destitute circumstances, praying relief.

A Petition of Letitia Moorhead, of Township No. 16, formerly a Teacher for fourteen years, but who, from age and infirmity is rendered disqualified for that service, praying pecuniary aid.

A Petition of Margaret Clarkin, of Charlottetown, widow, in indigent circumstances, praying relief.

A Petition of Alfred Horne, of Park Hill, setting forth his destitute condition in consequence of his having lost his house and all he possessed by fire, and praying pecuniary aid.

DESPATCHES CONCERNING HER MAJESTY'S DISALLOWANCE OF CERTAIN BILLS.

COPIED FROM THE ORDER BOOK.

"April 21st.—Mr. Swabey gives notice that he will, on Monday next, call the attention of the House to the Despatches laid on the Table respecting Her Majesty's disallowance of certain Bills named in his Excellency's Speech, and other Despatches therein alluded to.

MESSAGE from His Excellency the Lieutenant Governor and presentation to the Hon. House by a member of their own body, being neither a member nor an officer of the Government, of Copies of certain Despatches, the laying before them of which had been asked for of His Excellency the Lieut. Governor, in the respectful and ceremonious manner prescribed by parliamentary usage.

Hon. Mr. FORGAN, in his place—Your Honors, in compliance with a request of a member of the Government, I rise to deliver a message from His Excellency the Lieutenant Governor, and to lay before this House copies of certain Despatches put into my hands for that purpose, and which Despatches this House, by means of a Committee appointed for that purpose, respectfully requested His Excellency the Lieutenant Governor to be pleased to cause to be laid before them.



Hon. Col. SWABBY—I have had the honour to sit as a member of this House for the last fifteen years; but this is the first time that there has fallen under my observation any departure from the respectful and long-established parliamentary mode in which messages from the Lieutenant Governor or other administrator of the Government have been conveyed to us; which, until the present occasion, has always been done by an officer of the Government or a member of it. The course pursued in this instance is uncourteous, and, I believe, unprecedented; and I feel it my duty thus promptly to remonstrate against it. In doing so, I, however, beg leave to say that I mean no personal disrespect to his Honor, Mr. Forgan, who has been selected by the Government to be the instrument in this innovation of parliamentary usage and courtesy; and neither would I have it to be inferred from my remonstrance, that I conceive this House would be justified in receiving a message from His Excellency in any other than the most respectful manner, by what channel soever it may be conveyed to us. I have now only further to say that to this most unusual procedure of the Government, as well as to the Despatches accompanying His Excellency's message, I will beg leave to call the attention of this House on Monday next.

His Honor the PRESIDENT—The regular course would have been to have caused His Excellency's Message to be delivered to us, either by the Private Secretary, or some other Government Officer of suitable standing, at the Bar of the House; or were a member of the Government a member of this House, by such member in his place. The mode adopted for the delivery of the Message, that is by a member of this House, in his place, who is not also a member of the Government, is a most unusual breach of the courtesy due by the Government to this branch of the Legislature. It is, indeed, a departure from the parliamentary and constitutional rule, and the first instance I have witnessed during the 20 years I have held a seat in this House; but as his Honor Col. Swabby has well observed, it is the duty of this House to receive every Message from His Excellency in the most respectful manner, independently of all consideration of the mode in which it may be conveyed to us.

Hon. Mr. Forgan then proceeded to deliver His Excellency's Message, with the accompanying Despatches, which, having been duly received, were, by order, laid upon the Table.

#### PUBLIC ACCOUNTS AND THE ACCOUNTS OF THE COLONIAL TREASURER.

Hon. Mr. Forgan laid before the House the Public Accounts for the year ending 31st January, 1859, as arranged and classified by the Auditors; and also the Accounts of the Colonial Treasurer for the same period.

Ordered, That the same do lie on the Table.

#### VACCINATION BILL.

A Bill intitled "A Bill to encourage and facilitate Vaccination in this Island," introduced by the Hon. Mr. Johnson, was read the first time.

His Honor the President then adjourned the House to 12 o'clock at noon, on Monday next.

R. B. IRVING, Reporter.

### HOUSE OF ASSEMBLY.

THURSDAY, 14th April, 1859.

#### ADDRESS IN ANSWER TO THE LIEUT. GOVERNOR'S SPEECH.

(Debate continued.)

Hon. Mr. HAVILAND—The hon. member had expressed his surprise that no announcement had been formally made of the

formation of the new Government, but the House was equally without official information of the dissolution of the old.

Hon. Mr. FORD—Could see no reason for any discussion on the subject before the Committee. All knew that the harvest had been abundant, for which they should all be thankful. As to the allusion by the leader of the late Government to bags of wind, there was quite wind enough in him and the hon. member, Mr. Whelan. The hon. member, Mr. Cole, had argued as though the agricultural prosperity of the Island was attributable to his Government; and in fact he had heard one of that hon. member's supporters assert that the late Government had cured the potato blight. (Laughter) The truth was, the country generally was never so much in debt; and although the hon. member, Mr. Whelan, found fault with the Speech because it announced no new measures, he would find that the members of the Government would redeem the pledges they had given,—they promised the people retrenchment, the people expected it, and they would get it.

Hon. Mr. PALMER was absent at the commencement of the discussion—which he understood had been rather warm—with reference to the Government, but when an amendment to the Address should be moved, they would be able to see what the objections were. The debate arose about the word "very";—how the Opposition should, on such a foundation, base general attacks upon the Government, he was at a loss to conceive. The observations that had been made by the Opposition were but random shots from the advanced skirmishers. He should reserve his ammunition until their main body with their heavy artillery came into the field.

Hon. Mr. THORNTON thought the word "abundant" a most unfortunate one. Last year a whole evening was spent in discussing its applicability. Now the debate arose on the word connected with it—"very." He was happy to believe that the last harvest had been abundant; a most fortunate thing it was, for owing to the late Spring of the year before the farmers had been compelled to feed their stock so long, that the consumption of their produce in that matter had necessitated many to buy meal, &c. The Address alluded to the increase in the exportation of fish; of that, he was sorry to say, they had no official proof. There should be recognised statistical information on the subject, as without that we could not ascertain the extent to which the business was carried on, or the degree of success which attended its prosecution. For instance there is no account of the quantities exported from the North side of the Island, while it was a matter of general notoriety that numbers of vessels go along the coast purchasing fish at various places, until at length they complete their cargoes and leave the Island.

Hon. Mr. HAVILAND hoped that the hon. member did not intend to visit the sins of the late Government upon their successors,—the omission complained of was no fault of the present Government.

The paragraph was agreed to, as was the next.

On the question being put on the eighth paragraph—

Hon. Mr. WHELAN rose to move an amendment, and, in doing so, would not trouble the Committee with many observations. Last year, as is well known, the Legislature passed a Bill which had for its object the exemption of tenants from liability to pay rent for such portions of their holdings as had been reserved to the Crown in the Original Grants. From that Bill, through the opposition of the Proprietors, the Royal Assent had been withheld: The Despatch announcing the refusal of the Royal Assent was well known. Hon. members of the Government need not intimate an expression of doubt; it had been published in the *Royal Gazette*, and if they did not see a copy of it there, no doubt the original had been found in the archives of the Government. It could not be denied that the right to those lands was not, and never had been, in the proprietors;—they had been expressly reserved to the Crown in the original grants. In the year 1844 the Attorney and Solicitor General of England gave an opinion adverse to the claim of the proprietors; and in 1854, when the Civil List Bill was passed, the Reserves, Quit Rents, Crown Lands, in fact all Crown rights, were in express terms ceded to the Colonial Government on certain conditions, which the Colony has honorably fulfilled. Under these circumstances the late Go-



vernment were fully justified in introducing and passing the measure, which all the contrary that ought and should prevail, regret was not confirmed by the Government.

Mr. DOUSE could answer for those of his constituents who were in occupation of Reserves. They had no desire to place any part of their holdings at the tender mercies of any Government. They were in possession of their lands and wished to remain so, notwithstanding all that might be asserted by the Opposition to the contrary. It was folly to endeavor to excite among the poor people of the Island hopes which would never be realized. The same remark applied to all the agitation about Escheat, and the flourish of trumpets about the Loan Bill. It would all end in smoke, and that such would be the result the very parties who originated and sustained the agitation knew as well as he did. What would be the consequence of raising such vain expectations in the minds of the tenantry? Many a poor man would become hopelessly involved in arrears of rent, by giving heed to the promises of parties interested in hood-winking them, and would owe his ruin to this mischievous agitation. It was high time that this question should be set at rest. He really was ashamed to think that it had been kept alive so long by those who knew that it would come to nothing.

Hon. Mr. COLES—Notwithstanding what they had just heard from the hon. member, could assure him that the Colonial Minister took rather a different view of the subject, for he admitted that there was something to be settled between the proprietors and their tenants. It had never been alleged that the proprietors had fulfilled the conditions in the original grants. The last Despatch which had been received on the subject expressed a wish for an amicable settlement of the question. The Colonial Minister objected to the Bill, that it would take the land from the proprietors, to give it to the tenants. The tenantry had certain rights to those lands while the proprietors had none. The lands in question were particularly reserved to the Crown in the original grants, and those reserves were expressly ceded to the Colony. Notwithstanding this, it was not impossible that the hon. member, Mr. Douse, might advise the Government to allow the proprietary to rob the tenantry. The *Islander* had stated that it was the intention of the late Government to take the Reserves from the tenantry. The Crown Officers of England, and the Secretary of State for the Colonies, were, it seemed, of a different opinion. The fact was, that the tenants were in possession of that which the proprietors never had; the object of the Bill was to confirm the tenantry in the possession of their reserves. The proprietors had usurped their right to the reserves, and by so doing had become mere squatters; in that House the poor men who had settled on lands—no proprietor of which could be found—had been termed by the supporters of the proprietary party squatters; but the illegal claims of the proprietors these parties would not think of characterising as wrong in the slightest degree. If proprietors can with impunity usurp the lands belonging to the Crown, Government will be powerless to settle the vexed question of the Reserves. In the present state of those Reserves, a stranger, willing to embark his means in the prosecution of the Fisheries, may be compelled to leave the country because a proprietor may be unwilling to let him occupy a portion of the reserves, of which miles may extend as far as the eye can reach, perfectly useless to anybody. He was not surprised at the course pursued by the hon. member, Mr. Douse, as agent and proprietor his feelings were interested.

Hon. Mr. YEO—The discussion on this question, which was intended merely to keep parties in power, had already cost the country more than the Reserves would bring if sold to-morrow. He was owner of an Island in Richmond Bay, containing about seventy acres,—suppose the whole shores were leased to different parties as fishing stations, how, he would ask, could he effect an entrance to his property?

Hon. Mr. PALMER—The paragraph stated that the House would express its opinion on the subject when the Despatches should have been communicated. The members of the Opposition well knew that the matters alluded to in the paragraph could not regularly be discussed until the papers were before the House. In any action which they might take on the question, the Government would take care that their treatment of it would be such as to commend itself to the good

sense of the people. He was not at all surprised at the statement made by the Opposition to renege the question, when he remembered that years ago the hon. member, Mr. Cooper, and his former colleague, Mr. Lefebvre, depended on it for their political existence, and were carried into the House on the strength of it. With reference to the Bill which had been disallowed the present Government had nothing to do with it. If their predecessor in office had sent home an Act objectionable in principle or detail; or if they failed to commend the result of their legislation to the approbation of the Imperial Government, they had none but themselves to blame. When the Government shall have proposed a measure, and failed in carrying it into effect, it would then be time to attack them. The leader of the late Government was now very profuse in his declarations of sympathy with the tenantry—they alone should have the Reserves. Why not bestow the boon when he had the power to do so? He stated that the reserves were ceded to the Colony at the passage of the Civil List Bill. He was leader of the Government for several years, and had the management and control of those lands,—why then did he let the golden hours pass unimproved? Why did he not, during his long tenure in office, make some arrangement, mutually satisfactory to Landlord and Tenant? It was premature, and a gratuitous assertion to say, or infer that the Government did not intend to initiate any measure on the subject. The amendment proposed by the hon. member, Mr. Whelan, expressed regret that the Bill was not confirmed by the Imperial Government. Its rejection surely afforded no subject of regret by men of honest and reasonable views. It was known to all who had turned their attention to the subject, that there were two descriptions of Reserves in the original grants. By the first the right to the soil passed to the Proprietor simultaneously with the grant, subject to the privilege of fishermen using it for the prosecution of their business. In the second class, the right to the soil was reserved to the Crown, for the use of Fishermen. The latter was the only class which the Crown could cede to the Colony at the passage of the Civil List Bill. The Bill on the subject was of so questionable a character, that, on looking it over, he could not wonder that the Royal Assent had been withheld from it. It did justice to neither of the parties who were to be affected by its provisions. The real object of its promoters was to keep themselves in power, for while it purported to benefit the tenantry, it did not; but, on the contrary, put into the hands of the Government every Reserve, with power to lease or not to whom they pleased for 1 year or 999 years, at the rent of a shilling an acre or £50, as tenants at will, or for long or short terms of years. Let hon. members imagine what an engine of coercion and corruption such a Bill, worked by an unscrupulous Government, might become. With what facility the intelligence could be communicated through the country on the eve of a General Election! How the ready caution to the Government tenants of Reserves would be circulated—"Mind the fronts of your farms, ye who have Fishery Reserves; an election is at hand,—if you dare come to the polls, and oppose the Government, take heed to your Reserves, your rent, and the renewal of your lease." Such was the nature of the Bill, and such was the use which was intended to have been made of it, by those who advocated its becoming the law of the land. There was no cause of regret, but ample reason to rejoice, that the Bill was not sanctioned; and he was well satisfied, that were the Bill fairly explained, and its practical operation indicated to the tenantry, there would not be found ten of them who would express regret at its rejection. If the late Government seriously intended to take the Reserves, their Bill should have expressed as much in unequivocal terms. The rate of rent should have been defined; but he had no idea of allowing any Government to adopt a sliding scale of charges, to be used as a means of coercion or corrupt favoritism, by granting such terms to tenants as they pleased, according to the political opinions of the applicants for a Lease. The rights of property should be defined, and any such legislation on such a subject as that under discussion should be definite and precise.

Hon. Mr. COLES could assure the hon. member who had just sat down, that all his special pleading went for nothing with him. The statement that the Bill was intended to take

away from the tenant the land in his possession, and give it to the Government, was absurd. There was no clause in that effect to be found in the Bill. As a proof, he would repeat that the Crown Officers of England had objected to the Bill on the ground that it would have the effect of benefiting the tenant at the expense of the proprietor,—not as the hon. member had stated, that the tenant would be deprived of his property in order that the Government might get it. The real and avowed object of the Bill was to prevent tenants paying rent to proprietors for lands which the landlords did not own, and for which consequently they could have no claim to rent. No Government, depending on popular support, would dare to act in the manner which the hon. member had supposed. The present Government might be inclined to act in the manner described by the learned member, but if they did, sure he was that they would not soon have an opportunity of repeating the experiment. As a proof that the assertions of the hon. member had no foundation in fact, he might say that the late Government did not allow any one to settle on a Reserve without compensation to the tenant in possession. Mr. Deen wished to establish a Fishing Station at Rustico. He was told that before the Government would give him a License, he must make arrangements with the parties interested in the particular piece of land. Notwithstanding the reservations in the grants, the proprietors still made the tenantry pay rent. He would mention, that a party applied to the Government for a License on the Chuard Estate. It was granted; yet the Agent of that Estate compelled him to pay rent for it. The law, unfortunately, did not allow the tenant to dispute his landlord's title, and the Bill was intended to obviate the necessity of the Government bringing an ejectment against the tenant for the recovery of possession of the Reserves. The hon. member for Charlottetown had said that the present Government should not be blamed for the defeat of the Bill; but he would ask, who were they who had petitioned against it? Was not the loss of the Bill attributable to the interference of some of the Government party? He had not thought of introducing such a measure until he was satisfied that no other course, save the ejectment of the tenants, was open to him. The late Government had brought an action against Mr. Cox, and had they remained in power, the matter would have been taken to England, and finally settled there. They had no wish to press their claims to the Reserves along the banks of rivers, as far as the tide ebbed and flowed, but the subject, in all its bearings, was left to the Court for decision. He was prepared to admit, that in the first class of grants the right to the soil was vested in the proprietor, as the hon. member for Charlottetown had stated.

Hon. Mr. LONGWORTH must express his surprise at what had fallen from the hon. member the leader of the late Government. Any one who might take the trouble to read the Bill would see at once that the statements of that hon. member were not correct. If it was intended, in framing and enacting the bill, to protect the tenant against the alleged rapacity of the landlord, if the tenant was to have his property offered to him relieved of rent, why was the fifth section passed? It would have been easy for the hon. member to have given a practical direction to his sympathy for the tenantry by introducing a positive enactment into the bill, either confirming the tenant in the rent-free possession of the Reserves upon his property, or at least giving him a preferential right to a lease from the Crown, at a rate to be ascertained and limited in the bill. Was this bill did no such thing. Had it passed into law, the tenant's visitor to our shores would have as fair a chance of obtaining a lease of any part of the Reserves as the man who had lived on it since he was born—but that was by no means the only objection to the measure. Any action which the Government might take under the bill, in favor of any but the tenant, would deprive the latter of the water front of his farm—in a majority of instances the most valuable portion of it. Had the late Government honestly contemplated a benefit to the tenantry, would they claim the right to deprive a man of the fruits of his labor by transferring to another the most valuable portion of his property? He believed that generally the most valuable soil was found on the sea front of the farms, and dwelling houses, barns, &c.

were not taken into account upon the limits of the Reserves. The bill, however, had not evoked reflected disapprobation on the Government side, and, as strongly as he would read it to the Committee. "Section 5. Nothing in this or any other Act of the General Assembly of this Island contained, shall be held or construed to divert the Government of this Island of the right of leasing the said Fishery Reserves land, or any part or portion thereof; or of the sole control and management of the same, or of the rents, issues and profits therefrom." This section gives the Government for the time being unlimited control over the Reserves, of which they can dispose at pleasure, it may often be to the absolute ruin of the honest and industrious man, whose labor and that of his children has tended to build up a country in the wilderness. It would take his property from him without granting the slightest compensation. Such a bill was so flagrantly dishonest in principle, and would be so partial and iniquitous in its operation, that he trusted no future legislature would ever consent to pass it.

The committee rose, and progress was reported. The House adjourned for one hour.

AFTERNOON SITTING.

Hon. Col. GRAY reported from the Committee on the standing order. The report was made the order of the House for to-morrow.

HOUSE IN COMMITTEE ON THE DRAFT ADDRESS.

Hon. Mr. COLES—Before the adjournment, the hon. member, Mr. Longworth, had read the fifth clause of the bill, and had argued from that, as though the Legislature in passing it had given the Government a new and dangerous power. The truth was, that Government previous to the last had the control and management of the Reserves, and had exercised their authority over them. As an instance he might mention that the hon. member's brother, the Hon. Francis Longworth, years ago, had obtained license to occupy some Reserves at Rustico, in direct opposition to the wishes of the proprietor. And several other parties had received similar licenses from former Governments. The clause to which the hon. member had manifested so strong an antipathy, was merely explanatory of the rights of the Government—a mere declaration of the power the Crown always possessed. He trusted that hon. members would not say that they did not regret the loss of a bill which had for its object the relief of the tenant from the obligation to pay rent to which his landlord was not entitled. The construction put upon the clause might suit the taste of the hon. member and his legal friend, whose profession naturally disposed them to pervert common language by all sorts of construction. If his colleagues agreed with the opinion of the hon. member, that no Government should have the power of disposing of the Reserves, let them introduce a bill giving them to the tenants, and it should receive his hearty support. Such a measure would have the twofold effect of satisfying the tenantry, and settling the question at rest. At present they were dissatisfied, and no wonder that they should be, when they were compelled to pay rent for land which the Government might at any moment call upon them to surrender. As the members of the Government had stated that he was only anxious to keep up agitation, why, now they had the influence of the proprietary party in their favor, did they not introduce a measure for the final settlement of the question? He could answer for himself and his political friends, that they would cheerfully support any measure from whatever source it might emanate, which would give to the people of the country a title of what was due them.

Mr. HOWAT—If he understood the hon. member aright, the tenants were not to be interfered with. If such were the case, what he would ask, was the meaning of the fifth clause of the bill? The hon. member read the clause (which is given above.) It appeared from that section, that, not content with controlling the proprietors, the hon. member wished to have the control of the tenants as well, by vesting in his

Government the unqualified right to dispose of these Reserves. The Bill would have deprived the tenants of all right to that portion of their lands which came within the description of Fishery Reserves. How any honest man in view of the Section he had just read could entertain a sentiment of regret that such a Bill had not become the law of the land, he was at a loss to comprehend. He lived on a shore farm, having a front of 9½ chains. Would he, for the paltry saving of a few shillings' rent, risk the loss of the front of his farm, whence he obtained a large amount of manure? The measure would be of small benefit to the country generally, but would be disastrous to individual agriculturists. He was himself a freeholder, as well as tenant, and in the latter relation he had no idea of losing the front of his property for the sake of the few shillings which he now paid in the shape of rent. Such a course would resemble the conduct of the dog in the fable, who lost the substance in trying to grasp the shadow.

Hon. Mr. COLES—The Government had the power to grant licenses, and take the land, for which the hon. member, and other tenants, were paying rent, so that there was no more security for the hon. member than there would be if the Bill had been sanctioned. He repeated that the only object of the Bill was to relieve the tenants from the rents they were paying for the Reserves.

Mr. HOWAT—The hon. member should bear in mind that the fifth Section of the Bill allowed the Government to lease the Reserves to the tenant, or any other person, making no distinctions, and giving no preference to the tenant. If a man became at any time in arrear for his land tax, his property would be sold. Now, no proprietor would deprive a tenant of his land for a few shillings of arrears of rent. The Bill would convert the tenants of the proprietors into tenants of the government. The moment that change in their position took place, their duty to the public generally would compel any honest Government to treat all with the same even measure of justice; they should not be suffered to grant indulgence to their political friends and supporters, and rigidly exact their dues from others. He would go for any honest measure calculated to benefit the tenantry.

Mr. COOPER—The Government had the power of managing the Reserves, but should not take rent for them. It was indisputable, that the proprietors had no right whatever to the Reserves. He believed that the only object of the Bill was to relieve the tenantry from the rent charged them for the Reserves.

Hon. Mr. PALMER—The hon. member might have been behind the scene, and thus known more than others about the history of this Bill; but he would content himself with endeavouring to take its meaning from the words of the Bill itself. The hon. member had stated that the Bill was intended to prevent payment of rent for the Reserves, which, he assumed, had always been in the Crown; which, however, he, with somewhat singular logic, had asserted had power to lease, but not to receive rent for, property admitted by himself to belong to the Crown. The real object of the Bill was to make the tenants pay rent to the Government. It went further, it contained no specific stipulations as to the amount of rent, or nature of the leases, and contained clauses eminently qualified to coerce the people into a convenient state of pliant submission to the Government. Giving the hon. member, Mr. Cooper, the benefit of his assumption, that the Reserves were vested in the Crown—although that question had not been decided it was still at issue,—but even if the proprietors admitted the right, as asserted by the hon. member, that the Reserves were vested in the Government, yet they were vested in them not absolutely to do with them as they pleased, but solely as Trustees for Fishermen. Therefore, their authority was but limited; and the hon. member would find that, if the Government did not interfere with the tenants' occupation of the Reserves, unless for the purposes for which they had been originally intended, the applications for them would be so few and far between that but few would be disturbed. In practice, too, it would be found that a tenant would rarely object to the occupation of a small portion of the front of his farm, for the establishment on it of an extensive fishery, the prosecution of which would largely enhance the value of the residue, and afford a good market as his own door for large quantities of his produce.

Mr. DOUSE had already stated his views on the question, and he was happy to say that he had been confirmed in them by the observations which had fallen from the hon. member, Mr. Howatt. As an instance of what the tenantry might expect, under the Bill, he would state that the late Government had given a licence for the occupation of some reserves on Wood Islands to a Mr. Findlay, who took forcible possession, and deprived the poor tenant of his buildings and improvements. He maintained that the Government were not justified in such a course. He would rejoice to see all the shores settled by fishermen, but the hon. member, Mr. Coles, well knew that the action of the late Government on the subject was all a farce. That hon. member knew as well as any one, that Escheat, the Loan Bill, and the Reserve Bill

would never be realized. In 1855 that hon. member expressed himself in the following terms in the debate on the subject of Escheat:—"When the Weymouth Estate was offered to the Government the question of Escheat did not enter into their consideration, nor was it requisite, in investigating the title, that the validity of the original grants should be tested. That question the Government considered settled." Again he said, in the same speech: "Before I have done I think I shall be able to show that the British Government have expressed a positive determination not to allow the establishment of a Court of Escheat in this Colony." After citing several passages from the reply of Sir Charles Fitzroy to an address which had been presented to him by the inhabitants of King's County on the subject of the Land Question, the hon. member proceeded to state that the passages which he had just read were "the plain declarations of Her Majesty's Representative, that Escheat would not be conceded." Again, in the same speech, after having quoted an extract from a despatch of Sir George Grey, Under Secretary of State for the Colonies to the same effect, the hon. member said: "I ask what words can be used more expressive of the decision of the Government of Great Britain? Does it not emphatically declare that the Government will not sanction the establishment of a Court of Escheat?" Again: "I would ask if Lord John Russell's despatch in 1839, the year in which Mr. Cooper was a delegate to England, does not state, as plainly and emphatically as words can, the determination of the Imperial Parliament not to sanction Escheat in this Island." He (Mr. Douse) could cite many statements of the hon. member to the same effect, but those which he had given were quite sufficient to show the sentiments of the hon. member when he was at the head of a Government. Now, he appeared, after his defeat, in the character of an agitator for Escheat. The truth was, his only motive was a wish to keep the country in hot water as a means of getting back into power. He would wish to see the pursuits of commerce and agriculture occupy the attention of the people, who, he hoped, would no longer suffer themselves to be gulled by those who knew that their professions were "all smoke." He was satisfied that the hon. member, Mr. Cooper, could not be unconscious of the folly, not to use a worse term, of exciting the minds of the people on this subject, after so long experience of the utter uselessness of the agitation. As for himself, all his means were in the Island; he laid out his money in building ships, and carrying on commerce. While such had been the nature of the business in which he had embarked, he fully agreed with the hon. member Mr. Coles, that agriculture and fisheries were the best and surest foundation for the prosperity of the country.

Mr. DAVIES thought that it was a pity that if the late Government had intended to take the reserves, they had not expressly stated so in the Bill. These reserves were comparatively of little value to the Government, but were worth a great deal to the tenant, as forming a valuable portion of his farm; and any tenant would be happy to see them used for fishing purposes. He agreed with the opinion of the hon. member, Mr. Howatt, that it would be better to leave them as they were. Mr. Cooper had stated that they belonged to the Crown. The Colonial Minister, it appeared, entertained a different opinion; for he considered that the possession of the proprietors for the period of sixty years, and the payment of the taxes, barred the right of the Crown; and that consequently the proprietors could not now be divested of the property in those reserves.

Hon. Mr. POPE—The question of Escheat had been brought into this discussion quite unnecessarily. Doubtless there would be an extensive blow on that subject at another period of the session. The Fishery Reserves Bill of the late Government was an unjust, dishonest, and iniquitous measure—got up solely as a desperate attempt to prop up a tottering Government. That measure had been concocted in the hopes of securing for the late Government a few votes along the shores. The despatch on the subject stated that the Bill would take from the proprietors and give the property to the tenantry. The hon. member, Mr. Coles, said the same. Then why did not the Bill expressly state so? Why was there not some



clause inserted in the Bill confirming the tenants in their possession? The late Government, had the Bill received the Royal assent, would have used the influence of their position to convert the tenants of reserves into becoming their supporters at the late general elections. They could have made use of the Bill as they did of the bonds on the Worrell Estate. The hon. member, Mr. Coles, had stated that the right to the Reserves was in the Crown, but if so, only to be used for the purposes of the Fishery Reserves. No objection would be made by any tenant to the occupation of his Reserves for fishing purposes. If the only object of the Bill was the settlement of the tenants on their Reserves, why was the fifth clause, which the Hon. Mr. Longworth had read, introduced into the Bill? The real object of the Bill was not the confirmation of the possession of the tenants of their Reserves, but it was intended to be an engine of coercion to drive them to support the late Government. The despatch said that the legal maxim, that no time barred the right of the Crown, had been abandoned as unjust in principle and injurious in practice. He would ask, how many men in this Island, alive at this day, could tell how much time had elapsed since the lands had been first occupied, and would it be just to those who, and whose forefathers, had labored in summer's heat and winter's cold to purchase the fee simple of their farms, to invest a Government with the power, after the undisturbed possession of so many years, to strip them of the fruits of their hard labor?

Hon. Mr. WIGHTMAN would inform the hon. member that a similar Bill had been before the country some 18 or 20 years ago.

Hon. Mr. POPE—No.

Hon. Mr. WIGHTMAN—Yes, and it was high time that the long vexed question was settled, in order to quiet the minds of the people. He would ask the hon. member, Mr. Palmer, what was the use of inserting the reservations in the original grants? Was it not their duty to have laid off the Reserves? Had they done so there would remain no cause of dispute at this day. The first occupation of those Reserves by the Proprietors was neither more nor less than an act of simple usurpation. Certain portions of land were granted to the subject; other portions were reserved in the Crown. He admitted that it would be a great hardship to deprive a man of the fruits of his labor. He would be sorry to say that any Government would be justified, in the assertion of their strict rights, in taking the property of the tenant and giving it to another. The tenant should assuredly have the preference. As a member of the late Government, and a supporter of the Bill, he would state that it had never been the intention of the late Government to have charged a large sum for licenses to occupy the Reserves. They would have been issued at a nominal rate. The object of the Bill was to deprive the proprietors of the claims which they had usurped. He would be happy to support any equitable arrangement for the settlement of the question.

Hon. Mr. COLES—The hon. member, Mr. Douse, could not rise without referring to the subject of Escheat. He recollected the time when that hon. member had supported the establishment of a Court of Escheat—the time when the hon. member for Charlottetown had declared that the views of the venerable gentleman, Mr. Cooper, should be carried out, but praised the late Government for its opposition to them. He (Hon. Mr. Coles) had no cause to be ashamed of the course he had pursued on the question of Escheat. He had for years labored in vain to effect a settlement of the disputes between the proprietors and the tenants, without the necessity of extreme measures. But now when all milder measures had been tried without effect, when the combined influence of the Government and the proprietary party had rendered futile all other means, he would support the institution of a Court of Enquiry, or any other Court invested with competent authority to put a final settlement to the question. Surely he should not be censured if on the question of Escheat he had become a convert to the views entertained by so full-blooded a Conservative as the hon. member, Mr. Douse. The question of Escheat was not now before the Committee. The hon. member, Mr. Davies, had expressed his concurrence with the views announced by the hon. member, Mr. Howatt, that the long

possession of the proprietors confirmed their titles to the Reserves. Supporting such measure by such argument was as though the hon. member should justify a man for having stolen a cow, on the ground that the animal had been in his possession for a long period. The Reserves, by the express words of the original grants, remained in the Crown for fishing purposes. No Government would dare to exact exorbitant rents for the Reserves, and thus rule the tenantry with an iron rod, as the proprietary party had alleged. The intention of the Bill was to benefit the tenantry. The hon. member, Mr. Pope, had stated that the operation of the Bill would deprive freeholders of their rights, but it would have the effect of stopping the payment of rent for the Reserves. However, he doubted not the subject would be well discussed when the despatches came down.

Hon. Mr. POPE—The 5th clause claimed the sole control to be in the Government, to do with them as they pleased. One of the supporters of the Opposition had stated that the late Government had no control over the Reserves, but that they wanted to get it; and a member of the late Government, Hon. Mr. Wightman, said that the occupants would not have been disturbed. His own experience taught him a different lesson. That hon. member was one of a Government which had issued an order that he and some others should pay 1s. 6d. per foot frontage, which that hon. member himself at the time, and long before and long since, had been and was now in possession of far greater extent; for that possession he had never been called on to pay one farthing. The hon. member, Mr. Coles, had ordered a public prosecution against him.

Hon. Mr. COLES denied it.

Hon. Mr. POPE had seen the order in the handwriting of the Hon. Mr. Coles himself. But, thank God, the day had gone by and he hoped would never return, when it would be in the power of any Government to gratify their vindictive feelings against a political opponent by attempting to deprive him of his property.

Hon. Mr. COLES denied the correctness of the statement made by the hon. member, Pope, with reference to the alleged prosecution of him for occupation of shore frontage at Summerside. Parties had applied for, and obtained permission to occupy certain portions of the shore for the purpose of building breastworks, &c., and the extent of the privilege was defined so, as to leave sufficient space for vessels to lie alongside the public wharf; and if the Harbour Master, in the discharge of his public duty, had represented to the Government that the hon. member, or any others, had obstructed the access to the wharf, there was no doubt he had been instructed to take the steps pointed out by law to remove the nuisance. That hon. member had seen fit to charge the late government with having cancelled bonds given for the purchase of lands on the Worrell Estate, with a view to obtain public support. The charge was false. The late Government had thought it but an act of justice to remit so much of the amounts secured by bonds given to the former owners of the property as would leave the obligors in the same position with respect to the price of their lands, as those who had purchased directly from the Government.

Hon. Mr. POPE considered that the hon. member had betrayed as much ignorance as dishonesty, for he repeated that the letter to the Harbour Master, signed by that hon. member, expressly stated, that unless he paid 1s. 6d. per foot front he should be prosecuted. Now, that gentleman was willing to let him continue a public nuisance, on condition that he paid for it. When applied to by the Harbour Master on the subject, he had requested that officer to repair to a particularly warm climate.

Hon. Mr. THORNTON, after reading extracts from the Journals of the Assembly for 1843, 1844 and 1845, on the subject of the Reserves, said, that he had always thought it advisable, if we could not get all we wanted, to endeavour to get all we could. With reference to the Reserves Bill,



he would wish those who were in possession of the Reserves, and had improved them, to keep them. As to the arguments that the proceedings under the original grants could not now be disturbed, that had been done already in some instances. The Crown Officers have given their opinion that the Reserves were in the Crown; and then assumed that they were the property of the Proprietors by long possession. He sincerely regretted that the Bill had not been sanctioned; and the reason assigned, namely, the long continued possession by the Proprietors, had somewhat surprised him. He had often heard legal gentlemen propound the maxim, that no lapse of time barred the right of the Crown. Now, it appeared, that doubts had begun to envelope that fundamental principle, and they were now told sixty years were sufficient to take away the title of the Crown. That the matter had not been finally settled, was apparent from the Despatch of the Colonial Minister, which stated that the Land Question was still the subject of his anxious consideration; and he had proposed a truly novel mode of untying the gordian knot—an arbitration, forsooth! between Proprietor and Tenant! A pretty chance truly would the poor tenant have before such a tribunal. The fable of the wolf and the lamb would be realized in the sad experience of the tenant, after submitting his rights against a proprietor to adjustment by arbitration. The only solution of the difficulty was by wise and just legislation. If the Proprietors did not own the Reserves, it was manifestly unjust in them to extort rent for them. A member of a former House, the Hon. Joseph Pope, had, if he remembered aright, suggested the appointment of Commissioners in each County to ascertain the extent of the Reserves, which should then be leased to the tenants at a moderate rent, which was to form a fund to be applied to the compensation of any tenant whose Reserves should be taken for fishing purposes.

Mr. DAVIES was as anxious for the settlement of the question as the Hon. Mr. Wightman, or Mr. Thornton, or any other hon. member. His sympathies were with the tenants; but he would never suffer his sympathies to influence him to the perpetration of an act of injustice. He repeated, that the possession, by the Proprietors, and their payment of taxes for so long a period gave them a good title.

Hon. Mr. PALMER considered that it was a mere waste of time to enter into a discussion of the merits of the question of the Reserves and Escheat at this time; those questions were not before the Committee; they could and doubtless, would, be discussed at sufficient length when the Despatches were brought down. The Reserve Bill had not received the Royal assent, and the amendment called upon members to say that they regretted its loss. He hoped they would confine themselves to the subject before the Committee.

Hon. Mr. WHELAN had no desire to protract the discussion, but he differed materially from the hon. member, Mr. Palmer; that gentleman had declared the debate inopportune—that the present was not the proper time for entering into the merits of the Reserves. He would ask that hon. member what would be the proper time? For what were hon. members there, if not for the discussion and decision of all matters pertaining to the general interests of the Island? It was a farce to suppose that the reference, in the Address, to the Bill which had been disallowed, would pass without any discussion. A large party in the House, and throughout the country, were deeply interested in the success of the Bill, and his amendment, declaratory of regret at the failure of the measure, was but an expression of their sentiments.

Hon. Mr. HAVILAND—The present Government had been asked why they had not, when in opposition, given

their aid in perfecting the Reserves Bill, so as to ensure its approval by the Imperial authorities. His answer was, that it was not the duty of an Opposition to aid and assist their opponents in concocting and maturing their measures. The reasons assigned for the House expressing regret at the failure of the Bill were various; and some of them extraordinary. The hon. member, Mr. Thornton, had admitted that the Bill sent home was not of as satisfactory a description as it might have been; but said he would support a Fishery Reserve Bill, no matter how unjust and iniquitous if it had the effect of giving a *quietus* to this question. Hon. members of the Opposition had stated that it had never been the intention of the late Government to exact Rent for the Reserves from the tenants in occupation. Why then was the 5th clause inserted? In the preparation of the Bill the late Government had had the benefit of the professional services of their Law Clerk, and the Crown Officers, and that was sufficient justification for him in deducing the meaning from the words of the Act itself. The hon. member, Mr. Howat, layman though he was, had read the Bill in accordance with the dictates of common sense; and as Lawyers would construe it. It was idle to say that the Bill would confer a boon on the tenantry. They were in a far better position now, with their leases for 999 years, at the annual rent of a shilling per acre, than they would be when placed at the tender mercies of the Government of the day. On many of the shore farms, the tenants had erected their buildings, within the limits of the Reserves. It might be that the Opposition supposed a tenant would rather pay a pound an acre than a shilling; and yet if he should chance to become obnoxious to the Government for the time being, he must comply with such a demand, if made, or witness the forfeiture of the fruits of his own labour, and that of his forefathers. The hon. member, Mr. Wightman, had stated that the Bill in question had been before the Legislature 18 or 20 years. This he denied.

Hon. Mr. WIGHTMAN had meant that the question had been mooted from time to time, during that period, on the subject.

Hon. Mr. HAVILAND—No measure on the subject, so iniquitous as this, had ever been before the House. So far from regretting that it had not become Law, every honest man had cause to thank God that it had not been sanctioned.

Hon. Mr. COLES recollected when a Petition was presented, praying that the Rent for the Reserves might be paid to the Government, instead of the Proprietors.

Mr. DOUSE—The signatures of the Petition referred to had been obtained in the same manner as the names subscribed to one which had been sent down to Belfast. The names of all the members of families, and of all the children attending the schools, had been put down. He wished that the sense of the people could be honestly and fairly tested on the question. If they were thoroughly acquainted with the principle and details of the Bill, they would no longer be humbugged by the hon. member, Mr. Coles, and his party.

The question was then taken on the amendment, which was negatived, on the following division:—

NAYS—Hon. Speaker, Hon. Messrs. Pope, Yeo, Palmer, Gray, Longworth, Haviland and Laird, and Messrs. Douse, Ramsay, John Yeo, Montgomery, McNeill, Holm, Davies—15.

AYES—Hon. Messrs. Perry, Thornton, Whelan, Coles, Kelly and Wightman, and Messrs. Sinclair, Walker, Doyle, McDonald, Cooper, Knight and Sutherland—13.

The 10th paragraph of the Address having been read.—

Hon. Mr. WHELAN—The majority of the House were certainly fully justified in saying that they were "not sur-

prised to learn that Her Majesty's Government had declined to propose the contemplated Loan to the Imperial Parliament, for they had used their most strenuous endeavours to obstruct the Loan Bill through all its stages; but it was hardly correct to say that the Imperial Government had declined to propose it, when it was well known that the Bill had been proposed by the then Secretary of State for the Colonies, Lord Stanley, who had succeeded Mr. Labouchere. The latter had suggested the idea of a Loan, under the guarantee of the British Government; and his successor in office, taking an enlarged and statesmanlike view of the subject, had introduced the Bill to the House of Commons in a speech which reflected great honor on him, and gave the people of the Island good cause to remember him, as the only Colonial Minister who had manifested a sincere interest in their affairs, and a desire to repair, as far as he could, the wrongs which had been perpetrated upon them. Before that Bill could come up for a second reading, Lord Stanley was no longer Colonial Minister; his place was then filled up by the present incumbent, who, surrounded by Proprietors, had, by their influence, been induced to withdraw the Bill. That withdrawal, however, did not effect the justice of the claim. Nor, however greatly it was to be regretted that such a measure had been abandoned at such a time, did it prevent, although it had delayed, its ultimate settlement. The Proprietors had already experienced the effect of our Legislation. The operation of the Land Purchase Bill had compelled them to dispose of their lands on terms lower than those they had demanded and obtained previously to its enactment. And well they knew that, if this Bill had passed, and they had declined to bring their properties within the sphere of its action, the Imperial Government would offer no further objection to increased taxation, or to the establishment of a Court of Enquiry. It was not true, as had been reported, that this people at large would be taxed under the Land Purchase Bill. That such would be the case, he did not believe; but had no chicanery been used by the interested parties—had no letters been withheld,—it was probable that the Government would have obtained the Worrell Estate for 50 per cent. less than they ultimately paid for it. His only wish was to have the matter settled on fair and equitable terms—he had no wish to fan the agitation for the sake of popularity.

Mr. DOUSE—It would be of no use to try it.

Hon. Mr. GOLES—Assuredly it would be of no use to endeavour to carry any measure for the benefit of the people, so long as they returned to that House such members as the hon. gentleman, whose political position was based upon the influence of the proprietors, and not the spontaneous approval of the electors themselves. The Bill guaranteeing the Loan, had been withdrawn from the House of Commons, not on account of the debt of the Colony, which was but trifling, but through proprietary influence at the Colonial office. It had not been contemplated to draw the whole of the £100,000 at once—it might not be absorbed for 20 years—it would have been drawn in such amounts, and at such times as would be requisite to pay for Lands which might be offered to the Government; and even if the whole amount were sunk, it was not very probable that the Home Government, knowing how detrimental to the Island, the course they had pursued had been, would ever exact the repayment. The British Government had broken faith with the Colony. The Bill had been prepared at their own suggestion. The introduction of it into the Imperial Parliament was deferred for a season, in consequence of the war in which the nation was then engaged. It was, in the next session of parliament, brought forward by the Colonial Minister of the day, who advocated

its passage, as an act of justice due from the mother country, in compensation for the injurious policy which had so long and so seriously retarded the prosperity, and crippled the resources of the Island. He knew no more honest and equitable mode of settling the land question, than that which the Bill pointed out; but since it appeared, by the relative state of parties on the floor of the House, that the people had become indifferent to such settlement, he would no longer advocate such a plan, but would rather take up the original grants and see what the rights of the proprietors actually were. The suggestion of the Colonial Minister, that the question should be settled by arbitration, he considered in the same light as the hon. member, Mr. Thornton, that it was all moonshine. Notwithstanding the refusal of Escheat, the Original Grants were liable to forfeiture for the non-payment of the Quit Rents, and the usurpation of the Fishery Reserves. The paragraph stated that hon. members on the Government side of the House were not surprised at the withdrawal of the Bill guaranteeing the Loan. Doubtless they were not; for proprietors, he believed, had access to information at the Colonial Office before the Lieutenant Governor had received his despatches; and the hon. member, Mr. Douse, had even boasted on the floor of the House, that he could always obtain such information when he wanted it. However that might be, the opposition of the proprietary party to measures of local legislation had sometimes been proved to have been impolitic. He repeated the expression of his regret that the Bill had been withdrawn—the withdrawal was a breach of faith. The Island Legislature had done all they had been desired to do, and all that was in their power to do, to meet the views and recommendations of the Imperial Government. The agitation of this question, they might be sure, would not die out. After this disappointment of their reasonable expectations, the people will resuscitate it with more vigor than ever. By the exertions of himself, and a few others in the House, the agitation had been for years kept down, or at least, in obedience. In doing so, he had differed from many of his friends and constituents; but now since the proprietors had frustrated measures of a milder remedial character, he thought it best to call things by their proper names, and he would be prepared to vote for a Court of Escheat or Enquiry, he cared not what it might be called, to test their titles.

Hon. Col. GRAY—There was a time when he might have been surprised at what the House had just heard, but late events had prepared him for hearing, without astonishment, anything from the hon. member who had just sat down, however absurd, untrue, or improbable—he might otherwise dispute the right of the hon. member to make the proprietors the scape goats to carry off his own misdeeds. He was not himself a proprietor, nor was he connected with that body. It was idle to say that the influence of the proprietors had caused the British Government to withdraw the Bill guaranteeing the Loan. The loss of that Bill was attributable, not to the influence or action of the proprietors, but solely to the falsehoods and misrepresentations contained in the Despatch which was sent from here. This was the reason why Lord Stanley's successor in the Colonial Office felt himself compelled to withdraw the measure; and the Despatch announcing that withdrawal, expressly assigned as a reason, the financial condition of the Colony. He did not intend to take up the time of the Committee with discussions on subjects of which they had heard so much, that hon. members must be sick of them. He had not come there to defend proprietors; but really, when such charges had been made, not only against them, but when the British Government was charged with a violation of its pledged faith, he was compelled to ask those who impugned the honor of that Government, to adduce their proofs—to give, if they could, one solitary instance which could justify the confident assertion, that the traditional honor of the British Government had been sullied

—that its promises were not to be relied on. He denied any hon. member to adduce a single case of the kind. Committee rose and progress was reported.

FRIDAY, April 15, 1859.

The Committee on the Address was resumed.

Hon. Mr. COLES—I deny, Mr. Chairman, that the Despatches sent by the late Government, on the subject of the finances of the Colony, contained falsehoods or misrepresentations. That false statements prejudicial to the credit of the Island had been sent to England is true; but they emanated from members of the present Government party. In their Journal, the debt of the Colony was represented as being £70,000 instead of £50,000; but even that latter amount is not correct, if credit is given for the public lands now vested in the Government, for which £21,000 were paid. The actual debt is about £16,000, of which £11,500 are represented by Treasury Notes bearing no interest. No wonder then that misrepresentations so gross should induce the Colonial Minister to withdraw the Bill from Parliament. I know that it had been generally circulated that the expenditure of last year would exceed the Revenue by £15,000. The truth, Sir, is, that the deficiency does not exceed £9,000. These are specimens of the misrepresentations set afloat by the opponents of the Bill. It is not very likely that the Lieut. Governor would be a party to the official transmission of false statements, particularly on such a matter as the state of the public finances. His long experience as a public officer in Canada, where for years he was Colonial Secretary, precluded any such idea, and if any Government imagined that they could gull him, would find themselves mistaken. Notwithstanding the indignation of the hon. member, Col. Gray, I repeat that faith was broken with the Island. No matter for what reasons the Bill was withdrawn, the idea of it originated with the British Government, and our proceedings were in accordance with their suggestions. It met the opposition of the then minority, who got up the cry that it would involve the ruin of the country; and now let those who had opposed it take the consequences of this conduct. I will now give the Committee a specimen of the opinions expressed by the hon. member for Charlottetown on the Land Question in the year 1855. On the debate on Escheat, that gentleman, in the course of his observations, said—

“ In the first place, Sir, I do not think there is any weight in the argument, that because it has been hitherto refused, we should cease our exertions to obtain it. I shall never pay such servile respect to the Despatch of a Colonial Minister, nor will I submit with blind and uncomplaining submission to the continuance of what I may consider to be a general grievance, merely because a Colonial Minister may choose to write a hurried Despatch disapproving of my views. One man is in his 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 Col. Ministers, all condemning a Court of Escheat, as being unconstitutional, were received, 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. 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 accedes to 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 in the same debate, the hon. member subsequently said—“ Sir, however desirable I may conceive a change of Government to be, yet if my conduct to-night were guided by any motive of that nature, I should adopt a totally different course from that which I intend to pursue. I should, in that case, vote for the resolution. But, sir, suppose this resolution carried, and the present Government overthrown, can it be supposed that I would come in and join a Government in carrying out a measure, which, but twenty-four hours before, I had denounced? The members of the Government feel that they are in an awkward position in dealing with this question. Thank God I have not two masters to serve; I can vote on this matter independently; but the Government know that they must oppose the resolution of the hon. member, Mr. Cooper, and that their opposition will damage them with the people, and probably cause them to lose their offices. The Lieut. Governor, from what I know myself, must feel an interest in the question, and will doubtless use his influence to maintain the rights of property, and his Government must accordingly present a compact front in opposition to the resolution, no matter what may be their individual wishes or opinions.”

Such were the opinions of that hon. member in 1855, when he was the leader of the opposition; but I suppose he now finds it convenient, as leader of the Government, to change his views, he will probably now be disposed to consider a despatch of a Colonial Minister as final and conclusive. The assertion in the extracts I have just read, to the effect that, although voted down, the agitation would revive, is one in which I heartily concur with the hon. member, and the course of events since that statement was made tend to confirm its truth. As the proprietary interest is strong in the present House, it cannot be expected that much will be done to promote a settlement of the various matters connected with the Land Question—such as Escheat, the Fishery Reserves, Loan Bill, &c.—but, Sir, the next House may be composed of different materials. Meanwhile I shall be content to express my opinion on matters as they come up. I am not particularly disposed to regret the loss of the Loan Bill. I advocated it more with a view of amicably settling the question of the Landed tenures than as being expressive of my individual opinions. If my hon. friend submits his amendment, I may probably vote for it. Perhaps it goes further than I would once have gone, but I have as good a right to change my opinions as either of the hon. members, Messrs. Palmer and Douse.

Mr. DOUSE—We did not change as you have done.

Hon. Mr. COLES—It is a good trait in a politician to defer sometimes to the opinions of others; therefore I shall be happy to support the hon. member in establishing a Court of Escheat, of which he has so often declared himself in favour. A decision of such a tribunal can be carried to England, and finally decided there. If the proprietors have fulfilled the conditions on which the grants were originally issued, their titles will be declared unimpeachable, and they will have nothing to fear from an investigation. No other feasible scheme appears to be left for the settlement of the question.

Hon. COL. GRAY—In consequence of what we have just heard from the leader of the late Government, I rise for the purpose of justifying to this Committee, and to the country, the statement which I made some time since, and



which the hon. member has seen fit to stigmatise as untrue, I stated, Sir, that the Bill guaranteeing the Loan had been abandoned by the Imperial Parliament, in consequence of the falsehoods and misrepresentations contained in the Despatches on the subject of the financial condition of the Colony,—and not from the opposition of the Proprietors. I will now state, that I received a letter from London, informing me that the then Colonial Minister, Lord Stanley, had said, in the House of Commons, that the Island was not only out of debt, but that there was a small surplus in its favor; and my correspondent asked, if such were the case, how did it happen that the Government owed me £9000, which they could not pay me? On reference to the reports of the Debates in the House of Commons, I found that his Lordship had made the statement attributed to him. On what foundation could it have been based, except on official communications between the local Government and the Colonial Office? And was the statement in accordance with facts? Sir, it is no matter of surprise to me that the Government of Great Britain, discovering the deception by which it had been attempted to mislead them, should decline to proceed with the measure in question. I shall not pay to the understanding of the Committee so poor a compliment, as to ask hon. members what would be the result to the country of the management, by the late Government, of £100,000 under the Loan Bill? Their past conduct in connection with the Land Purchase Bill suggests the ready answer.

Hon. Mr. COLES—Mr. Chairman, I deny the statement of the hon. member. The Government owes him nothing. He received for his claim on the Worrell Estate Government Debentures, payable in ten years. The truth is, that the Colony was out of debt at the time the Despatch was sent home. Since then the Revenue has suffered to a trifling extent, as might naturally be expected, from the depression in Commercial affairs. There is a wide difference between a debt overdue, which the debtor cannot pay, and a sum of money not yet payable.

Hon. COL. GRAY—The hon. member has the faculty of constructing, on the smallest modicum of truth, a lofty superstructure of assertion. The late Government did owe me £9000, which they were unable to pay me—the amount I had advanced to the former owners of the Worrell Estate. When that property was offered to the Government, the vendors said that the transfer could not be effected, because the Government were unable to pay my claim. In consequence of that I took Debentures for the amount.

Hon. Mr. COLES—The statement of the hon. member is not correct. It never was the intention of the Government to pay cash for the Worrell Estate. It was bought under the provisions of the Land Purchase Bill, and the purchase money was payable in ten years.

Hon. Mr. HAVILAND—It is strange, Mr. Chairman, that if the Colony was out of debt when the Worrell Estate was purchased, the late Government should assume a debt to the Hon. Col. Gray to the amount of £9000, and tax the people for the annual interest on that amount. I rather think their ideas of finance are somewhat akin to those of the Rastree Frenchman, who, when he gave a promissory note for a sum of money which he owed, thanked God that that debt was paid. (Laughter.)

Hon. Mr. PALMER—Do I understand the hon. member, Mr. Coles, to say, that the late Government was prepared to pay off the £9000?

Hon. Mr. COLES—No.

Hon. Mr. PALMER—That Col. Gray wanted the money?

Hon. Mr. COLES—No.

Hon. Mr. PALMER—That he did not want it?

Hon. Mr. COLES—Yes.  
Hon. Mr. PALMER—Then, Mr. Chairman, that is more than I ever heard from Col. Gray himself. I understood that he wanted his money, and could not get it. If the mortgage is due, and he cannot get his money, every word he has said is correct, and undeniable.

Hon. Mr. COLES—The late Government told the vendors that they had, and would have, nothing to do with the mortgage. This discussion has arisen from the hon. member, Col. Gray, stating that the Government owed him £9000, which they were unable to pay him; while the fact is, that amount is not payable for six or seven years to come.

Hon. Mr. YEO—If the Proprietors have opposed the Loan they must have been actuated by a regard for the interests of the people of the Colony far higher than they manifested for themselves, for the Loan once obtained, they could readily get rid of their lands; and I assure you, Mr. Chairman, many of them would only be too happy to do so.

Hon. Mr. LONGWORTH—I have not hitherto occupied the time of the Committee in this discussion, Mr. Chairman, nor is it my intention to engage much of their attention on the present occasion. But, Sir, the honourable member for the Third District of Queen's County, Mr. Coles, had a great deal to say last evening on the subject of the Loan Bill, while alleging his reasons for the advocacy of a Court of Refect. With reference to that portion of the debate, wherein that hon. member sought to attribute the withdrawal of the Guarantee Bill not to the actual cause—the official misrepresentations of our Financial state,—but to an imaginary opposition of the Proprietors, I may be permitted to shew briefly, but, I trust, satisfactorily, to the Committee, that the Despatch to which such frequent allusion has been made, did not contain a true statement of our affairs; and it is right that I should do so in answer to the observations of that hon. member, not only because he was a member of the late Government, but especially because he was the avowed leader of it; and it is quite a legitimate inference that he bore a principal part in the preparation of the Despatch referred to. He stated that the financial condition of the Colony had nothing to do with the loss of the Bill, which he alleged was sacrificed to a combination of Proprietors and other opponents—that the Bill was based on sound policy, and its passage was fully justified by the state of our finances. I say, Sir, without hesitation, that facts do not warrant the hon. member in making such a declaration. True, he mentioned in terms of apparent self-gratulation, that the Government were still in possession of 40,000 acres of land, remaining unsold from the Worrell Estate,—and assumed that the disposal of them would realize a large sum of money—that £18,000 were due from the purchasers of lands on that Estate—that consequently the Land Purchase Bill had been a boon to the country. That assertion, Mr. Chairman, I deny. I maintain, that so far from the operation of that Bill being beneficial, it has been, and will continue to be, disastrous to the country. What has been the result up to the present time? Has the Bill been self-sustaining, as its advocates so confidently predicted? I was not a member of this House when the Land Purchase Bill was passed, but well do I recollect hearing the arguments urged in support of it at the time. We heard the blessings enumerated which were to flow from it. That the poor settler was to get his farm at a small price; that the minds of the tenantry were at length to be set at rest, and those great ameliorations of our social condition were to be effected by the magical virtues of this Bill, without any cost to the public at large—for would not the Bill be self-sustaining? Alas for the prophets! The public accounts, the official records of the country shew, that so far from earning that character for itself, and justifying the favorable anticipations of its friends, the Bill, as hitherto administered, has not paid its working expenses. So great a proportion of the receipts has been expended in the maintenance of a staff of officials, and in defraying other charges, that nought has been reserved to form the nucleus of a sinking fund necessary to meet the Debentures as they shall become due. And thus the late Government, having already disposed of the most valuable portion of the Estate, we find no provision made for the



payment of the Loan already raised under the Purchase Bill, and which must shortly become due; and the expectation of providing for that contingency out of the present unsold and comparatively valueless part of the Estate, appears to me to partake rather of the Utopian character. Now, Sir, I ask any reasonable man if, with the proof before us of the management of the comparatively trifling business the late Government were called upon to discharge, in connection with the Wexrell Estate and Lot 11 purchases, what would probably be the results if they had £100,000 to dispose of under the Loan Bill?

W. M. Hows, Reporter.

(To be Continued.)

SUMMARY OF PROCEEDINGS IN THE HOUSE OF ASSEMBLY.

[AMENDED.]  
PETITIONS.

THURSDAY, April 14.

Hon. Mr. Yeo presented the following Petitions:—From Ewen Morrison, praying for remuneration for his services in ferrying the Mail Carriers, bi-weekly, across Ellis river, and for repairing the public Scow. Laid on the Table. From Archibald O. Beekford, an unlicensed Teacher at Ellis River, praying for compensation for past services. Referred to Committee on Teachers' Petitions. From inhabitants of Townships 13, 14 and 16, praying that steps be taken to repair the bridge across Ellis River. From inhabitants of Townships 5 and 6, praying for a grant to open and complete a new line of road. From inhabitants of Townships 13, 14 and 16, praying for a grant to repair a road. From Angus McDonald, praying payment for repairing the Slip at Ellis River Bridge. From inhabitants of Townships 11, 12, 13 and 14, praying for a grant to open a road. Laid on the Table.

FRIDAY, April 15.

Mr. Conroy presented the following Petitions:—From the inhabitants of Casagumpee, for the erection of a Court House. From the inhabitants of Black Pond, to build a bridge and open a Road. Laid on the Table. From Thomas O'Brien, unlicensed Teacher, for allowance for his services for 18 months. Referred to Committee.

Hon. Francis Kelly presented a Petition from Jane Green, unlicensed Teacher, for allowance for services during the past year. Referred to Committee.

EXPIRING LAWS.

MONDAY, April 18, 1859.

House met at half-past 10 o'clock. Hon. Mr. Longworth, Chairman of Committee on Expiring Laws, brought up the report—House resolved itself into a Committee of the whole to consider report—Mr. Sinclair in the Chair. The Act for appointing Clerks of Courts and Justices of the Peace, which will expire in May, to be continued and amended. 2nd, The Revenue Bill, to be continued and amended. 3rd, The Act for appointment of Coal Meters,—continued and amended. 4th, Act to prevent Smuggling,—continued and amended.

A short discussion occurred as to the propriety of continuing the Seduction Act which had also expired. It was agreed to continue it.

INSPECTORS OF FISH.

Hon. Mr. WIGHTMAN said there was no protection for the people as regards the trade in fish; unprincipled parties took advantage of the state of affairs, and brought fish into all

our ports and harbours, which could not find a market elsewhere. It was generally found that barrels were set at bottom, and good at top. The poor people were thus imposed upon, and gave away their produce in exchange for an unsound article. He would wish to see an Act passed that would render it imperative on the Fish Inspectors to do their duty, so as to prevent the frauds now practised.

Mr. COOPER said the people should be protected from dishonest traders in fish, who not only vend an unsound article, but also used small barrels.

Hon. Mr. PALMER said, this is a vexed question, and one which has created great discussion whenever introduced. It was allowed to expire by mutual consent, in hopes that it would work its own remedy. It was hoped that when merchants of character would engage in the traffic, the people would be fully protected—that the respectability and integrity of such merchants would prove a sufficient guarantee to the public for the fairness of the trade in fish. It is true the people should not be imposed upon—and ought to be protected. He would assist in carrying out that protection; but it must be by a Bill.

Mr. COOPER said the present law gives the buyer a remedy. The seller pays a penalty of 20s if the fish is unsound. If we appoint inspectors, an important part of their duty should be to see that the weight is correct.

Hon. Col. GRAY believed the late law to be very defective. Inspectors should be compelled to empty out the fish, see that they were sound, and thus protect the poor man from imposition. He had done so himself, and knowing the fraud practised, had begun at the other end, and examined barrels at bottom. The poor man, with his own small room; cannot do so. See how the laws of England guard against imposition in the food of the people; and we should also enact wise laws to protect the poor man.

Hon. Mr. POPE said the trade in fish was not confined to the people of this country. It was well known that fish, which would not be admitted into the market in Nova Scotia—where they were so very particular—were brought into this country by unprincipled and dishonest traders, and sold to the public. He thought there should be inspectors, and they should be held responsible for the quality of the article.

Mr. DAVIES knew that when they had inspectors the people had no guarantee, as those inspectors were not held responsible.

Hon. Mr. WIGHTMAN said that if parties did not feel inclined just now to entertain the matter, he should give notice of his intention to move the enactment of a law on the subject.

A committee was appointed to prepare a Bill with reference to Seamen serving on board ships belonging to Prince Edward Island.

Resolutions on expiring Laws agreed to.

The Address in answer to His Excellency's Speech was presented this day in the Legislative Library by the whole House, to which His Excellency was pleased to return the expression of his thanks. The Address will be found at the conclusion of the debate which occurred in reference thereto.

Hon. T. H. HAVILAND moved the first reading of a Bill to remove all disabilities on the part of Aliens from holding Freehold Estate, &c., in this Colony—read a first time, and resolved that it be read a second time to-morrow.

Adjourned at half past 1 o'clock.

AFTERNOON SITTING.

Speaker in the chair at half past 3 o'clock.

Hon. Mr. COOMBS presented a petition from P. F. Doyle, Teacher, to be referred to committee. Adjourned.

Summary, April 14.

Mr. DOWSE presented a petition signed by more than 300 persons, from inhabitants of Townships 60 and 62, praying for assistance to sink a Canal at Wood Islands. He said the proposed Canal would prove a blessing to the Colony, and pointed out the great advantage it would be to the inhabitants of that part of the country.

The SPEAKER observed that it was not conformable to the standing orders of the House, which required that the Commissioner's certificate should accompany a petition, for aid to a public subscription, showing that the money had been subscribed.

Hons. T. H. Haviland, Thornton and Coles, agreed in opinion with the Speaker. Mr. DOWSE was requested to withdraw the petition, until he would be prepared with the certificate.

Hon. Col. GRAY hoped the House would consider it as received. To-morrow was the last day that petitions could be received, and it would, he thought, be a very great hardship to petitioners, that their petition should not be received, through informality, in not complying with a rule of which they were, perhaps, ignorant.

Mr. DOWSE moved the suspension of the rule in this case, and promised that the certificate should be produced as soon as possible. Agreed to, and the petition was ordered to lie on the table.

The House was occupied the remainder of the day (Tuesday, April 15,) in considering the petition of Thomas Owen, the younger, Esq., and others, against the return of Ronald Walker, Esq., for the third district of King's County. The High Sheriff, William Underhay, Esq., was examined at the Bar touching his proceedings on the investigation of votes polled at their proper division or more than ones. The debate on the evidence occupied several hours, which will be reported in due course; and the Committee of Privileges agreed to the following resolution, which was reported to the House:—

Whereas it appears by the evidence before the Committee that the Sheriff of King's County, at his court held at Georgetown on the 26th day of March last, for the purpose of declaring the Candidates duly elected for the Third Electoral District of King's County, did declare Thomas Owen, Esq., to have polled 442 votes, and Ronald Walker, Esq., to have polled 441 votes—and whereas it appears that each of them, the said Thomas Owen and Ronald Walker, Esqrs., demanded an investigation of votes on the grounds of persons having wrongfully voted twice, or voted in a wrong polling division—and the said Thomas Owen gave in the names of Michael Power and Donald McMullen; and the said Ronald Walker the name of Malcolm McDonald, as persons whose votes were respectively required to be investigated on one or other of the grounds aforesaid—and whereas the said Sheriff, at the request of the said Ronald Walker, proceeded to investigate the votes of other persons, namely, those of George Santaner, John Piyer, and Alexander Hamilton, notwithstanding the names of such last mentioned persons were not made known to the Sheriff, or to the said Thomas Owen, on the day of declaration aforesaid—Resolved, Therefore, That the said Sheriff was not authorised to do so by law—and that the investigation of any votes beyond those of the said Michael Power, Donald McMullen, and Malcolm McDonald, is contrary to the meaning and intention of the Election Law of this Colony, and that this Committee are not justified in admitting the evidence relating to the votes of the said George Santaner, Alexander Hamilton, and John Piyer.

The following resolution was then proposed by the Hon. Mr. Palmer:—

Resolved, Whereas it appears by the evidence returned by the Sheriff of King's County, and laid before this House, touching the Election for the Third District of said County, that Michael Power, having unlawfully voted in two polling divisions in the said district for Ronald Walker, Esq., and that the said Sheriff omitted to strike the said vote off the Poll Books as required by Law; and it appearing further that Malcolm McDonald, who recorded his vote for Thomas Owen, was not legally entitled to vote in the district in which the same was so recorded, whereby the number of votes recorded for the

said Ronald Walker at the said Election has been reduced from 442 votes to 441 votes, and the number recorded for the said Thomas Owen has been reduced from 443 votes to 441 votes:—Therefore Resolved, That the said Thomas Owen, Esq., having a majority of good and legal votes over the said Ronald Walker, the said Thomas Owen is entitled by Law to take his seat in this House as a Member for the said Third Electoral District of King's County, and that the said Sheriff of the said County be directed forthwith to amend his return to the writ of Election for said District, by striking out the name of the said Ronald Walker and inserting that of the said Thomas Owen, as a Member returned for said District.

Hon. Mr. COLES moved the following resolution in amendment, which was lost:—

Whereas the Petition of Thomas Owen, Esq., against the return of Ronald Walker, Esq., a sitting Member for the Third District of King's County, is based on the ground of the Sheriff's acting partially and illegally—and that the said Ronald Walker only demanded the investigation of one vote; and whereas by the Sheriff's book it appears that Mr. Walker demanded an investigation of votes polled out of their proper polling division; and by the evidence of the Sheriff given before the Committee of this House, it appears that Mr. Walker did not state any number of votes he wished investigated, but made a general demand of all votes polled out of the proper polling division or district—Therefore Resolved, That there is no evidence before this House to warrant it in granting the prayer of the said Petition.

For the amendment—Hons. Messrs. Coles, Kelly, Thornton, Perry, Wightman, Whelan, Messrs. Conroy, Doyle, McDonald, Cooper, Knight, Sutherland, Sinclair—13.

Against it—Hons. Messrs. Longworth, Palmer, Haviland, Yeo, Laird, Gray, Pope, Messrs. Montgomery, Holm, Douce, Davies, John Yeo, Ramsay, Howat, McNeill—15.

Hon. Mr. WHELAN then moved the following in amendment to the original resolution.

Whereas the Sheriff for King's County, in the investigation for the Election for the Third District of King's County proceeded therein as he thought according to Law—but this House having decreed that his proceedings bear a doubtful interpretation in Law—Therefore Resolved, That the seat of Ronald Walker be declared vacant, and that a new writ be issued for the return of a Member in his place.

For the amendment—Hons. Messrs. Coles, Kelly, Thornton, Perry, Wightman, Whelan, Messrs. Conroy, Doyle, McDonald, Cooper, Knight, Sutherland, Sinclair—13.

Against it—Hons. Messrs. Longworth, Palmer, Haviland, Yeo, Laird, Gray, Pope, Messrs. Montgomery, Holm, Douce, Davies, John Yeo, Ramsay, Howat, McNeill—15.

Hon. Mr. PALMER then moved the following resolution, which was carried on the same division as the previous one:—

Resolved, That the Sheriff of King's County be ordered to attend forthwith at the Bar of this House, and there amend his return to the Writ of Election for the Third Electoral District of said County, by striking out the name of Ronald Walker, Esq., and inserting that of Thomas Owen, Esq.

WEDNESDAY, April 20, 1859.

## PETITIONS.

Hon. Mr. KELLY presented a petition from the Indians, for exemption from Ferrilags. It was recommended by one of the Indian Commissioners. Also petitions from the inhabitants of French village; Angus McDonald and others.

Hon. Mr. YEO from Trustees of School kept by James D. Gordon, for balance of salary. The same hon. gentleman presented a number of road petitions.

Mr. MONTGOMERY a number of road petitions, and one for compensation to Ferryman at New London.

Hon. Mr. COLES presented some road and pauper petitions. Hon. Mr. WIGHTMAN for extension of road at Montague River; and for establishment of Small Debt Court at Montague Bridge. He also moved for a Committee to prepare a Bill to regulate the importation of fish. He enumerated the many frauds practised by dishonest traders, and pointed out the remedies to meet the evil.

Hon. Mr. COLES would make the Inspectors accountable for all fish which they should brand. Inspectors were anxious to make a little money, as well as other persons, and 1s. or 1s. 6d. per barrel, as a bribe, would easily obtain their brands. Until they would be made responsible there would be no security for the public.

Hon. Mr. THORNTON saw no necessity for a Bill, but if introduced, should not oppose it.

Mr. HOWAT believed a Bill necessary. Inspectors should be held responsible. It was too much the custom for Inspectors to go on board vessels and take the captain's word for the quality of the fish. He hoped this would be put an end to.

Messrs. DAVIES, Knight, and McDonald thought a Bill necessary.

Mr. CONROY suggested a monthly inspection of fish, for it was well known that fish branded sound and good at one season of the year, would not be so at another.

Hon. Mr. WRIGHTMAN's motion agreed to.

Mr. DAVIES presented a petition from Duncan, McPhee and Hector McLean, contractors, for compensation for extra work at Prince Street Wharf.

Hon. Mr. COLES—These parties have been encouraged to make this application from the decision of the Court, in the case of Scott, against the late Government—he got the arbitrators to agree with him; and although he did not fulfil his contract, and had rendered himself subject to a penalty, still the Court did not allow the Government to impose it. The present contractors had not to drive as many piles as were at first contemplated, and therefore it was thought right to make the necessary deductions. If the House entertain this application, and a precedent be established sanctioning contractors to deviate from their agreement, you will have no end to these applications.

Mr. DAVIES said the petitioners were not his constituents—he had been handed the petition, and requested to present it. He would now move the appointment of a special committee to report upon it. Agreed to. Mr. DAVIES also presented a petition from the Mayor and Corporation of Charlottetown, for compensation for damage done to Pownal Street Wharf, and also to contribute to its repair. The Steamer *Westmorland*, employed in the service of the Government, occupied its frontage—the most valuable part—during the time the navigation remained open, and the traffic, in consequence, was most detrimental to the property. It is but just, therefore, that the Government should entertain the application.

Hon. Mr. WHELAN presented road petition from inhabitants of Lot 38 and St. Peter's.

Hon. Mr. KELLY presented petition from Lots 35 and 36, for Wharf; and from Lot 37, to repair a Bridge.

Mr. HOLM presented a petition from inhabitants of Crapaud, to deepen the Harbour.

Mr. CONROY, from inhabitants of Tignish for a Bridge.

#### AFTERNOON SITTING.

Hon. Messrs. Col. Gray, Yeo, and Mr. Holm having presented a variety of petitions,

Hon. Mr. PALMER presented the following Despatches, &c: 1st, Relating to the late contemplated Loan Bill. 2nd, Proposed Federal Union of the Provinces. 3rd, Fishery Reserves; and also Import Accounts for the Port and Harbour of Charlottetown—laid on the table.

The Sheriff of King's County, pursuant to order of the House, appeared at the bar and amended his return for the Third Electoral District of King's County, and then Thomas Owen, Esq., took the oath and his seat.

Mr. DAVIES presented a petition from widow Gibson, of Charlottetown, for Naturalization and the privileges of a British subject. Referred to special committee.

Hon. Mr. LONGWORTH, for aid to complete a Wharf at Elliot River. Also a petition from Cavendish, &c., to open part of a road between New London and Rustico; also a petition from Mr. W. C. Burke, Ferry contractor between Rocky Point and Charlottetown, for aid to lease a house at Rocky Point, as a place of shelter for passengers.

Mr. HOWAT, from Daniel Scott, North River, for compensation for costs in an action with the late Government.

Hon. Mr. THORNTON observed, that if perseverance entitles

a man to success, this individual should not fail; he had been most persevering, and if this application should go to a committee of supply, he would not oppose it.

Hon. Mr. WHELAN presented several road petitions, one from inhabitants of St. Peter's and Head of Hillsborough River, to alter and amend the Law for the protection of the Alewives Fisheries. And another from inhabitants of King's County generally, to improve the harbour of St. Peter's. The imperfect state of the harbour had proved a serious loss to the inhabitants last year, in the detention of produce laden vessels, and an effort should be made to remedy the evil. Many were of opinion that the harbour could be improved, and the inhabitants were resolved to try the experiment; they had already subscribed £100, and would increase the amount to £200—they prayed the Government to aid them in an effort which would prove not only beneficial to themselves, but also advantageous to the best interests of the country.

The SPEAKER observed that the petition had not appended to it the Commissioner's certificate that the subscriptions had been deposited with him, and therefore was not conformable to the Standing Order in such cases.

Hon. Mr. WHELAN moved the suspension of the Standing Order in this case, which was agreed to, as in the petition presented by Mr. Douse for cutting a Canal at Wood Islands. Hon. Mr. Whelan then moved that the petition be referred to special committee—agreed to.

Numerous other petitions having been presented by various members, the House proceeded with the order of the day—Committee of Privileges on the petition of Roderick McAulay and others—Mr. McNeill in the chair. Committee having been sworn, the chairman read minutes of Sheriff's Court, which were very voluminous, and occupied the attention of the House fully two hours. Adjourned at 9 o'clock.

THURSDAY, April 21.

House assembled at 10 o'clock. Speaker in the chair.

Mr. COOPER presented a Petition for the improvement of Souris Harbour.

Hon. Mr. PALMER held in his hand one of the printed sheets of the Journals supplied to Members. These sheets required constant handling. It was necessary also to make notes upon it, in writing. It was unsuitable for these purposes; and he thought the Clerk should be instructed to inform the Contractor that if the Journals are of the same material the House is not bound to continue the Contract.

Hon. Col. GRAY thought Contractors should send in a specimen with their tenders. The present specimen reminded him of the paper in the Journals about a century ago. It was not to be expected that when there was a difference of almost one hundred per cent in the tenders that the material could be the same. One of the tenders was, he believed, 37s. 6d., nearly double that of the present contractor.

Hon. Mr. POPE said the Contractor was bound by his tender to furnish the same material as the Journals of 1856.

Standing order with reference to Petitions suspended, to enable members to present those of parties living at a distance.

Hon. Mr. WRIGHTMAN moved the appointment of a Committee to report on all applications for new lines of road. Agreed to. He then moved that Hon. Mr. Thornton be Chairman of said Committee.

Hon. Mr. THORNTON objected. He thought Hon. Col. Gray should be the Chairman of the Committee. That hon. gentleman had presented three Petitions, all new applications for important undertakings. He had not presented any of this nature; however, he had no objection to act on the Committee, if the Hon. Col. Gray should be the Chairman.

Hon. Col. GRAY felt he could not act as Chairman of the Committee. He was one of the Executive of Her Majesty's Government—his desire was to use the utmost economy, and therefore he might be biased, through his great anxiety to guard against increased expenditure.

Hon. Mr. Thornton was finally appointed Chairman of the Committee. A great number of Petitions were presented, among which was one presented by Hon. Mr. POPE, from the Calvinistic Minister and Congregation of the Church of Be-deque, for incorporation; and another by the same gentleman,



from inhabitants of Summerside, for assistance to purchase five Ranges.

Hon. Mr. Palmer presented the classified, and Hon. Mr. Pope the Treasurer's, accounts. To be referred to Committee of Public Accounts.

MONDAY, April 25.

House met at 4 p. m.

Petitions were presented by several members, among which was one by Hon. Col. Gray, from inhabitants of Lot 63, for relief to assist them in sowing and planting, &c. And also by Mr. Davie, from J. D. Hazard, Esq., for amount of his account against the late Government for advertising, &c., the money had been withheld for a number of years, notwithstanding repeated applications; and petitioner trusted the present Government would have the matter adjusted.

Hon. Mr. Thornton said, no doubt the Petitioner feels disappointed—he expected something from the change of Government, and has got nothing. The Petition should be referred to a special Committee.

Hon. Mr. Coles said the claim of the Petitioner was for printing notices of land Tax, &c. The land was often sold at an upset price for the charges against it, without a sixpence of profit to the Government. If the Sheriff omitted to include all the charges, he was to blame—the Government should not be accountable. Petition ordered to lie on the table.

#### ALIEN BILL.

Hon. Mr. HAVILAND moved the second reading of the Bill. Its object is to enable Foreigners to hold Real Estate in this Colony. Such a Bill will induce wealthy foreigners to settle among us, to prosecute the trade in fish, which will make money abundant in the Country. It was introduced last year into the Legislative Council, but was unfortunately lost. In adopting the Bill, it is for the House to consider what quantity of land Foreigners shall be allowed to hold; or if they should be allowed as much as they are able to pay for.

Hon. Mr. Coles thought such a Bill necessary. There was no objection to it on his side the House; they should, however, limit the amount of Land to be held by Foreigners under the Bill. They should be allowed to hold as much land as would serve to carry on their business, in connexion with the fishery, or to become farmers; and he should think 500 acres sufficient for these purposes. (Hon. Mr. Haviland intended to name that amount.) He would not allow the land to be monopolized by Foreigners. The great objection against the present Proprietors is, that they are absentees, and possess a monopoly of the soil. It would be of no use to displace one class of monopolists, to make way for another. He should prefer the present system under the Proprietors, to the monopoly of the land by strangers. He felt convinced that an unlimited purchase of land by Foreigners would never satisfy the Country.

Hon. Mr. Thornton had no objection that the Bill be read a second time, he would reserve his observations upon it for the Committee. The Bill was accordingly read a second time.

On motion of Hon. Mr. Haviland, the House went into a Committee—Mr. Yeo, Junr. in the Chair.

Hon. Mr. HAVILAND thought it might be as well to limit the Americans in the purchase of land. The Yankees might, with the mighty dollar, purchase all the land in the Colony. He was glad to hear the Hon. Mr. Coles say, that the present Proprietors were not so very black after all—they might be blacker, and that he preferred them as landlords to Foreigners. He coincided in opinion with the hon. gentleman, and thought the Bill should be limited to 500 acres.

Hon. Mr. PALMER was of opinion that caution with Foreigners in the purchase of land was necessary. They could frame no Law, how carefully soever, that would not be taken advantage of by foreign speculators. They should guard against speculation and land jobbing, which would raise the price of land. Such contingencies may appear improbable; but we all know that capitalists do, and will speculate, and therefore it is necessary there should be a limitation to guard against the evils of speculation in land. Perhaps 500 acres are too much at present. Trading does not require that amount; and there are no large farms here, as in Australia or New

Zealand, to pasture three or four thousand sheep—would think two or three hundred acres sufficient.

Hon. Mr. Coles thought the difference immaterial.

Mr. MACDONALD would not restrict the amount to be purchased, and held by foreigners—would allow them to purchase any amount—even whole Townships.

TUESDAY, April 26.

Hon. Mr. LONGWORTH, chairman of the committee on Expiring Laws, brought up the report and moved the first reading of the following acts:—Appointment of Clerks and Justices of the Peace; Seduction Act; Act to prevent smuggling. On motion of Hon. Mr. Haviland, House resolved itself into a committee of Ways and Means, Mr. Yeo, jr. in the chair; and after some discussion as to the expediency of continuing the Act of last session, as regards the credit and interest upon bonds, the chairman reported, and the House agreed to the late Act, with this difference, that the 6 months credit shall extend to all bonds from £30 upwards, instead of £50. On motion of Hon. Mr. Palmer, the committee of Privileges resumed the investigation of the petition of R. McAuley, Esq. Adjourned at 8 o'clock.

WEDNESDAY, April 27.

House met at 11 o'clock. The Bill for raising a Revenue was read a first time. House in committee on the Bill, Mr. Yeo, jr. in the chair. Bill agreed to without amendment. On motion of Hon. Mr. Palmer, the committee of Privileges, on the petition of R. McAuley, Esq., was resumed—Mr. McNeill in the chair.

#### CLOSE OF THE ENQUIRY.

Committee of Privileges reported the result of investigation, that 14 votes for McDonald, and 6 votes for McAuley were bad, giving McAuley a majority of three votes.

Hon. Mr. PALMER moved two resolutions,—one embodying the reasons for the result of the scrutiny—the other, that Mr. McAuley do take the usual oaths and his seat as member for Georgetown.

Hon. Mr. WHELAN moved an amendment which was lost in committee, and which the Speaker refused to receive, inasmuch as it appeared to reflect upon the integrity of the majority, and therefore could not be inserted in the Journals.

Hon. Mr. HAVILAND then moved and Hon. Col. Gray seconded the motion, that the entire evidence before the committee be inserted as an appendix to the Journals.

THURSDAY, April 28.

House met at 12 o'clock. Hon. Mr. McAuley took the oaths and his seat. Hon. Mr. Longworth moved the order of the day, "Bill to continue certain Acts therein mentioned." Hon. Mr. McAuley in the chair—Seduction Act to continue five years; Appointment of Coal Meters Act, 10 years. Reported and agreed to. Act to prevent Smuggling to continue 10 years. Bill for raising a Revenue read a third time and passed. Adjourned. Resumed at half-past 3 o'clock. House in committee—Mr. Conroy in the chair—on report of committee on applications for new lines of road. Report agreed to, without any amendment. Adjourned at 7 o'clock.

FRIDAY, April 29.

House met at 10 o'clock. The Acts for the prevention of Smuggling and Appointment of Coal Meters were read a third time and passed. Hon. Mr. Wightman's Bill to regulate the trade in fish was read a first time, and ordered to be read a second time to-morrow.

Mr. McNEILL presented the following petition from John Benton, John Haggart, and others:—"That whereas it is impossible in some cases to obtain a verdict of guilty by the English law of trial by jury, even when the guilt of the



accused is palpable to every one. May it therefore please your Honourable House to substitute the Scotch law of trial by jury into this Island, so that a verdict may be obtained by a majority, instead of a unanimous jury; and your petitioners, as in duty bound, will ever pray." Ordered to lie on the table. A message from the Legislative Council, informing the House that the Council had passed the Bill for raising a Revenue. Hon. Mr. Haviland moved that the House go into a committee of Supply to-morrow. Adjourned.

SATURDAY, April 30.

House met at 12 o'clock. Committee of the whole on Merchants' Seamans' Bill—Hon. Mr. Pope in the chair—Bill reported agreed to without any amendment, to continue five years; Bill to incorporate the Minister and Congregation of the Calvinistic Baptist Church of Bedeque, read first time, committed, and agreed to.

Hon. Mr. HAVILAND presented a petition from the Presbyterian Congregation of St. David's Church, Georgetown, for power to protect the burial ground from trespass. Referred to committee to report thereon. Hon. Mr. Wightman's Bill regulating the trade in Pickled Fish, was read a second time, and committed—Mr. Sinclair in the chair,—clauses 1st, 2nd, and 3rd, enacting the thickness of stave, size of barrel, and weight of fish were agreed to. The 4th clause, which enacts the appointment of inspectors, prescribes their duties and imposes penalties, caused considerable discussion.

Hon. Mr. WIGHTMAN thought fish exported should be branded as well as imported fish. Hon. Col. Gray, Mr. Davies, Mr. Perry and Hon. Mr. Laird, would leave it optional with merchants to brand exported fish. They thought the character of merchants engaged in the export trade would prove a better guarantee for the quality in a foreign market than the Inspector's brand.

Hon. Mr. LONGWORTH contended that all exported fish should be branded. The omission to do so was stamping Prince Edward Island with infamy. Their ambition should be to raise the character of the colony as an exporting country. The appointment of Fish Inspectors—bound to perform their duties under stringent penalties—would soon raise the character of our exports in fish, and give Prince Edward Island a position, as an export country, in the colonies and the United States, which she has not hitherto attained.

Hon. Mr. PALMER doubted the utility of brands for exportation. If he were living in any of the colonies, he might as a native of P. E. Island, from his knowledge of the character of merchants, justly estimate the real quality of the fish; but it is quite different with the people in the surrounding colonies and the United States. They, no doubt, look upon the brands of fish as he would upon the brand of a flour barrel. The best guarantee for the quality of fish is the character of the exporter. He would confine the branding to importation, which would guard the people from imposition, as the Inspectors must do their duties under penalties.

Hon. Mr. Pope, Mr. McNeill, Mr. Howatt, Hon. Mr. McAuley, and Mr. Cooper, were of opinion that the branding was not required for exported fish, as all fish imported into Nova Scotia and the United States were re-inspected. The inspection was required to protect the people of P. E. Island from the frauds of dishonest traders, who brought fish into the market which were rejected elsewhere, and took in exchange for an unsound article the produce of the farmers. Committee undecided as to the clause,—chairman reported progress. House, by order of His Excellency, attended at the bar of the Legislative Council,—and shortly afterwards

returned—His Excellency having assented to the Bill for raising a Revenue. Adjourned at 2 o'clock; met again at 4.

Hon. Mr. HAVILAND wished to ask the gentlemen on the other side if they intended to take any steps this evening with the petition against the return of the Hon. the Speaker, as member for Princetown some of the members would be going home this evening, and that was the reason he put the question.

Hon. Mr. WHELAN said, that in the absence of his friend, the Hon. Mr. Coles, he could not say, as he had not seen that gentleman to-day. There was no wish, however, on his side of the House to prevent gentlemen going home.

Hon. Mr. LONGWORTH moved that the Bill for the Incorporation of the Church and Congregation of Bedeque be exempt from the fees chargeable on Private Bills.—Agreed.

Hon. Mr. POPE presented a petition to extend Telegraphic Communication. He could not agree with all that is asked for in the petition; referred to committee to report thereon.

Mr. McNEILL presented a petition to prevent the great immorality resulting from Smuggling, and illicit trade in spirits on the shores of King's County. Adjourned at 7 o'clock.

ANTHONY BEAGLEY, Reporter.

## LEGISLATIVE COUNCIL.

THURSDAY, 21st April, 1859.

### TEACHERS' PETITIONS.

Hon. Mr. DINGWELL, with reference to the Certificate of the School Trustees, appended to the Petition of Henry Lecky, Teacher, unlicensed, in which the late Government is censured for having allowed the said Teacher only £20 a year for the last two years, although the French Acadian Teachers are allowed £40 each, per annum, said—He thought such censure was very much out of place, and altogether uncalled for; and he believed that generally speaking, with respect to the petitions which were sent in to the Legislature, by Teachers, or on behalf of Teachers, if facts were fairly and fully enquired into, it would be found that blame—where there really was cause for blame—attached, not to the Government, or to the Legislature, but to the parties petitioning, or to others having direct interest in the petitions. He thought that, if the Trustees of the schools and the parents of the scholars were to discharge their own obligations with respect to the schools, in seeing that the teachers faithfully performed their duties, and that the proper daily attendance of scholars was kept up, it would very seldom be necessary to lay before the Legislature any such petitions as those which had just been presented to the House. As he had remarked the other day, with respect to a petition from a teacher, whose full half-year's salary had not been paid to him because the average daily attendance of scholars, as shewn by his Register, was half a scholar short of the average required by law, he certainly did think that to withhold any part of a teacher's regular salary for such a reason, was to treat him with unnecessary rigor. It was, in a manner, punishing him for his honesty; for surely when the daily attendance of pupils was so little short of what the law required it to be, it would have been quite easy for him so far to have falsified his Register as to have made it appear that the average had been fully what it ought to have been, if not more. It had been stated by His Honor Colonel Swabey that the Board of Education were strictly bound by the law, and had no discretionary power with respect to such cases. This he did not dispute; still, however, he

thought such cases were entitled to, and ought to require very favorable consideration. But certainly where real blame attached to the teacher, the trustees, or the inhabitants of any of the School Districts, it should rest upon them and the punishment due to it also.

Hon. Col. SWABEY—He was surprised that the two Houses of Legislature had not yet—often and long as the subject had been under their consideration—been able to frame such an Act for the regulation of the District Schools, as, by its operation, if fairly carried out, would obviate the necessity of those repeated applications to the Legislature, by, or on behalf of teachers. Our School Acts, instead of being so clear, precise, and stringent, as to leave no room for misapprehension of their meaning, or for infraction of their provisions with impunity, had been so loosely and vaguely framed, that, as the late O'Connell said, with respect to the Statutes of Great Britain, he could drive a coach and six through any of them. One frequent cause of those petitions was, he believed, that the inhabitants of settlements in which the requisite number of children could not easily be found had too often succeeded in procuring the erection of their settlements into School Districts; and, as a natural consequence, their inability to keep up the average daily attendance of pupils required by law, necessitated most of the petitions complaining that the full statute allowances had not been made to the teachers. In such cases, to procure either the regular salaries, or else legislative grants in lieu of them, the only alternative with the teachers was fraud or petitioning the legislature. Besides, several of the petitions which were annually sent into the Legislature, by persons praying remuneration for their services as teachers, were from individuals who, like Lacky, were not licensed by the Board of Education. Such individuals ought not to be engaged as teachers when duly licensed teachers could be procured, and it was unwise on the part of the Legislature to encourage them.

His Honor the PRESIDENT observed that, were all the petitions which were presented to the Legislature, on behalf of parties irregularly claiming allowances for their services as teachers, to be complied with, it seemed to him that an appropriation of £28,000, instead of £14,000 a year would soon be required on account of the school service.

MONDAY, 25th April, 1859.

DESPATCH of Sir E. B. Lytton, Colonial Secretary, to Lieut. Governor Sir D. Daly, dated 20th October, 1858, announcing the disallowance of the Fishery Reserves Bill, which was passed by the Legislature of P. E. Island, 1858.

Hon. Col. SWABEY—Your Honors, on Thursday last, I gave notice that I would to-day call the attention of the House to the Despatches laid on the Table respecting Her Majesty's disallowance of certain Bills named in His Excellency's Speech, and other Despatches therein alluded to. The first which I intend to notice is that announcing the disallowance of the Fishery Reserves Bill, which was passed by the Legislature in their last Session. I am actuated by several motives in calling the attention of the House to this Despatch. The chief one in my mind is, that it is high time that the assertion of the Colonial Secretary, Sir Edward Bulwer Lytton, that the claim of the Government of this Colony, made by that Bill to the Fishery Reserves in which the land itself is reserved to the Crown, is the revival of an obsolete claim, should be contradicted—as it certainly ought to be, either in this or in the other House of the Le-

gislature. Another motive is, that I wish it to be seen by the country that we do not conceive it to be our duty to sit here as mere automata, to be set in motion by another body; but that we are fully alive to the great responsibilities which constitutionally attach to our position, and determined to act, concerning every measure or question affecting the public interests, as a legislative body possessed of an independent voice, and determined fully to exercise it, on all proper occasions, calmly and dispassionately for the public good, on which our own is certainly as much dependent as that of the individuals composing the other House,—that, in fine, we sit here for no other purpose than the protection of public rights and the promotion of the public well being. By our proceedings, I wish the country to be convinced that nothing done by us in our legislative capacity can justify the opprobrious terms which have elsewhere been applied to us; and, on the present occasion, I hope we shall, by a full and direct refutation of Sir Edward Bulwer Lytton's assertion, that the claim of the Government of this Colony to the Fishery Reserves is the revival of an obsolete claim, show the respect which we entertain for the rights of the people. I also intend to speak of the rejection of the Loan Bill; but first of the Fishery Reserves Bill. Now, your Honors, we may not all have the same clear perception of the rights of the people as involved in the question of the Fishery Reserves: indeed few of us can have a critical knowledge of them; but, perhaps, from the opportunity which I have had to investigate them, and from the earnestness with which I have lately prosecuted the investigation of them, I may be able to place them in a clearer point of view to some of your Honors, than they have hitherto appeared in. In speaking of the manner in which the remonstrances and representations of the Legislature of this Colony respecting the Fishery Reserves and the Land Tenure generally, have, from time to time, been dealt with by the Home Government, I may make strong remarks; but I certainly shall not presume to censure the present Colonial Minister for the views which he has taken of these questions. It is only fair to speak of them as the best and most impartial he has had opportunities to form; and considering the very short time he has been in the Colonial Office, it would, perhaps, be unreasonable to suppose that he might have been better informed upon these questions than he appears to be. We have, besides, good grounds for believing that, whilst considering these questions, his mind has been open to the influence and misrepresentations concerning them of individuals deeply interested in opposing the views entertained with respect to them by the people and the friends of the people of this Colony, and whose opinions generally concerning agrarian questions in this Island are narrow and impolitic, and positively adverse to the interests of the people. What Sir Edward Bulwer Lytton has done to counteract the intentions of the Legislature of this Colony with respect to the Fishery Reserves, he has undoubtedly done in haste; and I do not wish to attribute improper motives when it is only just to suppose that none could exist; but as I have already said, I think it to be the duty of some member of this House to open up the consideration of Sir Edward's Despatch, by which he informs His Excellency, in very strong terms, that he cannot advise that Her Majesty's consent should be given to the Fishery Reserves Bill, and to refute his assertion that the claim of the local Government to the Reserves is obsolete; and, since no other member has evinced a readiness to do so, I have now taken the duty upon myself. His Honor then proceeded to read the Despatch in question, which is as follows, occasionally commenting upon it as he proceeded, as will be seen in the remainder of this report of his speech.

Downing Street, 20th October, 1858.

SIR;

"I have received your Despatch, enclosing authenticated copies of an Act passed by the Legislature of Prince Edward Island, intituled 'an Act relating to the Fishery Reserves in this Island.'—

"After a careful consideration of the documents relating to that Act, including the remonstrances to which (as my predecessor would seem to have anticipated) it has given occasion, I find it wholly impossible to recommend that it should receive Her Majesty's sanction.

"The facts of the case I understand to be the following—

"By certain Orders in Council of 1764 and 1767, the Governor of Prince Edward Island was directed to grant the lands in that Colony to various persons, subject to a reservation of 'liberty to all His Majesty's subjects in general of carrying on a free Fishery on the Coasts, and of erecting stages and other necessary buildings within the distance of 500 feet from high-water mark.'

In parts of the Island the land was actually granted on these terms; but, in other parts, the grants, instead of reserving a right of entry for certain purposes to His Majesty's subjects, reserved the land itself (500 feet from high-water mark) for the disposal of His Majesty 'to erect stages and other buildings for carrying on the Fisheries.' I understand, however, that, for a long series of years—I may almost say for generations—no distinction was in fact made between these two classes of grants, the strip of 500 feet being alike treated as belonging to the grantee of the adjoining land, that the owners have leased it, improved it, incorporated it into Farms—built upon it, and above all, that they have paid taxes on it as on their own property, which taxes the Government have received.

"Under these circumstances it appears to have been the opinion of the Law Officers of the Crown in England, and of the Supreme Court in Prince Edward Island, that when the 'disposal' of the Fishery Reserves was secured to Her Majesty by the deed of grant, the actual property of the land remained—and notwithstanding the long adverse occupancy, still remains vested in the Crown.

"The Act now forwarded is passed in reliance upon these opinions, and, while saving the existing rights of the Crown, provides that whenever such reserves have been leased by the reputed owners to any Tenant, the Tenant shall be relieved from the liability to pay rent for them.

"Now, in the first place, the revival of an obsolete claim of this kind, however tenable in strict law, is open to objections of great force. The old maxim that 'time does not run against the Crown,' has been found in England so invidious in its application, so unjust in its consequences, so prejudicial to the free use of property and the consequent development of wealth and industry, that it has been long since legally annulled in the Mother Country, and for the most part practically abandoned in her Dependencies. Any right, therefore, which requires the support of that maxim should be exercised with great consideration for persons who for long periods have been allowed, perhaps even encouraged, by the lapses of the Government to consider themselves the owners of property. And this applies with peculiar force where, as in the present case, the Government has actually enforced against these persons the liabilities of Landowners, and where there appears some reason to doubt whether the rights which it is now prepared to enforce were not unintentionally reserved to the Crown. I do not say what terms could be equitably offered, in this or any other case, to reputed owners—as these terms must vary indefinitely with circumstances; but, as a

general rule, they should certainly include, in respect of land not required for any public purpose, a right of pre-emption on reasonable terms, and, if so required, compensation for improvements effected on the property.

"Subject to qualifications of this kind, the assertion for the benefit of the public of the Crown's title to those lands might, under certain circumstances, be defensible, or even necessary. Not so the Act forwarded, which does not resume the lands for the Queen, who is their owner, but by the abolition of rent, practically transfers them to the tenants, who have no right whatever to them, except that which they derive from their landlords. It is with deep regret that I regard in this Act a symptom of the same contest between classes which has led to former Acts on the part of the Legislature of Prince Edward Island, which one of my predecessors so emphatically disapproved. And I could earnestly wish that, instead of propounding measures which I am convinced that no English Minister can sanction, the Legislature would devote its attention to some feasible scheme for settling these local questions which have caused so much disquietude in the Island. To the expediency of such a settlement I am fully alive. Most gladly would I co-operate in measures by which it may be practically obtained in a spirit of conciliation and fairness to all parties, and the subject is engaging my anxious deliberation. But, meantime, I cannot advise that her Majesty's consent should be given to a Law which enforces, for the benefit of private individuals, rights of the Crown which could not properly be enforced with so much rigor even in the interest of the public. In the absence of such consent, the Act will of course remain inoperative."

When his Honor had read that sentence of the Despatch, in which the Colonial Secretary, with reference to the two classes of Reserves—the first being merely a reservation of liberty to all subjects of the Crown in general of carrying on a free Fishery on the coasts, and the other being a reservation of the land itself for the disposal of the Crown—says, "I understand, however, that for a long series of years—I may almost say for generations—no distinction was in fact made between these two classes of grants, the strip of 500 feet being alike treated as belonging to the grantee of the adjoining land", his Honor said, 'Generations!' The Orders in Council alluded to in the Despatch were made in 1764 or 1767, and reckoning from either of these periods, the lapse of time will not amount to one generation or age. [His Honor the PRESIDENT. In law 21 years are reckoned a generation.] Well, then, giving Sir Edward the advantage of the legal interpretation of the word *generation*, we will allow that he had a right to say "generations," the lapse of time having been more than three generations. But that to which I here wish to call your Honors' attention, is the erroneous assertion made by Sir Edward that no distinction for a long series of years was in fact made between the two classes of Reserves, and that consequently the claim made by the Government, and asserted by the Legislature of the Colony—a right of property in the Reserves, the land whereof itself is, in the grants, reserved for the disposal of the Crown—is an obsolete claim. If by any time which has elapsed since the original grants were made, or through any abandonment of right, or acquiescence in the assumption of the ownership of such Reserves by the grantees or proprietors, the right or title thereto of the Crown had been allowed to lapse, will it for a moment be supposed that, in the action instituted by the late Government against Mr. Cox, of St. Peter's, for the purpose of dispossessing him of, or ejecting him from, certain Reserves of this class—an action which was instituted almost solely for the purpose of setting



the question generally concerning the right of property in such Reserves at rest by a legal decision—will it, I say, be supposed for a moment that if the right or title thereto of the Crown had been allowed to lapse, that the Judge and Jury would have concurred in the propriety of a verdict in favor of the Government? Now, has the right of property, in these Reserves, of the Crown has never been relinquished or relaxed, but that, as against the assumptions of the grantees or proprietors, and with a view to the protection of the tenantry from unjust exactions, it has been annually asserted, and reiterated again and again ever since a House of Assembly first sat in the Colony up to the present time, I could easily show by turning, in succession, to the Journals of the Assembly. Of what force, then, let me ask, is the argument of Sir Edward Bulwer Lytton, based on the assertion that the Government has enforced, with respect to these Reserves, against the proprietors, the liabilities of land-owners? Of none most certainly. And what he asserts when he says, "there appears some reason to doubt whether the rights which the Government is prepared to enforce were not unintentionally reserved to the Crown," is certainly an assertion without the shadow of a foundation. I do not wish to trouble your Honors by any unnecessary references; but I wish to show that the word "obsolete" in the Despatch under consideration, although certainly used advisedly and according to its full legal acceptation, has yet been used in the face of a continuous chain of facts, which, to use the Right Hon. the Colonial Secretary's own words, extend over a long series of years, and indisputably prove that the claim, so far from having been allowed to lapse and become "obsolete," has never, at any time, been relaxed or allowed to slumber. In fact, until the contents of this despatch became known to me, I never heard that the claim had ever been so much as questioned, and it is time that the country should be assured that this House will never acquiesce in such spoliation as this Despatch seems intended to authorize. In 1839—not to take your Honors back to a time more distant, for the nearer the present the better—Sir Charles Fitzroy, who seems to have taken a great interest in the question of the Fishery Reserves, entered into a correspondence with Lord Glenelg, in which the whole subject appears to have come under review, from the passing of the Order in Council authorising the reservations in the grants up to the time at which the correspondence commenced. I will read portions of it to the end that I may establish two things by it—first, the power of the Crown and of the local Government over the Reserves where the reservation is to the Crown, and in the second place the acquiescence in the exercise of such power by the proprietors. His Honor then read as follows, from a Despatch of Sir Charles A. Fitzroy to the Right Hon. Lord Glenelg, dated 8th Jan., 1838:

"The Colonial Government has, in a few instances, in cases where the reservation is to the Crown, exercised authority over them by granting licenses of occupation in the terms of the Grant to persons engaged in the Fisheries, as will appear by the returns enclosed. Since my arrival in the Colony I have taken upon myself to grant licenses of occupation of these Reserves in two cases where the applicants were freeholders, to the extent of the front of their farms. I have also had numerous applications made to me very recently by tenants for similar licenses; but, conceiving that these licenses were to be used with a view of defeating the landlord's claim for rent, and not for the bona fide purpose of carrying on a Fishery, I have declined issuing any further licenses, until I receive your Lordship's instructions on the subject. It is proper that I should call your Lordship's attention to a correspondence which took place between Mr. Robert Stewart, Lord Goderich, Lord Stanley, and Sir Arctus W. Young, on the subject of these Reserves, dated 22nd March, 25th March, 22nd May, 25th

May, 6th November, 1833." The Mr. Robert Stewart here spoken of, I take to be the father of Mr. Robert Bruce Stewart, one of the proprietors who memorialized the Home Government against the allowance of the Fishery Reserves Bill. Your Honors will observe that I am not speaking of Reserves in general, out of those only which, on the introduction of Responsible Government, were made over as part of the Territorial Revenue of the Crown to the Government of this Island. Sir Charles proceeds—

"The first letter of this correspondence which appears on record here, is one from Mr. Robert Stewart, under date the 22nd March, 1833, in which he agrees to accept a lease of the fishery abutting on his property, at a reasonable rate. This letter is transmitted in a despatch from Viscount Goderich to Sir A. W. Young, dated the 25th March, 1833, wherein he is authorized to grant to Mr. Stewart, or to any other proprietor similarly circumstanced, who may apply to him a lease on equitable conditions, of such portions of the space of five hundred feet above high-water mark reserved to the Crown as may border on the property of the persons applying to him."

"In reply, Sir A. W. Young, under the date 23rd May, 1835, and in a subsequent despatch of the same date, to which I would especially call your Lordship's attention, explains why the Crown in many cases has not the power of granting leases of these Reserves, and very forcibly states his reasons why it would be highly impolitic to grant leases to the proprietors, were it even in its power to do so, except for a very limited period; and, therefore, took upon himself to suspend any future measures on the subject till further orders were received. The views Sir A. W. Young here takes of the case met the approval of Lord Stanley, then Secretary of State, who in a despatch, dated the 6th November, 1833, thus expresses himself: "I have the honor to convey to you my approbation of your decision under the circumstances stated by you, to suspend the execution of the Earl of Ripon's instructions on the subject."

"As the applications for licenses are likely to be renewed, and with more plausibility at the commencement of the fishing season in May, I would take the liberty of requesting your Lordship's instructions at your earliest convenience. But I would at the same time press upon your Lordship's attention the impolicy, under any circumstances, of relinquishing those Reserves which are in the Crown to the proprietors, as I firmly believe such a measure would not only tend to increase the present excitement against the proprietors themselves, but also weaken the strong attachment now felt by the colonists to the Mother Country."

Well, in all this I do not recognize any relinquishment of the claim of the Crown to these Reserves, or perceive any signs of a disposition to yield them up to the proprietors on any terms; and, in fact, the whole affords the strongest evidence of the full retention of its claim to them by the Crown. Sir A. W. Young thought upon the question as it was just to think. He thought that it would be highly impolitic in the Crown to grant leases to the proprietors, were it even in its power to do so, except for a very limited period. He saw that were the Reserves to be leased to the proprietors, as they desired they should be, they would acquire a power to lease them again; and so the original intention in making the reservations would be entirely defeated. He saw that such a proceeding would be a virtual abandonment or alienation of the power originally retained by the Crown to dispose of these Reserves, and a putting it beyond the power of the tenantry or the people to derive any advantages whatever from them, except at the will of the proprietors, and on such terms as they might see fit to impose. Lord Stanley, who appears to have always been a friend to the people of this Island, expressed his approbation of and concurrence in these views, clearly perceiving that to entertain the proposition of the proprietors with respect to the Reserves would be to deprive the people of the privileges which, by their reservation to the Crown, was intended to be secured to the people in perpetuity.

Well, your Honors, what view of the question does Lord Glenelg entertain? It is this, as expressed in his reply to Sir A. W. Young, under date 10th May, 1833:

"It appears to me that the reservation made of lands adjacent to the sea coast, or to the shores of inlets from the sea, for the

purpose of fishing, as far as the right has been reserved to the Queen's subjects collectively, constitutes a property over which the power of the Crown is exceedingly questionable. Those lands appear to have been dedicated to the use of the public for this special purpose, and that dedication of them seems to be irrevocable; but in cases where the lands have been reserved to the Crown they must be considered as forming part of that Territorial Revenue which should be employed in the public service, in whatever manner may be most compatible with a prudent and economical use of them. I am of opinion that such reserved lands ought not to be alienated in perpetuity, or for any considerable length of time, but that they should be put up for auction, at a fair upset price, to be let either for each fishing season, or at most for one or two seasons in advance; or if the demand of a rent would impede the fisheries of the Island, then that they should be thrown open to all British subjects engaging in those fisheries, which might be regulated by such laws as might be found necessary for preventing improvement and injurious practices in carrying them out. I concur with you and Sir A. W. Young in deprecating any such disposal of these lands as would secure to the proprietors or tenants of the adjacent soil the exclusive possession of those facilities which are necessary for engaging in the Fisheries of Prince Edward Island."

Here, your Honors, you will observe that Lord Glenelg besides insisting that the Reserves of which the soil has been reserved to the Crown, must be considered as forming part of the territorial revenue to be employed in the public service, forcibly deprecates any such disposal of these Reserves as would secure either to the proprietors or to the tenants of the adjacent soil, the exclusive possession of those facilities which are necessary for engaging in the fisheries. His opinion is clearly to the effect that the proprietors, in leasing those lands, assumed a right of property in and over them, to which individually they were set on any grounds entitled; and that therefore their having been included in leases taken by tenants could not give to such tenants individual claims to them to the exclusion of the people generally, and to the diverting of their use from the public service to which they were originally dedicated. With respect to that clause of the Fishery Reserves Bill which goes to release tenants from the payment of rent to the proprietors for such portions of that class of the Reserves of which I am now speaking which are included in their leases, Sir Edward Bulwer Lytton appears to have taken a most strangely erroneous view of it, in declaring that its operation would be to confer upon the tenants an exclusive right to such parts of such Reserves, although they can have no title to them whatever except what they derive from the proprietors by their leases. That clause of the Bill was not intended to have any such effect as that; and neither can any such construction be fairly put upon it. It was certainly intended to relieve the tenants from the payment of rent on account of such reserves, or any portions of such reserves, to the proprietors of the adjacent lands; but by no means to give the tenants individual claims to such reserves, or to any portions of them, to the exclusion of the people generally, and to the diverting of their use from the public service to which they were originally dedicated. For such reserves, or any portions of such reserves being in the use and occupation of either tenants or freeholders, it would be perfectly right that the Government should exact rent so long as they were not required for fishing purposes; such rents to be, in no case, much more than mere nominal rent—the main object of the Government being to retain possession of the soil, and not to allow their claim thereto to lapse through any laches on their part, but that at all times when such reserves, or any portions of them, might be required for *bona fide* fishing purposes, they might at once be able to grant licences of oc-

cupation, under proper restrictions or regulations, for such purposes. With respect to any portions of such reserves, in the possession of small freeholders, which had unfairly been included in the description, and within the boundaries of their freeholds, in their deeds thereof, and for which, consequently, they had paid, as well as for the adjoining lands included in their deeds, it was never intended that such freeholders, who, with respect to such reserves, had been as unfairly dealt with by the proprietors, as the tenants in similar circumstances, it never had been the intention either of the late Government or of their supporters in the Legislature, and neither, I think, would it ever be the intention of any Government to deal with them as with the proprietors; but, on the contrary, to act towards them in the matter in the most lenient and indulgent manner; and, for such a mode of dealing with them, a precedent may be found in the legislative proceedings with respect to such properties and such reserves in Nova Scotia. In comparing the several Despatches which have, from time to time, been sent out to the different Governors of the Colony, from Downing-street by successive Colonial Secretaries, occasional discrepancies will be found, but there is a general agreement in all, with the exception of that now under consideration, with respect to the fact that there has been no relinquishment by the Crown of the property reserved for the purposes of free fisheries for all British subjects, either as respects those reserves in which the Crown Law Officers have given it as their opinion that the fee simple is to the grantees or proprietors, or with respect to those in which they have declared the fee simple to be in the Crown; and also that, neither by any laches or negligence on the part of the Crown in the protection of these reserves for the purposes to which they were originally dedicated, or by any cessation, on the part of the people, in asserting the public right thereto, or failure to remonstrance, on every proper occasion, against any attempted alienation of them from the public service to which they were originally dedicated, has the claim thereto become obsolete. It has been said, however, with respect to such Despatches, that they contain mere individual opinions, suggestions or advice, but that, as not proceeding from any legal authority, they are in no way obligatory or binding on any of the parties concerned. This may be true, but it is also true, I think, that when we consider that these opinions, suggestions or counsels, proceeded from individuals who were, at the time of their penning or dictating such Despatches, the servants and advisers of the Crown, and bound by every obligation of honor and loyalty to protect, from all innovation or infraction, the interests of the Kings or the Queen whom they served, that, therefore these opinions, suggestions or counsels, must have proceeded from the most deliberate and profound consideration of their import, and of the consequences and effect which would proceed from or be caused by them, and that, being founded in law, they must have the full weight and force of law to govern and direct concerning the rights and property to which they have reference, and on which they bear. The case is now, however, very different with respect to these reserves from what it was when those Despatches, asserting the rights of the Crown to dispose of the reserves the fee simple of which is in the Crown, were written, and to which generally I have referred. Ever since Responsible Government was graciously conceded by Her Majesty the Queen to this Colony, these reserves have been fully as much at the disposal of the Government of this Colony, as before that event they had been at that of the Crown. In the Civil List Act passed at that time, and which has been faithfully and fully carried out hitherto, a surrender is made to the Assembly by

Her Majesty of all the Crown revenues in this Island, a very important part of which as territorial revenue is the Fishery Reserves of which the fee simple is in the Crown; and it is the bounden duty of the Government and of the Legislature of this Colony to take care that the public right in these reserves shall be fully preserved, and that they shall never be used or occupied unless for the public benefit. The legal opinions of the Crown Law Officers, Sir Frederick Pollock and Mr. Follett, concerning the Fishery Reserves to which I have alluded, and the correspondence connected therewith, show that the greatest possible care was taken that their opinions should be based on the real facts of the question, and that no mistake should be made through any misapprehension of them on their part. With your Honors' permission I will read the whole. His Honor then read the following correspondence on the subject of the Fishery Reserves:

"DOWNING STREET, 29th Dec., 1842.

"SIR;

"With reference to that part of my Despatch of the 14th of July last, in which I informed you that it would not be in my power to submit to the Queen any advice as to the answer which it might be proper for Her Majesty to return to the Address of the Assembly of Prince Edward Island, on the subject of the Fishery Reserves, until I should be in possession of the Report of Her Majesty's Attorney and Solicitor General on the question of legal right involved in that Address, I have now the honor to transmit, for your information, a copy of the case submitted to them, and of the opinion which they have delivered, in the imperfect information supplied to them.

"I have to instruct you to furnish me with an authentic copy of the usual Deed of Grant, in order that the question in debate may be presented more fully for the consideration of the Law Officers of the Crown.

"I have, &c.,

(signed)

"STANLEY.

"Lieut. Governor Sir H. V. HUNTLEY."

*Questions upon the subject of the Fishery Reserves of Prince Edward Island.*

"1st. The Fishery Reserves are described in some of the original grants, issued under the Order in Council of 1767, in the following terms:—'Saving and reserving a free liberty to all His Majesty's subjects of carrying on a free fishery or fisheries on any part or parts of the coasts of the said Township, and of erecting stages and other necessary buildings for the said fishery or fisheries within the distance of 500 feet from high water mark.'

"In other original grants the reserves are described as follows:—'Saving and reserving for the disposal of His Majesty, his heirs and successors, 500 feet from the high-water mark, on the coasts of the tracts of land thereby granted, to erect stages or other necessary buildings for carrying on the Fishery.'

"In these two cases, in whom is the fee simple of the land so reserved?

"2d. What is meant by the term Coast?

"3d. Does the term 'Coast' limit the reservation to Townships that abut within head-lands, bays, harbours or rivers; and if it does extend to Townships abutting within such head-lands, bays, harbours or rivers, how far within the same does it extend?

"4th. Several small Islands are situate at a short distance from the coasts of Prince Edward Island, the grants of which reserve a liberty to all His Majesty's subjects of carrying on a free fishery or fisheries on any part or parts of

the coasts of said Island, and of erecting stages and other necessary buildings for the said fishery or fisheries within the distance of 500 feet from high water mark: Does the said reservation extend round the whole of these Islands?

"5th. There are also several small Islands situate at the entrance of bays or harbours of Prince Edward Island, the grants of which contain a like reservation: In cases where these Islands assist to form the bays or Harbours, and parts are inside and parts without said bays or harbours, does the above mentioned reserves extend round the whole of said Islands, or does it only extend to those portions of said Islands which form the outside of such bays or Harbours?

"6th. Several small Islands are altogether within the bays or harbours of Prince Edward Island, the grants of which contain a like reservation: Does the said Reserve extend round the whole of these Islands?"

"TEMPLE, Dec. 22d, 1842.

"SIR;

"We have the honor to acknowledge the receipt of your letter of the 3rd. September last, wherein you state that doubts have arisen in Prince Edward Island as to the right of the public to the use and occupation of certain lands in that Island, denominated 'Fishery Reserves,' the Commissioners of Colonial Land and Emigration have, by the direction of Lord Stanley, prepared a statement on the subject, to be submitted to the decision of Her Majesty's legal advisers.

"A copy of that statement you were pleased to enclose, and you requested we would take the subject into our consideration, and report to Lord Stanley our opinion on the questions proposed in the accompanying paper.

"In obedience to Lord Stanley's commands, we have read the statement referred to, and have fully considered the matters therein stated, and beg leave humbly to report, for his Lordship's information:

"1st. That we cannot form any clear opinions on the points submitted to us without seeing the particular grant in which a question may arise, and without a full description of the locality and boundaries of the premises comprised in that grant; but as far as we can collect from the statement before us, in the first case put, (in which there is stated to be a reservation in the grant of a free liberty to Her Majesty's subjects,) it appears to us that the fee simple of the land is in the grants. The land itself is not reserved or exacted. In the second case, the effect to be given to the supposed reservation must depend upon the context, and the other parts of the deed; the words are sufficient to except the soil itself; but these words may be controverted, if there is an intention apparent from the whole of the deed that an easement to enter for the purpose of the Fishery should be rendered to the Crown.

"2nd and 3rd. The word 'coasts' has no clearly defined legal meaning; and its meaning in any particular grant, may depend upon the other parts of the deed, and the description and local situation of the premises. We should conceive, however, that generally it would be taken to apply to those places in which the sea ebbs and flows, and that it would extend, therefore, to those portions of the bays, harbours and rivers, in which there was an ebb and flow of the sea.

"4, 5 and 6. If the grants be of the whole of the Islands, the reservation would appear to apply to the whole extent of the coast round the Islands that were granted, and in the grant of which this reservation occurs.

"We are, &c.,

(Signed) "FREDERICK POLLOCK,  
"W. FOLLETT.

"J. STEPHENSON, &c. &c. &c."



Despatch, 2nd April, 1843.

"I have received your Despatch of the 17th February, enclosing for the consideration of the Law Officers of the Crown, in reference to the question which has been raised in Prince Edward Island relative to the Fishery Reserves; copies of the two descriptions of grants which were issued to the original proprietors of the land in the Colony.

"The case having been again submitted to the Attorney and Solicitor General, with a request that they would state whether they perceived in the terms of those grants any ground for modifying the opinion delivered by them in December last, I enclose herewith for your information and guidance a copy of the supplementary paper which has been received from those officers on the subject.

"I have, &c.,

(Signed)

"STANLEY.

Sir HENRY VANE HUNTLEY, &c. &c. &c."

"TEMPLE, 1st April, 1843.

"SIR;

"We beg to acknowledge the receipt of your letter of the 29th ult., wherein you were pleased to observe, that with reference to that part of our report of the 22d December last, in which we stated that we could not form any clear opinion on the points submitted to us in Mr. Stephens's letter of the 3rd September, respecting the Fishery Reserves in Prince Edward Island, without seeing the particular grant on which a question might arise, and without a full description of the locality and boundaries of the premises comprised in that grant, you had been directed by Lord Stanley to transmit to us the copy of a Despatch from the Lieutenant Governor of the Colony, enclosing authentic transcripts of the two descriptions of grants which were issued to the original proprietors of land there; and that you had also been directed to add, for the convenience of reference, a copy of our report of the 22nd December, together with a copy of the case originally submitted to us on the subject; and you were pleased to request, that we would take these papers into consideration, and report to Lord Stanley whether we perceive in the additional information now supplied any ground for modifying the opinion which we submitted to his Lordship in December last.

"In humble obedience to Lord Stanley's commands, signified as above, we have read the additional papers referred to us, and, upon full consideration, beg leave to report for his Lordship's information, that as it appears that in Lord William Campbell's grant, 500 feet from high water mark on the coast are saved and reserved 'for the disposal of His Majesty, to erect stages and other necessary buildings,' we think that the soil is reserved; but in the other grant the reservation is of 'a liberty to all Her Majesty's subjects to carry on a free fishery within the distance of 500 feet from high water mark,' which, in our opinion, does not reserve the soil. We see no ground for any other modification of our opinion.

"We are, &c.,

(Signed) "FREDERICK POLLOCK,  
"W. FOLLETT.

"G. W. HOPE, Esq., &c. &c. &c."

Well then, your Honors, I think there can be no doubt that, with respect to that class of the Fishery Reserves, now particularly in question, that is the reserves of which the nature is thus expressed in the original grants:—"And further saving and reserving for the disposal of His Majesty, his heirs and successors, 500 feet from high water mark on the coast of the tract of land hereby granted, to erect

stages and other necessary buildings for carrying on the Fishery," the soil is reserved to the Crown, or in other words the fee simple is in the Crown, subject to an easement; and that all the territorial revenue of the Crown, or which these reserves form an important part, having, by the Civil List Act of 1851, been transferred to the Assembly—the disposal of these reserves, with a view to the public service to which they were originally dedicated, is now as completely in the Government of this Colony as ever it was in the Crown. Here, with your Honors' permission, I will say a few words about myself, with reference to the Fishery Reserves Bill. I was not a member of the Government, either at the time when that Bill was sent home, or when it was introduced into the Legislature; and when it came up to this House I did not think (as such of your Honors as were then members of it will recollect), that such an Act was at all required to enable the local Government to deal with the Fishery Reserves. When I considered that, by the Civil List Act of 1851, the Queen had conceded to the Legislature and Government of this Colony all her right, title and interest to and in these Reserves, it appeared to me that such an Act would be superfluous; for we were, and we still are, with respect to the Fishery Reserves, exactly in the same position as that occupied by Her Majesty previous to her relinquishment of her territorial revenue in this Colony to the Legislature thereof. However, thinking that the Bill, if it became law, would do no harm, although it might do no good, I did not oppose it. Such was my opinion then; and circumstances have since shown that it was a correct opinion. The Government instructed the Attorney General to file an information against Mr. Cox, of Morrell, who was in possession of certain portions of Fishery Reserves of which the fee simple is in the Crown, for the purpose of testing the power of the Government to dispossess him of, or eject him from, such reserves, and the verdict was in favor of the Government, with the exception of a reservation of judgment with respect to the extent of the reserves. When such reserves are upon the open sea-coast, or upon the coasts of a bay or harbour, no doubt is, or can be, entertained as to their extent; but when they run up creeks, or small inlets of the sea; or up rivers; there arises doubt and difficulty in attempting to determine their extent. In such cases the reserves are not exactly alike in any two, and consequently the multiplication of legal details, with respect to them, must be very perplexing, if not almost endless. Hence arose the necessity of consulting the authorities at Home, with the view of procuring such a decision or determination concerning the reserves as might render the solution of any question, or difficulty arising out of them here a comparatively easy affair. The Fishery Reserves Bill said, it was true, that no mere rent should be paid to proprietors for Fishery Reserves of which the fee simple is in the Crown; but it was indeed a begging of the question to all intents and purposes for Sir Edward Bulwer Lytton to say, as he does, "the Act forwarded does not resume the lands for the Queen, who is their owner; but, by the abolition of rent, practically transfers them to the tenants who have no right whatever to them except that which they derive from their landlords." Now, so far is this from being the case, that the Act does positively resume the lands for the Queen, in the sense in which she is their owner, or rather the sense in which the Government of this Colony are now their owners; that is for the public service to which they were originally dedicated, by the abolition of the payment of rent to proprietors, who have no just right or claim to it; and by declaring that rent for such lands, when exacted and paid, shall be exacted by and paid to the party to whom alone it can now, under

existing arrangements, become due that it is to the local Government of this Colony, to whom the Bill reserves the right of leasing the said Fishery Reserves land, on any part or position thereof, and the sole control and management of the same, and of the rents, issues and profits arising therefrom; and to all this, without the passing of any such Act at all, they are constitutionally and legally entitled, in virtue of Her Majesty's transfer of all her territorial revenues, &c., to the Legislature of the Colony for their disposal. Besides the Despatches to which I have referred, I could, were it necessary to do so, refer to many others from successive Colonial Secretaries, calling upon successive Governors of this Colony to watch carefully over the Crown Lands, and the territorial revenue of the Crown generally therein. But I have already said enough on this head to prove that the Crown has duly asserted, and fully maintained its title to all lands ungranted, and to all lands specifically reserved in any grants of lands in this Island, made by it since 1764 up to the time when all Crown Lands, and the territorial revenue of the Crown generally were transferred by Her Majesty to the Legislature of the Colony; and I think the facts respecting the administration of our public affairs by our local Government since that event occurred, to which I have adverted, have also made it clear that the local Government and the Legislature have been unremittingly watchful for the protection, with no other end in view than the public benefit of all property then transferred to them, and placed under their control and at their disposal, by Her Majesty. It will, therefore, I trust, be freely acknowledged by your Honors, that it is the duty of this House to protest against the declaration made by Sir Edward Bulwer Lytton, in his capacity of Colonial Minister, that the claim asserted by the Legislature and Government of this Colony to the Fishery Reserves, and set forth by them in the Bill to which he says he cannot advise that Her Majesty's consent should be given, is an obsolete claim; and to withstand, to the very utmost of their constitutional power, to resist the intention, or rather the attempt which is being made to transfer or give up to the proprietors a most valuable public property, on no other grounds of justification of such public spoliation, than that the proprietors "have leased it, improved it, and incorporated it into farms," and that their adverse—although most unjust and constantly disputed occupancy thereof defeats the title thereto of the Crown. It is very easy to determine whence Sir Edward Bulwer Lytton has derived his argument and the statements on which it is based. They have certainly not been communicated to him by any friend of the people of this Island. He may have impartially considered the facts which have been supposed to him for his consideration; but as these facts, (as it seems quite fair to infer from his decision,) have all proceeded from parties whose interest in all matters affecting the lands are directly opposed to those of the people of this Island, I should think that, with reference to them, he has had but little room left for impartiality, how much soever he may have been disposed to exercise it. He says, "I could earnestly wish the Legislature would devote its attention to some feasible scheme settling those local questions which have caused so much dissension in the Island. To the expediency of such a settlement I am fully alive. Most gladly would I cooperate in measures by which it may be practically obtained in a spirit of conciliation and fairness to all parties, and the subject is engaging my anxious deliberation." The amicable adjustment of conflicting claims which Sir Edward recommends, is to be effected, it seems, by means of an arbitration between Proprietors and Tenants; but any thing more visionary, or less likely to eventuate in a satisfactory result

—in matters of another nature, cannot be proposed with any semblance of feasibility. Conciliatory measures are to be adopted—conciliatory of the good-will of the proprietors: But how the proprietors are to be conciliated with respect to any questions of issue between them and the people, except by the full cession to them of all their claims, by the people, I know not. However, if this very absurd scheme for amicable adjustment and conciliation is to be tried, let it be so; the sooner the better. I will now, by your Honors' permission, move the Resolution which I have prepared to submit to your Honors. His Honor then read and moved the following Resolution, which was seconded by the Hon. Mr. Graswell.

*Resolved*, That this House is of opinion that the right of this Government to dispose of the Fishery Reserves, the soil of which is reserved to the Crown, is not a right depending on any obsolete claim, as stated in the Despatch of the Right Hon. the Secretary of State for the Colonies, dated the 20th October, 1858, but one which is in frequent exercise and cannot be alienated.

His Hon. COLONEL SWABEY, having moved his Resolution, said, I will merely add that, by consulting the Journal for 1859, it will be seen that the right of the Government to dispose of these Reserves was frequently exercised between the years 1818 and 1829; and any one acquainted with the business of the Public Lands Office must know that ever since the establishment of that office, the same right has been exercised therein every day.

Hon. Mr. DINGWELL. His Honor, Col. Swabey has said, that when the Fishery Reserves are upon lands abutting upon the open Sea, there can be no doubt as to their extent; but that, when they are within bays or harbours, or run up creeks or rivers, it may, very frequently, be a matter of serious difficulty to ascertain their extent. Now, Your Honors, I am of opinion that when the Home Government made the Reserves and specified their extent in the Original Grants, they were very well aware of their real nature. They could not possibly have supposed that the Reserves were upon lands abutting upon the sea only; for they must have known, quite as well as we do, that although the fish may be taken in the open sea, the open sea-coast could afford no shelter for the fishing craft, or facilities for the safe keeping of boats, fish, or any other property of fishermen; and that unless the Reserves were to extend along the coasts of the bays and harbours, and up inlets of the sea, creeks, and rivers, the making of them at all would be a mere mockery; for, otherwise, they would afford none of the necessary facilities for the prosecuting of the Fisheries, to any extent, successfully. I am glad to be able to admit that, in one respect, the Home Government acted wisely when granting away the lands of this Island; although, at the same time, I admit that the wholesale mode in which they did it is now most justly condemned by all who are conscious of its results. The wisdom for which I am happy in being able to commend them, is that which they displayed in making the Fishery Reserves, and in making them as they did. The lands were bestowed upon the Original Grantees for little or nothing; but, in making the Fishery Reserves, which have been legally defined as extending up inlets of the sea, creeks, and rivers, as well as along the open coasts of the sea, they evinced a prospective regard for the interests of those who would become the actual settlers in the Island, the cultivators of its soil, and the openers up of its resources; and of its natural resources, they must well have known that the Fisheries, if not actually the greatest, would be among the principal. In defining the extent of the Reserves, the Crown Law Officers have, I believe, given it as their opinion

that they must be held to extend, not only along the sea coasts, but up inlets of the sea, creeks, rivers, and streams as far as the tide flows; and, I think, any other definition of their extent would be fallacious and absurd, although I admit that some authority in the Island should be invested with a discretionary power, by the due exercise of which their being carried too far inland might be prevented. Their extent in such direction certainly cannot, I think, be fairly determined, unless highwater mark, or the flow of the tide inland, be made the ground of the determination. Any deviation from their extent so indicated would, almost invariably, lead parties into doubts, difficulties, disputes, and very probably, in the end, into law suits. I will just mention, (for the purpose of shewing that power should be conferred upon some authority to prevent their being carried to an undue extent inland.) a circumstance which came within my own knowledge many years ago. A person who was settled a long way inland, thought proper to engage in fishing on a small scale, and in returning home, from the open sea, having to go up a brook, he took down a rail or fence which, as a boundary partition had been run across the brook, and for doing so he was prosecuted by the party who had put up the fence, or barrier, and involved in a vexatious law suit. If such a liberty is to be denied or withheld, it will frequently be very difficult for a man engaged in the fisheries to tell where he can find or be allowed a suitable place to cure his fish. This question, involved as it is in that of the extent of the Fishery Reserves inland, is one of very great importance; but yet it is one which I think might easily be settled if a spirit of fairness and moderation were brought directly to bear upon it. I am not, however, such an advocate for the exercise of this liberty as to wish or seek to disturb the recognised rights of property by insisting upon it to any thing that could fairly be deemed an unreasonable or unjust extent. In many cases, I do not mean all, I think, the best way would be to allow the proprietors who have improperly leased Fishery Reserves, to pay the rents arising from them to the Government, and to allow the tenants to remain in undisturbed possession of them, at least until they should actually be wanted, for *bona fide* fishing purposes, by fishermen. As respects Fishery Reserves, which proprietors have sold, I think that, whilst the purchasers should be left in undisturbed possession of them, except when they should really be required by fishermen, for fishing purposes, the proprietors or the representatives of the proprietors who sold them, should pay rent for them to the Government.

Hon. Mr. BAGNALL. I have some little knowledge of the manner in which some portions of the Fishery Reserves have been dealt with by the Government of this Colony; particularly as respects a certain portion of them, which, it appears, was granted by Governor Smith, in the year 1820, to Richard Rollings, subject to the conditions and reservations mentioned in the Royal Instructions, relating to Fisheries to be carried on upon the coasts of this Island; and also, as respects another certain portion of them, granted by Governor Ready to George Clark and another, the same being a part of the shore of Peter's Island, Rustico, "to be held," as appears by a record of the Grant, "so long as the said George Clark and another, their heirs and assigns, shall actually carry on and conduct a Fishery on the said premises -- to cease, determine, and be void, if they shall cease from so carrying on or conducting the same for a longer period than eight months at any one time." These two cases of the disposal of portions of the Fishery Reserves; and others which have subsequently been made, from time to time, by successive Governors or Governments of the Island, up to the present time, are quite sufficient, I should think, in the

opinion of any reasonable man, to prove that the right of the Crown, or of the Government of this Island to dispose of such Fishery Reserves, has never been relinquished, or even more, that it has never ceased to be exercised, except during very short intervals. This being the real state of the question, I know not on what grounds the present Secretary of State for the Colonies has presumed to call the claim, on which our Legislature has based the provisions of the Fishery Reserves Bill, "an obsolete claim." The claim is most certainly anything but obsolete; for not only has it been duly asserted and acted upon ever since the first Order in Council, made in 1764, for the granting of the lands of this Island, came into effect in the Island, up to the present time, as has been most clearly shown by His Honor Colonial Swabey; but the people have always been fully alive to the great value of the advantages which the strict preservation of these Reserves and their due allotment to the purposes to which they were originally dedicated, are calculated to confer upon them generally; and I believe they have never failed to take advantage of every suitable occasion to give public expression of their sentiments to this effect. With respect to another portion of the Fishery Reserves, at Rustico, on Middleton's Cove, I may also be allowed to state, that when, years ago, the establishment of a Fishery was first projected there, the project was abandoned because, as there were no roads to the Reserve, or shore, through any of the farms adjoining the Reserve, or abutting on the shore, and consequently no access to the Reserve, except by and from the water, it was thought it could not be carried on with any reasonable prospect of success. But a few years ago, roads having been previously opened to the shore, through the lands abutting thereon, Mr. Dean obtained a licence of occupation of this Reserve for the purpose of conducting a fishery thereon, and the concern has, under good and judicious management, grown up into a large, successful, and very useful establishment. The determining of the real extent of the Fishery Reserves up creeks, inlets, rivers, and streams, has hitherto puzzled the wisdom of all our legislators; and all the legal acumen of the Crown Lawyers has been brought to bear upon it in vain; but His Honor, Mr. Dingwell, appears, nevertheless, to have got completely over the difficulty; and I, therefore, beg leave to congratulate him upon his happy solution of so difficult a question.

Hon. Mr. DINGWELL explained. I merely said that, in my opinion, the extent of the Fishery Reserves, in such cases, could not be ascertained in anything like a certain and satisfactory manner, unless it were to be determined by the extent to which the sea flows up the rivers, creeks, inlets, and streams; and I certainly think that any other mode of determining their extent would be unjust and arbitrary.

Hon. Mr. BAGNALL. Well, it is certainly very clear that if fishermen were to be excluded from the bays or harbours, or even to be prevented from prosecuting or carrying on the business of the Fisheries freely in the creeks, inlets, rivers, and streams, as far up as the tide flows and as natural facilities are to be found for fishing purposes, such exclusion and prevention would, in fact, amount to little less than actual prohibition of the trade, as respects the people of the Island themselves. The fishermen must be allowed freely to enter our bays and creeks, and freely to ascend up our rivers, streams, and inlets, and to come within the bars of our harbours, not only for the purpose of sheltering their fishing craft and boats, but also for that of drying and curing their fish, or the privileges afforded to them, as fishermen, upon the open sea coasts would be of very little value to them. And, with respect to the views of the present Secretary of State for the Colonies, Sir Edward Bulwer Lytton, concerning



that class of Reserves in which the fee simple is in the Crown, as he has expressed them in the Despatch now before us, I certainly think that were legislative or legal effect given to them, that effect would amount to nothing short of a most grievous public robbery—a total deprivation of the only right, privilege, or benefit prospectively reserved for the people by the Crown, when granting away, without consideration, the lands of this Island. But, whatever may be determined elsewhere respecting the very humble and submissive mode of conciliating the proprietors, recommended for the adoption of this Legislature, by Sir Edward Bulwer Lytton, I hope this House at least will evince so much independent regard for the interests of the people, as most steadfastly to refuse their sanction to it.

Hon. COLONEL SWABEY. The answer of the Crown Law Officers to the query, What is the legal meaning of the word "Coasts" in the Grants? is this:

"The word "Coasts" has no clearly defined legal meaning; and its meaning in any particular Grant, may depend upon the other parts of the Deed, and the description and local situation of the premises. We should conceive, however, that generally it would be taken to apply to those places in which the sea ebbs and flows, and that it would extend, therefore, to those portions of the Bays, Harbours, and Rivers, in which there was an ebb and flow of the sea."

Taking this general interpretation of the word "Coasts," and being governed by it, in seeking to ascertain the extent of any Reserves in any locality, little or no difficulty would attend it; and I imagine that, with respect to the extent of the Reserves from which the late Government have sought to eject Mr. Cox, it would be found they extend a long way past Mr. Cox's property: In 1850, persuaded that, independently of any Statute Law, the Government was in a position to assert the claim of the Crown to all Reserves in which the fee simple is in the Crown, I advised the instituting of legal suits, at Common Law, against individuals having and retaining unjustifiable possession of any portions of such Reserves. But, important as it is that the Government should be able, on certain and positive grounds, to procure a final decision, in every case, in which the extent of any Reserve is in dispute, we had better not allow ourselves to be in any way perplexed by the consideration of that question at present; but confine ourselves to that which is properly under discussion.

Hon. Mr. JOHNSON. Do I understand the question? It is not, it seems to me, is the fisherman at perfect liberty to enter upon any such Reserve for the *bona fide* purpose of carrying on a fishery? but, Who is entitled to receive rent for it?

Hon. COLONEL SWABEY explained. There are two classes of Fishery Reserves. In one class, there is reserved a free liberty to all Her Majesty's subjects of carrying on a free fishery, or fisheries, on any part or parts of the Coast of the Township granted, and of erecting stages and other necessary buildings, for the said fishery or fisheries, within the distance of 500 feet from high water mark; and it is admitted that, of such Reserves, the fee simple is in the Proprietors, and the only power possessed by the Crown or the Government of this Island over them, is to take care that they shall, at all times, be available for the special purpose to which they were originally dedicated—a free liberty to all British subjects to conduct on any part or parts thereof a free fishery, or fisheries; and this dedication of this class of Reserves appears to be irrevocable; but still, perhaps, although the right of the public therein for fishing purposes, cannot be taken away, some regulations might be made to determine how far, as respects different localities, fishermen might be allowed to go in the exercise of their special privilege. In the other class, there are reserved, for the disposal of the Crown, 500 feet from high water mark, on the coast of the Tract of Land granted, to erect stages and other necessary buildings for carrying on the fishery. As respects this class, the soil has been reserved to the Crown, and it has, therefore, been declared by the Home Authorities that they form a part of the Territorial Revenue to be employed in the public service, in whatever manner may

be most compatible with a prudent and economical use of them. The Territorial Revenue of the Crown in this Island having been made over to the local Government thereof, in it is now vested the power to employ or appropriate all the Reserves included therein, in or for the public service, according to the original intention entertained by the Crown when making such Reserves; and this is all the power or authority which the Government and the Legislature have claimed a right to exercise over them. It may not yet have been finally determined how these Reserves are to be dealt with by the Government in every case; but, nevertheless, all now admit that such Proprietors as have presumed to consider such Reserves as portions of their Grants, and have, consequently, exercised the power to lease or sell them, have in doing so, appropriated to themselves lands to which, most clearly, they had no title whatever, and, thereby, perpetrated a fraud upon the public; and this is the evil for which the late Government and the Legislature earnestly sought a remedy.

Hon. Mr. JOHNSON. Well then, the only question seems to be, To whom ought or must individuals in the use and occupation of such Reserves, or of any portions thereof, pay rent? But I am still comparatively in the dark with respect to it. I am, in fact, almost quite unacquainted with the subject; and would, therefore, be thankful for such information as would improve or extend my knowledge of it. I should like to know why the Fishery Reserves Bill was sent Home.

(To be continued.)

## SUMMARY OF PROCEEDINGS.

### MISCELLANEOUS PETITIONS.

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

By Hon. Mr. Dingwell.—A petition of divers inhabitants of St. Peter's Lake, Township No. 30 and vicinity, praying that the Act for the protection of the Alewives Fishery may be amended by preventing the setting of nets or seines within a certain distance of the mouth or entrance of the Lake.

By Hon. Mr. Forgan.—A petition of the Mayor and Common Council of the City of Charlottetown, setting forth that, in consequence of the outer end of Pownall-street wharf being appropriated to the use of the steamer *Westmorland*, to the excluding all other vessels, the amount of wharfrage is considerably lessened—that a sum of £600 will be required to repair the said wharf. Memorialists, therefore, respectfully submit that a portion of the public revenue ought to be expended for that purpose, and pray that the premises may receive the favorable consideration of the House.

By Hon. Mr. Forgan.—A petition of divers inhabitants of Townships Nos. 65 and 30, praying that the Legislative Council will concur with the House of Assembly in granting a sum sufficient to provide a Rope and Winch for the Scow at Elliot River Ferry.

By Hon. Mr. Bagnall.—A petition of divers inhabitants of Township No. 25, praying that a Post Office may be established at the residence of Joseph Rogers.

By Hon. Mr. Bagnall.—A petition of divers inhabitants of Summerside and vicinity, praying that the Legislative Council will concur with the House of Assembly in the making of a pecuniary grant in aid of individual subscriptions towards purchasing a Fire Engine.

By the Hon. Mr. Forgan.—A petition of the Minister, Trustees, and Members of the Calvinistic Baptist Church of Bedeque, praying for an Act of Incorporation.

Ordered, That the last six preceding petitions be referred to the Special Committee appointed to report on all petitions relating to miscellaneous subjects.

### TEACHERS' PETITIONS.

By Hon. Mr. McIntyre.—A petition of Artemas Morrow, Teacher, and the Trustees of the Morrell District School, praying that the Legislative Council will concur with the House of Assembly in granting a sum of money as a remuneration for the services of the said Teacher.

By Hon. Mr. McINTYRE—A petition of diverse inhabitants of Little Harbour School District, Township No. 45, praying remuneration for the services of Matthew Keville, an unlicensed Teacher.

By Hon. Mr. FORGAN, a petition of John Stewart, Teacher, of the Rona District School, Township No. 62, praying that the Legislative Council will concur with the House of Assembly in granting the sum of £14 2s. 6d. which was deducted from his usual semi-annual allowance, in consequence of his not having had the average attendance of scholars required by law.

By Hon. Mr. BAGNALL, a petition of Robina Richardson, an unlicensed Teacher, praying remuneration for her services as such at Summerside.

By Hon. Mr. BAGNALL, a petition of Ellen Walsh, Teacher, praying that the Legislative Council will concur with the House of Assembly in granting her the sum of £8 15s. 6d., which sum has been deducted from her usual half year's allowance in consequence of her not having had the average attendance of scholars required by law.

Ordered, That the five last preceding petitions be referred to the special committee appointed to report on all petitions relating to education.

WEDNESDAY, April 27, 1859.

The following petitions were presented to the House by the Hon. Mr. DINGWALL, and the same were severally received and read, viz :

A petition of Charlotte Jane Alley, praying that the Legislative Council will concur with the House of Assembly in granting her allowance as a Teacher for six months at Cardigan, which has been withheld on the ground of deficiency on the average daily attendance of pupils.

A petition of John McDonald, late Teacher of the Pownal District School, Township No. 49, praying that the Legislative Council will concur with the House of Assembly in granting him the sum of £11 17s. 6d. which he claims for six months' services, and which was withheld in consequence of his not having had the daily average attendance of pupils required by law.

A petition of Mary Ann Anderson, of Sea Cow Head, West Bedaque, licensed Teacher, praying remuneration for her services for six months amounting to £17 10s. 0d., which has been withheld in consequence of an alleged irregularity or breach of the rules of the Government schools.

A petition of Henry Vickerson, late Teacher at Elliot River, praying that the Legislative Council will concur with the House of Assembly in granting him the sum of £12 0s. 7½d. which he claims as the balance for his services for six months, and which has been withheld in consequence of a very slight deficiency in the daily average attendance of pupils required by law.

Ordered, That these four petitions be referred to the special committee appointed to report on all petitions relating to education.

THURSDAY, April 28.

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

By Hon. Mr. FORGAN, a petition of Margaret Morrison, of Bonshaw, in indigent circumstances, with an aged parent, who is very infirm, praying relief.

A petition of William G. Mugford, of Charlottetown, a cripple, in destitute circumstances, praying relief.

Ordered, That these two petitions be referred to the special committee appointed to report on all petitions relating to paupers.

A petition of John McKinnon, late a Provost Officer, at Charlottetown, regarding the seizure of the schooner "Dragonet" in the year 1855, for a breach of the Revenue Law, and praying compensation for services performed by him.

A petition of Duncan Mathew and Hector McLenn, praying to be indemnified for certain work performed at Prince-street Wharf, and materials provided, in the year 1856.

Ordered, That the last two petitions be referred to the special committee appointed to report on petitions relating to miscellaneous subjects.

A petition of James D. Gordon, of Casoumpco, Teacher, praying that the Legislative Council will concur with the House of Assembly in granting him the amount which has been deducted from his half-yearly allowance for the want of the full average daily attendance of scholars required by law.

Ordered, That the said petition be referred to the special committee appointed to report on all petitions relating to education.

Hon. Mr. McINTYRE, by leave, presented a petition of divers inhabitants of Township No. 57, in King's County, and others, setting forth the great inconvenience which they labour under for want of a safe and convenient place for loading and shipping produce, the nearest place for that purpose being distant over sixteen miles, and that such inconvenience can be removed by opening the old channel connecting the water of Surveyor's Inlet or the North Lake, with the sea; and praying the favourable consideration of this House in the premises.

Ordered, That the said petition be referred to the special committee appointed to report on all petitions relating to miscellaneous subjects.

ROAD CORRESPONDENT, &c.

John William Morrison, Esqr., having produced his Commission from His Excellency, the Lieut. Governor, appointing him Road Correspondent and Assistant Clerk of the Executive and Legislative Councils, took the usual oaths and his seat as Assistant Clerk of this House.

EXTRA CLERK.

The Hon. Colonel SWABAY submitted to the House the following resolution, viz :

Whereas it has been found practically inconvenient, and to interfere with the completion of the business of this House, that the Clerk of this House should fulfil likewise the duties of Clerk of the Executive Council, whilst, at the same time, the Assistant Clerk of this House is Assistant Clerk of that Council and Road Correspondent, and as the one or the other of the two Clerks is particularly required during the sitting of an Executive Council while the Legislature is in session. Resolved, Therefore, That in the absence of any provision by Statute this House do appoint an Extra Clerk.

This resolution having been agreed to, John Ball, Esqr., was appointed Extra Clerk to the House.

SATURDAY, April 30.

SCOTCH SYSTEM OF TRIAL BY JURY.

Hon. Mr. JOHNSON, by leave, presented a petition of John Renton and others, praying that the Scotch system of Trial by Jury may be introduced into this Island.

Ordered, That the said petition be referred to a special committee to report thereon by Bill or otherwise.

Ordered, That the Hon. Mr. Swabey, Hqs. Mr. Forgan, and Hon. Mr. Johnson do compose the said committee.

MONDAY, May 2.

PETITIONS.

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

By Hon. Mr. WALKER, a petition of divers inhabitants of Casoumpco and vicinity, praying that a law may be passed

WEDNESDAY, May 4.

to prevent the graining or lurch of the skin within certain limits therein described.

A petition of divers inhabitants of the north and west section of Prince County, praying for the appointment of a Fish Inspector in that district.

*Ordered*, That the last two preceding petitions be referred to the special committee appointed to report on all petitions relating to miscellaneous subjects.

By Hon. Mr. WALKER, a petition of Mary Haggarty, of Charlottetown, widow, in indigent circumstances, praying relief.

*Ordered*, That the said petition be referred to the special committee appointed to report on all petitions relating to paupers.

By Hon. Mr. FORGAN, a petition of Ann McLean, of West Devon, Township No. 10, an unlicensed Teacher, praying that the Legislative Council will concur with the House of Assembly in granting her remuneration for her services as such.

*Ordered*, That the said petition be referred to the special committee appointed to report on all petitions relating to education.

TUESDAY, May 3.

## MESSAGE FROM HIS EXCELLENCY THE LIEUT. GOVERNOR.

Hon. Mr. FORGAN delivered the following Message from His Excellency, the Lieutenant Governor, which the House received standing.

"D. DALY Lieut. Governor;

"The Lieutenant Governor deems it his duty to bring the state of Government House under the notice of the Legislature, with a view to the adoption of such means as may be found necessary for rendering it more suitable to the purposes for which it was constructed, than it is at present, or has, for some years past, been the case.

"From defects in its original construction, or from the perishable nature of the materials employed, or it may be from both causes, the house is scarcely habitable in the winter season, and becomes annually worse.

"The stables and other buildings likewise require repairs, and the furniture supplied at the public cost in some respects requires to be replenished."

Government House, P. E. Island, May 2, 1859.

## DELIVERY OF MESSAGES FROM HIS EXCELLENCY THE LIEUT. GOVERNOR.

On motion of Hon. Col. SWABEY, it was

*Resolved*, That a committee be appointed to prepare an Address to His Excellency, the Lieutenant Governor, requesting that His Excellency will be pleased to cause any communication with which he may honor this House, to be delivered according to Parliamentary Usage, either by a Member of the House, being an Executive Councillor, or by His Excellency's Private Secretary.

*Ordered*, That the Hon. Col. Swabey, Hon. Mr. Craswell, and Hon. Mr. Walker be a committee to prepare the said Address.

## METHODIST CHURCH.

His Honor the PRESIDENT presented to the House a Bill to amend the Acts concerning the property of the Methodist Church, in Prince Edward Island.

The said Bill was read the first time.

## ACCOUNTS OF THE COMMISSIONERS OF CROWN AND PUBLIC LANDS.

Hon. Mr. FORGAN laid before the House, the accounts of the Commissioner of Crown and Public Lands for the past year; and it was ordered that the same do lie on the table.

## SENATE'S BILL.

The Bill intituled "An Act further to continue an Act regulating seamen shipped on board of any ship or vessel belonging to Prince Edward Island whilst within the precincts of the said Island," was read the third time and passed.

## BLUE BOOK.

Hon. Mr. FORGAN laid before the House copy of the Blue Book for the year 1857; and it was ordered that the same do lie on the table.

## PETITIONS.

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

By Hon. Mr. FORGAN, a petition of Mary Redmond, of Montague River, Nounship No. 52, in destitute circumstances, praying relief.

A petition of Barbara McKenzie, Montague River, in destitute circumstances, praying for relief.

A petition of Alexander Fraser, of New Perth, Township No. 52, who has a helpless family in destitute circumstances, and praying relief.

*Ordered*, That the last three preceding petitions be referred to the special committee appointed to report on all petitions relating to paupers.

By Hon. Mr. DINGWELL, a petition of Ephraim B. Smith, praying remuneration for his services as a Teacher at Georgetown Royalty for a period of six months, his allowance having been withheld through some informality in his Return which was forwarded to the Board of Education.

*Ordered*, That the said petition be referred to the special committee appointed to report on all petitions relating to education.

## DELIVERY OF MESSAGES FROM HIS EXCELLENCY THE LIEUT. GOVERNOR.

Hon. Col. SWABEY reported the Draft of an Address to His Excellency the Lieut. Governor; and the same was read and agreed to, and is as follows:

MAY IT PLEASE YOUR EXCELLENCY.

The Legislative Council beg respectfully to notify Your Excellency that the several Messages, which you did this House the honor to send to it during the present session, have not been delivered according to Parliamentary Usage by any Member of this House, being a Member of the Executive Council, or by any other authorized individual.

The Council consider it important to their proceedings, that there should be no departure in this matter from the practice heretofore in use, and humbly request that Your Excellency will be pleased to make such order in the premises as to Your Excellency shall seem meet.

*Ordered*, That the said Address be engrossed; and that the same committee that prepared the Address be a committee to wait upon His Excellency with the same.

## ADDRESS TO HER MAJESTY RELATIVE TO THE FORMATION OF THE GOVERNMENT OF THIS COLONY.

Hon. Col. SWABEY, from the committee appointed to wait on His Excellency the Lieut. Governor, with the Address requesting that His Excellency will be pleased to forward the Address of this House to Her Majesty relative to the formation of the Government of this Colony, reported the delivery thereof, and that His Excellency was pleased to say he would forward the Address as requested by this House.

[This Address and the Amendment proposed thereto by the Hon. Mr. JOHNSON, together with the debate on both, will be published in due course.]



## MODE OF SENDING MESSAGES TO THE HOUSE.

Hon. Col. SWABBY, from the committee appointed to wait upon His Excellency, the Lieut. Governor, with the Address relative to the mode of sending messages to this House, reported the delivery thereof; and that His Excellency was pleased to say that he would give the subject due consideration and attention.

FRIDAY, May 6.

## STATISTICS OF NEW ZEALAND.

His Honor the PRESIDENT laid before the House the statistics of New Zealand for the year 1857; and it was ordered that the same do lie on the table.

The following Bills were severally read the third time and passed:

The Bill intitled "An Act to amend the Act to enable the Supreme Court of Judicature to give relief against adverse claims made against Sheriffs and other persons having no interest in the subject of such claims."

The Bill intitled "An Act for regulating the size and quality of fish barrels and tereos, and the weight of fish made up therein, and for the appointment of fish inspectors: also to regulate the inspection of pickled fish for sale within this Island; and to repeal a certain Act therein mentioned."

The Bill intitled "An Act to incorporate the Trustees of the Baptist Church at Bedesque."

## ESTIMATES FOR THE SERVICES OF THE CURRENT YEAR.

Hon. Mr. FORDAN laid before the House the estimates of the services of the current year; and it was ordered that the same do lie on the table.

SATURDAY, May 7.

## SCHOOL VISITORS' REPORTS.

Hon. Col. SWABBY laid before the House the annual Report of the Visitor of Schools.

Ordered, That the same do lie on the table.

TUESDAY, May 10.

## PETITIONS—FREE CHURCH.

Hon. Col. SWABBY, by leave, presented the following petitions, and the same were severally received and read:

A petition of Alexander Sutherland, Minister, and others, praying that an Act may pass to incorporate the Free Church Congregation at Bedesque Road.

A petition of Alexander Sutherland, Minister, and others, praying that an Act may pass to incorporate the Free Church Congregation at New London.

Ordered, That the said petitions do lie on the table.

THURSDAY, May 6, 1858.

PROPOSED PREPAYMENT of all Postage, British, Colonial, or Foreign, upon all Letters and Papers mailed as any of the Post Offices within this Island.

This question, it seems, was first brought under the consideration of the Government of P. E. Island, by a Circular, dated "Downing Street, 15th February, 1858," addressed to Lieut. Governor, Sir D. Daly, and signed H. Labouchere, in which it is stated that "it has been ascertained by the practical effects of the two systems of optional prepayment of postage on letters, and of compulsory prepayment, that the latter system is in every respect preferable," and further explaining the new system and requesting to be informed whether the Government of P. E. Island is willing to accept the proposed new arrangement.

This Circular His Excellency was pleased to submit to the Postmaster General, Thomas Owen, Esq., with a request that he would report thereon to His Excellency. Mr. Owen reported accordingly, and, in his report, gave it as his opinion

that, "in a country situated as this is with a scattered population composed of emigrants from the United Kingdom, whose correspondence is confined in a great measure, to communications with their friends at home, much inconvenience would be experienced and in many instances loss would accrue from adopting the system of compulsory prepayment."

Influenced, it appears, by Mr. Owen's opinion as above quoted, the Government of P. E. Island felt a disinclination to recommend the adoption of the proposed new arrangement, and His Excellency made that disinclination known to the Secretary of State for the Colonies, Lord Stanley. Lord Stanley replied by a Despatch, dated 1st June, 1858, urging upon His Excellency, the Lieut. Governor and his Council, a reconsideration of the question, with a view to a compliance with the recommendation of the Home Government concerning it. His Excellency next received a Despatch from Sir Edward Bulwer Lyton, dated 24th June, 1858, expressing a hope that the system of compulsory prepayment of postage would be adopted by the Government of P. E. Island, and suggesting that "the stamps which, in such case, the Government would probably think it right to place at the disposal of the public should be exclusively Colonial and not Imperial."

The subject seems then to have been brought under the consideration of Benjamin Davies, Esq., Postmaster General, by a Despatch from the Postmaster General of Nova Scotia, dated 30th July, 1858, "on the propriety of introducing in this Island, in connexion with the system of compulsory prepayment of postage contemplated by the Imperial Parliament with the Colonies, proposing on the part of the Government of Nova Scotia to adopt that system of postage, and extend its advantages throughout the British Colonies with each other, expressing a desire that the change may be made simultaneously, and wishing to know how the question is viewed by the Government of this Island." To both proposals Mr. Davies seems to have been favourable, for in his communication dated 12th October, 1858, relative thereto, made to the Hon. Mr. Coles, Colonial Secretary, he says, "Both propositions are, in my opinion, desirable, rendering, as it will, every advantage to the public, while, at the same time, it will simplify, facilitate, and render complete the postal system, not only in connexion with the Mother Country, but with that of the Colonies also."

Then, in a Despatch, dated 28th October, 1858, addressed by His Excellency, Sir D. Daly, to the Right Hon. Sir E. B. Lyton, His Excellency states that "he had again recommended the subject to the careful consideration of his Council and the result had been so far satisfactory that the amendment of the Provincial Statute (14 Vic. cap. 12, sec. 6) was all that was required to give complete effect to the desired arrangement."

And, in pursuance, as it would seem, of what was then determined upon, a Bill, of which an abstract is subjoined, was this session introduced into the House of Assembly, agreed to, and passed therein, and the same having been sent up to the Legislative Council it was read twice on 5th of May, and committed to a committee of the whole House. Not being fully in possession of all the facts and reasons which had led to the introduction of the Bill in the other House and its adoption by it, the committee agreed to rise, and to take the Bill into further consideration in committee on the following day, when they would, in all probability, have the Despatches and other communications relative to the question before them.

FRIDAY, May 6, 1858.

The necessary information having been afforded by His Excellency, the House went into committee again on the

Bill.—Hon. Mr. Johnson in the chair—and, after some time spent therein, they rose without reporting, and consequently the Bill was lost.

#### ABSTRACT OF THE BILL.

The enacting clause provides that, from and after the passing of the Act, it shall and may be lawful for the Lieut. Governor, by Orders in Council, to make such rules and regulations as may be necessary for directing and ordering the prepayment of all Postage, British, Colonial, or Foreign, upon all Letters and Packets mailed at any of the Post Offices within this Island: and all such rules and regulations as made for the purposes aforesaid shall be valid and binding as if in the Act contained: Provided always that no higher penalty than the sum of one hundred pounds shall be imposed by any such Order in Council for the violation thereof.

The Lieutenant Governor in Council to have power to cause stamps with their value printed thereon, to be sold and used as postage.

#### HOUSE RESUMED.

Hon. Col. Swaney moved the following resolution, and on His Honor the President having put the question thereon, the House divided:

**CONSENTS:** His Honor the President, Hon. Col. Swaney, Hon. Mr. Johnson, Hon. Mr. Hutchinson, Hon. Mr. Walker, Hon. Mr. Wright, Hon. Mr. Craswell, Hon. Mr. McIntyre, Hon. Mr. Bagwell.

**NON-CONSENT:** Hon. Mr. Forgan.

**Resolved,** That it is the opinion of this House that to enact the prepayment of letters posted by persons in this Island, as proposed by Bill the which has been under its consideration, intitled "An Act to amend the Act for the transfer of the management of the Inland Posts within Prince Edward Island," would have an effect on the poorer class of the population, detrimental to their correspondence both within and without its precincts. As regards the external correspondence, the necessity of prepayment of a letter would, in all probability, put an end to all correspondence between the poorer inhabitants of the Island and their relations and friends. The circumstances of the latter for the most part admit of the prepayment of postage by them, whilst it would be extremely inconvenient to their correspondents in this Island.

R. B. IRVING, Reporter.

### HOUSE OF ASSEMBLY.

#### HOUSE IN COMMITTEE ON THE DRAFT ADDRESS.

(Hon. Mr. Longworth's speech continued.)

The measure would certainly have afforded a grand provision for the friends and supporters of the Government, but most assuredly it would have proved, upon a magnificent scale, most disastrous to the real and vital interests of Prince Edward Island. With respect to the causes which influenced the Imperial Government in withholding its assent to the measure, and ultimately laying it upon the shelf, the hon. member alluded, at considerable length, to the correspondence which had taken place between a former Secretary of State for the Colonies, Mr. Labouchere, and His Excellency the Lieut. Governor—from July to September, 1856. Referring to Mr. Labouchere's Despatch of the 18th July, 1856, it appears that minister had required full and precise information to be furnished to him as to the financial position and resources of the Colony, before proceeding further with the consideration of the proposed loan. These, Sir, are the terms in which the request was made, and on which I rely as the proof of what I now state: "I have to state in reply, that Her Majesty's Government are prepared to give a favourable consideration to this suggestion, and that the local Land Purchase Act, to which reference is made, appears to them to furnish fair principles of adjustment, which might be extended by increasing the sum to be raised under Imperial guarantee. It would be

necessary, however, before proceeding further, that Her Majesty's Government should be informed of the amount of the proposed loan, and they should, at the same time, receive a full statement of the financial resources of the Island, and of the precise nature of the provision to be made for securing the repayment of the principal and interest of the loan. Her Majesty's Government would not feel justified in pledging themselves to any decision on this subject till such information is before them." The hon. member stated that His Excellency had discharged his duty by submitting the question to his Council, and had obtained a detailed statement, prepared by a Committee of that body, purporting to contain a statement of the resources and financial condition of the Colony, and had transmitted the same to Mr. Labouchere. For having done so no blame can be imputed to His Excellency in the matter, it being fairly presumable that he would repose a sufficient amount of confidence in his Council to warrant him in believing that those gentlemen had prepared, or compiled, a true statement from the public records of the Colony. On reference, however, to this document, prepared by the late Council, it appears, that although the Council submitted three tabular statements, it did not appear from any of them, or from the document itself, what was the real position of the Colony at the period therein referred to, viz: 31st January, 1856. It does not show, as it ought to have done, by reference to the public accounts, as examined and certified by the House of Assembly, how our debt and credit account stood on the public records of the Colony. All it gave was, first, a naked abstract, shewing the amount of the Revenue from the year 1848 to 1856; secondly, a tabular statement, showing the Revenue and expenditure for the same period of time; but without shewing the balance against the Colony as it really existed at the close of each year; and thirdly, a financial statement, marked C, purporting to shew the liabilities and assets of the Colony on the 31st January, 1856. By this last mentioned statement, the Council takes credit for all the unsold portions of the miserable Worrell Estate, without shewing, as it ought to have done, that the expense of working that Estate was more than the proceeds arising from it, and by this statement there actually appears to be a balance in favour of the Colony, on 31st January, 1856, of £6,521 6s. 3d. sterling, equal to £9,781 19s. 4d. currency. The following is the statement from the document in question:—

#### FINANCIAL STATEMENT OF THE COLONY OF PRINCE EDWARD ISLAND UP TO 31ST JANUARY, 1856.

	Debt in sterling.			Assets in sterling.			Balance in favor of Colony.		
	£	s.	d.	£	s.	d.	£	s.	d.
<b>LIABILITIES.</b>									
Treasury notes afloat at this date,	7,066	13	4						
Debentures under act 14 Vic., do.	6,066	13	4						
Debentures under act 16 Vic., do.	12000	0	0						
Treasury warrants do.	7,108	18	2						
<b>ASSETS.</b>									
Assets in Treasury this date,				24,707	12	7			
44,582 acres public lands, at 4s.				8,916	8	0			
7,392 acres Crown lands, at 3s. 4d.				1,232	0	0			
Bonds in hand for public lands,				1,000	0	0			
Balance due on sales of public lands, secured on lands by de- feasement on deeds according to statute,				4,107	10	6			
Balance in favor of the Colony.	6,521	6	3				6,521	6	3
Totals,	39,968	11	1	39,968	11	1	6,521	6	3

and the reference to, or explanation of, that tabular statement in the document in question is certainly not calculated to give Her Majesty's Government a correct view of the subject. It is as follows:—"Tabular statement (C) is a statement of the finances of the Colony on the 31st January, 1856, which has been carefully prepared, and contains, in the opinion of your Committee, a just and correct view of its present financial condition, which proves, after taking credit to the Colony for the value of Government lands, estimated at low rate, and charging it with all debentures afloat, and with £27,865 13s. 4d., Treasury notes afloat, not bearing interest, that, strictly speaking, at that date the Colony not only was out of debt, but that a balance existed in its favor, amounting to £6,521 6s. 3d. sterling." This, I say, Mr. Chairman, is a most deceptive document, and calculated to deceive any man not intimately acquainted with the state of our public accounts, and, as the result proved, did actually deceive and mislead Mr. Labouchere himself. Any person taking up this document would naturally say that our finances were in a sound and flourishing condition, when there actually appears to be a balance in favor of the Colony of £9,781 19s. 4½d. currency; but, Mr. Chairman, what was the fact, and what was the true state of our finances, as shown by the public accounts for the same period? Why, instead of there being a balance in favor of the Colony of £9,781 19s. 4½d., there was actually a balance against, or in other words, a debt due by the Colony, of £13,101 18s. 1½d., as shown by the public accounts authenticated by the Legislature in the session of 1856. The following is an abstract of the public accounts as published in the journals of the House of Assembly for that year, after having passed through the ordeal of the Committee on public accounts, and therefore bearing the stamp of authenticity on its front:

GOVERNMENT OF PRINCE EDWARD ISLAND.

Dr.	Cr.
Warrants unpaid 31st January, 1856, £10063 6 11½	Assets in Treasury 31st January, 1856, viz:
Treasury notes, 11500 0 0	Bonds, £27835 16 1½
Debentures issued under Act 14 Vic., 16000 0 0	Cash, 16025 12 8½
Debentures issued for purchase of Worrell Estate, under Act 16 Vic., 18000 0 0	Balance, 13101 18 1½
£50163 6 11½	£50163 6 11½
Balance against the Colony 31st of January, 1855, £9893 5 8½	Receipts for year ended 31st January, 1856, £42081 2 2
Expenditure to 31st January, 1856, 45289 14 7	Bal. as above, 13101 18 1½
£55183 0 3½	£55183 0 3½

What I complain of in this case is, that the Council kept back that statement from the eye of the Colonial Minister, that they withheld from him the document which would have shown him at a glance what our financial condition, what the debt of the Colony, actually was. He would have seen, that instead of a balance of £9781 19s. 4½d. currency in favor of the Colony, there was a balance of £13101 18s. 1½d. against it, at the period in question—making a difference between the alleged and the true condition of our finances, of the sum of £22883 17s. 3½d. The statements were calculated to deceive, and did mislead, the British Government; had they not, we should never, Mr. Chairman, have heard Lord Stanley gravely assuring the House of Commons, that Prince Edward Island was not only out of debt, but had a small surplus balance in its favor. With these proofs of the conduct of the late Government before this House, I was indeed astonished to hear the

leader of that Government impute a breach of faith to the British Government; it is the first time, in the history of this Colony, that such a charge has been made, and I cannot repudiate it too strongly. We can bear honest testimony to the justice and liberality of the course pursued by the Imperial Parliament towards its Colonial dependencies, and to none more than to Prince Edward Island. But, Sir, is Lord Stanley or his successor justly blameable when they withdraw a measure the propriety of the introduction of which was based on documents discovered to be so untrue, that they actually represented us as being out of debt, and as having a surplus in the Treasury?

Hon. Mr. COLES—So we were.

Hon. Mr. LONGWORTH—If that assertion be true, then the members of the House, in which the Government of the hon. member had a majority, have asserted a falsehood, in declaring, in the most positive manner, that the Colony was in debt to the extent of £13,101 18s. 1½d.

Hon. Mr. COLES—I admit that the balance against the Colony is correctly stated, if credit is not to be taken for the lands owned by the Government, for the purchase of which a large portion of the Government liabilities were assumed.

Hon. Mr. LONGWORTH—It was the bounden duty of the late Government to have transmitted the report of the Committee on public accounts, which having been ratified by the House of Assembly, constituted the most authentic and reliable exposition that could be afforded of our financial situation. The statement transmitted to England was, I presume, not intended to meet the eyes of the people generally; it was got up for the gratification of those who had no intention of paying for what lands they might purchase,—for such as those settlers on the Worrell Estate, who, when pressed by the late Government to pay up the overdue instalments, had held public meetings and passed resolutions to the effect that the Government ought not to call on them to pay their debts, but should tax the men of Queen's and Prince Counties to pay for their farms. I trust, Mr. Chairman, that this House will never lend itself to the perpetration of such gross injustice, or give to any Government such an engine of coercion of opponents, and corrupt favoritism of adherents.

Hon. Mr. COLES—Mr. Chairman, I have listened to a considerable amount of eloquence from the hon. member who has just sat down, but, Sir, I never heard more humbug in an equal space of time. As to the allegation, that the statement sent to England was not intended for general publicity here, he knows well enough that it would have been brought down to this House, and published in the usual manner. The public accounts were before the House of Assembly in 1857, and if they were not correctly made out, if they misrepresented our financial position, why, I ask, was not the error then pointed out and corrected? The fact is, Sir, that the auditors only gave credit for what funds they found in the Treasury; and although they charged the Island with £18,000 of debentures, they gave no credit for the lands, for the purchase of which those debentures had been given. Suppose the case of a merchant wishing to ascertain the state of his affairs, would he consider himself worth only the amount of cash in his till, without taking into account the goods upon his shelves? Could a man purchasing a farm, on which he gives a mortgage of £500, be fairly said to be in debt to that amount, without being credited with the value of the farm? Sir, if the late Government, in making up the financial statement, to which the hon. member referred at such length, had estimated their assets at too high a figure, why did not their opponents set them right? They could not deny the correctness of the document, and I appeal to the auditors to state whether there was any attempt at concealment or mystification. That statement has been before the country for two years, and is to be found in our journals. Surely, if it merited the character the hon. member has given it, we would have heard it before this time. Allusion was made to the settlers on the Worrell Estate, and the hon. member insinuated that the late Government had manifested a spirit of favoritism and undue lenity to parties whose payments were in arrear, and he said that they had refused to pay. Now, Sir, I deny that any of them refused to pay the instalments, but the Government caused notice to be given in the Gazette, requiring the parties to pay



the amounts due by them respectively. This course was preferable to sending them over to the Attorney General, and settling on the poor people the heavy expenses which such a proceeding would necessarily involve. The hon. member well knows that, if any of them refused to pay, they could be compelled to do so. But these people are well-wishers that the late Government conferred great benefits on them, and they are quite willing to pay their instalments, but they have had unusual difficulties to contend with during the past season. The early setting in of winter prevented the vessels, on board of which they had shipped their produce, from proceeding to sea, and a large portion of their cargoes has consequently been destroyed, and it would be cruel injustice, under these circumstances, to send the sheriff to their homes. But, Sir, to revert to the alleged misrepresentation, I ask the members of the Government if the comparative statement of the revenue for eight years, ending in 1856, is not correct? If there had been any intention to deceive, would the late Government have sent such a document? Why, Mr. Chairman, the Hon. Mr. Haviland, when the public accounts for 1856 were before the House—and he was Chairman of the Committee to examine and report upon them—stated in his place that the £18,000 of debentures for the Worrell Estate should not have appeared in the public accounts, until the affairs of the Estate had been wound up. Such declaration, made by a prominent opponent of the late Government, reflects great credit on that gentleman, and is a sufficient answer to the sophistry of the hon. member, Mr. Longworth. If the accounts did not charge the £18,000, we would claim no credit for the land. I trust, Sir, that the Committee is now convinced of the correctness of the statement sent home. As to the final result of the operations connected with the management and disposal of the Worrell Estate, I do not say that it will realize the exact amount paid for it;—it may fetch something more or less, accordingly as it is treated. Perhaps the present Government may mismanage it, and it is probable that they will.

Mr. COOPER—I consider that the Loan Bill has been made use of as a bugbear to frighten the people. The amount was not to be repaid for 20 years, and I am decidedly of opinion that repayment would not be required from the Island. Lord Stanley's admission of the injustice with which the people of the Colony had been treated, is sufficient to justify the Government in endeavouring to bring the money into the country, and affords good reason for the belief that we would never be called upon to repay it.

Hon. Mr. WHELAN—Had I been in the House when the paragraph before the Committee was read, Mr. Chairman, I would have submitted an amendment, which I will now read:—

It is likewise with surprise we learn that it is not the intention of Her Majesty's present Government to propose to the Imperial Parliament the guaranteed Loan contemplated for this Island. This measure was adopted at the suggestion, and with the concurrence, of a late Colonial Minister, (experienced in Colonial affairs), and advocated in the House of Commons by his successor, the Right Hon. Lord Stanley,—thus pledging the faith of the Crown to assist the local Legislature and Government to mature a measure so well calculated to allay public discontent and promote the welfare of the people. The Secretary of State's Despatches on this subject will receive our earnest deliberations.

I will not occupy much of the time of the Committee at present, as it is near the hour for adjournment; but I must say that there is ample reason for the expression of surprise at the withdrawal of the Bill, in view of all the correspondence on the subject. The Despatch of Mr. Labouchere, a statesman who had devoted more time and attention to Colonial affairs than to any other branch of the public service of his country, who, years ago, held a distinguished position in Canada under the late lamented Lord Durham, certainly gave assurance that the proposed guarantee would be accorded. That Despatch was as follows:—

"Upon entering on the duties which Her Majesty has been pleased to confide to me, I could not avoid giving my most serious attention to the correspondence which has recently taken place with regard to two Acts of the Legislature of Prince Edward Island, to which Her Majesty's Government were unable to advise Her Majesty to give her assent."

"I have, at the same time, found it necessary to review the series of transactions, extending over a long period of years, which are marked by the continual effort of a large portion of the resident inhabitants of

the Island, either to abolish altogether, or materially to curtail, the rights of the owners of landed property."

"I will not now repeat arguments which have been urged on various occasions by my predecessors, it will be sufficient for me to express my decided opinion, that, whatever character may properly attach to the circumstances connected with the original grants, which have been often employed against the maintenance of the rights of the proprietors, they could not, with justice, be used to defeat the rights of the present owners, who have acquired their property by inheritance, by family settlements, or for valuable consideration."

"Seeing, therefore, that the rights of the proprietors could not be sacrificed without manifest injustice, I feel that it will be my duty steadily to resist, by all means in my power, measures similar in their character to those which were recently under the consideration of Her Majesty's Government."

"I desire, however, at the same time, to assure you that it was with much regret that Her Majesty's advisers felt themselves constrained to oppose the wishes of the people of Prince Edward Island, expressed through their representatives, and that it is my earnest wish to be spared the necessity of authoritative interference in regard to matters affecting the internal administration of their affairs."

"With regard to the main object which has been frequently proposed by a large portion of the inhabitants, namely, that some means may be provided by which a tenant holding under a lease may arrive at the position of fee-simple proprietor, I am anxious to facilitate such a change, provided that it be effected without injustice to the proprietors."

"There are but two ways in which such a change could be effected. The first is the usual and natural one of purchase and sale between the tenant and the owner, and no reason appears as yet to have been stated why, if the tenants offer to the landowners the full value of the right and interest of the landowner, sales and purchases cannot be effected. It would seem probable, that at all events, in the cases of non-resident owners, such fair offers would generally be accepted, and as the lands are usually let upon leases of extraordinary length, and at a small annual rent, there can, it would seem, be but few tenants who could not find the means of offering a fair price for buying up the annual rent of their holdings."

"The other method would be, that the Government of the island should treat with such of the landowners as might be willing to sell, and that the State, thus becoming possessed of the fee-simple of such lands as might thus be sold, should be entitled to afford greater facilities for converting the tenants into freeholders than the landowners themselves might feel an interest in doing."

"An arrangement of this kind could, probably, not be made without a loan to a considerable amount to be raised by the Island Government, the interest thereof to be charged upon the revenues of the Island. But Her Majesty's Government would not be indisposed to take into consideration any plan of this kind which you might submit to them, showing in what way the interest of such loan could locally be provided for, and what arrangements would be proposed as to the manner of disposing of the lands of which the fee-simple might be bought up."

"I shall be happy to receive from you, in the meantime, any suggestions or information which may tend to promote the satisfactory settlement of this difficult and protracted controversy."

The Bill prepared in accordance with the suggestions of the despatch was before the House of Commons for a portion of two years, and when introduced by Lord Stanley, the measure was characterized as matter of justice, not of favor. He admitted that serious evils had been inflicted on the Colony by the manner in which the lands had been disposed of, without consideration or regard to the future interests of the inhabitants. There was then every prospect that the measure would be carried out; and now that it has been frustrated, no definite reason is assigned by the present Colonial Minister. The following is the language of the Despatch communicating the abandonment of the Bill:—

"With reference to my Despatch of September last, acquainting you that I had communicated the correspondence, respecting the proposed Loan of £100,000 to the Lords Commissioners of the Treasury, I have now to acquaint you that in the present state of the finances of the Colony, Her Majesty's Government are of opinion that it would be hopeless to attempt to obtain a guarantee from the House of Commons."

"The whole question, however, of the Land Tenures, together with that of the Fishery Reserves, is engaging my most anxious attention; and it would give me unfeigned pleasure to receive such suggestions for the amicable settlement of these differences as could be accepted by the Imperial Government."

"It has occurred to me that if, within the Island, an impartial Committee could be formed, composed of members fairly representing the interests of Landlord and Tenant, they might devise modes of settlement consistent with what, in this Country, are considered the legitimate rights of property, and which would obtain the concurrence of both parties."

Now, Sir, we have heard a good deal about Despatches, and my hon. friend, Mr. Caley, quoted some observations of the hon. Mr. Palmer in 1855, ridiculing the idea of respecting

such state papers. With reference to this case, I will not pay so poor a compliment to the Minister whose signature it bears, as to suppose for a moment that it is his composition. It bears conclusive evidence of being the effusion of some understrapper in the Colonial Office, who knows as much about the Island as I know of him. But, Sir, where, in this Despatch, does the Government find ought to justify the charges of deception and misrepresentation which they have so lavishly preferred against their predecessors? Does the Colonial Minister say that he was deceived? Nothing of the kind is alleged. How did such an idea first dawn upon his mind? Where are the documents to prove that the statement submitted to the Lieut. Governor by his late Council, and forwarded to the Colonial Office, was erroneous? Sir, when hon. members on the other side of the House affect surprise that my hon. friend, Mr. Coles, should have charged the loss of the Bill to a combination of proprietors and conservatives, as though such a combination had never existed—I ask, did they not unite in opposition to the one-ninth Bill, and various other measures of public utility and benefit? If the Colonial Minister did not place reliance upon the official statement transmitted to him, he must have had some other information which instilled the suspicion into his mind. From what source, then, did such intelligence emanate? From whom but those whose interests would be most affected by the Bill? A considerable amount of virulent indignation has been expressed by some hon. members, at the allegation that the loss of the Bill involved a breach of faith on the part of the Imperial Government. I say, Sir, that a more gross breach of faith was never perpetrated, and the documents I have referred to fully warrant the assertion. The working of the Worrell Estate has been made the subject of a great deal of herculean abuse of the late Government; but, Sir, where is the proof that any loss has been, or will be, sustained from that property? The affairs of that Estate are not yet closed.

Hon. Mr. YEO—No, and never will be. (Laughter.)

Hon. Mr. WHELAN—Perhaps they may be brought to a close for the benefit of a certain gentleman who prefers a claim of some £6000 against it—when the lands shall have been sold at the upset price of even four shillings per acre, it will be proved that the property has been self-sustaining—apart from that consideration, whoever visits that estate will perceive that the increased prosperity and comfort of the settlers afford gratifying evidence of the benefits the action of the late Government has conferred upon them. There is no part of the Island where the situation of the people has so much improved; formerly, they were but tenants at will without leases from Mr. Worrell, the prices charged for the purchase of land were extravagantly high, ranging from 40s. to 60s. per acre, and at such rates it was almost a favour to be allowed to purchase. Under the management of the Trustees, the condition of the tenants was something better, but they were charged highly for their leases, and the arrears of rent were secured by Bonds and Warrants. Contrast their present situation with what it was at the period to which I have referred; the traveller now sees new and comfortable dwellings, extensive clearings, good and substantial fencing, and in fact every indication of increasing prosperity. As to the other property purchased by the late Government, Lot 11, it has not been asserted that any loss will accrue to the public from that source—on the contrary, I believe there will be a small surplus resulting from it.

Hon. Mr. THORNTON—Mr. Chairman, notwithstanding the doleful predictions concerning the Worrell Estate, I am happy to find that no one expresses any fear of a loss ensuing from Lot 11. There can be no doubt that the present Government would have included that property in their budget of grievances, if they could have found anything to complain of in connection with that purchase. The Worrell Estate, it must be borne in mind, was very peculiarly situated, the tenants had been very badly treated, and it is hardly fair for hon. members to draw general conclusions, as to the policy of the Government in purchasing other properties, from the condition of one Estate, which has no parallel in the Island. Instead of taking the affairs of that property, as making a case against the late Government, I will suppose that Government had purchased a well-managed Estate, for instance the Selkirk or

Seymour properties, to show the motives which induce some hon. members to denounce the Loan Bill. By that and the Land Purchase Bill, it was never intended that the Government should derive a profit from the sales of the land; the purchasers would obtain their lands at such prices as would barely cover the costs and expenses of management. But, Sir, I ask the hon. member, Mr. Douce, if while he can go to England, and another gentleman, Mr. Pope, can repair to the United States, and buy large tracts of land at 1s. or 5s. per acre, they would resell them to the people at the rates at which the Government would ask? No, Sir, their object is to make money for themselves and not to benefit the tenantry. They can get their 20s. sterling an acre, and more than that; say, as much as 50 or 60 shillings. That is the reason of such strenuous opposition, for if the Loan had been obtained, their opportunities of speculation and the profitable agencies would cease, and they would soon find that, like Othello's, their occupation would be gone. The real motive of much of the opposition to the Loan Bill, is to be found in the desire of certain parties to keep the management of the lands in their own hands, and perpetuate the present cursed monopoly, for really it deserves no better designation. They would fain keep the people in a state of serfdom, chain them down to the condition of mechanics, hewers of wood and drawers of water, as was charitably suggested in a certain newspaper. As to the fear of general taxation, on account of the purchase of lands by Government, it will be time enough to complain when the evils so confidently anticipated shall be experienced. For myself, I can only say that I have no idea that such a result will occur; but even if it should take place, a loss of £15,000 or £20,000 would be more than compensated, by the conversion of tenants into freeholders—by the elevation of slaves to the position of freemen. The improvement of one class of the community acts with beneficial effect upon all; the poorer a people, the less their spirit and energy, raise them in their social position, and you raise them in their own estimation, they feel an ambition which before they knew not, and redoubled energy is infused into their industry. The assertion that the Bill was introduced in 1856 as a mere electioneering manoeuvre is not worthy of notice; the same cry was raised by the same parties, in their opposition to the Rent Reduction Bill, One-ninth Bill, &c. and the other important measures introduced by the Liberal party.

The following paragraphs having been read by the Chairman,—

“It is satisfactory to know that the question of the Land Tenures and Fishery Reserves is engaging the attention of the Secretary of State, and so soon as the documents containing his suggestions for facilitating the equitable adjustment of the question, shall be laid before us, we beg to assure your Excellency, that we will be prepared to give most careful consideration to the subject, which its grave importance entitles it to.”

Hon. Mr. WIGHTMAN said,—Mr. Chairman, the subjects referred to in the paragraph which you have just read are of great importance to the people of the Island. They were prominent topics in the addresses to the different constituencies previously to the late election, and at every meeting we heard that when the present Government came into power they would be amply and satisfactorily settled. The power of doing so is now in their hands, and it is their duty to dispose of them in such a way as to benefit the Colony. I trust they will do so, and I can assure them, Sir, that any measure which they may introduce, calculated to effect that object, shall receive my cordial support. In saying this, I do not wish to be understood as intending to separate from the party with which I am, and have been connected. We tried different measures to redress the evils so long and so seriously experienced, and those measures were not succeeded to by the Imperial Government; and now that our opponents have succeeded to the Government, I feel it my duty to support any good measure on the subject of the Land question which they may introduce. With reference to the observations of the hon. member, Mr. Longworth, on that head of contention, the Worrell Estate, we all know the course which the present majority have made of it—to damage the minority before the people. We have heard that the boon conferred upon the settlers on that Estate would be injurious, say, ruinous, to the country—that the property, so far from being self-sustaining, would not pay its working expenses, and etc.—measures to that effect have been made by the hon. member in this

debate. Now, Sir, although up to the present time the property may not have realized as much as, at one time, we may have expected, yet it is not to be supposed that the result to the country will be such as has been predicted. It should be recollected that, in the purchase of that Estate, the late Government were anticipated by the intervention of middlemen, in consequence of which they had to pay a great deal more than they otherwise would. They were anxious to obtain it as cheap as possible; but while communications from them, on the subject of the purchase, were suppressed in England, parties went from the Island and bought the property for the purpose of re-selling to the Government, which they did at a profit of some thousands. I do not blame those parties for so doing, they had an undoubted right to make the best bargain they could, but I mention these circumstances to shew the reason why the late Government had to pay so much for the Estate, which was the only one offered to them. As to what may be the ultimate result, when the affairs of that Estate shall be finally closed, I do not say, but we know that £16,000 are secured by bonds, as good as any in the Treasury. These Bonds have been given for the purchase monies of which the first instalments have been paid, and the remaining amounts, besides the personal security of the purchasers, are a first charge upon the lands themselves. The hon. member has also referred, at considerable length, to the general state of our finances, and without much trouble or loss of time, I shall show the Committee what our position, as regards the public debt really is:

On the 31st January, 1858, there were—			
Warrants on the Treasury, unpaid,	£30,594	1	9½
Treasury notes afloat, or supposed to be,	11,500	0	0
Debitures issued under 16 Vic., Cap. 18,	20,550	0	0
	£62,644	1	9½

To meet this there were—			
Bonds in Treasury,	£25,156	13	3¼
“ in hands of Atty. Gen.	3,667	2	11
Cash in Treasury,	4,550	1	4½
Balance against the Colony,	29,870	4	4

£62,644 1 9½

Thus, the actual balance on the 31st January, 1858, was—	£29,870	4	4
To which add the Expenditure up to the close of the financial year—up to 31st January, 1859—	£43,210	2	10
	£73,080	7	2

To meet this amount there is the—			
Revenue of the past year,	£33,292	2	3¼
Due from Worrell Estate and public lands,	16,000	0	0

£49,292 2 3¼

So, our finances were in this state on the 1st January last,—			
Dr.	£73,080	7	2
Cr.	49,292	2	3¼

Leaving us the real debt against the Colony, £23,788 4 10½

This, Sir, is not quite equal to £70,000—the amount alleged as being due before the late elections,—and of this sum the 30,000, or 40,000 acres of land remaining unsold of the Worrell Estate, in addition to the £16,000 of Bonds secured on the land sold, must be considered as ample security for the cost of the property. The debt, then, is not so serious an affair as the present majority represented it to be, and we shall wait to see the great reductions which they promised to make in the salaries of the public officers. At the public meetings held throughout the country before the late elections, great promises were made to the people on this subject, and the late Government was censured in no measured terms for having fixed the pay of the officials at too high a figure. It was said that all these salaries were to be reduced, in order to meet the falling off in the revenue. I presume now, Sir, that the Government

will be prepared to redeem their promises on this subject and the land question, towards the equitable settlement of which I repeat my readiness to give my support.

(To be Continued.)

## SUMMARY OF PROCEEDINGS.

MONDAY, May 2, 1859.

House met at 12 o'clock.

Hon. Mr. HAVILAND introduced the new Postal arrangement Bill, which was read a first time. It provides that all letters mailed in P. E. Island shall, in future, be prepaid; and gives the Executive power to issue postage stamps.

Hon. Mr. PALMER, by order of his Excellency, laid on the table the Blue Book, Road Correspondent's Accounts, &c., for the past year.

House in Committee of the whole on Hon. Mr. Wightman's Bill for regulating the trade in Pickled Fish.

Hon. Mr. PEARRY had listened with great attention to what had fallen from many members respecting the Bill, and was of opinion that it did not sufficiently protect the public from imposition in the importation of Fish, and therefore moved that the Speaker take the chair.

Hon. Mr. WIGHTMAN thought the Bill afforded sufficient protection to the public; but if hon. members were not disposed to proceed with the Bill at present, it could remain over till next Session.

Hon. Col. GRAY thought that if it were a good Bill, and for the benefit of the people, it should not be buried. At the last rising of the Committee, the hon. gentleman who introduced the Bill promised to alter some of the clauses; he had not done so. That was no reason, however, to give up the Bill. He hoped the Committee would proceed.

Hon. Mr. HAVILAND felt the Committee were unanimous upon one point, the necessity of protecting the poor people of P. E. Island from the frauds practised by importers of Fish. He believed the Bill would prove a great benefit to the poor man, and if it should occupy three days, it should be proceeded with.

Adjourned at 3 o'clock; met again at 4 o'clock.

Hon. Mr. Wightman's Bill regulating trade in Fish reported agreed to, without amendments.

## ESTIMATES FOR THE CURRENT YEAR.

The Hon. Mr. Haviland laid the Estimates for 1859 on the table, and moved that the House go into Committee of Supply.

Hon. Mr. Pope Chairman of the Committee.

Hon. Mr. HAVILAND, on moving the resolution that £3,000 be the amount of the appropriation for the service of Roads and Bridges, said, the amount for this branch of the public service was, last year, £8,000. He had reduced the Estimate for the present year one half; but followed the distribution of last year. He proposed to divide the £3,000 thus—for Queen's County £1,000; King's and Prince Counties £925; and for Charlottetown and Royalty £150. He had consulted members of King's and Queen's Counties as to the amount and distribution, and they felt satisfied.

Hon. Mr. WIGHTMAN thought £3,000 totally inadequate for the service of Roads and Bridges—it was a mere nothing. The people looked to this appropriation as the most important. It was one in which they felt most interested, and he was certain they would feel much disappointed at the amount. When the small sum of £925 would be divided among the eleven Districts, it would fall considerably short of £100 for each.



Hon. Mr. LONOWAN felt that the grant was small, but he would not object. The late Government were too lavish—the present should not follow in their footsteps. It should be the desire of all parties to keep the Roads and Bridges in thorough repair, and it was naturally expected that as Expenditure increased, Roads should be improved. But such was not the case. The roads were better 15 years ago than at present. Statute labor should be again resorted to, which, with small grants in this branch of the public service, would be found sufficient to keep the roads in good repair, and at the same time prevent increased taxation.

Hon. Col. GRAY said—the Hon. Mr. WIGHTMAN knew that there must be a reduction in the public expenditure. He should know that the man who spends half a crown out of 6d. a day, must soon come to ruin, and so it is with Governments. He (Col. Gray) felt the people would respond to the smallness of the grant. They want to guard against taxation. He had conversed with farmers from the East Point to the North Cape, and they all unanimously declared their willingness to volunteer and keep the roads in repair rather than have to pay more taxes. Although the expenditure was so lavish, some roads had not been repaired for years. He knew one himself that remained untouched for two years, proving that the roads did not enjoy the benefit of such extravagant expenditure as had been practised. The object of the present Government was to economise the revenue of the Colony, and reform the abuses which had obtained under their predecessors in office.

Hon. Mr. MAULAY said the Government should not allow their expenditure to exceed their revenue. They should not follow in the path of their illustrious predecessors, who issued Treasury Warrants which could only be sold at a large discount, reducing the value of property and ruining the credit of the Colony. The appropriations should be moderate—the expenditure judicious. These principles carried out would satisfy the Country. He felt astonished the other day to hear Hon. Mr. YEO state, that a bridge had been built at an expense of either six or seven hundred pounds which is not passable. What wonder then that outlay has been extravagant on the part of the late Government, when they chose to build dams and huts for beavers, to the ruin and impoverishment of the country?

Mr. CONROY said he never heard the Hon. Mr. YEO state that the bridge was not necessary. The only complaint was that it had not been built in a suitable place. The necessity of the bridge was admitted by all. It was of no use in its present state, and he hoped that measures would be taken to render it available to the public.

Hon. Mr. PALMER felt that the appropriation for Roads and Bridges last year was most extravagant and disproportionate. There was no such disproportion for this service to the revenue in any of the British Provinces of North America. It amounted to £6,000 more than 1-7th, and nearly 1-6th the amount of the revenue. It was said that the people gain by the outlay on roads and bridges. Some did, but not all. If the money had been well employed, the work properly executed, and no jobbery practised, it might be tolerated. But such was not the case. The present state of the finances of the country is a subject of serious consideration. Retrenchment must be the order of the day—they must begin at the top of the bag; with the thousands, and not strain at a knot and swallow a camel. They should put up with the amount for roads and bridges for this year. He had heard it whispered that £500 discount had been paid by contractors for roads and bridges last. He believed it did not require such a large amount for this service as in former years. The roads were not so much injured as in

other years. The spring had been mild, and extensive repairs were not required. They could not contract so cheaply at this season of the year, when the hauling was at an end, as they could have done in March; and this of itself should induce them not to expend too much for the present season. He was convinced the country would feel pleased with the appropriation made, and that the amount would, in combination with Statute Labour, meet all the requirements of the country. Once the House went so far as to stop the supply for roads and bridges, yet still the farmers managed to get their grain to the mill, and their produce to market. The grant for Education must be maintained—the largest item of their expenditure; and the present appropriation added thereto, would absorb one half their anticipated income. They could not consent, therefore, to increase the present appropriation. The circumstance of the Colony demanded retrenchment, and he hoped the present Government would attend to the demand. He felt one objection, that the amount of the distribution for Queen's County was too small; but still he felt satisfied.

Mr. COORZA thought where a public wharf had been injured, the Government should apply a special grant for its repair.

Messrs. COONEY, OWEN, HOWAR, HOLM, &c., put forth the claims of their respective Districts; but the general feeling seemed in favor of the reduced grant.

The Hon. the SPEAKER would support the diminished appropriation. It was idle to say that the roads were improved. They were much better ten or twelve years ago. He felt that he would be doing an injustice to his own conscience, and acting unfaithful to his constituents, if he did not carry out the principles of retrenchment.

Mr. DAVIES thought there should be a special grant for Pownal Wharf. It was in a falling state. The Corporation were not able to raise money by taxation to carry out the necessary repairs; and it was for the service especially of the Government Steamer Westmorland the public funds should be charged with keeping it in repair, or at least in assisting the Corporation to do so.

Mr. HOWAR suggested, that if there be a special grant for Pownal Wharf similar applications should be overlooked.

Hon. Col. GRAY felt very great surprise that the Corporation of one of Her Majesty's Cities in the Colonies should ask assistance for the repair and maintenance of public property. Could they not raise money by debentures, as was done by other Corporations, and not call upon the poor farmers of P. E. Island to pay for the repairs of their Wharf?

Hon. Mr. HAVILAND thought that when the city was incorporated, the Corporation, in the receipt of the licenses and taxation, would be self-supporting, and that no demands would be made by them upon the revenue of the country.

Mr. HOLM was of opinion that if a special grant should be given for Pownal Wharf, Crapaud Wharf and Harbour were also entitled to a like favor.

Hon. Mr. PERRY said it was useless to try to get money where there was none to give. It was wrong to apply so much of the public money to roads and bridges. He was always opposed to the amount of the sums appropriated to such purposes. The revenue last year fell £10,000 short of the expenditure. They should not persevere in such lavish expenditure. They should resort as much as possible to Statute Labour for the repairs of roads. They should make up their minds to submit to the appropriation, and not ask any special grants. Should others do so he should do so too. But where a public wharf was falling to decay, it should be kept up, and not build any new ones this year. They were but the stewards of the public, and they should be faithful to their trust. The system of Education must be continued—it cost nearly £14,000 last year, and it would require perhaps £15,000 this year. The appropriation for roads and bridges, besides other contingencies in connexion with this service, would swell the amount to between eighteen and twenty thousand pounds.

Under all the circumstances he could not see how they could consent to any special grants this year.

Mr. SIMONDS was not disposed to quarrel with the Government, at either the amount or distribution of the grant. He felt they were perfectly justified in carrying out retrenchment in the public expenditure. But he felt surprised to hear some members say that Queen's County was entitled to more money than either Prince or King's County. Queen's County had a more numerous population, more roads opened up, and was far richer than either of the other counties. Surely then where roads had to be cut through the forest, and bridges built over rivers, by a less numerous and poorer people, there was no justice in the argument that the richer county should have the larger amount of the distribution.

Hon. Mr. LONGWORTH said the members for Queen's County were only asking what in justice they were fairly entitled to—a little more for Queen's. He would leave it to their own honours—the members for Prince and King's Counties—to say if Queen's County should not get the two twenty five pounds—leaving Prince and King's Counties each £900. Formerly Queen's got one-fourth more than either of the other Counties, and she was still entitled to a larger amount from the circumstance of her roads being cut up by the people from Prince and King's Counties.

Hon. Mr. PALMER wished to know if Pownal Wharf was to be allowed anything out of Queen's County share—if so, it was like making a poor man a present of an elephant, without giving him the means to support it. Charlottetown derives no benefit from the wharf. The Steamer stops there—the revenue is only nominal. They wanted the Steamer there, and he hoped they would soon have two. The wharf must be kept up—it now required a large outlay. It was a work of public utility. It belonged not alone to Charlottetown, but to the whole Island, and ought to be maintained.

After considerable discussion, the appropriation distribution, and £700 for contingent expenses, were agreed to.

The next item was £300 appointed by Statute to be paid the Telegraph Company as long as the Telegraph is in working order.

Hon. Mr. PALMER said the Company intended to establish an office at Green's Shore, which would bring them in immediate contact with Shediac, which would again unite them with Great Britain and the United States. Should this desirable object be accomplished, they ought to assist in the undertaking. He would therefore suggest that the resolution be deferred for the present.

#### SALARIES OF PUBLIC OFFICERS.

Hon. Mr. HAVILAND said the next sum was £5875, for the salaries of Public Officers—being a saving to the Colony of £500 this year compared with last year. The hon. gentleman enumerated the offices in which the saving was effected, viz: Colonial Secretary, Treasurer, Crown Land and Surveyor General, and second Assistant in the Post Office.

Mr. HOWAR considered as retrenchment was the order of the day, the Deputies should be dispensed with, and the principals should perform the duties of their respective situations. They had retrenchment carried out to a large extent in the service of roads and bridges—they should follow up the same course in every department; and, therefore, he considered that the increase of salary to principals, to enable them to pay Assistants, was uncalled for and unnecessary.

Hon. Mr. PERRY would not throw off the Assistants. His vote was recorded against the employment of Assistants, but the practice was in force for some years, and was found to work well.

Hon. Mr. WIGHTMAN—£500 appeared to be the whole amount of saving effected in the salaries of the public officers. This did not accord with the professions of the gentlemen on the other side, when they went to the elections. They reduced the amount for roads and bridges more than one half, an outlay in which the people had a direct interest, while in over £6000 for public salaries there was but the small reduction of £500. This would not satisfy the country.

The Hon. the SPEAKER said, it was not to be expected that they would strike off all the money paid for Assistants at once. He thought the saving of £500 would enable them to clear off

the debt of the Colony. When the deputies were appointed £400 was the amount of the salaries of the Colonial Secretary, and Treasurer, and it was not considered too high. He thought when those situations were reduced £50, there was no reason to complain.

Hon. Mr. WANLAN said the Government were applying the pruning knife in the wrong direction. Their reductions were out of all proportion. That of the Road service was now only £3000, instead of nearly £7000 for the past year, and the saving on the official salaries only amounted to £500. This was the whole amount of their saving, after their magnificent promises of economy. (Hon. Mr. Haviland—not all.) Well they did not know what would be the amount of the saving. They had heard no budget. There was no official scheme propounded. It was expected that when the gentlemen were formed Her Majesty's Government in this Colony should get into power, that there would be very great prosperity—that warrants would not sell at a large discount—that the credit of the Colony would be placed upon a firm basis; but it was not the first time that warrants were discounted. Such had happened before and might occur again. They did not know but ship-building might again prove ruinous to those engaged in it—that merchants might experience commercial embarrassments, and a monetary panic might involve the whole community in very great distress. He hoped they would be spared such calamities, and that future prosperity may be the lot of the Colony. But it had been said that Assistants in the public offices were unnecessary—that the principals should do the duties. They had said £300 was sufficient for those situations then why add, or smuggle in, £50.

Hon. Mr. HAVILAND—There was none so blind as those who would not see. The Hon. Mr. Whelan cannot see the difference in the expense of the Crown Land Office, which was £550, and now £250. They would also save a little more. The Queen's Printing last year cost £900, they had proposed only £600 this year. If the Hon. Mr. Wightman had, during his term of office, for the last eight years saved these sums—£500 upon the public salaries, and £300 upon the Queen's Printing—a saving of more than £8000 would have been effected, and the country would be at present relieved from that amount of debt. He remembered the promises held out to the country—the prosperity which would ensue—that grass would be made to grow where there was nothing but marsh—that Treasury Warrants would not be at a discount. But it was highly creditable after all to find that the old Government of the country, after a reign of 70 years, were only £20,000 in debt, and this building was part of that amount. They had been often told of the prosperity of the country—the blessing of free trade under the late Government. They deserved no thanks for either. They had to thank the bounty of a kind Providence for the one in the abundance of crops, and Duncan McLean for the other, and not this Responsible Government of which they had heard so much. When the late Government were in the receipt of between forty-eight and fifty thousand pounds, they boasted that they had cleared off the debt of the Colony. But what a shame on the part of the late Government to have in four years run the country into £40,000 debt.

Hon. Mr. WHELAN denied that the debt was £40,000.

Hon. Mr. COLES had shewn clearly that such was not the case, and the Hon. Mr. Haviland need not attempt to throw dust in their eyes, by stating that this building was raised out of the £20,000. (Hon. Mr. Haviland—it is a fact.) The hon. gentleman might tell them the moon was made of green cheese, and that the room in which they sat was dark as midnight. This building was raised by a special Land Tax. See the charge for Light Houses; they had none then, now they are all over the Island. The hon. gentleman says there will be also a great saving in the Queen's Printing—that £600 will suffice instead of £900. It is proposed to do so, but the placing of a figure in the estimates don't prove that it will be done for that amount. The amount was uncertain. Some years it was more—some less; but (ill he saw a Bill which confined it to the amount stated, he would not believe it.

Hon. Mr. YEO said it was no wonder that the country had been run into debt. Warrants had been paid for work that

was never done. Political agents had been employed, and travelled over the country for electioneering purposes, and they received large amounts of the public money. J. Donant had been so employed for more than three months in this capacity.

Hon. Col. GRAY repudiated the idea of paying idle, lazy men large sums of money, while their deputies had to perform the duties. These gentlemen were like a man who married a rich widow, who hung his hat upon a peg, and lived in ease and idleness. The deputies have been done away with, but £50 were added to the principals' salaries to enable them to pay for Assistants if they thought fit to employ them, and he felt certain that the country would feel satisfied at the arrangement. The Queen's Printer had been paid a thousand pounds. He did not see how the people could object, if it were equally well done for almost half that amount. When he looked at the extravagance of the late Government in every department, he wondered how the country suffered them to remain so long in office. Look at the expenditure for Government House for the last four years. £4,388 were expended upon it, and he was lately informed by his Excellency the Governor that it was uninhabitable, and totally unsuited for the new Governor. The Hon. Mr. Whelan wanted to reduce the salaries of the public officers who perform the labour, but he never thought of reducing the extravagant outlay upon Government House, a system of political jobbing which raised the rental in money to £800 per annum; and after this immense outlay the Governor declared it uninhabitable. The expenditure was shameful. Many of the British nobility lived in houses which cost only £200 per annum. This is what ran the country in debt. Are the Government, he asked, not entitled to get credit for the reductions which they have already made, and for having filled up the public situations with competent persons? What was the state of the Land Office, and how was it managed? The Officer in that department used to walk in there, and hang up his cocked hat—for the gentleman wore one—and that was the whole amount of his duty, while more than 70 deeds were lying in a state of confusion.

Hon. Mr. WHELAN could not understand the Hon. Col. Gray. He wanted to do away with the deputies, and still he was willing to add £50 to the salary of the officials, to enable them to employ assistants. The hon. and gallant Colonel dwelt at great length upon the extravagant outlay connected with the repairs of Government House. It was not a new thing for that expenditure to be considered extravagant. He thought its construction originally defective. It was a mere job in its erection. Sir Henry Huntley had converted its saloon into stables. It was unsuited for the residence of a gentleman. It was wrong, however, to say that the amount expended on Government House, for the last four years, was employed in the construction of buildings. A very large portion was for the purchase of furniture, carpets and expensive gas fittings.

Hon. Col. GRAY would carpet the domain with the amount. He knew what house-keeping was,—he had kept house both at home and abroad. The poor people of this country are not able to fit up a residence in such an expensive style as might accommodate a prince of the blood royal.

Hon. Mr. PALMER said, the discussion had arisen from the means of reduction in the estimates of the present compared with that of other years. The Government had made no lavish boast of the reduction. One member of the Government showed that the reduction amounted, in all the public offices, to £500. The road service has been reduced very materially. A certain amount is asked for repairs of Government House. It was not meant to say that no amount should be given; the house was built by the Colony, and it would be a breach of promise with the home Government not to keep it in efficient repair. He did not feel surprised that the large expenditure struck his hon. friend, Col. Gray, with so much surprise. It was the misfortune of the Colony that they were called upon, year after year, to vote away large sums of money for alterations upon Government House, and for the purpose of paying political agents. The majority were now endeavouring to remedy those evils; they did not refuse to afford the necessary amount for repairs, but they hoped they would not be so expensive in future as they had been formerly. He would not

say that a small sum, granted from year to year, was not necessary, but retrenchment must be carried out in every department of the public service. It was only by such means that the finances of the country could be placed upon a secure foundation. The present Government had pledged themselves to this policy, and they would endeavour to carry it out.

Hon. Mr. WHELAN thought the statement of the Hon. Mr. Palmer highly creditable to him—that the amount for roads and bridges was very small. The country would think so too. The people would rather pay the interest of a larger amount, and enjoy the advantages of the outlay, than effect a saving of £500 in the public salaries. It was very remarkable that the gentlemen now in power when in opposition never complained of the expenditure in the service of roads and bridges.

Hon. Mr. HAVILAND said, such was not the fact; he had heard the Hon. Mr. Palmer always complain of the outlay upon roads and bridges, and denounce it as a job.

Hon. Mr. WHELAN continued, he would not bandy words with the Hon. Col. Gray. He was, no doubt, acquainted with the expenses of house-keeping in this, and the other side of the Atlantic,—in civilized and uncivilized countries—in huts and castles. The hon. gentleman had had more experience in those matters than he could pretend to; but, notwithstanding all the hon. and gallant Col.'s experience, he would not give the late Government credit for the outlay necessarily incurred in the support and maintenance of a building which had been originally ill-constructed, and which required constant repairs to render it habitable by the representative of Her Majesty in this Colony.

Hon. Col. GRAY had no desire to bandy words—to use his own expression—with the hon. member from St. Peter's; neither had he any pretensions to do so. He had, on the contrary, particular reasons to decline doing so with that hon. gentleman. A great deal had been said about the improvements at Government House; but what was the fact, that the out-buildings were only sufficient to accommodate a very small family. The vast expenditure upon that building must be discontinued,—it never should have been permitted. The people were not disposed to submit to fresh taxation to support such monstrous extravagance as had been practised. Should the issuing of paper continue—properly denominated by Mr. Howat shin plasters, lowering the credit of the Colony, and inflicting incalculable evils upon the people? He had seen a teacher, who travelled 20 miles into town, get his warrant for £25, and had to sell it for £18.

Mr. SIMON said, the Government credit for retrenchment, but he certainly expected a greater reduction. He was glad to hear the member for Tryon and Orapaud ask, if the officials were not able to do the work themselves, and dispense with the assistants? They were not in the House now, as formerly,—they had only to attend to the duties of their situations. If the Hon. Messrs. Palmer and Haviland held those situations, he should not think the salary too much. The people expected a greater reduction in the public salaries. They were told at the hustings such should be the case; but he felt certain they would feel disappointed.

Hon. Mr. LONGWORTH gave the last speaker great credit for sincerity. But he was wrong in saying the people were told before the election, that any great saving would be effected in the public salaries. He had never, in canvassing, told the people that one man could do the duties of either the Colonial Secretary or Treasurer's department. And now that the business of the Road Correspondent was to be added to the Col. Secretary's department, who would say that one assistant was not requisite? It was surprising to hear gentlemen on the other side say, that while the present Government were amalgamating situations, and reducing salaries, they were not carrying out a sufficient measure of retrenchment: and that in appropriating £3000 for roads and bridges, instead of nearly £7000, the people will not thank them. He was convinced, however, that the people would feel satisfied at the reduction.

Hon. Mr. YEO was certain that the people would be very well pleased with the reduction. It was necessary to save; the extravagance of their predecessors rendered it incumbent upon them to do so: they had oppressed the country with taxation, the present Government intended to remove that oppres-



sion. Hon. Mr. Whelan, no doubt, felt annoyed that the present Government appropriated so little. The hon. gentleman had good grounds to complain, when the Queen's printing has been reduced from £1000 to £600.

Mr. DAVIES did not wonder to hear the members for King's County attack the Government, and condemn them for not carrying out greater retrenchment in the salaries of the public officers; but he felt surprised to hear Mr. Sinclair indulge in the same line of argument. He knew that no man could do the work of either the Col. Secretary or Treasurer's office, and, therefore, assistants were necessary; and as to Government House, it should be burned, and a suitable building erected. The expenditure upon it had been most extravagant, and he hoped to see it, before four years were expired, pulled down. The resolutions were finally agreed to. Adjourned at 10 o'clock.

TUESDAY, 3d May, 1859.

House met at 11 a. m.

Hon. Mr. Longworth's Bill to enable Supreme Court to grant relief to Sheriff against adverse claims, was agreed to in Committee. The Road Petitions were next taken up.

Mr. CONROY drew the attention of the House to the Petition from Cascumpec, praying for the erection of a lock-up and Court-House. He detailed the frightful evils to which the inhabitants are subjected from the want of both a proper place for the administration of justice, and a lock-up for the confinement of parties who disturb the peace of the district. The Court was held in a public house, which tended not only to demoralise the people who came in quest of justice, but also turned the law itself into contempt. When the Americans come there in large numbers, as was frequently the case, the inhabitants were very rudely assailed by them,—females were in dread of walking out lest they should be insulted. The people had to lock up their doors, and remain, as it were, prisoners in their own houses. Surely something should be done to remedy such a state of things, and he hoped the prayer of the petitioners would receive the serious consideration of the House.

Hon. Mr. PALMER said the lawless state of Cascumpec has been often represented to the House. It should be checked. They wanted a specification of the required buildings, and estimation of the cost. The people must be protected from the lawlessness of foreigners; punishment must be inflicted on rioters and disturbers of the public peace. The required building must answer the purpose of a jail. They required information as to the expense likely to be incurred before they could vote it into Supply. The specification might be produced before Supply was ended.

Hon. Col. GRAY felt that the hon. member for Tignish was entitled to the best thanks of the House for having brought this matter forward. He was astonished to hear that a band of lawless fishermen would act in the manner so forcibly described by the hon. member for Tignish; and was also surprised that the people have endured those outrages so long, without remonstrating loudly, and demanding protection. The British Government would soon stop such lawless proceedings; one or two of Her Majesty's steamers would soon remedy the evil complained of, and teach lawless ruffians that females should not be insulted with impunity.

Hon. Mr. YEO said the place was very badly off for protection, and he hoped that something would be done to remedy the evils of which the petitioners so very justly complained.

Hon. Mr. PERRY said that where any great body of men congregated together there was always found a few who were disorderly. Such was the case at Cascumpec, but, out of perhaps 300 or 400 there might only be ten, or perhaps a dozen, who were disorderly. And instead of the great body sanctioning the conduct of those few, they were anxious to see them punished. Even the captains and crews gener-

ally would feel disposed to assist the authorities in enforcing the law. The Americans did not kill each other wholesale, as was too generally supposed. They managed to live in the States as elsewhere.

Messrs. HOWAT and HOLM did not deny the necessity which existed for the erection of a lock-up at Cascumpec. Other places also required similar protection, and if one was conceded to one place, others would feel themselves equally entitled, and would demand the same. The farmers of the country were not in such a state as to incur any large additional expenditure; and if these applications were complied with, the result would be another issue of "skin-plasters," which had already proved so ruinous to the country.

Mr. PERRY observed that the "skin-plasters" might, ere 12 months would roll round, become pieces of gold.

Mr. DOUGLASS would soon remedy the evil, and cheaply too, by the erection of stocks for the punishment of such lawless ruffians as disturbed the public peace, and insulted the females of Cascumpec.

Mr. CONROY would not go that far, would not revert to the barbarism of former times, by placing any one, even his greatest enemy, in the stocks.

Hon. Mr. POPE would support the claims of the inhabitants of Cascumpec for protection. They all knew what kind of characters sailors were, no matter of what country; and it was a very great hardship and injustice that the people of Cascumpec should be subject to the evils of which they complained. The matter deserved the serious consideration of the House, and means should be adopted to remove the grievance of the petitioners.

It being the unanimous opinion of the House that some action should be taken on the petition, Mr. Conroy moved for an Address to His Excellency and Executive Council, to order a specification, &c., for building a Jail and Court-House at Cascumpec, to be laid before the House next Session.

Hon. Mr. LONGWORTH feared the word "Jail" was rather an extensive denomination, and might lead the country to expect more than was contemplated. Should suggest the substitution of "lock-up" for Jail, as more applicable.

Mr. CONROY consented to the alteration.

Hon. Mr. MACAULAY said that a temporary Lock-up would prove useless. It appeared to be a Jail that was required, and they should wait until they had sufficient funds to erect a permanent building. The country was in such a state at present that no additional expense could be incurred; and on the whole, if the inhabitants of Cascumpec had evils to complain of, the advantages which they derived from such a large concourse of Americans coming among them, spending their money, perhaps counterbalanced all those evils.

Mr. CONROY deemed it a very foolish argument used by the Hon. Mr. McAulay, to suppose for a moment that any pecuniary advantages could compensate for the insults to females, of which the petitioners complained.

Mr. DOYLE said that a Lock-up at Cascumpec would prove of great advantage to the petitioners. If 10 persons were taken up for riotous conduct, and placed there for a reasonable length of time, it would have a salutary effect, and deter others from similar conduct, subject to similar punishment. But it has been said that other places required such protection as much as Cascumpec. No such thing! 300 or 400 vessels were often driven in at once all along the harbour, and a vast concourse of persons the consequence. Among such a number of foreigners many acted very improperly, and by their riotous conduct put the inhabitants in great fear. No place in the Colony was similarly circumstanced, and he felt it to be the first duty of every Government to protect inviolate the persons and property of those over whom they rule. He trusted the Government would take

such steps to the matter as would render the people in future free from the grievances of which they now complain.

Mr. Conroy's motion was agreed to.

The Petition for assistance to cut a canal at Wood Islands was referred to Special Committee to report thereon next Session.

On motion of Hon. Mr. HAVILAND, the House went into Committee of Supply. The hon. gentleman said he had omitted in the salaries of public officers £100 for Assistant Collector of Excise. He would ask that it be granted. Agreed. The present system of Education, said the hon. gentleman, must be maintained. He could not name any fixed amount for that object; it had cost last year £13,500, and probably would this year exceed that amount—perhaps be £14,000, but he would say a sum sufficient. Preventive Officers £500, being £100 more than last year. This was for the establishment of Preventive Stations at Souris and Three Rivers. The impression was that smuggling to a very large extent prevailed in King's County, and the Government had resolved to test the belief by the appointment of two additional Preventive Officers at the aforesaid places. Miama Indians, £25, £15 less than the grant of last year. He felt that the amount granted was only money thrown away, as it was productive of no good results. It only encouraged the habit of being dependent, and retarded the attempt of self-support. The Commissioners had in 1857 far exceeded the amount of the grant. They expended £114—£74 more than the House of Assembly had appropriated, and then asked the House to endorse this act. It did so. But the Commissioners must know that they are not in future to exceed the amount of the grant. If they do, they shall not be reimbursed by this House. Paupers, £500; the grant last year was £600. Like the Indian grant, this was money, in part at least, thrown away. Many persons applied for relief as paupers who had no right to do so, and thus the people were taxed to support impostors. An instance had come to his own knowledge where a party appeared in Court as a witness, who had received aid as a pauper, although he possessed a farm of land worth more than £50. The Agricultural Society, £400, but the Government might not have to pay more than half that amount. It would depend altogether upon the amount subscribed. The Government gave £2 for every £1 paid by subscribers. Printing, £600, being a saving of £300 compared with last year. Roads opened under Compensation Act, £200. Contingent expenses of Roads, Bridges and Wharfs, divided equally between the three Counties, £500. The other items same as the appropriations of last year, with the exception of £5 additional for the protection of fisheries, as it appeared there are 6 guardians instead of 5, each £5, equal to £30.

Adjourned at half-past six.

WEDNESDAY, 4th May, 1859.

House met at 4 p. m.

Mr. LONGWORTH moved the first reading of a Bill to amend the Act of Incorporation of the Charlottetown Gas Company, by enabling them to put up gas fittings, &c., in private houses, when requested to do so either by the owners or occupiers of said houses, the company charging rent for such fittings, while in use, in addition to the cost of gas and rent of meters. The fittings to be the property of the Company, and authorising them to remove such property when their managers shall deem it meet, &c.

Hon. Col. GRAY—Mr. Speaker, I rise for the purpose of noticing a paragraph in the published report of the debate on the address, in which an observation is attributed to me which I did not make. I am there represented to have said “that

the Bill guaranteeing the Loan had been abandoned by the Imperial Parliament in consequence of the falsehoods and misrepresentations contained in the despatches on the subject of the financial condition of the Colony—and not from the opposition of the proprietors.” Sir, the Reporter has, unintentionally, I am willing to believe, put into my mouth language stronger than I used. I did not use the word “falsehood” at all, nor did I reflect, in any way, upon any despatches transmitted by His Excellency the Lieut. Governor,—what I intended to convey was to the effect that I was surprised that the hon. member, the leader of the late Government, should have assigned as the cause of the abandonment of the Loan Bill by the British Government, a combination of proprietors; while the true reason for the loss of the measure was to be found in the glaring misrepresentations contained in the financial statements which accompanied the despatch.

Hon. Col. GRAY then moved 2nd order of the day—that the House go into Committee on the despatches sent down by the Lieutenant Governor.

Hon. Mr. WIGHTMAN hoped the House would postpone the order for taking up the despatches. The hon. the leader of Her Majesty's Opposition was unable to attend from an accident, and as the matter of the despatches was of the most serious import, it was necessary that the hon. gentleman should be present.

Mr. COOPER coincided in opinion with the Hon. Mr. Wightman, and hoped Hon. Mr. Coles would be able to attend to-morrow (Thursday).

Hon. Col. GRAY observed that when Hon. Mr. Palmer had named to-morrow for the despatches the Opposition objected, and named Tuesday (yesterday), which was agreed to by the Government. If such delay continued to mark their proceedings, he did not know when they should be able to finish the business of the Session.

Mr. COOPER thought all the members should be present. Hon. Mr. Thoratou, Mr. McNeill, and others, were absent, and it would be wrong to enter into the discussion of the despatches in the absence of so many members. He hoped, however, that the Hon. Mr. Coles would be in his place to-morrow, when he would have no objection to proceed with the despatches.

Hon. Mr. PALMER would feel no objection to postpone the despatches, if his hon. friend Col. Gray would consent to do so.

The despatches were accordingly postponed until to-morrow (Thursday), at 11 o'clock, a. m.

The House then went into Committee of Supply, and granted the remaining appropriations, (already published) the last being that moved by the Hon. Mr. Palmer, £6 12s. 9d., to reimburse the President of St. Dunstan's College for duty paid on a set of Philosophical Instruments for the use of the College.

Adjourned at 7 o'clock.

ANTHONY BEULEY, Reporter.

THURSDAY, May 5, 1859.

## THE LAND QUESTION.

House met at 11 o'clock, and resolved itself into a committee of the whole on the Despatches.—Mr John Yeo in the Chair.

Hon. Col. GRAY rose and paid a high compliment to the genius, literary talents and statesmanship abilities, of the present Colonial minister, Sir E. Balwer Lytton. He said the Minister had proposed a settlement of the land question, and suggested the mode of its accomplishment; and if his views were met in a friendly spirit, this long agitated question would be finally arranged, to the satisfaction of the Proprietors, and the benefit of the Tenants. The Resolutions which he had drawn up for the adoption of the House embraced a prospect of satisfactory adjustment—they were in accordance with the suggestions of the minister—suited to the wants of the people, and adapted to the state of the Colony. The hon. gentleman

having, at considerable length, developed his own views with reference to the relations of Landlord and Tenant, &c., moved the following Resolutions:—

“Whereas certain questions arising out of the original grants of the lands in this Island, severally called the Escheat question, the Fishery Reserve question, and the Quit Rent question, have for many years caused much discussion and difference of opinion amongst the people of this Island, and many delusive projects and impracticable measures have been, and are from time to time, propounded respecting such questions, whereby the tenantry have been, and are greatly imposed upon, and induced to support the proposers of such measures, under the delusive hope that by doing so they will be relieved from the payment of rent; and the attention both of the people and Legislature being occupied with such deceptive schemes, measures tending to develop the resources of the Colony are not only neglected, but a state of society, equally opposed to the moral, social, and political welfare of the people and their true interests, is produced; and whereas, various Despatches have for a great number of years declared that Her Majesty's Government will not consent to any compulsory interference with the laws and rights of the Proprietors, and which has been strongly reiterated in the Despatches of Sir Edward Bulwer Lytton—now Her Majesty's principal Secretary of State for the Colonies—dated the 20th October, 1858, and 3d December, 1859, from which it is clear that any measures for the benefit of the Tenantry must result from amicable arrangement with the Proprietors; and whereas the agitation of hostile measures, same as Escheat, Fishery Reserves, and Quit Rents, must not only result, as they always have done, in leading the tenantry into costs and trouble, without, in any way, ameliorating their condition, but will also engender a feeling in the Proprietors, rendering them disinclined to listen to proposals which, if such agitation were at an end, they would be likely to entertain; and whereas, Sir Edward Bulwer Lytton in his Despatches above referred to, while refusing to sanction measures which in England are considered inconsistent with the rights of property, has expressed the readiness of Her Majesty's Government to co-operate with the Legislature in furthering measures for the settlement of the land tenures, if “conceived in a spirit of fairness and conciliation to all parties:”—

“Therefore Resolved, 1st, That a humble address be presented to Her Majesty, praying that Her Majesty will be pleased to direct a commission to some discreet and impartial person, not connected with the Island, or its affairs, to enquire into the existing relation between Landlord and Tenant, and to negotiate with the Proprietors for such abatement of present liabilities, and for such terms for enabling the Tenantry to convert their leaseholds into freeholds, as—without infringing on the rights of the landlords—may be fairly and reasonably asked for to ameliorate the condition of the Tenantry.

“2d. Resolved, That in the opinion of this House the basis of any such arrangement should be a large remission of arrears of rents now due; and secondly, the giving every tenant holding under a long lease an option of purchasing his land at a certain rate, at any time he might find it convenient to do so.

“3d. Resolved, That a remission of arrears of rent may be reasonably asked, inasmuch as the existence of these arrears, although it is due partly to an unwillingness of the tenants to pay rent, under the idea that Escheat, or some other delusive scheme, would enable them to evade, yet it is also due in part to the aches and remissness of the landlords and their agents in not enforcing it; and because, in many cases, the arrears, however incurred, amount to so large a sum, that the exacting them would prove ruinous to a large number of loyal and industrious people; and would further entirely put it out of their power to avail themselves of the plan suggested in subsequent resolutions for purchasing their farms.

“4th. Resolved, That as the circumstances of the tenantry would not in general enable them to pay down any large portion of the purchase money, the best and only means for converting the tenures into freeholds lies in the adoption of a plan which would practically constitute every farm a saving's bank for its owner, in which he could, from time, invest his savings at interest towards the purchase of his farm, an arrangement

which could be effected by the following means, viz: that the Landlords should agree to permit the tenants to purchase their farms for such sum per acre as should be fixed upon; and providing further, that when any tenant (whose rent was paid up) should be desirous of paying any sum not being less than ten pounds towards the purchase of his land, he should have the option of doing so, and that the interest on the ten pounds, or other amount so paid, should thenceforth go in reduction of his yearly rent, and so on for every payment on account of purchase, until the whole was paid, when he should receive his Deed; and that similar covenants should be inserted in all future leases for terms over forty years. Such an arrangement would not only give the tenant the advantage of paying an instalment of his purchase money, and at the same time reducing his rent whenever he chose, without subjecting him to the vexation and costs incident to cases of inability to meet instalments agreed to be paid at a particular day, but would, in the opinion of this House, gradually but certainly change the tenures into freeholds without the aid of loans, and the expensive subsistence of Public Officers, by which heavy liabilities have already been, and would, if persevered in to a much greater extent, be imposed on the public finances.”

After a protracted debate, and the rejection of amendments, severally proposed by Hon. Mr. Whelan and Mr. Cooper—the above resolutions were carried, with the substitution, unanimously agreed to, of 40 instead of 100 years, as the minimum period for leases entitling the holders to the benefits of the proposed arrangements.

Mr. COOPER, in a very lengthened speech, stated his objections to the Resolutions—entered into the history of the original grants—showed that the conditions had not been complied with—that the original rights conceded by the grants had been forfeited—re-investing them in the Crown. He thought the right of purchase should extend to Leases of 40 years.

Hon. Mr. THORNTON approved of the spirit of the Resolutions, but objected to the preamble. “It was wrong to entrust one person with the power of settling the land tenures of the Colony; there should at least be three. He was in favor of the second Resolution. It had always been his plan, when he could not get all he wished, to take what he could get. The arrears should all—the greater part at least—be struck off with one stroke of the pen, as Mr. Cobbett had proposed to do with the National Debt. He believed that P.E. Island would never be prosperous until she had more freeholders than tenants. That was his motto. Arrears had accumulated—the many disastrous seasons between the years 1845 & 1857 produced an accumulation—the people had nothing to give. The reasons should be stated why the people were not able to pay. He could not see any reasons for fixing the instalments at £10—why not name £5—the smaller the sum the greater the inducement to pay. He objected also to confine the purchase to Leases of 100 years—those having leases of 60 years should likewise be entitled to the privilege.

Hon. Col. GRAY felt thankful to the Hon. Mr. Thornton for his appreciation, in part, of the measure. He trusted that through the negotiation of the Commissioner land would not sell too high—such had not been the case in Canada—he hoped that the Commissioner would battle successfully for the rights of the poor man, and see that full justice should be done him. As to the 100 years lease, that was for the consideration of the House. He had always a very great aversion to leases for 40 years, but should not object to 60.

The debate, which will appear hereafter, continued till half-past 10 o'clock, when the Resolutions, with 40 years instead of 100, were agreed to on the following division:—

For the resolutions.

Hon. Col. Gray,  
“ Mr. Palmer,  
“ Mr. Longworth,  
“ Mr. Yeo,  
“ Mr. Pope,  
“ Mr. Haviland,  
“ Mr. Laird,  
“ Mr. McAulay,  
Mr. Douse,  
Mr. Ramsay,

Against them.

Hon. Mr. Whelan,  
“ Mr. Coles,  
“ Mr. Kelly,  
Mr. Cooper,  
Mr. Sinclair,  
Mr. Knight,  
Mr. Doyle,  
Mr. Sutherland.—8.



Mr. John Yeo,  
Mr. Owen,  
Mr. McNeill,  
Mr. Montgomery  
Mr. Howat,  
Mr. Holm,  
Mr. Davies,  
Hon. Mr. Perry—18.

Hon. Messrs. Thornton and Wightman, and Mr. Conroy, being unavoidably absent, could not vote.

The following are the resolutions which were offered in amendment by the Hon. Mr. Whelan, above referred to, and which were lost on the same division as the preceding:—

*Whereas*, Certain despatches from former Secretaries of State for the Colonies and printed in the Journals of the House of Assembly of this Island, clearly show that the Crown never relinquished, in favour of the assumed Proprietors of Township Lands in Prince Edward Island, its claim to the arrears of Quit Rents or to the control of the Fishery Reserves, and by the Civil List Bill passed in 1851 ceded to this Colony its interest in those Quit Rents and Reserves.

*Resolved*, therefore, that measures should be adopted to recover from the Proprietors of Township Lands the amount of Quit Rents of which they have been long in arrear, so soon as the present Act authorising an assessment upon lands shall expire—the money being required for the encouragement of education and for the general improvement of the Colony; and that other measures should be resorted to, to put in force the right which this Colony has legally acquired to lease or otherwise dispose of the Fishery Reserves for the benefit of the people of this Island.

*Whereas* the Government and Legislature of this Island have, for several years past, shown a disposition to settle by amicable means the long agitated question with respect to the tenures of land in this Island; and as an earnest of that disposition, a Bill was passed in 1853—and which received the sanction of the Imperial Government—to purchase the estates of the land claimants at certain fixed rates, under the operation of which two valuable estates were purchased and sold in small tracts to the settlers thereon, by means of which their material prosperity has been much advanced; and the Legislature of this Colony subsequently passed a Bill to raise a Loan by Imperial guarantee, so that greater effect might be given to the principles of the Purchase Bill, and which measure was strongly recommended by the Right Hon. Henry Labouchere and the Right Hon. Lord Stanley, lately Secretaries of State for the Colonies. But the Loan Bill having been disallowed—by means of private intrigue and gross misrepresentation, as this Committee believe—and it being inexpedient to effect any further purchases of Township lands in the absence of such a measure, this House regret that they perceive no other method of effecting a settlement of the question of the Land tenures that will prove satisfactory to the people of this Island than by resorting to their undoubted constitutional right of demanding an investigation into the original titles of the assumed Land Proprietors.

*Resolved*, therefore, that an address be presented to Her Majesty, praying that she may be graciously pleased to authorise the establishment of a Court of Enquiry, to investigate the claims of individuals holding Township lands in this Island, in virtue of Crown Grants, the conditions upon which they were made not having been complied with.

## TEACHERS' PETITIONS.

FRIDAY FORENOON, May 6.

House met at 11 o'clock, and resolved itself into a Committee of the whole on Teachers' Petitions. Hon. Mr. McAulay in the chair.

Hon. Mr. PALMER hoped that the Committee had carefully considered the circumstances of those Petitions—the facts contained in each—and assured themselves that the claim was fair and equitable; for unless there were some special circumstances in each petition to warrant the House in interfering, they were not justified in doing so. The Statute was very full upon the

subject, and they should be most careful in carrying out its provisions. They all knew how easy it was for a Teacher to make out a *prima facie* case, to warrant him in coming before this House by petition; but yet it did not follow that they should vote away the public money without feeling satisfied that the claim was just. Those petitions took up a great deal of time, caused much discussion, and gave very great annoyance each session. He hoped to see a better state of things; and meantime he repeated, that in dealing with the petitions, the Committee should be satisfied in their own minds that nothing was asked for but what appeared equitably due.

Hon. Mr. Yeo, Chairman of the reporting Committee, observed, that the Committee had entered fully into an investigation of all the circumstances of the petitions. In every instance the application was greater than the Committee had recommended. They reduced the amount in each case, and all felt the utmost anxiety to decide amicably, fairly, justly—to their own conscience, the petitioners, and the country. He should, for his own part, wish to see some plan introduced which would render it unnecessary for the Teachers in future to apply to this House for compensation.

Hon. Mr. PERRY said, the report of the School Visitor, and that of the Board of Education, were now before them. In looking over those reports it was a deplorable circumstance to find that the people were so apathetic and indifferent to the advantages of education. Some had kept their children at home—some withdrawn them from school, because they chanced to be a little angry with the teacher. The poor children suffered—the country would suffer, and was suffering—in fact, that a large amount of its revenue was appropriated to the purposes of education, while the rising generation did not avail themselves of the great blessings of which it might be the medium.

Message from the Legislative Council, informing the House that their Honors had passed the Bill authorising the Supreme Court to grant Sheriff's relief against adverse claims, and also the Bill incorporating the Baptist Church of Bedeque, without amendments.

Documents of Board of Education referred to Committee; read, &c.

Amount asked for as compensation for Teachers was over £30.

Hon. Mr. LAIRD thought if a school could not keep up the average of 20, it should be closed. The country was not able to support such an immense number of schools. He believed there was too many, and the proof was that so many petitions were before them, where the average was below 20. If there were fewer schools, the attendance would be greater in each,—the number which the law required kept up—and there would be little cause for complaint on the part of Teachers—they would all have their average. But as the system is at present such is impossible. He wished to see a remedy applied to such an evil.

Mr. HOWAT thought the average too high. It was first 30, then 20, and required to be still lower. It was no fault of the Teachers that the average fell below the required standard. This was an agricultural country, labour was scarce, and the children were often required to assist in the labour of the farm—at school to-day, in the field to-morrow—thus the average fell. It was surely the interest of the people, when they had to pay the Land Tax, to send their children to school; but many of the poor were not able to do so. It was therefore, neither the fault of the Teachers, nor the parents of the children, that the attendance fell below the average. Under all those circumstances he thought the Teachers should be paid the full amount.

Mr. CONROY would not deprive a Teacher of his salary, where the average fell through sickness or any other cause over which he had no control. He would, however, reduce a master's salary something, making it between £40 and £50 when he had not the average. Such a course would make him use every exertion to have the required number.

Hon. Mr. YEO thought the present system most unfair. The average was 20, which entitled the master to his salary; but if he had only 19, at 30s. each, he could only get £38 10s. Some steps should be speedily taken by the Legislature to remedy such an unfair arrangement. In some places it was

impossible to get 20 scholars; the West Shore was thus circumvented, and would it be fair to continue a system which punished a poor teacher for not doing what it was impossible for him to accomplish. Hon. gentlemen should consider the hardship of such cases, and not expect more from the teachers, under the circumstances, than they can perform.

Hon. Mr. THORNTON would not allow the average to fall below 20,—that amount should be kept up; but he believed that it was necessary that parents should be compelled to send their children to school. Was it fair that parents who appreciated the blessings of education, and wished to bestow those blessings upon their children, should be prevented by the negligence and indifference of other parties who did not care for education? He should wish to see the law, as regards education, compulsory, and effective. He should wish to see children grow up properly educated—fit to instruct their parents, who had never enjoyed the blessings of education. He knew an entire district so regardless of information that a local newspaper was never read among them. They were totally ignorant, in this advanced period, of science and literature, of all physical, moral, and political intelligence. He hoped that such a state of things would not long exist,—that the country would be informed; that ere long parents would be bound in law, under a penalty, to send their children to school; and that the Teachers should be made responsible for the strict performance of their duty.

Hon. Mr. LONGFORTH said, that when it was found that nearly £400 was demanded to make up for a deficiency in the law, as it now existed, it was time to effect such an alteration as would prevent the repetition of such applications. He felt it very hard for Teachers to be deprived of their salaries, but they had no remedy by the Statute. Who were culpable? The parents, by allowing their children to remain away from school, and rendering it impossible for the Teacher to keep up the legal average. Some coercive measure must be resorted to, to check the evil. He held in his hand a petition from 1053, numerously signed, to amend the Act—giving power to enforce the schoolmasters' fees—making the teachers, parents and trustees, mutually responsible, so that those demands shall not be made in future. Thus they would have the power in their own hands to apply a remedy to the evils of a system which earnestly demanded reformation.

Hon. Mr. COLES thought, that if, when the average fell below 20, the Teacher should be paid with £45, and the parents bound to make up the deficiency, it might remedy the evil.

Mr. DOYLE believed the Education Act was the best ever passed in the Colony; but it was not what it was said to be, free. An agreement was generally made with the Teacher to pay his board—some did pay, and some did not—five or six had to make up the amount. This was not fair; and when parents sometimes took umbrage at a teacher, they kept their children from school, putting a stop to his power to maintain his average. It happened also that the teachers were themselves to blame. When located for a time in a district, they often became negligent. But the children should not suffer for either the spleen of the parents, or the negligence of the Teacher. He should wish to see power given to the Trustees to assess the defaulters in the deficiency of the salary of the Teacher.

Hon. Mr. PALMER believed that many of the applicants had not gone to the Board of Education,—that was acting contrary to the law. It was quite enough to pay the large sums for which they were liable, and they should be sure that they were not voting away the public money blindfold. Entertaining those views, he would not support any petitions, where application in the first place had not been made to the Board of Education.

Hon. Mr. PERRY—The School Visitor had been consulted—he was now Secretary to the Board of Education. That was all the information they could obtain; it was reliable, and in justice to the reporting Committee, he felt himself justified in saying, that they had taken great pains in making all the necessary enquiry respecting the petitions, and, therefore, it was not fair to say they were voting away money blindfold.

Hon. Mr. YEO thought it but fair and equitable that every Teacher should have his £50. The Committee did not go that length, they allowed £40. Surely that was not extravagant?

The Petition of P. F. Doyle—whose half-year's salary had been withheld, and his license suspended for three months by the Board, for falsification of his register—created a very protracted discussion.

Hon. Mr. PALMER did not oppose this application especially, he opposed all similar applications, as by granting their prayer they opened a door for endless petitions, which, if attended to, would absorb the entire revenue of the Colony. There was sufficient, however, in the petition to show that the register had been falsified. Such had been admitted before the Board of Education, and they had thought proper to deprive him of his salary, and suspend his license. They would not be doing right to treat their decision with contempt; besides, the Board was charged with arbitrary and tyrannical conduct, and under those circumstances he could not feel justified in granting away the public money.

Hon. Messrs. COLES, THORNTON, KELLY, and Messrs. HOWARD, COOPER, &c., having spoken, its consideration was deferred till further information could be obtained from the Board.

Hon. Col. GRAY moved an Address to Her Most Gracious Majesty, founded on the resolutions agreed to last night.

On motion of Hon. Mr. HAVILLAND, bills to incorporate the Free Churches of New London and Bedouque were read a first time.

PRINCE STREET WHARF.

Mr. DAVIES, Chairman of the Committee appointed to report on the petition of Hector McLean and Duncan McIhee, said the Committee were of opinion that petitioners had an equitable claim for compensation. It was for the House to fix the amount. They had been charged with the wages paid John Dourant for 107 days, at 12s. 6d. per day, amounting to £66 17s. 6d.—deducted in a penalty—and sustained considerable loss by discharging of Treasury Warrants; although it was stipulated in the contract that they should be paid in the current money of the Island. They claimed over £260. The Committee did not recommend any amount,—that was for the House. Referred to Committee of Supply.

ANTHONY BREGLEY, Reporter.

FRIDAY AFTERNOON, May 6.

PETITION AGAINST THE RETURN OF THE HON. THE SPEAKER.

The House went into Committee—Hon. Mr. PERRY in the chair—on the Petition of certain electors of Princetown and Royalty and Lot 18, against the return of the Hon. Donald Montgomery as member for that electoral district. The petitioners alleged that the Poll Clerk having omitted to record in his book the nature of the qualification on which parties whose votes were objected to at the time of polling, as required by the 26th Section of the Election Law, the friends of Mr. DAVIES, the opposing Candidate, were prevented from prosecuting a Scrutiny of such votes, which would have resulted in the return of the latter gentleman.

Hon. Mr. COLES explained the grounds of complaint of Petitioners—the 26th clause of the Act was precise and positive in its provisions, as regarded the case of electors who shall be questioned as to their qualification—it provided that all the particulars of the claim to vote, according to the circumstances of the case, should be taken down in the poll book, and the Candidate against whom the vote is given, or his substitute, may object to the vote, and cause the same to be marked "objected," and also cause the elector to be sworn. Such entries not having been made, the votes in question could not be scrutinized.

Hon. the SPEAKER would state some facts in connection with the application before the Committee, which were, he thought, entitled to serious consideration. He asserted that the objections marked in the poll book before them had not been made or entered at the time of polling. He had his own poll book, kept by a sworn clerk that showed for itself;

and a comparison of the two books would satisfy any hon. member that the one before them had been altered, he knew not by whom, but would be glad to find out the individual and ascertain the time when the alterations had been made. Neither Mr. DAVIES, nor his substitute asked that the qualification should be entered. Had the returning officer been requested, he would, of course, have done so. Although that gentleman was opposed to him in political opinions, he felt confident that he would act fairly and impartially in the discharge of his official duties. At the election ten voters were sworn, not one of whose votes was objected to. His hon. colleague was present at the time, and must have heard any request that may have been made to have the votes marked "objected," and he referred to him to state if such demand had been made. Trusting that the guilty party, whoever he might be, would be made amenable to the law, he felt perfectly satisfied to leave the decision of the matter in the hands of the Committee, confident that they would do justice between himself and the late opposing Candidate. On repairing to the Court House on the day of declaration, he found the poll book open, and the seals broken. The Deputy Sheriff informed him, that it had happened accidentally. He then, in presence of some friends, whom he called as witnesses, stated that he would be satisfied with the explanation, if the book agreed with that kept by his own clerk. On examination they were found to correspond. He, on that occasion, objected to some special votes given for Mr. DAVIES; that gentleman, or his agent, did not object to any,—he had sworn some votes, but did not object after they had taken their course; yet these very votes were marked as objected in the poll book. As only four votes given for him had been marked objected, he did not think it worth while to object to those of his opponent, as allowing that the whole number was struck off he would still have a majority.

Hon. Mr. ERSKINE was present on the occasion referred to, and was positive no scrutiny was demanded. Mr. John RAMSAY was also present, as Mr. DAVIES' agent, and made no such demand. He was satisfied that the Hon. the Speaker was legally elected.

Hon. Mr. COLES—There must be some mistake, as a protest against the return of the Hon. the Speaker had been entered within the hour after declaration, embodying the same objections as those set forth in the petition. Therefore, the inference was, that the objections preceded the protest. That protest, he presumed, would be found in the Sheriff's book, returned to the Colonial Secretary's Office. As the law required that the books must be unsealed, and the votes added up, and the result declared in open court, it was not probable that the Sheriff would attempt, or if the attempt were made, could not succeed in falsifying the record in presence of numbers of people, among whom would be found the Candidates and their representatives, who would readily notice any such attempt. After declaration, an hour was given for demand of scrutiny. If, therefore, the poll books coincided when compared, as the Hon. Speaker had stated, they must have been altered subsequently. It appeared by the book before them, that 26 votes in favor of the Hon. Speaker had been objected to, and but six of Mr. DAVIES's, the majority of the former was but eight. In the present position of the matter, he considered that the Committee could only take the book as they found it before them, and then send for the Sheriff and poll clerk, and examine them on oath at the bar of the House. He hoped that the matter of the alleged improper alteration would be thoroughly sifted, and whoever was guilty of such conduct, be punished to the utmost extent of the law.

Hon. SPEAKER—Although the declaration was made in open Court, the petitioners remained near the door. He remained some time after the declaration, then went out, and on his return found that a protest had been entered in his absence. The principal portion of the audience also went out; he could not, of course, say what had taken place during that period of time, it was not done in presence of many people.

Hon. Col. GRAY was surprised to find, by reference to the poll book, that numerous interpolations had been made in the Sheriff's poll book; and while the word "objected" was not to be found recorded in the book kept by the Hon. Speaker's clerk, there were no less than ten consecutive votes, purporting to be objected, found in the other. Was such a discrepancy likely to be caused unintentionally, or through inadvertence? He had run two elections, and he knew that his clerk recorded all the objections which were taken down by the returning officer. Another remarkable feature was the fact which justified him in asserting that the Sheriff's book contained interpolations, viz: that while the law prescribed that the vote should be marked "objected," the instances to which he referred consisted of a mere abbreviation of the word, and several of them were written across part of the word "sworn," showing that the additions had been made to the contents of the book after the first entry. He most cordially agreed in the desire expressed that the guilty perpetrators of the fraud should be detected, and punished to such a degree as effectually to deter others from following the wicked example. If such practises were suffered to go unpunished, there would be no security for the seat of any hon member.

Mr. COPPER—It was admitted that some objections had been made, otherwise no votes would have been sworn; but as no particulars of qualification were taken down, parties could not ascertain the right to vote in each case.

Hon. Mr. LONGWORTH expressed his conviction that a heinous offence had been committed. He had no doubt that fraudulent additions had been made to the Sheriff's book. The word "objected" was not written in full, as it should have been, but merely the letters "obj" in small size, because there was not space for more at the time of the addition. Apart from that objection, the petitioners did not allege that the Returning Officer had been requested to record the particulars of qualification. That being the case, their application must fall to the ground, for the law was very precise on that head—for the Candidate against whom the vote is tendered is to question the vote, and direct the Sheriff to enter qualification, and record the name as "objected." It is not necessary to record the qualification unless a request to that effect should have been made; and no difficulty could arise from that, as the entry of the word "objected" was all that was requisite to a scrutiny. The allegation in the petition that no scrutiny could be held for want of the specification of qualification, was false, and there was nothing to bar the right to a scrutiny. He trusted that the Hon. Speaker would cause a thorough investigation to be instituted before the proper tribunal.

Hon. Mr. COLES—The form of affidavit prescribed by the election law proved, by necessary implication, that the qualification should be specified, and taken down by the returning officer, for he is compelled to swear to his qualification, "as taken down in the poll book and read to him." Therefore the electors must be supposed to have sworn falsely, if the qualification was not taken down, or they must have been very remiss. The whole proceedings appeared to have been conducted very irregularly.



Hon. Mr. COLES, in justice to his hon. colleague, was bound to state the truth on the subject, more especially as he had been personally referred to by the Hon. Speaker. He was surprised at the appearance of the poll book. He would not presume to say what was the precise number of votes objected to at the day of election, but could not suppress the expression of his opinion, that some names appeared now as objected to, to which no objection had been made at the time of voting. The votes of those electors who were sworn, were marked so; but it might be that the poll clerk may have thought it his duty to mark each sworn vote as objected. The appearance of the book certainly suggested to his mind doubts as to its authenticity. Having been present at the Court on the day of declaration, he could not well have avoided hearing any request to record any vote as objected, if such had been made. He sincerely trusted that a searching investigation would be made, and that the parties guilty of the malpractices attributed would be punished.

Hon. Mr. COLES—It was usual, and reasonable, to ask the particulars of the voter's qualification before swearing him to it.

Mr. HOWAT denied that, as far as his personal experience went, such was the practice. The Candidate requested the returning officer to administer the oath, after which, if not content, he can have it marked "objected," as the foundation of future scrutiny. As to what had been said by the Hon. Mr. Coles, to the effect, that there was no opportunity of altering the poll book during the hour after the declaration, he differed from him on that point. He was present at the Court House at St. Eleanor's on the day of declaration, and had left the Court House in company with the Hon. Speaker and other gentlemen, to take dinner at Mr. Nes's Hotel, and there was ample opportunity to falsify the book during their absence. He did not, by those observations, intend to convey an accusation against the Sheriff, or any particular individual, because he was not in a position to prove who was the guilty party.

Hon. Mr. THORNTON would not enter into consideration of the technical objections which had been taken to the entries in the Sheriff's poll book. From what had fallen from the hon. member, Mr. Sinclair, and from his own observation of the book, which certainly did not present the appearance which it ought to have done, he had strong doubts of the authenticity of its contents. Had the votes been objected to, and so marked at the time, there would have been no occasion for the apparent interpolations of the letters "obj," which did not appear to him to have been inserted at the proper time, or in the proper manner. There was plenty of space between the different columns of the book to have inserted all the various observations which the law required, without abbreviation.

Mr. CONROY was satisfied that the abbreviation "obj" for "objected" had been crowded in subsequently to the time of entering the respective votes. As he believed that an attempt had been made to falsify the book, he thought it most important and desirable that the guilty parties should be discovered and punished.

Hon. Mr. COLES—The petitioners complained that they could not institute a scrutiny, on account of the qualifications of the electors not having been taken down. No less than 140 electors had declared themselves aggrieved at this omission, and even the Speaker's own book did not contain the qualifications referred to.

Hon. SPEAKER—No request was made to have the qualifications recorded.

Hon. Mr. HAYLAND—One thing was evident beyond dispute—it was impossible to believe that the letters "obj" were placed in the book at the same time as the entries "sworn."

The latter were written in full, and in a comparatively larger hand, very different from the style in which the other abbreviated entries were made. With reference to the non appearance of the particulars of the qualifications of electors in the book, even if the returning officer had been requested to record them, and had done so, yet they could not be scrutinized, unless they had been objected to, and the entry of the objection made as the law required, by the word "objected" in full. Unless such had been done, the votes could not be subsequently investigated. He gave credit to the hon. member, Mr. Sinclair, for the candid expression of opinion which he had given. He joined in the wish for the detection and punishment of the guilty party, whoever he might be.

Hon. Mr. PALMER had read the petition, and could see nothing in the petition to warrant the investigation sought for. It is required that every such petition should set forth reasons in support of its allegations. The one under consideration did nothing of the sort. It merely expressed the opinion of the petitioners themselves. How was the House to decide on the sufficiency of these reasons to set aside the election? The House cannot tell what were the illegalities complained of. Had specific charges of violation of the law been made, the duty of the House would be to decide whether, if substantiated, they would be sufficient to invalidate the election—if so considered they could then go into the consideration of them. The petitioners did not say that they demanded a scrutiny. The law prescribed that such demand must be made within the hour after declaration. Had such demand been made, the petitioners would doubtless have stated it. It was the duty of either Candidate to demand that the qualification of an adverse elector be recorded, and to see that it was done,—it was not the province of the Candidate for whom the vote was given. In this case it appeared that no such demand, nor one for a scrutiny, had been made; so that it was unnecessary to occupy the House in an enquiry which could have no practical result. The petitioners allege that a protest was presented to the Sheriff—that was a document of no effect whatever. It was quite unnecessary. It is of use to protest in such a case as that of the improper reception of evidence by the Sheriff, but a protest on the day of election, could reserve or confer no right. If the returning officer, or his poll clerk, have been guilty of omission of duty, the petitioners might well come to the House; but there was no case before the House on which they could take action. He concluded by expressing his conviction that the poll book had been falsified, and he based that conviction on the same grounds as other hon. members who had spoken on the subject.

Hon. Mr. THORNTON thought that the gentlemen of the long robe were determined to have an argument on whatever subject came before the house. When they had a bad case, they wished to make it good; when they had a good one, they could not rest with endeavouring to make it better. He agreed that there was no ground on which the House could be justified in going into a scrutiny. The first question was, what vote were they to scrutinize? If the Sheriff could not do so, how could the House? He had previously expressed his opinion of the suspicious appearance of the poll book, but after what had fallen from the hon. member, Mr. Sinclair, he was prepared, without further argument, to support the motion which had been made, that the Speaker take the chair.

Mr. SINCLAIR liked to see all matters argued fairly and impartially. The hon. member, Mr. Palmer, had he read the petition fully, would have seen that the petitioners specified particular causes as to the groundwork of their complaint—for they state that votes questioned, and marked objected, had not been so recorded—as required by law. His main objections were to the poll book itself.

The Committee then rose without reporting.

W. M. HOWE, Reporter.

LEGISLATIVE COUNCIL.

SUMMARY OF PROCEEDINGS.

SATURDAY, May 7, 1859.

SCHOOL VISITORS' REPORTS.

HON. COLONEL SWABEY laid before the House the annual Report of the Visitors of Schools.

In doing so, His Honor said, I think it is not necessary that the whole of the Reports should now be read to the House. They are so voluminous that the reading of them at once would engross an unreasonable portion of your Honors' time and attention; but as they will be laid upon the Table, your Honors, individually, will have opportunities to look into or peruse them as it may best suit your convenience to do so. I will, however, with your Honors' permission read the communication from the Board of Education which they have sent up to us with the Visitors' Reports. His Honor then read as follows:—

BOARD OF EDUCATION,  
PRINCE EDWARD ISLAND,  
2nd May, 1859.

The Board of Education in the exercise of the duty assigned it, by the Act 15 Vic. Cap. 15, transmits to the Legislature the following extracts of the reports of the School Visitors up to the present date. In revising the report marked No. 2, the Board deems it its duty to submit the views which the experience, more especially of the past year, has led it to entertain on the very important subject of school attendance, as affecting alike the interests of the rising generation, the remuneration of Teachers, and the success and stability of the whole system of public instruction in the free schools of the Colony:—

Although the average daily attendance required by the Act is sufficiently low, being only one half the minimum number of pupils of school age necessary to form a District, and although the words of the Act are precise, yet that difficulties have arisen in its administration is shown by the number of petitions now before the Legislature, arising out of questions concerning average, as well as from the following analysis, derived from the experience of the past three years. The principles of interpretation and of administration which guided the Board are deduced from the "minutes."

1st. In an agricultural country and where moreover the climate is one of extremes, the weekly, and monthly average attendance at school is necessarily very fluctuating. This in ordinary cases is sufficiently provided for by the Act which rests the average attendance on that of the entire six months. But in the case of removal of the Teacher from ill-health or death before the expiration of the yearly or half yearly term, the average will be above or below the standard according to the season of the year at which the interruption may occur. For a school which during the autumn has an average of only 15, may during the succeeding three months so far compensate as to raise it to 25, that is 5 above the standard. Is the Teacher in such a case to be paid a proportion of his salary, or is he to go entirely unrewarded? This question the Board decided in the affirmative.

2nd. Besides the periodic fluctuation just referred to, the average is sometimes liable to fall below the standard from the prevalence of epidemic or contagious diseases, such as measles, small-pox, or scarlet fever. Suppose in such a case, as has more than once happened, the average falls to 19, or even 18, is the Board to consider its hands tied up, and the Teacher to go unremunerated? Without the concurrence of the Board he cannot abandon his post. For the Board to give its assent would be to aggravate the sufferings of a District already sorely tried, to visit with unmerited punishment those whom the epidemic may have spared! To withhold its assent, on the other hand, would be to compel a public servant to remain at his post with it being in a position to pay him.

3rd. Suppose the inhabitants of any District Act in strict conformity with the law, in having the boundaries defaced, selecting the site, &c., but a contumacious minority rise up

in opposition, choose a site for themselves, and in utter disregard of the law, build a school-house in opposition to that regularly established. If, in such a case, the average of the District school fall below the standard by a small fraction, is it to be excluded from all participation in the benefit of the Act? To do so, in the opinion of the Board, would be to treat alike those who disregard and those who obey the laws—to perpetuate a feud in the District which would more than neutralise the good effects of the Free Education Act, and to hold up to other Districts an easy method whereby the people at large might be deprived of the blessings of Education by the factious opposition of a few. To sustain the lovers of law and order during a temporary depression of the average, must have the contrary effect, and result in the final submission of the malcontents.

Whenever the deficiency was not owing to any of the causes just enumerated, the average required by the Act has been strictly insisted on, and as rigidly enforced, as the imperfect means placed at the disposal of the Board by the Legislature would permit. No means have been left untried to secure a faithful record of the daily attendance. The Teacher is required by the regulations to notify the Board whenever the average of the preceding three months fall below that required by the Act. On the receipt of any such notice the following circular was transmitted to the Teacher.

EDUCATION OFFICE.

"SIR,—I am directed by the Board to inform you, that unless your school keeps up the average required by the Act, you cannot obtain your salary for any time you may teach after the date of this communication. If, therefore, the people of that District are so little alive to their own interests as not to support the school, as they ought, by sending the children regularly you have no other alternative than to close the school, or look to the people themselves for your salary. Remember also, that any attempt to falsify the register, for the purpose of increasing the average, may subject the Teacher, not only to the loss of his salary, but of his licence."

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

On such principles had the Free Education Act been administered, from its introduction, to the 27th of January last. From the records of the Board, we find that between the 26th of June, 1856, and the date of the monthly meeting in January, 1859, there had been altogether 25 cases relating to average adjudicated on. Of these, 5 only were allowed, the others disallowed. On the day last named, however, there came before the Board 8 registers, with averages ranging only from 16½ to 19 51-61, in which it was ordered, that the Board cannot grant certificates for salary in any of the preceding cases, under the express conditions of the 21st Section of the Act, 17 Vic. Cap. 3. But that the Board will entertain petitions from the Teachers and School Trustees respectively, so far as to recommend their cases to the favourable consideration of the Lieutenant Governor in Council. \* \* \* \* \* The Board will not in future interfere with the operation of the clause regarding the daily average attendance at schools."

This reversal of its former practice was not acquired in by all the members, and on the grounds already stated, petitions were in consequence presented to the Executive Government, and the same rate of remuneration obtained as in the case of Minor Districts. This decision having failed to meet what they deemed the justice of their case, the people have as a last resource, applied to the Legislature for the balance of the £25. This affords a good opportunity of finally settling the matter. A simple resolution will be sufficient to declare whether the principles which have hitherto guided the Board are sound, or whether the recent decision of the majority of the members as expressed, and the above resolution, meets the concurrence of the Legislature. In coming to a decision on this vexed question, it should be borne in mind, that the discretionary power, in certain cases, hitherto exercised, as has been shewn, with such caution, is still believed by a minority of the members to be essential to the successful working of the Act, and that sufficient occasions will not be wanting to vindicate the supremacy of Parliament, without converting it into a Court of appeal for settling matters of detail.

A tribunal which condescends not to make itself acquainted with the facts of the case, may impress with an idea of its power, it can seldom excite our admiration at the justice of its decisions.

All which is respectfully submitted.

By order of the Board,

JOHN McNEILL, Secretary.

His Honor, when he had read the following paragraph of the communication;—

"A simple Resolution will be sufficient to declare whether the principles which have hitherto guided the Board are sound, or whether the recent decision of the majority of the members, as expressed in the above Resolution meets the concurrence of the Legislature."—said,

I was not present when the Board concurred in this opinion with respect to the force of a mere Resolution of the Legislature. On the day on which the Board held a special meeting for the purpose of reviewing the School Visitors' Reports, I was unable to take part in the discharge of that duty; but having previously made myself acquainted with the suggestions, made by one of the late School Visitors' in his Report, and being also fully aware of the views entertained, with respect to them, by the majority of the Board with which I concurred. I delegated my voice to two members of that majority who I expected would be present at the meeting. Had I myself been there, I would have taken upon me to explain that if the Free Education Act be defective, (as in this and some other particulars I think it is,) its defects cannot be remedied except by an Act to amend it. The latitude for decision and action, which some members of the Board think ought to be accorded to them by investing them with a discretionary power, would, in my opinion, were it conceded, be a source of endless uncertainty and dissatisfaction.

That portion of the Report of the late School Visitor, Mr. Irving, to which reference is made by the Board of Education, in the preceding document, and on which the Hon. Colonel Swabey briefly remarked as above, is as follows:

"Form of agreement with Teacher' and 'Teachers Certificate to obtain salary,' neither of which is in accordance with the letter or spirit of the law.

"First, with respect to the 'Form of agreement with Teacher.' All will admit that, where there is a contract, both parties should be equally bound, and neither should have an advantage over the other. The principle of even-handed justice, is, however, very far from being observed in the 'Form of agreement' under consideration. By Sect. 21, 17 Vict. Cap. 3, it is provided that no Teacher shall be entitled to his half-year's salary, unless during the half-year the average daily attendance shall have amounted to twenty. Now, is not a moment's reflection sufficient to shew that no Teacher can possibly have it in his power to compel such, or, indeed, any other attendance of pupils? And, is it not quite as obviously true that, although the average daily attendance of pupils may—owing to causes over which the Teacher had no control whatever—have been below the amount required by law, he may, nevertheless, have conducted his school, duly, faithfully, and punctually, in conformity with the Statutes of the Island, and the Rules and Regulations of the Board of Education, from and during the term—six months—for which he ought to receive a certain specified allowance? Most certainly. And yet the Teacher—owing to the unfair manner in which he is dealt with in the agreement—is to suffer the loss of his half-year's salary, in the event of his not having had the prescribed daily average attendance of pupils for the six months, although he may have fully, faithfully, and efficiently, acquitted himself of every obligation imposed upon him by the agreement.

"Great and monstrous indeed is the injustice to which Teachers may thus according to the strict letter of the law be subjected.

"If, then, I have fairly stated the case, as I think I have, the necessity of such an amendment of the law, on this point, as that suggested by me—an amendment which would render its operation, in such particular, perfectly just and reasonable—must be imperatively demanded; and, fortunately, it may easily be effected. The prescribed 'Form of agreement with

Teacher,' if amended so as to make it personally obligatory upon the Trustees, for themselves and the other inhabitants of the School District, who may be liable to assessment on account of the school, strictly and fully to do their duty in keeping up the requisite attendance of pupils, would of itself secure the complete and satisfactory working of our present system of popular education. According to the present 'Form of agreement,' the Trustees loosely engage 'to keep in as regular attendance as possible all the scholars resident in the said District.' Now, I humbly submit, that an obligation so worded is, in fact, no obligation at all. To render the obligation effectually binding upon the Trustees, they should, by law, be positively required to engage—not, as now, 'to keep in as regular attendance as possible all the scholars resident in the District,'—but to keep up the full average daily attendance of scholars required by the law, unless the prevalence of epidemic or contagious disease in the District shall make it impossible for them to do so; and, in case they shall fail to keep up the average daily attendance of scholars required by the law, except as above excepted, although the Teacher shall have fully and faithfully performed his part of the agreement, and they shall not, on account of the average daily attendance having fallen below the amount required by the law, be able to grant him (the Teacher) the certificate necessary to enable him to receive the allowance to which he would, otherwise, be entitled from the Treasury of the Island; then, and in every such case, the Trustees shall be bound, in a suitable penal sum, to pay to the Teacher immediately the full amount of the allowance which, otherwise, he would be entitled to draw from the Treasury of the Island—the amount to be finally raised by assessment of themselves and others liable to assessments on account of the school."

"Some, perhaps many, in the country, would object to this proposition, as being of too stringent a nature as respects School Trustees. Reasonable and right-thinking men—men who set a just value upon popular education—would, however, I am persuaded, think otherwise, and cheerfully acquiesce in its operation, should it become law. Such men would, I doubt not, readily perceive, on duly considering it, that its direct effect, would, on the one hand, be at once to close schools in settlements in which they are either not required, or not deserved; and, on the other, to cause them to be faithfully and zealously sustained in all Districts in which they are really required and truly desired."

"I could very easily argue further in support of it; but, as these observations and suggestions have already extended to considerable length, I shall now leave it, without further remark, to the wise consideration and sound judgment of those to whom especially it is intended to be submitted; that is, first to the Board of Education, and next to the Legislature;—to the first, to recommend its adoption in practice, if they concur with me in opinion concerning it, and, to the other, to make it law, if they approve of it."

"If this proposed amendment, of the 'Form of agreement with Teacher' be adopted, it will be necessary also slightly to amend the 'Form of the Teachers Certificate to obtain salary.' As the form of this Certificate now stands, the Trustees, thereby, certify that the Teacher 'has diligently, faithfully, and soberly discharged his duty during the last—months, as Teacher of our school, and has duly kept a journal of the said school during the said period.' The amendment in such case necessary in such Certificate, would be to this effect: 'and the average daily attendance of pupils during the said period has been twenty, or more, if the fact be so. By-the-by, the Board of Education will find, on reference to 17 Vict. Cap. 3, Sect. 36, something like a rule or precedent for this proposed amendment of the 'Form of the Teacher's Certificate to obtain salary.' It is there expressly declared that 'no teacher in Charlottetown shall be entitled to receive a salary, unless he or she shall have taught at least thirty scholars, and such must be specified in the respective certificates.' And to this, I may, with much propriety, add that if such specific precision as to the number of pupils taught by any District Teacher in Charlottetown, be just and necessary—and I think it is unquestionably so—many circumstances concur in shewing that it is still more required as respects our rural District Schools."



The following extract from the Report of the Special Committee of the House of Assembly on Teachers' Petitions, which was sent up to the Council on Thursday, 19th May, as explanatory of an item of the Appropriation Bill, seems to show that the suggestions above set forth were approved by that Committee.

"Your Committee are of opinion that, in cases when a school is opened with the number of scholars required by Law, and before the expiration of twelve months, parties keep their children from school without sufficient cause, thereby depriving the Teacher of his full salary, your committee would recommend that the School Act be amended in the next Session, so as to compel those parties who are delinquent in sending their children without sufficient cause, to pay the deficiency of the Teacher's salary, by giving the Trustees power to assess the defaulters."

In connexion with the foregoing may now very properly be given the following extracts from Mr. Irving's Report.

#### GENERAL CONDITION OF THE DISTRICT SCHOOLS.

"I have said that, since the introduction of the Free School system, the characters of the Teachers and of the schools have become greatly superior to what they previously were; but that no injustice may be done to certain veteran Teachers, who, even under all the disadvantages, and in spite of all the discouragements attendant on the old system, faithfully and successfully acquitted themselves of the duties and obligations which devolved upon them under it, it must be admitted that such of these Teachers as are still living and still in the profession, have, by no means, waned in honorable repute, although of late a few young men of surpassing educational acquirements and of very great natural aptitude for teaching have been added to our educational corps, and are, individually, securing to themselves a reputation superior to that of many others in the profession, but that they still stand deservedly high in public estimation, as talented, faithful, and successful instructors of youth."

"Of the merits, both of such of the worthy veterans and of the talented recruits in the service as have come under my observation, I have had great pleasure in making honorable records. These records will be found in their proper places in the detailed report of my school visitations."

"Towards the promotion of real popular education the Legislature have nobly done their part; and, insufficient as the salaries which they have provided for Teachers, are for the fair remuneration of such as are possessed of the higher order of qualifications required by the Free Education Act, it must yet be admitted that they have strained their ability to the utmost in that respect. Still, however, granting that every Teacher of the higher order were in the receipt of a salary of £60 per annum, it might reasonably be asked what are sixty pounds a year as an inducement for young men of energy and talent, (and none lacking these qualities should be employed) to devote themselves to the profession of teaching? Who can seriously contemplate a settlement for life, and formation of domestic relations with such a prospect as this before him? The effect of this inadequate remuneration of good Teachers, is that men of the right character either shun the vocation as a poverty-stricken one, or else pursue it only until they can leave it for more promising and lucrative engagements."

"In order to induce men of learning and other necessary qualifications contentedly and thankfully to settle down as rural District Teachers, not merely for a season as birds of passage, but permanently, as *bona-fide* residents, due local encouragement must be given by the inhabitants of the rural districts themselves. What, from the scantiness of the public revenue, is left insufficient by the Legislature must be made sufficient by the wise liberality of the people themselves. If the people do indeed wish education—the tree of knowledge—to grow up and flourish and extend its branches, to throw its wholesome and protecting shade on all around and to scatter its fruits over the land, they must tend it with more care, and promote its growth with greater liberality and more decided earnestness."

"To this, I will, at present, merely add that the suiting of the amount of remuneration to the rate of qualification by

a judicious gradation of salaries, is, in my opinion, positively the thing most needful to be done at present with a view to 'the bringing in of a better state of things;' and it ought to be done immediately. Too many of our Teachers are mere inexperienced boys; and the worst of it is, that—uninfluenced by and strangers to such wisdom as that possessed and displayed by Plato, who, as we are told, when asked how long he meant to be a disciple, said, 'as long as I am not ashamed of growing better and wiser,'—they think they have done enough to entitle them to rank among 'the lights of the world,' when they have secured their licences. The preposterous practice of employing such boys as District Teachers, and allowing them as high a recompense for their labours as is paid to the very best and most experienced of the profession, was very justly condemned by the Rev. Mr. Fitzgerald, at a recent meeting of the Board of Education; and, I believe, every other member of the Board then present concurred with him in opinion respecting it. It can easily be shown to be glaringly unjust on different grounds; and I, therefore, hope it will soon be reformed."

Further, in connexion with this question, Mr. Irving thus concludes some observations under the head—

#### NORMAL SCHOOL SYSTEM.

"A moment's consideration will enable any one who is at all qualified to judge in the matter, that, to make a young man or a young woman a good Teacher, an *apprenticeship*—not of three months, but of years must be necessary. I hesitate not, therefore, to say, with respect to our present system of training and licensing Teachers, so far as it applies to mere youth, that it is a deception of the people and a robbery of the public Treasury. The only way in which, it seems to me, any remedy can be provided for this clamant evil, would be to effect a union of the Normal School with the Central Academy; and to allow the students being trained in the art of tuition under the Normal-School Master, to be exercised or employed, in some sort of regular succession, as *apprentice assistants* in teaching classes in the Academy, under the eye, not only of the Normal School Master, but of the Head Master of the Academy, either until they should be sent forth from it with well merited diplomas, or else dismissed as unlikely to be ever, or at least in any reasonable time, entitled to licences, or certificates of sufficiency as Teachers."

R. B. IRVING, Reporter

## LEGISLATIVE COUNCIL.

MONDAY, 25th April, 1859.

### DEBATE ON THE FISHERY RESERVE QUESTION.

(Continued from page 28.)

His Honor the PRESIDENT.—I will endeavour to afford his Honor the information which he seems so earnestly to desire. He has already been made aware that there are two classes of Fishery Reserves: in one, the fee simple is in the Proprietors, subject to the easement of occupation for the use of the Fisheries; in the other, the right of soil is in the Crown. It appears that, originally, it was intended that there should be only one class of Reserves. How there came to be two, it is now impossible, from lapse of time, to tell. I will read the Order in Council authorizing or rather commanding the making of such Reserves in the several Grants about to be made of the Townships of this Island. It bears date the 8th day of July, in the year of our Lord one thousand seven hundred and sixty seven, and, by it, His Majesty was graciously pleased to direct "that, in order to promote and encourage the Fisheries, for which many parts of this Island are conveniently situated, there be a clause in the Grant of each Township that abuts upon the sea shore, containing a reservation of liberty to all His Majesty's sub-

jects in general, of carrying on a free Fishery on the coasts of the said Township, and of erecting stages and other necessary buildings for the said Fishery, within the distance of five hundred feet from highwater mark." This was the general Order, but it was not carried out in all the Original Grants. In some the reservation is, "saving and reserving for the disposal of His Majesty, his heirs, and successors, 500 feet from highwater mark, on the coast of the tract of land hereby granted, to erect stages and other necessary buildings for carrying on the Fishery." In such reservations, the right of the soil is in the Crown, or rather it is now in our local Government or Legislature, since, by the Civil List Act of 1851, the disposal of Her Majesty's Crown Revenues is surrendered to them; and the claim of the Government and Legislature to these reservations, is all that we are at present called upon to discuss. In the other class, the reservation is made in these words, "saving and reserving a free liberty to all His Majesty's subjects, of carrying on a free Fishery or Fisheries, on any part or parts of the coast of said Township, and of erecting stages and other necessary buildings for the said Fishery or Fisheries, within the distance of 500 feet from highwater mark." In this class of Reserves, the right of soil is in the proprietors, with an easement, as we lawyers call it, for the benefit of the public, in virtue of which any of Her Majesty's subjects may enter thereon for the purpose of carrying on a fishery or fisheries, without being liable for so doing to an action of trespass. But his Honor has asked why did the Legislature pass, and the Government send home, with a view to the obtaining of the royal sanction thereto, the Bill intituled "An Act relating to the Fishery Reserves in this Island." Now, I will tell his Honor why this was done. The proprietors of the Township lands adjoining these Reserves have unjustly exercised, and, most unwisely and unfairly, been allowed to exercise, acts of ownership over these Reserves, including them in their leases to the tenants, or otherwise having disposed of the fee simple with the land in the rear thereof, and have thereby benefited themselves to the injury of the colony and its inhabitants. That proprietors should be allowed to demand and recover rent for lands reserved for the fisheries whilst, at the same time, tenants paying or subject to rent for these reserved lands, could be dispossessed by fishermen whenever they should require them for the purposes of carrying on the fishery, was acknowledged, and declared by the Legislature, to be a great grievance as respected such tenants; and, besides, the Legislature perceived that so long as such a state of things should be allowed to continue, so long would it operate as an inducement and a reward to the proprietors to defeat any law which might be made for the regulation of the Fishery Reserves. With respect to all such Fishery Reserves, the Government had, most unquestionably the power to grant a licence of occupation, to any person applying for it, of any portion thereof, for the *bona fide* purpose of carrying on the business of the fishery, and for such uses as are immediately connected therewith; but, at the same time, the Government, in common with the Legislature, felt and acknowledged that, with respect to tenants who were in the use and occupation of such reserves, and paying, or being liable to the payment of, rent therefor to the proprietors of the adjacent lands, in consequence of such reserves being included in their leases, it would be most unjust to interfere with their use and occupation of such reserves, although they had been wrongfully included in their leases, unless they, the tenants, should at the same time be relieved from the payment of rent reserved to their several landlords for such portions of the Fishery Reserves. To prevent the mischief and inconvenience arising from such a state of things—to

make the Fishery Reserves available for the purposes to which they had been originally dedicated, and, whilst doing so, to prevent tenants holding such reserves, or any part or parts thereof under any demise or lease, or agreement for a demise or lease, from any proprietor of any lands adjoining thereto, from being harassed by such proprietor or proprietors, by suits at law for the recovery of rent therefor—it was deemed expedient that some measure should be passed by the Legislature to deprive proprietors of the power to bring any action, or to recover rent in any court of law in this Island, against any tenant in the occupation of any part of the said reserves, under any such demise or lease, or agreement for demise or lease, in respect of such reserves; and the Bill, intituled "An Act relating to the Fishery Reserves in this Island" was, as your Honors will perceive by reading over the preamble thereof, intended to remedy the evils felt and complained of in such cases, and to relieve tenants from rent or a liability to rent, which, as respects such reserves, had been wrongfully imposed upon them. The preamble concludes thus:

"And whereas it is expedient that all persons (unless permitted or licensed by the Government so to do), should be debarred from claiming rent for, or otherwise interfering with said Fishery Reserves."

And the Bill then proceeds to enact, 1st, that from and after the passing of this Act it shall be unlawful for any person or persons whomsoever, other than the Government of this Island, or the agent or appointee of said Government, or other person licensed or permitted so to do by the said Government, by or under colour or pretence of any lease, writing, or agreement, or of any covenant, clause, matter or thing therein contained, or otherwise howsoever, to bring any action or ejection, or other suit or proceeding in any court of law or equity for the recovery of, or to ask, demand, sue for, recover, or receive any rent, issue, or profit due, or hereafter to accrue due, for or on account of such Fishery Reserve land as aforesaid; and the tenant, lessee, or occupier of such Fishery Reserves shall, by force and virtue of this Act, be fully and effectually, to all intents and purposes, discharged from the payment of rent or other consideration therefor, notwithstanding such tenant, lessee, or occupier may have entered into leases or agreements to pay rent for the same, either separately or in conjunction with, or as part of, other land not being Fishery Reserves as aforesaid."

The necessity of this enactment must be clearly manifest to your Honors in two points of view, or in either of them. 1st. By such leases or agreements as those to which the Bill is intended to apply, proprietors can, so long as such leases continue in force, demand and enforce payment of rent for lands which neither are nor ever were their property, and which in fact belong to the Crown; and this, even although the tenant or lessee so subject to rent for such lands should be lawfully dispossessed thereof, either wholly or in part, by any person or persons being licensed to carry on a fishery or fisheries thereon. Do not your Honors allow that such a wrong as this in one which demands and ought to receive immediate redress from the operation of some suitable remediable legislative measure? I am sure his Honor (Mr. Johnson) who, although he says he is almost quite unacquainted with the nature of the Fishery Reserves question, yet, nevertheless, seems to be strangely and strongly biased against the Bill relating to the Fishery Reserves, cannot, with any show of reason or of justice to sustain him, refuse to admit that a stop should at once and for ever, be put to such proprietary assumption and injustice on the one hand, and to such public spoliation and tenant injury on the other. And, in the second point of view, when your Honors con-

der that, although the proprietors have no title or right whatever to lease and to exact rent for such lands—lands which in reality belong to the Crown—yet, they having done so, and tenants or lessees having no power to impugn the titles of their landlords or lessors to lands for which they have attained to them, they (the tenants or lessees) must continue to pay the rents which, by their leases, they have covenanted to pay for such lands until they shall be relieved therefrom by legislative enactment. Under this point of view alone—and, for a moment, quite disregarding the other liability of the tenant so circumstanced, which is to be promptly dispossessed of such lands at any time by the fishermen—do not common sense and equity both declare that the tenant should be relieved from the payment of rent for such lands to individuals who neither have, nor ever had, any just claim or title to them whatever? Undoubtedly! None but one willing to appear in the light of an advocate for pillage and oppression, will, I think, presume to argue otherwise. The first clause of the Bill concludes with this proviso:

“Provided always, that nothing herein contained shall extend or be construed to extend to any suit or suits, action or actions, now instituted or pending in any Court of this Island.”

The second, third, and fourth clauses of the Bill, only further provide, on the same obvious principles of reason and justice, for the carrying out, in different cases, of the one object of the Bill,—the relieving of tenants from their liability to rent for Fishery Reserves,—whilst, at the same time, most carefully guarding against giving to such tenants any right or power to impugn their landlords' titles to any lands not being Fishery Reserves.

The fifth clause properly provides that the right of the Government to such Fishery Reserves shall not in any way be affected by the Act; and how, with anything like due consideration of this clause, Sir Edward Bulwer Lytton could arrive at the conclusion that the Bill merely provides for the abolition of the claims of the proprietors to the Fishery Reserves by bestowing them upon the Tenants, I cannot possibly, for one moment imagine. In fact, for Sir Edward's enunciation of this opinion, I cannot account on any other supposition than that of his having consented, without due investigation of facts, to adopt the views concerning it which the proprietors, with no regard for anything but their own interests, had anxiously endeavoured to instil into his mind. Grants for Townships Numbers 8, 12, 20, 23, 44, and 46 are not on record in this Island; and the sixth clause of the Bill therefore provides—

“That if, at any time after the passing of this Act, any grants of the said Townships shall be placed on record, and it shall appear that such grants contain a reservation similar to, or to the same effect, as the reservation set forth and recited in the preamble of this Act, then the land mentioned and reserved in and by any such grant, so to be recorded as aforesaid, shall be subject to all and every the enactments and provisions in this Act contained.”

The sixth and last clause of this Act provides “that it shall not go into force or operation until Her Majesty's assent thereto shall be known, and notification thereof published in the *Royal Gazette* newspaper of this Island.”

His Honor (Mr. Johnson) having professed almost entire ignorance of the nature of the Fishery Reserves question and of the facts and interests involved therein, and having, at the same time, expressed a desire to be better informed upon the subject and to be made acquainted with the reasons which induced the Legislature to pass the Bill intitled An Act relating to the Fishery Reserves, and the Government to send it home for Her Majesty's assent,—in my very

discreet desire to satisfy His Honor, I have, perhaps, been rather more prolix than some of your Honors may have thought it was necessary I should be. If so, the object which I have had in view will, however, I trust, successfully plead my excuse. The reasons which induced the Government to introduce and the Legislature to pass the Bill, I have, I believe, stated correctly; and sounder or better,—plain and simple as they are,—have scarcely ever, I think, in any case, influenced legislators. The Bill, had it been allowed to go into operation, would have been only a simple act, a simple concession, of justice to the tenants who have had included, under rent, in their leases, any parts of the Fishery Reserves or lands which belong to the Crown, or rather, now to the Government of this Island, which has the sole control and management of them; and all its enactments and provisions have been framed upon principles so perfectly in accordance with reason and justice, that—I again repeat it—I cannot possibly conceive how any public man, professing, as respects his public acts and decisions, to be governed by principles of sound reason and impartial justice, could, unless through adventitious or undue bias of judgment, give his voice against such a measure.

His Honor on my right (Hon. Colonel Swabey) has distinctly adverted to animadversions which have been made elsewhere, not only without, but within, the walls of this building, relative to the constitution of this House and its individual composition. With any remarks, made with the intention of impugning the legislative character of this House for integrity and efficiency, in which individuals outside may choose to indulge, under what pretence soever they may be uttered, we can here have nothing to do; and neither can we, without a positively gratuitous sacrifice of self-respect, vouchsafe reply. Our legislative acts are not only duly recorded, but duly made public also; and, by the estimation in which these acts are held by the thinking, intelligent, and discriminating portion of the community, must our legislative character be established, as entitled to honor, or deserving reprobation. None, as we well know, are found perfect, whether they be tried in their individual or in their collective capacity; but although, as legislators, we may, at times, have erred in judgment, I am happy to think that we can safely point to the records of our public acts, and ask the intelligent and candid whether these records do not afford the most satisfactory and convincing evidence, that the improvement of the social and political condition of the people, the protection and extension of their natural and constitutional rights and liberties, and the advancement of all their real interests, have ever been the peculiar objects of all our deliberations and resolutions. As respects what may be said in another Branch of the Legislature, in the course of debate, by any of its members, derogatory to the legislative dignity and character of this House, the case, in some points of view, is widely different. If members of another House so far forget that self-respect by which men in their position should be governed, if they so far disregard parliamentary courtesies and decorum, as, when speaking of this House, either collectively or individually, to asperse them in their legislative capacity and characters, in language the most unparliamentary and ungentlemanly, as some of Your Honors now present have, I understand, heard them do,—the only course, with reference to such unbecoming and unprovoked breaches of parliamentary propriety, which we can feel at liberty to pursue,—as I am sure Your Honors will all most readily admit,—is, whilst both condemning and deploring that unjust and ungenerous spirit in which they seem to have their origin, most carefully, most guardedly to avoid, in the course of our own debates and deliberations



every expression or word which might justly, although only for a moment, lay us under the imputation of being governed by any such motives or principles as those, the manifestation of which in another quarter we at once censure and regret. Your Honors must be aware that, in thus expressing myself, I am by no means merely simulating a moderation by which, as the President of this House, I have not hitherto been governed. On the contrary, I have never myself, in any of our debates or discussions, as Your Honors I am satisfied will bear me witness, indulged in any reflections injuriously affecting either the private or the public character of any individual member either of the Executive or of the Legislature; and neither, on any occasion when, through momentary inadvertence, any of Your Honors may have been on the point of lapsing from parliamentary propriety, have I failed to make the admonitory call to order,—a call, to which the most prompt and cheerful acquiescence has ever been accorded. But, Your Honors, when, after long and deliberate preparation, a direct attack is made, by a majority in another House, upon our clearly defined and well established constitutional rights and privileges as a Branch of the Legislature, and no recognition of our existence as such, which can, by any possibility, be avoided is accorded to us by that ruling majority, it is time, high time, indeed, to assert the dignity and independence of our position; and never, when such attempts to defraud us of our due constitutional weight and importance, as the Upper House of the Legislature, are brought immediately before us, and are properly under our consideration, will I fail individually to use my best endeavours to repel and defeat them, or hesitate to make manifest, according to the best of my ability, the insidious and dangerous character of the designs which they are intended ultimately to effect; and neither, I am certain will your Honors fail to interpose every constitutional barrier to any arrogant assumption of misconceived authority, and to every attempt at encroachment upon our parliamentary power or privileges, which may characterize or proceed from an overweening majority in another House. I shall never make any factious oppositions to the party now in power; and never will I, to promote any merely party views or designs, offer opposition to the passage through this House of any good and wholesome legislative measure which may be sent up to us, for our concurrence, by the majority of the House of Assembly, much as I am opposed to the political views and principles on which they base their power; and neither, I trust, will any your Honors. But the very moment in which any measure shall be laid before us, the object of which is the disruption or violation of the compact into which the Legislature of this Island entered with Her Majesty when she was graciously pleased to concede to us the establishment of Responsible or Departmental Government—that very moment will it be our duty to become positively obstructive, to lay our hands upon the measure, to arrest its progress, and,—in the legitimate exercise of that independent power and judgment with which the constitution has invested us, for holding the even balance between the popular and the executive branches of the Legislature,—to say it shall not become law. So long as the conscientious political convictions of the majority of this House shall call upon them to oppose the general or ruling policy of the party now in the ascendant, so long, to them, must an open, straight-forward, and uncompromising persistence in a course of opposition to that policy be the evident, the unmistakable path of public duty; and in it, I doubt not, they will steadily, honestly, and honorably persevere; for their continuance in such a course of opposition, is quite compatible with their full recognition of the merits of any legislative measure

proceeding from that party which may evidently be for the public good; and every measure of that character which they may send up to this House, will, I am certain, be most readily and cordially entertained by your Honors. As yet the dominant party have not gone so far as to call upon us to sanction, by legislative enactment, the infraction or disruption of the compact entered into by and between Her Majesty and the Legislature of this Colony, in 1851; but they have really done much worse. By that compact Departmental Government, as at the time in practice in Nova Scotia, New Brunswick, and Canada, was established in this Colony; that is Responsible Government was, by that compact, conceded to the people of P. E. Island, on the very principles on which Parliamentary or Responsible Government subsists in Great Britain, and in that form, and according to that system, in which alone any real or direct responsibility to the people has been found, or can be made, to exist—government by heads of departments, having seats in the legislature, and the chief or major portion of them in the popular branch, having been confirmed in their official appointments by the approbation of their several constituencies. I say the dominant party have not as yet attempted to set aside the lately established form of government by legislative enactment; but they have done much worse. The majority in the other House, have dared to violate the great fundamental principle of parliamentary government. Acting upon the monstrous assumption that in a majority of the Lower House, is vested the whole power of the state, the leaders of that majority have taken upon them to change our form and system of government without the concurrence of the other two branches of the legislature. A British Parliament, as we all know, consists of three branches or powers. In the parent state, of sovereign, lords, and commons. In her colonies, of three analogous bodies—the representative of the sovereign, a Legislative Council, and a House of Assembly. And, besides, as we all likewise know, no law can be passed, nor any fundamental change made in a system of British parliamentary government, without the concurrence therein of the three parliamentary estates, whether in the parent state or any of her colonies. Yet, notwithstanding this palladium which the British Constitution interposes between usurpation of power and irregular change, a party, sustained by a majority in the other House, have arrogantly taken upon themselves—without even having sought the concurrence in the act of the other two branches of our local legislature, or endeavoured to obtain Her Majesty's sanction of their intention—completely to subvert that form and system of local government which was so lately, after the most mature deliberation and all necessary preliminary negotiation, conceded and confirmed to the people of this Colony, by Act of Parliament. On the strength of a decided majority in the popular branch, a party may constitutionally endeavour to effect a change in the working of the constitution; but, were such a majority of itself, unsustained by the other branches of the Legislature, and without their concurrence, to make any alteration or innovation in the practice of the constitution, it would amount to nothing short of a positive revolution, or an actual subversion of the constitution itself. Your Honors, cognizant of these facts, we would, most likely, have thought any party,—however strongly sustained by a majority of the other House, and however fairly that majority might have been obtained,—quite presumptuous enough, should they have attempted by Bill, that is by a regular parliamentary mode of proceeding, to subvert our free constitution, although, in such case, it would have been in our power, by our mere constitutional resistance, to defeat their object. But now, when a party, (seemingly convinced that

such a Bill, if brought forward by them, would not become law) have surreptitiously,—yes, almost literally by stealth,—effected a disruption of our constitution, setting aside not only the parliamentary power of this House and of Her Majesty's Representative, but also totally disregarding the authority and sanction of Her Majesty herself, it will, in my opinion,—in the event of their failing to afford us, in the shape of a Bill, an opportunity to discuss and dissent, should it appear to us right and just so to do, from the grounds, assumed as constitutional, on which the change has been made,—most certainly be our duty to protest and remonstrate against it, distinctly and strongly, in a dutiful Address to Her Majesty. To some of Your Honors, these remarks may, perhaps, appear irrelevant to the subject immediately under our consideration, which is the Despatch of Sir Edward Bulwer Lytton, the Secretary for the Colonies, in which he informs us that he cannot advise Her Majesty to assent to the Fishery Reserves Bill, because the claim of the people to those Reserves is obsolete. But irrelevant they cannot be deemed by any who justly consider that this dictum of Sir Edward Bulwer Lytton and the arbitrary change which has just been made in the government of the Colony, are precisely of the same nature, and are, under the present aspect of our affairs, together forced upon our attention at the same moment. As, however, the change in the form and system of our government, will, by itself, be brought under the consideration of your Honors, I will reserve any further comments which I feel disposed to make upon its arbitrary and unconstitutional character, until it shall be fairly before us. His Honor (Col. Swabey), in opening up and reviewing the question of the Fishery Reserves, has clearly shewn that the privileges intended to be conferred upon and preserved to the people of this Island, and to British subjects in general, in the making of the Reserves in the original Grants, have been duly claimed and insisted upon, to the present time, ever since the Island became a British Colony; and, in a most able and convincing manner, has he sustained every fact and proposition which he has advanced concerning them, proving beyond the power of dispute that the declaration that the claims of the public or of the government to the rights originally retained for the public benefit in these Reserves has become obsolete. I have had the honor to sit in this House, as a member of the Legislature, for the last twenty years; and, of my own knowledge, I can safely affirm that, in every legislative session during that period the question has been mooted. Nay, not only has it always been kept prominently before the Legislature, but it has been legislated upon; and, although not successfully, yet the fact shews that the claim of the public to the Reserves, instead of having become obsolete, has never been relaxed. If we have legislated unsuccessfully upon the question, (and truly sorry am to be obliged to confess that all our legislation thereon has been nugatory,) we have been unsuccessful, not because we legislated unjustly, or upon imaginary or untenable grounds, but only because whenever and wherever proprietary interests or proprietary assumptions of right, how indefensible soever they may be in law and equity, clashed with or were opposed to the just and true rights and privileges of the tenantry or the public at large, as insisted upon by any acts of legislation in the Colony, the proprietors have always successfully exerted the unconstitutional influence which they possess with the Home Government, to defeat such measures. And, very unfortunately for the people of this Colony, the facilities of access to the Colonial Office, most unjustly extended to the proprietors and their agents, enables them to make in secret, whatever statements they may think most likely to overbalance the allegations, grounds, and reasons which may have been publicly set forth by our local legislature in support of any measure devised by them for the relief of the tenantry or benefit of the people in general. Opposition so insidiously made and so unconstitutionally allowed, we are unable to meet or withstand; and, so long as the people of this Colony shall be dependent upon the Home Government for justice in the issue of any agrarian question in which the claims or assumptions of proprietors, however unjust they may be, shall conflict with the just rights and privileges of the tenantry or the public, just so long, if proprietors and

their agents be allowed to have that secret and unconstitutional intercourse with the Colonial Office which has hitherto been most unjustly accorded to them, just so long, I say, will all our legislation on any such question with a view to the amelioration of the condition of the people, be altogether nugatory. Nearly every Despatch of the Home Government bearing upon any such question—that now under his consideration, as well as all others—affords the most convincing evidence of the animus in which it has originated. The objects of all our agrarian legislation have secretly and grossly been misrepresented, by proprietors and their agents, at the Colonial Office; and Colonial Ministers, by such means, have been induced to believe that we had no other end in view than that of trampling upon the rights of proprietors, and that it was their duty to withstand us and to answer us in the condemnatory manner in which they have so frequently replied to us. Three estates were originally recognized in the British Constitution—those of king, lords, and commons. In process of time, however, a fourth estate, and that not the least, as is shewn by its influence upon national questions of the greatest moment and of the utmost magnitude sprung up. I mean that of the Press—a free Press—and almost inappreciable are the benefits which, in every point of view, it has conferred, and is conferring, upon the human race wherever it exists. Much good has it done even here, although its wholesome influences, as well as all our attempts at ameliorating agrarian legislation, have been most banefully counteracted by a power, which, as respects this Colony, may very properly be termed the fifth estate: I mean that of the proprietors, their agents, and their dependent faction. This power, this fifth estate, rests like an incubus upon the body of our body politic, paralyzing and deadening its strength and faculties; and never until it shall have been completely shaken off will popular rights be fully and permanently established in this Colony. Till that is accomplished we shall be doomed to lasting uncertainty and unceasing contentation. In 1855 or 1856, we passed some such Bill as that which is now condemned as thjust to proprietors; and, afterwards another was framed and sent Home to the Colonial Office for the purpose of ascertaining whether or not it was such a measure as the Colonial Secretary would deem it right to advise Her Majesty to confirm by the Royal allowance, should it be passed by the Legislature here. The Draft Bill sent home for the purpose of ascertaining the opinion of the Imperial Government concerning its proposed enactments, was duly acknowledged by a Despatch of the Right Hon. Henry Labouchere, at that time Secretary of State for the Colonies, addressed to His Excellency Sir Dominick Daly, which Despatch is dated, "Downing Street, 27th March, 1857." Let us see what Mr. Labouchere wrote concerning the proposed measure. "I have," he wrote, "to inform you that Her Majesty's Government have no objection to the introduction of the measure,—which they hope may prove a serviceable one: but they cannot pledge themselves to advise Her Majesty to sanction it, until they have had an opportunity of considering any objections which parties interested in its provisions may have to make to it: which such parties will be able to do while it is passing through the Legislature." Mr. Labouchere, it seems, very naturally concluded that the proprietors,—being the parties who, most probably, would think that their interests would be endangered by the provisions of the Bill should it become law,—would petition against it. But in anticipating their opposition to the measure, it is very clear that he expected they would oppose it in a manner in accordance with parliamentary usage, that is that they would petition the Local Legislature against it "while it was passing through the Legislature." This, however, the resident proprietors and the agents of the non-resident or absentee proprietors, refrained from doing; although ample time and opportunities were afforded them, while the Bill was passing through the Legislature, to shew cause, by petition, why the Bill should not become law. They were, it is but fair to suppose, well aware that, should they so petition the Legislature, their mistaken views, and the futility of their arguments against the measure, would quickly be taken up and quoted at their real worth. They, therefore, preferred their old *ex-parte* mode of proceeding, and sent their petitions against the measure to the Colonial Office, where, as they perhaps

calculated, the way would be prepared for their favourable reception, or where, at least, there was no reason to apprehend that they would undergo any hostile investigation. The names of the individual proprietors who petitioned the Imperial Government against the Bill, from this island, are, I see by the copy of their Memorial to Lord Stanley, T. H. Haviland, Charles Palmer, Robert Bruce Stewart, Wm. Douse, and James Yeo; and of land-agents, G. W. DeBlois, for Samuel Cunard; H. F. Cundall, for John Hodges Winsloe; G. W. DeBlois, for H. H. Stanfield; Wm. Douse, for Earl of Selkirk; James Yeo, for Lawrence Sullivan; T. Heath Haviland, for Robert Montgomery; T. Heath Haviland, for Wm. Montgomery and George Montgomery; G. W. DeBlois, for Edward Cunard; T. Heath Haviland, for Sir G. Graham Montgomery, Bart.; T. Heath Haviland, for James F. Montgomery; James Moore, for James Peck; Wm. Douse, for James Montgomery; William Douse, for William Bowley; H. D. Morpeth, for Melville; Robert Stewart, for Robt. Gun Cunningham; Robert Stewart, for F. H. Byrne and A. M. Byrne; and William Forgan, for the Right Hon. Lawrence Sullivan. But, free as they were to petition the Legislature against the Bill whilst it was passing through its different parliamentary stages, not a single petition in opposition to it was, unless I strangely forget, presented to this House by any of these proprietors or proprietary agents. Had they so petitioned against the measure, it would have been acting in accordance with parliamentary rule. But these parties will not do so; such a course of opposition would be too fair and open for them to ground any hopes of success upon it; and none but that which can be sustained and promoted by proprietary influence at Home will they ever pursue. It is true my hon. friend on my left (Hon. Mr. Forgan) entered his protest against the Bill on our Journal; but its passage was not opposed by a single petition to this House, or to the other I believe. That is a course which I believe has never been adopted by resident proprietors or proprietary agents: the power on the exercise of which they altogether depend for the maintenance of proprietary usurpations is the influence of the great absentee proprietors at the Colonial Office. This influence has, hitherto, been a positive curse to this island; and, as such, will it continue to operate as long as it shall be suffered to exist. If it can be destroyed in no other way, we must seek its extinction by the accomplishment of a federal union, under which, our interests and welfare being blended with those of the larger and more important provinces, the powers of proprietaryism, if exerted against them at all, would certainly be exerted against them in vain. I am far from being inclined to make any thing like an extravagant demonstration of my feelings concerning the cruel injustice which, by means of proprietary influence at the Colonial Office and proprietary petitions sent to it, has so long been perpetrated against the people of this Colony; but I hesitate not to express my earnest belief that they will yet rise in their majesty and strength, destroy that influence, by constitutional means, and thus render such petitions for ever after perfectly innocuous. The statements contained in the petitions to which I have just adverted, cannot be substantiated; and would, had they been duly investigated at the Colonial Office, have been found to be wholly fallacious. And yet the Despatch now under our consideration proves how strongly they have biased the mind of the Minister against the just and reasonable views entertained in common by the people, the government, and the legislature of this Colony, with regard to the Question of the Fishery Reserves. Mr. Labouche, in 1857, informed His Excellency, Sir Dominick Daly, "that Her Majesty's Government had no objection to the introduction of the measure,"—the act intitled 'A Bill relating to the Fishery Reserves,'—"which they hoped might prove a serviceable one." Surely this language of the Colonial Minister, so decidedly approbatory of the measure, was strong encouragement to the Government and Legislature here to hope that, on their passing the Bill, it would be confirmed by the Royal allowance. But in 1858, the Bill having been passed here and sent Home for confirmation by Her Majesty, a widely different opinion concerning the merits of the measure emanates from the Colonial Office, under the control of a new incumbent. And thus has it ever been on all land questions. The people have alternately been encouraged to hope for justice—have

been tantalized by promises, seemingly sincere—and disappointed, irritated, and provoked by the most ungracious rejection of their demands. The vacillating character and contradictory nature of the Despatches received from time to time from the Secretaries of State for the Colonies, most provokingly unjust as they certainly are, may, I think, be easily accounted for. Colonial Ministers, when left to the free exercise of their own judgment, perceive the reasonableness and propriety of all the demands made by the people of this Colony upon the Imperial Government; but, before they have it in their power to cause effect to be given to their just and impartial opinions, either they are removed from office, or they are induced, through the secret workings of proprietary influence and *ex-parte* proprietary statements, to forego their own independent and correct judgments; and the people are cast back, from a state of pleasing anticipation, to one of gloomy and indignant disappointment; and the conviction is forced upon their minds, as it is most strongly upon mine, that, until the proprietary influence at the Colonial Office shall have been completely destroyed, it will be in vain to legislate on any question relating to the lands of this Colony. That influence must be annihilated, or general prosperity and happiness will never be experienced in Prince Edward Island. This, my opinion concerning the vacillating policy of the Colonial Office and the contradictory nature of the Despatches which, from time to time, we receive from it, is, in no small degree, strengthened by what has been stated to me by two gentlemen from the neighbouring provinces of New Brunswick and Nova Scotia, each of them a member of the Executive of his own province. The first of these gentlemen, he from New Brunswick, told me that the number of Despatches, from the Colonial Office, annually received by their Government did not exceed six or seven, other than mere circulars; and the other, from Nova Scotia, informed me that the number received by their government, in any year, seldom exceeded four, except the usual official announcements. Contrast these statements. Your Honors, with the fact that every English Mail brings us two or three mandatory Despatches from the Colonial Office; and then say whether we and the people of the neighbouring Provinces are, or are not, as we ought to be, placed upon the same footing as respects self-government. Self-government is theirs, perhaps to the fullest extent to which it can properly be conferred upon them, as dependencies of Great Britain. But self-government with us is deranged and crippled, if it is not now completely subverted; and that it is so is chiefly owing to the baneful influences of proprietaryism. When, in 1851, Responsible Government was, seemingly on the broadest and most secure basis, conceded to us, I rejoiced to think that we had forever got rid of the control of the Colonial Office, and would, thenceforth, have nothing more to fear from the injurious interference of its evil genius—the Proprietors. I rejoiced to think that the people had, at length, deservedly obtained what they had so long justly and perseveringly demanded—the establishment of self-government, to as full an extent as it could, with due regard to their dependence upon the Mother Country, be conceded to them; and the loudly called for and long delayed redress of agrarian grievances, I trusted, would then be found easily attainable, and would speedily follow. But sad experience has taught me that I was greatly deceived; and I am now fully convinced that, unless we shall first be able to destroy the influence of the proprietors with the Imperial Government, all legislation, however just, wise, and necessary, concerning either the Fishery Reserves, or having, in any way, for its object an equitable settlement of the Land Question, will be perfectly nugatory. The Resolution submitted by His Honor, (Colonel Swabey) is a clear and concise expression of an opinion in which I fully concur. It is an opinion which duty to ourselves renders it incumbent upon us publicly to express; and I hope it will pass with the unanimous concurrence of the House. I say with the *unanimous* concurrence of the House; for I do not understand a silent dissent, such as that which,—last session, when the Bill to which the Resolution refers was agreed to by the House,—was manifested by an honorable member of it, who, although he, by protest, recorded his dissent upon our Journal, yet uttered not a single sentence to shew that the measure was not a good and just one. If any of your Honors intend to vote against the Resolution now before

us, I hope you will think it right to give the House your reasons for your intention, to the end that they may go forth and be submitted to public judgment; and that we who support the Resolution may be afforded a fair opportunity to reply to whatever may be advanced against it, so that our different opinions and the arguments by which we severally sustain them, may be fairly placed before the people, and be fully and fairly canvassed by them. Let us prove to the country that we are not a body of men,—such as certain individuals elsewhere have said we are,—united together to obey the behests of others, and bound to receive and admit, as just and true, without examination or debate, whatever they may advance; but a body of free and independent gentlemen, composing a perfectly free and independent branch of the Legislature, and ready and able, at all times, to maintain, by the power of argument, whatever position we may, as a legislative body, assume; and, in like manner, prepared to defend any conclusions at which we may, in that capacity, have deliberately arrived. I really hope that the passing of the Resolution will have the desired effect.

(To be continued.)

## HOUSE OF ASSEMBLY.

### SUMMARY OF PROCEEDINGS.

SATURDAY, May 7.

House met at 11 o'clock.

Indian petition for exemption from ferrriage, and petition of Indian Commissioners, for aid to assist the Indians to purchase seed potatoes, were disposed of,—the first was refused. The Commissioners referred to Committee of Supply.

The petition of Daniel Scott for compensation in an action with the late Government. Referred to Committee of Supply.

Several other petitions having been disposed of, the petition praying for the introduction of the Scotch law of trial by jury, was read by the Clerk.

Hon. Mr. THORNTON looked upon the application as quite ridiculous; it would be converting a Petit Jury into a Grand Jury.

Hon. Mr. HAVILAND—It was not so very ridiculous after all. Lord Campbell had introduced a Bill into the British Parliament, for the introduction of the Scotch law of trial by jury into England. It had not passed, and, therefore, it was better not to take any action in the matter till next year.

Hon. Mr. PALMER thought the petition well worthy the consideration of the House. He had intended to introduce a bill for the introduction of trial by jury according to the Scotch mode, into P. E. Island. He knew the English system was a long cherished custom; but they knew the difficulty in obtaining a verdict. He would make the jury 14, and allow 9 to bring in a verdict. The majority of 12 is 7, and they all knew how easily one influential man might gain over 5 to his opinion; 9 out of 14 would be preferable. He had seen the evils of the present system in civil actions. Suitors had withdrawn from Court, rather than submit to the certainty of defeat, when they knew that prejudiced parties were on the jury. There was not time to take the matter up this Session, but he hoped it would be next year,—he should make it applicable to civil and criminal actions.

Hon. Mr. LONGWORTH concurred in all which had fallen from his hon. friend, Mr. Palmer, and would support the introduction of the Scotch law of trial by jury into the Colony.

Hon. Mr. HAVILAND was glad to hear his hon. friends, Messrs. Palmer and Longworth, favourable to the measure. He would, however, stick to three-fourths the jury—9 out of 12. Lord Campbell had stated in his place in Parliament, when introducing the measure, that he had often known one

man hold out against 11. Such was frequently the case; but he had heard of a jurymen here, who was more pliant. It was his custom to wrap himself up comfortably, saying, that when 11 had agreed, he would make 12.

The petition was referred to a Committee to report next Session.

The petition from the Board of Health at Oncompee for assistance to erect an Hospital, was discussed at considerable length,—the House deciding it inexpedient to grant its prayer, as the remedy was elsewhere.

On the petition of Duncan McMillan, Tavern Keeper, being read, Mr. CONROY stated, the gentleman had only done a charitable and christian act—by affording shelter to a fellow creature—a poor female—during her confinement; his kindness in keeping her five weeks after, and supplying the baby with necessary clothing, would, he hoped, obtain for him a higher reward than this House was able to give. Were he in the petitioner's situation, he should prefer the satisfaction of his own conscience, in the performance of a work of mercy, to any pecuniary recompense which the House could bestow.

Hon. Col. GRAY—It was all very well, on the part of the petitioner, to hope for his reward in futurity, and he trusted he should not be disappointed; but he required also part payment at present. (A laugh.)

Hon. Mr. PALMER—They should vote him the baby. (Great laughter.)

On motion of the Hon. Mr. HAVILAND, that the Bill to amend the Act of Incorporation of the Methodist Church of P. E. Island, be read a second time, Hon. Mr. COLES, in the absence of a petition accompanying the Bill, opposed it. It was an Act transferring the power vested in the Trustees, under the Home Conference, to a new Conference established on this side the Atlantic.

Hon. Messrs. Palmer, Longworth, Haviland, &c., explained, at great length, the proposed amendments in the Bill,—the transfer effected of the right of superintendence of the property of the Methodist Church in the British North American Colonies, from the British Conference to the Eastern Conference of North America; and by mutual arrangement, the further consideration of the Bill was postponed till Monday, with the understanding that if no objections should be offered by parties concerned, the Bill should be proceeded with. Adjourned at 7 o'clock.

MONDAY, May 9.

House met at 10 o'clock. Bills to incorporate Free Churches of Bedeque and New London, read a second time; committed. Reported and ordered to be engrossed.

Hon. Col. GRAY, Chairman of the Committee appointed to draw up a loyal and dutiful Address to Her Most Gracious Majesty, in accordance with the resolutions moved by him on Thursday last, brought up the draft Address—for the appointment of a Commissioner or Commissioners to negotiate with the Proprietors—report on the Fishery Reserves, &c., in order to prevent, in future; all agitation in the Colony, by settling for ever those questions which had hitherto been the fruitful source of animosity between Landlord and Tenant—to the great detriment of the best interests of the country.

Hon. Mr. THORNTON would not oppose the Address. He was in favor of the principle; but the Legislature had, in 1843, adopted something of a similar nature,—it was sent home, and it was never more heard of. He hoped such would not be the fate of the present. He felt sorry that he was not in his place during the discussion, and at the division. Had he been in the House, he would have supported the resolutions, while he objected to the preamble. He was opposed to delegating the sole power of settling the land



question in Prince Edward Island to one person—three at least was more preferable—the latter principle had been adopted, which removed one of his principal objections. He had never been an escheator, and was not so now; but even at the eleventh hour, he was prepared to support Escheat, if any good to the people would accrue by Escheat. He feared the Proprietors would turn a deaf ear to the claims of the Tenantry, through the Commissioner or Commissioners,—they would not feel inclined to make much sacrifice for the advantage of the tenant farmers of the Colony. He trusted, however, that the measure, as now before them, would receive the cordial co-operation of the other branch of the Legislature. He was inclined to give it a fair trial; and as his motto was to take all he could get,—though far short of what he wished—and believing also, that it might be the commencement of advantages to the people—in giving them a portion of the justice to which they were entitled—he would support the Address.

Hon. Col. GRAY said, there was only a shade of difference between the Hon. Mr. Thornton and himself, as to the resolutions, which he had the honor of introducing the other evening to the consideration of the House. He was sorry the hon. gentleman was not in his place during the discussion. He had expressed himself favorable, in part, to the resolutions, and he was glad to find that he was not opposed to the Address.

Mr. COOPER was convinced that the power of the Commissioner or Commissioners would be but very limited in doing justice to the people. If the power rested with the Government, the country, and the Commissioners, he would have no objection to give it his support. But this was only going half way—resorted to as a means of delay, and would only disappoint the people in their reasonable expectations,—and the only way to bring the matter to a fair conclusion, was to agitate the country from one end to the other—that public feeling might be elicited, and this grievance of the people redressed. He could not, in justice to his own feelings, and in the discharge of his duty to his constituents, support the Address.

Hon. Mr. COLES—It was true that in 1843 an Address, nearly similar to this, was introduced for the first time into this House. It was supposed that it would prove beneficial to the people; but it failed to do so. Messrs. Cooper, McDonald and McGregor voted against it. Mr. Cooper was sent home to try and have the question settled, and still no good was the result. The hon. gentleman read the Address of 1843, and said, this goes a little farther, fixes a price for the purchase of the land—recommends a reduction of the rent—holds out the hope of future advantages to the people—which, he trusted, might be realized—embraces other measures of importance in which the people have the deepest interest—accorded more with his views than the resolutions, and, therefore, he would give it his support.

The Address was adopted—22 voting for it, and Mr. Cooper against it.

House in Committee of the whole on the petition of the Contractors of Prince Street Wharf.

Mr. DAVIES handed in the report from the Committee, which considered the arrangement between the contractors and the Government final, and should not be disturbed; but recommended that, in equity, some compensation be given petitioners, for loss sustained by them at the hands of the late Government.

Hon. Mr. THORNTON looked at the report as very strange indeed, an anomaly in terms, viewing the decision of the arbitrators as final, and not to be disturbed, while it recommended compensation to the petitioners, for loss sustained by

them at the hands of the late Government. The Committee had, no doubt, through motives of charity, recommended some compensation, while the award of the arbitrators forced them to think, and very correctly, that the decision was final, and should not be disturbed. The late Government had the control over those matters—their own contracts,—they agreed to arbitration with the contractors; the award had been made, the matter finally settled, and yet the petitioners come to this House, and ask us to set aside that settlement. Something like the petition of Mr. Hazzard the other day, demanding payment, with interest, of a bill over 15 years due, which had been refused by former Governments. He would go with that part of the report which considered the matter finally settled, and not to be disturbed; and could not agree with that portion which recommended compensation to the petitioners.

Mr. DAVIES asked, what remedy had a poor man against the Government? It is no use in going to law, as the Government will not pay costs: and what are poor men to do? The Committee, of which he was Chairman, considered all the circumstances of the case, and they felt justified in recommending compensation, on those grounds—that there was extra work to the amount of £35, for which the petitioners were not paid,—that the contract was not carried out in good faith, on the part of the late Government. The contract stipulated, they were to be paid in the current money of the Island; but they were paid in Treasury Warrants, which were sold at a large discount. The floating block was taken up by order of the Superintendent of Public Works, which caused considerable delay. They had been fined, and J. Deirant had been paid £66 17s. 6d. out of these poor men's money. Under all those circumstances, the Committee, while repudiating the principle of interference with the Executive Government of the country, and being of opinion that the arbitration was final and ought not to be disturbed, believed that the petitioners had a fair and equitable claim to compensation. It was, however, for the House to deal with the matter, and give those poor men, what in justice they thought fair.

Hon. Mr. COLES said, the member for Charlottetown was not correct in what he had stated. The late Government had not acted very rigorously with the contractors; they had given up four times the amount of penalty imposed; and if they had not exacted part, at least, of the penalty provided in the agreement, they would not have done justice to other contractors. After the work had been commenced, it was thought better to have a solid, instead of a floating, block; this change was ordered by the Superintendent, the right to do so being vested in the Government, in terms of the contract; this was the only change made, and the floating block could not have cost more than £9. The late Government had acted fairly with all contractors—shown no favor to any party while performing their work. Look at the case of Scott, a staunch Liberal; he felt dissatisfied, and sued the Government. The present petitioners had also been impartially dealt with. He was one of the Committee which settled the claim of Hector McLean, who had given a receipt in full to the Government; but if, however, the present Government felt themselves justified in entertaining his petition, they might vote him any sum they pleased; they had the majority, and he should offer no further objection.

Hon. Col. GRAY could not understand how a contract could in justice be carried out, which stipulated that the payment should be in current money, but paid in paper, which sold at a very large discount. If a man owed him £500, and bound to pay it in cash, and he received paper, for which he could only get £450, he would not consider himself fully paid. Such had been the case with those poor men. They were paid £730 in Treasury Warrants, which they converted into cash at 10 per cent. discount, a loss of more than £70. Was that doing justice to those poor men? He had a very strong bias

against parties coming to a new House, where the matter had been settled by a former Government, and he repudiated the interference of the House with former Executives; but still was of opinion, that those poor men were in justice entitled to some compensation. £73, more or less, was a large sum for poor men to lose, by discount, when they should have been paid in cash. And as regarded the arbitration, and the receipt from the Government, that was all very well in law, but not in equity; law was one thing, equity another. Those poor men came here as petitioners, and would the House say they had signed away their rights by giving a receipt?

Mr. HOWAR—It appeared from the statement of the reporting Committee, that the contractors had been delayed in the execution of the work by alterations ordered by the Government; why then enforce the penalty? It was argued that the claim came too late; better late, if just, than never. What could the petitioners expect by an application to the former House, where the members were heads of departments? nothing. But now it is quite different, the majority have purged this House of such iniquity, and, therefore, parties aggrieved may apply with all confidence, conscious that if right and justice be on their side, they are sure to obtain a dress.

Hon. Mr. THORNTON—It was not fair, on the part of Mr. Howat, to accuse the late Government of having a desire to vote any petitioner down, who had a just claim, because they had the majority, and, therefore, it was not right or proper to insinuate that because a majority existed the rights of any petitioner should be voted down. They were told, that on the principle of equity, justice, mercy—not law—they were entitled to grant compensation. If they had plenty money in the Treasury, they ought to do so—he should offer no objection.

Hon. Mr. PALMER had never been inclined to lend an ear to contractors, whose claims had been refused by the Government. He always thought, and did so still, that the Government had the best right to settle their own contracts; and parties coming before this House seeking redress, should make out a very strong case indeed to justify the Legislature in revoking the decision of the Government. He would have no objection, however, to vote the amount paid in discount, but he would go no further. Looking at the contract, it was plain that if the petitioners were called upon to perform extra work, they were bound to do so. He would not say that extra work might not exclude contractors from payment of the penalty. If such extra work were a deviation from the plan, and opposed to the terms of the contract, a matter of expediency, the contractors would not be bound to pay the penalty. The Government had exacted part of the amount; they construed the contract according to law, and they had a right to do so, and if he had been in the Government, he would, perhaps, have taken the same view of the case. Yet, looking at all the circumstances, the warrants gave them a just plea for compensation, the payment being clearly a deviation from the contract; and he could not understand the reason for so wording it, but it clearly implied that the payment was to be in gold and silver. It was said that petitioners got a large sum of Treasury Warrants in advance, yet that did not exclude them from claiming discount paid on the rest; and as it was quite clear that they had paid discount, he was inclined to give them some amount; it was for the Committee to fix the sum.

Mr. HOLM—It had been stated that the petitioners had given a receipt to the Government—just so. The poor men were perhaps in danger of being sent to jail, and they were glad to take what they could get—but that did not set aside the justice of their claim. It was also asked why did they not petition the House last Session? What absurdity to suppose that the House, consisting of the parties who had refused their claim and held their receipt, would entertain their petition. He believed the poor men lost considerably by the warrants, and they were in justice entitled to compensation.

Mr. SINCLAIR condemned the principle of parties coming to the House when their friends were in power, asking money for claims settled by former governments.

Hon. Mr. HAVILAND informed the member for Princetown,

Mr. Sinclair, that the claim was not so very stale as he might imagine. The contract was entered into in 1837, the work was not completed till January, 1858, when the House was in session. A short time before the award had been made and offered—at the point of the bayonet, by Coles and Warburton—to which these unfortunate men had to submit. They had paid Treasury Warrants in advance to the amount of £523, at the period of the crisis, when the bank of P. E. Island had stopped payment in specie; the consequence was these poor men suffered great loss by the warrants, and therefore he would support their claim for compensation, to the amount of the discount. But it has been said by gentlemen on the other side, that the present majority were serving their friends by supporting their applications for money grants. He denied the assertion, they repudiated the statement. The Hon. Mr. Coles had stated that the present Government brought down their demands for public money to this House piecemeal, and asked sums not charged in the estimates. They had done nothing of the kind—independent members of the majority, representatives of the popular will, had proposed money grants, which they had a perfect right to do under the present system, where the heads of departments are excluded from the House—and their grants had been passed. Not so with the immaculate Government of the hon. gentleman when he held the purse strings of the colony, he used the iron rod, and made it do its work too, as in the case of such a willing slave as Clark. The present majority exercise the sole power over the finances of the country, and he hoped they would not yield it; and as a member of the Government he told them never to part with it. Look at the sums appropriated last session not contained in the estimates, £300 to repair the Barracks, brought in by a side wind; also £250 for Government House, and £150 for Southport Wharf, not in the estimates.

The Hon. the SPEAKER said the duty of the House was to ascertain, in the first place, what amount of discount had been paid by the contractors. When they discounted their warrants the rate was 2½ per cent. The amount discounted would make the sum paid about £30; in the meantime they were in the dark as to the true state of the case. He believed the contractors had never paid 10 per cent. on the warrants. But it would be better to pay the full amount of their claim than thus take up the time of the House.

Hon. Mr. LONGWORTH—The claim for compensation should be confined to the loss sustained on the discount of the warrants, for instead of being paid in cash, as stipulated in the contract, petitioners were paid in warrants. They were not entitled to any consideration for the first amount, which was money paid in advance; nor for the second either, as the discount at those periods was only what had been usual, according to the trade and circumstances of the country. But the third payment was altogether different, at a time when warrants were at a discount of 10 per cent.; thus the £730 was diminished £73 to the loss of the contractors. It was said the cause of the great depreciation in the case of warrants was owing to the Bank. No such thing, for the Bank had in circulation, of its own paper at the time, nearly three times the amount of the bullion in its vaults; the cause was owing to the over expenditure of the Government, and not traceable at all to the Bank. The affairs of the Bank were in a sound state, their paper was out and circulated freely, they kept the gold in their coffers, while on the contrary the Government acted as a man with an income of £100 who spent £300. As the contractors had been so long past the time agreed upon to finish the work, they were not entitled to a remission of the penalty charged by the Government; but they should in justice, be paid the amount of the discount on the last payment. The reporting committee were of opinion that they should be paid something, and this hon. committee were almost unanimous that they had a just claim to compensation. If they got £50 in full it would not be too much, and he would go for that amount.

Hon. Mr. COLES—The hon. gentleman who had just sat down was always most anxious to have a fling at the late Government—his illustration of the extravagance was, however, most unhappy, it was quite untrue; for if they had £40,000

income, they should, according to his statement, have expended £120,000. Now what was the fact? Last year they expended £45,000, and their income amounted to £35,000, that was not expending three times their income; but that was owing principally to the universal depression in trade, and the restriction of the circulating medium; and also to the system which prevailed of giving 15 months credit on bonds—the Government altered that system, and the result was acknowledged to be most essentially necessary, and highly advantageous to the public service.

The blank was finally filled up with £50, and referred to committee of supply.

Hon. Mr. THORNTON presented a petition from a district school teacher, for compensation for loss of the use of money detained in the post office; and also for the trouble consequent thereon, and the great toil to which he had been subjected in travelling over 400 miles in quest of his money, before he was able to obtain it. Petitioner had left a Treasury Warrant for £25 with Mr. Aldous, and instructed that gentleman to appropriate £10 of it to part payment of land for a friend of his on the Worell estate. Mr. Aldous had agreed to have the remaining £15 discounted for 10s., promising to send the £14 10s. by mail. He did not get the money, and had travelled from St. Peter's to Charlottetown and back again three times, but could not get any information as to the money. At last the postman told him, when on his way home, that there was a money-letter for him at St. Peter's. He considered that this was a case of very considerable hardship, and would leave the petition to be dealt with by the Committee.

Hon. Mr. PALMER observed, that it was a matter solely between the petitioner and the post master, the law gave a remedy—the House could not interfere.

Mr. CONROY said before the House adjourned, he would suggest that they should come early, and endeavour to get on with the business of the country. It was a serious loss for gentlemen to be from their homes at this season of the year, and he wished therefore that members would be punctual in attending at the proper time.

Hon. Col. GRAY fully agreed with the hon. member who had just sat down. He was most anxious that they should come early and hasten through the public business. He had proposed the other evening that the House should meet at 6 o'clock in the morning; he would feel inclined to come at 4, and sit till 12 o'clock at night, in order to get through the business of the session. The season was advancing rapidly, and the time had arrived for the cultivation of their farms, and if they never sowed, it was certain they should never reap. House adjourned at 9 o'clock.

TUESDAY, May 10.

House met at 11 o'clock.

Bills to incorporate the Free Churches of Bedeque Road and New London, read a third time, and passed.

House in Committee on the Bill to amend the Act of Incorporation of the Methodist Church in P. E. Island—Mr. SINCLAIR in the Chair.

Mr. COOPER observed that the Hon. Mr. Coles was not in his place. On last Saturday evening that hon. gentleman stated his objections to the Bill, and at his suggestion its further consideration was deferred, to afford time to parties interested to make objections—if they entertained any—against the Bill. It would be well, therefore, not to proceed with the Bill until the Hon. Mr. Coles was present.

Hon. Mr. HAVILAND—It was clearly understood on Saturday last, that if no objections should be offered to the Bill it should be proceeded with on Monday, (yesterday.) This is Tuesday, and no objection had been made to the measure. It was introduced into the Legislative Council by the Hon. Charles Young—an influential member of the Methodist body—and if it were at all objectionable, some opposition would have been offered ere this. But such had not been the case, nor is it necessary, as it only provides for the transfer of the Methodist property of this Island from

the Conference at home, to that of the new guardianship recently established on this side the Atlantic.

Hon. Mr. THORNTON had no objection to the Bill. He would limit it to 4 years, and if found to work well, it could be continued.

The Hon. the SPEAKER did not see any objection to the Bill. It was introduced some few days since by members of the Methodist connexion. No objection had since been offered, and, therefore, there existed no valid reason to delay the measure.

The Bill was then agreed to in Committee, and ordered to be engrossed.

The House in Supply, Hon. F. Kelly in the Chair.

Hon. Mr. HAVILAND moved a resolution that £107 be placed at the disposal of His Excellency and the Executive Council, to defray the over-expenditure of the New London Road district for the past year.

Hon. Mr. WHELAN—If New London received a special grant in this way, he thought other districts were also entitled to the like favor.

The Hon. the SPEAKER—The House came to a resolution last year that no Commissioner should expend more than the amount of the appropriation, without the consent of the Government. The amount asked for in this instance was in accordance with that Resolution—the Government had consented to the over-expenditure, and thus the debt should be paid.

Hon. Mr. WHELAN said it should be taken out of the contingencies.

Hon. Mr. HAVILAND—The outcry was by consent of the Executive, like the debt on the bridge in Mr. Conroy's district, amounting to £168, which the present Government did not refuse. Both expenditures had been sanctioned by the late Government, conformably to a resolution of the House, and therefore this, like the other, should be paid. The appropriation for the New London district this year amounted to only £88; were this all applied to liquidate the debt of last year, there would still remain a balance due of more than £20; and what was to be done with their roads and bridges for the present year?

Mr. HOLM—The reason for the large excess of expenditure last year was owing to three bridges having fallen. The appropriation of last year was not able to meet such unseen calamities—the Commissioner applied to the Executive for power to carry out the necessary repairs—it was granted—hence in justice the district should not be called upon to pay any part of the debt out of the appropriation of the present. If so, and that they applied the whole, it would be insufficient to pay the amount, leaving their roads and bridges, as had been stated by the Hon. Mr. Haviland, without any provision for the present year.

Mr. SINCLAIR thought the over-expenditure had been too much. In his district £20 had been taken out of the appropriation for a bridge. He would not object to allow a portion of the amount asked for, but the whole amount, £107 10s. 2d., was too much. They should be very well satisfied with £50, or at most, £55, being the amount for the completion of the bridge.

Hon. Mr. LONGWORTH heard the Hon. the Speaker state, that the over-expenditure had been ordered by the late Government, and that it should be paid. He agreed with that hon. gentleman; and thought also that the Government were perfectly justified in ordering that expenditure, by repairing a casual injury over which the people of the District had no control.

Hon. Mr. THORNTON—They had heard of no special grants; but here is one to a very large amount, although

they had been told it would be better this year to take the expenses for the repair of bridges out of the road money. Here we are, said the hon. gentleman, the members for King's County, with a very small grant: appropriating £8 for Sturgeon bridge, and £10 for Montague bridge.

The Hon. the SPEAKER said, the members of the District should apply a portion of their appropriation to liquidate the debt, and the Committee ought to have no objection to pay the remainder.

Mr. OWEN would vote the completion of Crapaud bridge £65, and the remainder ought, in justice, be taken out of their money.

Mr. CONROY—If the House had not given him a grant, he could not understand how he was to pay a debt of £168 out of an appropriation of £90; and, therefore, he should follow the good old christian maxim—of doing unto others as he would they should do unto him—and felt bound to support the resolution.

Hon. Col. GRAY said, the road system was quite rotten—and wrong—and hoped the Government would not sanction these special grants. Why should £200 be laid out in one year, and expect that £100 will pay the next?

Hon. Mr. HAVILAND—It was no wonder his friend, the Hon. Col. Gray, felt indignant at the system. The fault rested with the late Government.

Hon. Mr. McAULAY—As the Committee had granted £168 to the bridge at Lewis Ferry, which had neither an approach to, nor exit from it, he should support the resolution. He should, however, be very cautious, in future, of delegating powers to those Road Commissioners. Some of them were very ambitious, as in the case of the gentleman for the New London District, who had aspired to be a representative of the people, but who had been wofully disappointed.

Hon. Mr. LONGWORTH—The Government would issue circulars to the Commissioners, informing them that, in future, they should not expend more than the sum appropriated.

The sum for the completion of the Crapaud bridge was agreed to.

Hon. Mr. THORNTON moved the reconsideration of the grant to the Indians, and suggested it be increased from £25 to £40.

Mr. MCNEILL said, they received a portion of the pauper grants—he would oppose the addition.

Hon. Mr. PALMER could not see any good grounds for the grant. Able-bodied Indians were as capable as any others of earning their livelihood. Labour here is always scarce. They should go into the fields—assist in the tillage of the soil, which would improve their own condition, and add to the wealth of the country. The system of granting them money withdraws them from their usual avocations, engenders habits of idleness, and prolongs a life of dependence. He could not see any just reason for continuing the grant, and would not consent to its increase.

Mr. CONROY understood it to be the intention of the House to add to the grant. If not, why was it allowed, on the discussion the other day, to go to Supply?

The Committee decided in adhering to the original grant.

Absolom Gregory, late a preventive officer, who got his house burned, was allowed £7, on condition that he should support his aged mother.

Adjourned at 2, resumed at 4, when the Hon. Col. Gray moved the order of the day, second reading of the Bill to alter the Constitution of the Legislative Council, by making it elective.

## ELECTIVE LEGISLATIVE COUNCIL.

Hon. Mr. HAVILAND said, in moving the order of the day, it was unnecessary for him to make a long speech. He had advocated the principle of an elective Legislative Council for several years. At first he had few supporters, but was glad to find that the principle was gradually gaining ground. Even the leader of the late Government, the Hon. Mr. Coles, had at last so far become a convert to the principle, as to acknowledge the necessity of filling up the vacancies by election; but would not go for the whole bill. The principle would, however, now command a majority of this House. The elective system had been established in the greater part of Her Majesty's Colonies, at the Cape of Good Hope, Australia, and Canada. The principle was very necessary here, where the Legislative Council had a large majority politically opposed to the majority of this House, which represented the political sentiments of the country. Look at the recent conduct of those gentlemen: they had adopted an Address to the Queen, condemning the conduct of the present Government. It was a piece of cool impudence, indeed, on the part of those individuals who have no influence in the country, who could not obtain a constituency—the acknowledged nominees of a party—who do not hold their seats for life—removable at pleasure, to condemn the present Government. The present majority of this House, 14 of whom were returned in the short session, pledged themselves to the elective principle, went to the hustings, were again returned, with four more, bound to carry out the principle of an elective Council. The necessity of the elective principle was not only felt here, but acknowledged in Great Britain. British statesmen of every shade of politics, whigs and Tories, and Roebuck—considered a radical—all are unanimous in their support of the elective principle. The Duke of Newcastle felt its necessity, and had recommended it. The Earl of Harrington had also approved of it; and the great Earl of Derby, looked upon as the very essence of Toryism, had given it the sanction of his name; and the illustrious Lord Brougham had advocated the same view in the debate on the Elective Council for Canada. It was now for the House to decide whether the old obsolete *effete* system—worn out everywhere—shall be allowed to continue any longer in P. E. Island. He should go for the infusion of new blood into the Council. Two denominations—one nominative, the other elective—are too antagonistic, and would never be found to agree in carrying out the legislation of the country, and could never represent the sentiments of the people. It was not, perhaps, in consonance in all its details with members on his side of the House. It proposed to give six members to Queen's County, and three each to King's and Prince Counties. It provides that the members shall be elected by the whole county. The distribution of members was based upon population and wealth—the only true basis of representation. The last census gave Queen's County half the population of the Island, and her agricultural wealth was in a greater ratio. This would give King's and Prince Counties more than they have at present; both have only four under the late liberal Government, being one third; this would give them one half. The qualifications of the electors would not be changed, the same machinery by which members are returned to this House should remain in operation; all possessing the franchise now should have the right of voting for Legislative Councillors. Their own qualification would be, as fixed by the bill, £700. That might be too high; his own opinion was, that £500 would be sufficient. After the first election, the members would be divided into three sections, by lot, of four each. The first to retire at the end



of three, the second at six, and the third at the end of nine years. When a Councillor was elected, he would retain his seat until he should legally retire, or when he would become a bankrupt; and the Council could be dissolved only by the Crown.

Hon. Mr. THORNTON—The gentleman who had introduced the bill knew very little about constitutions. The Legislative Council in the Colonies, like the House of Lords in the mother country, was a break-water, to oppose the power of the Crown in making any incroachment upon the privileges of the people. Not so, however, with Legislative Assemblies, or with the British House of Commons. It often happened, that whenever unpopular measures were proposed by the Minister, and that there was a certainty of dissolution, in the event of failure of the ministerial policy, that the members, in opposition to their conviction, yielded; and thus the best interests of the people were sacrificed to political expediency. But they were to have an infusion of new blood every three years, with the power given to the Council of appointing their own President. In Canada he is nominated by the Crown. On the whole, he was not opposed to an elective Council, but it should not be all at once; it should be safely and gradually initiated, guarding against those violent changes which had ever proved unwise wherever they had been tried.

Hon. Mr. McAULAY would offer a few observations on the second reading of the Bill. Although claiming no parental connexion with it, he might be called its grandfather. Nine years ago his bantling had no supporters—neglected, it fell, but was not destroyed—its spirit lives, and survives to-day in more active and healthy vitality, and has extended its influence to the other colonies of British North America. The idea of an elective Council was, a few years since, deemed most audacious by the British Parliament, as the Government claimed the power of nomination in the British Colonies. Look at Massachusetts 100 years ago, its people the descendants of the Pilgrim Fathers, with the same blood in their veins as ourselves, who claimed the right then which we do now, to elect their Legislative Councillors, and told Sir William Fitzroy, that they would do so, acknowledging no power to nominate their Councillors. An angry discussion in the British Parliament was the consequence, and that bright constellation of statesmanship, wit and genius—which eclipsed all former glory, and has never since been equalled in the erudition of Burke, the eloquence of Sheridan, the integrity of Fox, and the patriotism of Pitt. Those great minds were divided on this great principle of elective legislation. Pitt and Fox were great friends, but the discussion of this principle caused a disagreement. Pitt's views predominated—extended to the American Colonies, proving, in conjunction with all the facts in the world's history, respecting Governments, that as the people advance in the path of knowledge, they desire to be free. Our good and gracious Queen Victoria is anxious for the happiness of all her people. She desires the social and political progress of the inhabitants of this Island,—she wishes that all the evils of which they complain may be redressed,—and among those, the annihilation of the corrupt nominative system of the Legislative Council—so obnoxious to the feelings of the country. Some will say, that the elective principle is an innovation, a reflection upon the House of Lords;—wonderful, indeed, how very lordly they are. The House of Lords in England began with William Rufus, being a recognition of the power of the princes, as he permitted them to meet together at a Christmas dinner, where they discussed the affairs of the nation. This continued till the time of King John when the balance

of power was aristocratic. The people remonstrated against the rule of the oligarchs, and agitated a republican or democratic constitution. Thus the representatives of the people—the democratic commons—became a check upon the lords spiritual and temporal; for long previous to this, the chief heads of the sectaries had become amalgamated with the temporal princes, to the prejudice of the democratic love of freedom. Thus the British constitution is well balanced—properly regulated in all its parts—the royal prerogative is kept within due bounds, but not subject to any harsh restraint; the power of the Lords exercises a conciliatory influence between the demand of the popular branch of the legislature, and the will of the sovereign; and under this beautifully arranged fabric—the palladium of universal liberty—the oppressed of every nation find refuge and a home. When in Scotland, he had seen the exiled monarch of France—conversed with him, one of the chief magistrates of a mighty nation—whom adverse fate had driven from a throne, kindred and country, and whom Great Britain, in the overflowing kindness of her vast imperial heart—forgetting all national antipathies—opened wide her generous arms, and received him as a parent embraces his offspring, bestowing upon him acts of love and kindness. The lords are not all hereditary in the British empire. The British branch proper are so, not so with the rest. Look at the case of Ireland and Scotland, where many of them are elective—in Ireland for life, in Scotland for a term of years. But it would be too tedious to enter at present into the various details, in illustration of the mode and difference of the elective principle in both countries; suffice to say, that many of the House of Lords in England are elective, which overturns every argument advanced to show that the adoption of the elective principle in the Colonies is in the slightest degree derogatory to the House of Lords. But it is above all things necessary, that both branches of the Legislature here should work harmoniously together; and is this to be expected, constituted as the other end of the building is at present?—it is impossible, it is absurd, to suppose that such can be the case. Yet the interests of the people must be protected, and as all are equally affected in the adversity or prosperity of the state, the people should have a voice in the appointment of those who make the laws to which they are bound to submit. Responsible Government will never succeed in blessing the Colony while there is such diversity in the Councils—while the majority in the Council act in concert with the minority of this House; and being convinced of the evil of such a system, he could not sanction the existence any longer of the Legislative Council, as it is constituted at present; and when the right has been conceded to us of ruling ourselves, shall we not be a compact, a united body? and not submit to the degradation of being torn into shreds and patches,—shall we have no more coherence than sand? And shall we submit any longer to the nominative system?

Hon. Mr. COLES—The gentleman who had just sat down treated them to much valuable information, in his own mind, respecting the British constitution, and had been after enjoying one of those good old English Christmas dinners—like the princes of yore with Rufus—with abundance of wine, he would, no doubt, be in a better mood still to descant upon the constitution in discussing the bill. The House of Lords have often differed with the Commons, but in the end they had agreed. Just so here. Look at the Reform Bill, and also the bill to emancipate the Jews, by allowing them to serve in Parliament. He was in favor of the elective principle, and although he felt that if the Council were elective, and that they were returned as the members here to represent the people—in expressing their opinions

—there would be no protection against the power of the Crown; still he would support the principle of election, but not as contained in the bill now before them. He should not wish, however, to see men placed in a position where they would feel it their duty to oppose the wishes of the people or their representatives; and this is what is contemplated by the present bill. You want the Council elective. How can you obtain it? After the passing of the bill in this House, is it to be supposed—can it be expected for a moment, that it will receive the sanction of the other branch of the Legislature? The House of Lords in England, as stated by the Hon. Mr. McAnlay, are partly elective, and such should be the case here too. If the introducer of the measure be sincere, he should carry it out as in Canada, and then he may expect the co-operation of the Legislative Council; but to proceed, as is proposed, in dissolving the entire Council, will only create division, and end in failure. Is it to be supposed that in such a small country as this is, men totally unacquainted with the principles of legislation, who might be elected—never in the House before—without experience as legislators, could manage the affairs of the country better than those who are now in the House? Surely it were much better that they should retire gradually, as was proposed by the bill of last session. This course would receive the support of the present minority, as they are confirmed in the justice of the gradual introduction of the elective principle into the Council. The minority have no desire to preserve it in its present state. What have we seen the other day?—the sale of a Legislative Councillor; appointed to an office he had resigned to make way for a nominee of the present Government. But they are called an obstructive body, because they had passed an address to Her Majesty, declaring their want of confidence in the present Government. Look at the absurdity of the present system in which they had declared a want of confidence: a private individual, without any departmental office, lays a communication before his Excellency—a system of Government as yet unheard of in any part of the world. We have heard of pledges, but see no acts; this, perhaps, is the easiest of all, to send up a bill to the Council which they know will be thrown out. And can they expect otherwise, when they promise to give 6 members to Queen's County, and only 3 each to Prince and King's Counties? The late Government had intended to give a fair and equitable portion to King's and Prince Counties, as vacancies occurred. But if the members for those counties felt satisfied with the distribution, he would not object to that part of the bill. He opposed it in its present shape, while he approved the principle of election.

Mr. COOPER was in favor of an elective Council; but he was not inclined to remove the present members as speedily as was intended by the bill. See other countries—older countries than this, presenting a standard to direct us in this particular. Look at the United States of America, where they have a principle not subject to change. Also, Great Britain, where all is safe through the stability of a principle of administration. But here there is no fixed principle to guide us in our desire to legislate aright. There are 7 members of the Government in this House, and none of them are responsible. The Council might be an elective body, true to the interests of the Crown, but if elected subject to the wishes of the people, and the members would flatter the people and minister to their vanity, they would be returned; if not, they might be certain of being rejected. They ought to have men fit to be called upon to represent the people; the qualification, therefore, should not be too high. £700 was out of all just proportion to the circumstances of the Colony. £300 would be quite enough, and would afford the

people a wider range of selection. The bill should be published in a form that might be expected to receive the sanction of the Council, and also the Government at home. It was wrong to send it to the constituencies in a shape which it was not expected to see realized.

Hon. Mr. PALMER was long opposed to an elective Council. It was mooted a long time back, and he had given it his opposition. The hon. member, Mr. Cooper, has had a variety of changes in his political life. He had changed in all things except escheat. A Council elected by the people would not please him, and it was some time before he agreed to it. He had thought the more independent the Council was in its construction, it more nearly approached that of the mother country, which we were supposed to copy. He had opposed it, because he thought it would contain too much of the democratic element, and believed that the nomination by the Crown would keep us nearer the system of the home Government. He saw, however, that was unfit for this Colony. He was rather slow in arriving at this conclusion, and not so fast, as many of his friends desire, in changing his opinions—in pursuing a different course. But looking at the practical results of the nominee system, and particularly under Responsible Government, he was convinced that it should no longer exist. In Great Britain, the second branch is an independent body, derived partly from the Crown, and partly from property, rendering them free to act independent of each other. Not so here, for years ago—since party Government had become the rule of the Colony—they had surrendered their consciences, and were considered as not discharging their duties, or exercising their functions properly, unless they became the nominees of the House of Assembly. The principle of nomination by the Crown had become quite useless, for unless they harmonized with the popular branch, they soon ceased to be. This was the proper view of the principle, and when this was the case, there could not be any independence—it was gone—their utility had ceased—they only became an echo to the voice of the House of Assembly. So soon as you oppose the popular branch, you oppose the other branch also; and of what earthly use is it while kept in this manner? It should not exist in that way. It should be frequent and independent, to exercise a check upon this branch of the Legislature in times of excitement. If the members were even the nominees of the British Parliament, they would require a re-organization: the time for change had arrived, to terminate the abuses of the system. This could only be effected by popular election, which would ensure gentlemen of ability and independence to co-operate with the House of Assembly, in carrying out measures of public advantage for the benefit of the people. It was to be hoped, that these advantages may be obtained by appealing to the country, and that men may be found, possessing the requisite qualification, to assist in ushering in a better state of things than has hitherto existed. The proposition is, that when the bill would pass, the Council will be dissolved, and re-elected at given periods. If the principle were admitted, the details would follow. It had been said that they would not assent to the bill; he did not expect they would, as they would find very great difficulty in getting a constituency to retain them. But it was the duty of the majority to pass it in such a way as should please the country. Some think it would be better to begin part nominative and part elective—to send it in such a shape as would ensure its reception in the Council. He did not know what his hon. and learned friend, Mr. Haviland, thought of this suggestion, but he knew it was their duty to pass it here, and then they will have done their duty and fulfilled their promises to the people. And if passed here,

it must not be in a distorted shape, to please the minority. If they did, they would be looked upon as hopeless—having a large majority, and shaping the bill to meet the views of the Council, who act in concert with the minority in this House. It was the duty of the House to pass it, and if in its present shape they should not send it to the Council to be mocked—he would take another method of dealing with it when necessary, and one which he hoped would prove effectual in bringing it to a successful issue. The Hon. Mr. Coles consented to the principle, and was willing to coquette a little. His reasons were, that it was subject to abuse—made the vehicle of unfair traffic; said seats were bought and sold—alluding to a gentleman who had retired the other day—which only illustrates the evil of the system, and proves that men of talent and ability would not trifle away their time by remaining there, and those who remain are but little worth to the country. He felt it to be expedient to pass the bill. It was not necessary to go over the grounds which sanction its principle, or to add anything in support of the very excellent and convincing arguments advanced by the Hon. Mr. Haviland, in introducing it to their consideration. It had his hearty approval, and if passed in its present shape, it would not be necessary to send it to the Council, but wait another session, with better hopes of success.

Hon. Mr. LONGWORTH would not occupy the time of the House at much length, in stating his views of the Bill. They were all agreed on the general principle; argument was, therefore, unnecessary, more especially as the hon. mover had advocated the necessity of the measure in the clearest and most convincing manner. The only objection was to the details. The nominative system by the Crown had been found unsuited to the conditions of the people in all the Colonies, and the British Parliament, with all the most eminent of British Statesmen, had acknowledged the fact, expressed themselves in favor of the elective principle, and recommended its adoption. They had been told that the House of Lords in England was a barrier against the power of the Crown in trenching upon the rights of the people, and that the Upper Chamber here had the like effect. There was not any analogy, however, between the two bodies; the members of the one were, in most cases, hereditary, wealthy and independent; those of the other, without position, wealth or talent, who exercised little influence in the country, and were appointed to serve the purposes of a party, not the interests of the people, or to promote the good of the Colony. What an anomaly! to behold those men with political feelings in accord with the minority of this House, opposing and obstructing the wishes of the majority of the popular branch, who truly represent the wishes and sentiments of the country. The principle of the Bill—elective—was admitted as a necessity; its machinery was highly popular and democratic. The whole Council would go out at the end of nine years, affording the people an opportunity, at intervals, of exercising their political franchise in re-constructing it,—moulding it in accordance with the popular will—a great boon to the people and the country compared with the old system, which had produced only divisions in the social compact, and afforded men the power to rule in opposition to the wishes of the people. The present majority had, however, pledged themselves to abate the evil. They had gone to the country with this as one of their political professions; they had come back again to this House in greater numbers. The people expected they would do their duty, and the people should not be disappointed in their expectations. It was very strange to see with what ease men changed their principles; as long as there was a hope of remaining in office, the elective prin-

ciple was opposed, the nominative system continuing the tenure; but when the prospect of official station seemed faint and dim, more popular notions were entertained, and when official personages sunk to private station, popular principles are proclaimed. The elective principle was admitted, the only objection was to details. It was objected that Queen's should not have as many members as King's and Prince Counties. But it had been shown by the hon. mover, that she was justly entitled, by her wealth and population, to the proposed number. If the proposed distribution were unjust, why was a system still more unjust suffered to continue beneath the rule of those who now complain? Queen's had 8 members, the other two Counties only 4. The Bill now before the House gave them 6,—an addition of 50 per cent. under the elective principle to what they enjoyed under the nominative system. It had also been suggested to frame the Bill in such a manner as would ensure its success not only in the Council but also with the Home Government. He had no fear for its reception by the British Government; he entertained no hope that it would meet the sanction of the Council. Their duty, however, was to pass it; the Act would satisfy the country in the prospect of terminating a system of government in this Colony which had proved so obnoxious to the people, and had been condemned by the Ministers at home as unsuited to the circumstances of this country. He felt bound to support the Bill, and if passed in its present shape by this House, he had no fears of its final success.

Hon. Mr. COLES—It appeared the hon. gentleman who spoke last had prepared a speech in expectation of receiving opposition from this side of the House, but he was disappointed. The minority had said nothing against the principle of the Bill. It was doing very great injustice to the Legislative Council to say that they would in every case agree with the views of the present minority. Look at its present constitution, and look at the appointments of the late Government. The Hon. Charles Young, and Col. Swabey were appointed by the old Tory Family Compact; Mr. Forgan was a Tory, and appointed by the late Government; Mr. Hutchinson, if not a Tory, was at least a staunch Conservative. Were these improper appointments? Look at the appointment made by the present Government. He was certain that Mr. Johnson had as much thought of being appointed a Legislative Councillor as he had of leaping over the moon. The present Government had 4 to 7 in the Council, 3 of their own nomination, which proved the outcry against the Council is not so rational after all. But men would not be allowed to change their principles,—to adopt different opinions now from those they formerly entertained, but still remain dependent upon the will of the Assembly. Yet Legislative Councils have proved themselves to be independent. See what had occurred in Canada the other day; the Council threw out the Appropriation Bill. Were they sure that they would vote the Appropriation Bill here? If so where was the remedy? The hon. Mr. Palmer would then find that if he brought the iron rod into operation, he would find something to do. They could only be dismissed in accordance with the Royal instructions, which provide that before dismissal took place, the party should be furnished with the charge against him, in writing. They had been told also, that some of those men had no qualifications, even for Members of Parliament, and yet they had been appointed to the Council. Perhaps so, but had the appointments always been founded upon the property basis? Not so, and the objection came with a bad grace from those who had set the example. But the parties alluded to had qualifications of the highest order—education.

talent and information—the greatest requisites to rule a state.

Hon. Col. GRAY felt highly pleased while listening to the very grandiloquent speech of the hon. Mr. McAulay, and was still more pleased to find that the present Government were determined to put an end to the Upper Chamber,—that patchwork and heterogeneous mass of misrepresentation, which was only a mockery, and should not be suffered to exist in any country. If ever a people were deluded, deceived by a name, it was the people of P. E. Island; and he might exclaim, while deploring the simple credulity of the people, and detesting the delusions practised upon them by those who pretended to be their friends: "Oh liberty! what crimes are practised in thy name," &c. The present Government would not be guilty of the additional crime of telling the people that a nominative and elective system of the Council could co-exist in this Island. It could not be so, it was impossible. The former must cease, the latter be established. He had one strong objection to the Bill; that the qualification was too low. It should be much higher; £700 was not enough, £3000 would be more preferable, as it would ensure the return of men having a stake in the country, alive to its prosperity, whose real interests were identified with, and inseparable from those of the people. What had been the working of the nominative system? The dominant party had no respect for the opinions of the minority, they voted according to the teachings of their party, and at the bidding of him who had given them seats in the Council, and thus the interests of the people were sacrificed to the party predilections of a political chief. But they were told that they had representatives of their opinions in the Council. Yes, the majority of this House had one or two in the Council, and was this being represented in the Upper Chamber? When he had a seat in the Council, he knew that it was expected of every man to vote with the men who nominated him. He felt this to be degrading, and finding there was none free, but all slaves, and loving freedom himself, he took up his hat and bade them good bye. The system was a mere sham, a disgrace, a mockery of legislation. Great changes had since occurred, but the wisdom of the Upper Branch remained stationary; it hated revolution, and was opposed to all improvement, for it was an acknowledged fact that school-boys had often evinced more discretion than was evidenced in that Chamber. The cry against office-holders had been long and loud; the old family compact denounced; the plurality of office and emolument censured in the strongest terms; and yet two members of the Council were recipients of a vast variety of official bounty, and honored with a long array of high-sounding and bombastic designations; and surely those marks of public favor, and liberal dividend of the public bounty to a poor man, who could not call the chairs in his house his own, should make him grateful. It might suit the views of some men to support a mixed Council, part nominative and part elective, but it would neither suit him nor the constituents whom he represented, to tolerate a system which had secured a majority in the Council—some notorious for their office-holding propensities—opposed to the wishes of the representatives of the people. Should he consent to this arrangement, he would be acknowledging himself, and those whom he had the honor to represent, the slaves of a power unjust in principle and intolerant in practice. The people had willed, by the majority sent to represent them here, that nomination must end, and election take its place. That will was all powerful, and must be obeyed. The system which had debarred men of intelligence and respectability from entering the Council had existed too long; the mode by which gentlemen of independ-

ence, talent and integrity may enter, cannot begin too soon. Mr. SINCLAIR said, however barren the debate had been of disinterested argument, it had been most pregnant of eloquent speeches, and so many, that it was quite clear they solicited opposition. They were, however, disappointed, as no desire had been manifested on this side of the House to resist the principle of the Bill. He had often heard it remarked, when the late Government were in power, that they had always managed to keep a nest-egg. The present Government appeared also to understand the utility of popular agitation, and they hang up their Elective Legislative Council Bill to dry, as they did not, as stated by themselves, expect it to pass; but, nevertheless, it would serve to distract the country for the next three years. But why not moulded at present to suit the mind of the country? They could not suppose the people should expect it to pass, when they themselves had predicted its failure. The printing and dissemination of the Bill all over the country was intended to create agitation, at present quite unnecessary, at all times more or less prejudicial to the country. He would again repeat the opinion which he had already expressed, that if the present Government were sincere and desirous of carrying through the Bill, they could frame it in such a way as would render it generally acceptable, so as to pass at once. Such a course would be more calculated to give more general satisfaction than any species of uncalled for agitation.

Hon. Mr. WHELAN here addressed the House for more than an hour not only against the principle but the whole details of the Bill, although he admitted that that was not the time or place for the discussion of the details. But they had been reviewed by the introducer of the measure, very unnecessarily; and he felt justified, he said, in reviewing the review. He contended that the principle was unsound, un-British, and he felt confident that two elective Chambers—both influenced by popular opinion—could not work in harmony. He had been always opposed to the application of the elective principle to the Upper Chamber. He had seen no reason to abandon or modify his opposition, though he stood nearly alone in the House as the only opponent to the principle of the Bill. He denied that the public mind was agitated or disturbed in reference to the question; and alluding to the manner in which public opinion on other subjects had been misrepresented, he adverted to the means which had been taken to prejudice the late Government and to obtain a majority in that House, which he characterised in very strong terms. Several hon. members in the majority rose simultaneously with cries of order, and Mr. W. slightly modified the obnoxious expressions he had used. He then replied to the arguments in support of the Bill adduced by members on both sides of the House. The speech of the hon. member will probably appear with a more extended report of this debate.

Mr. HOWAT said, the Legislative Council was, in its present form, acknowledged by both sides of the House to be obstructive and inoperative, in carrying out the principles of legislation for the Colony. If the bill passed, they should not hear in future of what was said to have occurred the other day, where a seat was bought, and a member sold, proving the truth of the adage, that it was money made the man, as well as the mare go. Looking at the measure, he approved of its principle, but found fault with some of its details; six members for Queen's County was too great a preponderance, and £700 qualification for candidates was too high; these would need to be altered before he would give it his support. It looked too aristocratic, appeared intended to set aside the pretensions of the farmers in aspir-



ing to a seat in the Council. It should be reduced to £500. He had also a great objection to running the whole county; what chance would farmers have, under such a system, of being returned? Each county should be divided into as many districts as it had members. As respected the system of nomination, it was a very great evil, totally subversive of the principle of popular liberty, and opposed to the spirit of free institutions, as it was not reasonable, nor could it be expected, that a person would vote against the men who had given him a seat at the Council board. Mr. Sinclair had stated, that if this House passed the bill in a fair and liberal spirit, it would receive the approval of the Council. Political expediency should never induce this House to pass a bill to meet the views of political opponents. Feeling justified in the integrity of their motives, they should pass the bill, and their consciences would tell them that they had done their duty.

Hon. Mr. THORNTON felt that the bill was called for; he was in favor of a change in the construction of the Council, and would go into Committee on the bill, and speak to its details. The father of the present bill, Hon. Mr. Haviland, and the grandfather, Hon. Mr. McAulay, had given very good reasons, and advanced sound arguments in favor of the bill, and as he claimed to be the great-grandfather of the bill, he wished it every success. As stated before, he was opposed to the wholesale dissolution of the Council, but favorable to the elective principle.

Hon. Mr. HAVILAND—The Hon. Mr. Whelan stood alone in his opposition to the bill; with that single exception, the House was unanimous that a change was necessary. He never heard that the Hon. Mr. Thornton had claimed any paternity with the bill, but felt thankful for his support—he took a more liberal view than his friends—was at issue with them, and hoped he would expunge them altogether. Was there never to be any change in carrying on the Government of the country? Were they to presume, that both branches, as at present constituted, would exist for ever? Such was impossible; every election changed the members in this House—a public benefit—and such should be the case also, at stated periods, with the Council, which would add still more to the advantages of the people, and the prosperity of the Colony. But the upper chamber, as now constituted, was a mere farce. What did they see there? Dr. Young and Col. Swabey, with seats in the Council since he, and others, grown to be men, were little boys at school. But they were told that these were the appointments of the tories. But what had the present generation to do with the acts of the old tories? Were they to be held accountable for the acts of their ancestors? Such was the doctrine advanced in opposition to the English Reform—precedent was pleaded—authority quoted—yet Reform triumphed, and so also would the principles of reform in P. E. Island; and among its first and fairest fruits, would be the popular privilege of an Elective Legislative Council. In addition to the authorities already cited in favor of an elective Council, he would name the celebrated Sir William Malesworth, the acknowledged champion of radicalism, who, in the debate in the British House of Commons on the Legislative Council for Australia, declared himself in favour of the elective principle; and Lord John Russell had also, in stating the principles of Responsible Government, admitted the justice of the elective principle. With such a host of authorities in support of his own convictions, he had felt justified in introducing the bill, knowing that it would be hailed by the country. The charge of making the qualification £700, to exclude the farmers, was totally void of foundation. It was placed there, believing it would be reduced to £500—a sum not too high—

which would enable hundreds of farmers to offer as Candidates, if they felt disposed to do so. It was said that the present majority had found their way to this House by fraud and chicanery—that they had not come in here in such large numbers by fair means. The majority may thank that gentleman who had concocted the bill, which increased the number of members; yet, while the members were added to, and the districts parcelled out, to suit the convenience of the late Government, they found they had lost the confidence of the country; and some of them, no doubt, wondered at their good fortune in being returned in defiance of the popular sentiment. He had advocated the elective principle—denounced the corrupt system of nomination—stood his election, and was returned triumphantly, despite the efforts of the Hon. Messrs. Coles and Whelan, and he now had very great pleasure in congratulating the House, and the country, on the unanimity which prevailed on all sides, with reference to the bill.

Mr. CONROY would support the bill, but objected to the unequal distribution of members.

After a few explanatory observations by Hon. Messrs. Palmer, Coles, Thornton, Whelan, &c., the bill was read a first time—Hon. Mr. Whelan voting against it—was committed *pro forma*.—Mr. Yeo in the Chair.—and the House adjourned at 11 o'clock.

ANTHONY BEGLEY, Reporter.

## LEGISLATIVE COUNCIL.

### DEBATE ON THE FISHERY RESERVE QUESTION

(Concluded.)

MONDAY, April 25.

Hon. Mr. JOHNSON—I do not see that the Government have a claim to the land. As I read and understand the words by which the Reserve is made in the original grants, the reservation is not the land itself, but a privilege to erect upon the five hundred feet from highwater mark, on the coast of the tract of land granted by the original deed, stages and other necessary buildings for carrying on the Fishery; the right to the soil being in the proprietor or tenant. I certainly cannot see how any other construction can be put upon the words by which the reservation is made.

His Honor the PRESIDENT—His Honor then does not hesitate to set up his opinion in opposition to that of the law-officers of the Crown, Sir Frederick Pollock and Sir William Pollet, who, in 1843, gave it as their opinion that the fee simple of the land reserved is in the Crown.—an opinion which has never before, I believe, been impugned. His Honor set out by professing almost entire ignorance of the question, and modestly requested to have its nature explained to him. Well, now, although a very reasonable share of explanation has been afforded him, and such too as I think would have served to place the question in its true light before almost any other enquirer, his Honor still professes ignorance of it. But might he not, with greater propriety admit that he has allowed his mind to be imbued with so strong a prejudice against the measure, that not even the most indisputable facts and the most convincing arguments would induce him to acknowledge that there is any thing sound, just, or equitable in it.

Hon. Mr. DINGWELL—Proprietors have sold and leased the reserved lands, to which they must have known very well, from the plain and unmistakable meaning of the words by which the reservations are made, that they had no claim whatever as proprietors; and no reasonable person, I think, can honestly stand up in defence of their assumptions in that respect: indeed a few reasonable men among themselves admit the impropriety and injustice of such proprietary assumptions.

Hon. Mr. JOHNSON—Have proprietors ever prevented fishermen from freely carrying on their avocation upon the Reserves?

Hon. Mr. DINGWELL—Proprietors have sold the fee simple of such Reserves, when they must have known the fee simple thereof was retained in the Crown; and the persons who have bought, or are in the use and occupation of such Reserves, are liable to be dispossessed by the Government, who may at any time grant licenses to fishermen to occupy them for fishing purposes. Proprietors have unjustly leased, and received rents for, such Reserves; or they have unjustly sold and received payment for them. Either act was illegal and criminal; and, were they to be dealt with according to criminal law, not only would they be compelled to make restitution, with interest, of what money they have illegally and fraudulently exacted and received; but they would also be punished for the criminality of the deed.

Hon. Mr. JOHNSON—What I wish to know is—can the fishermen be prevented, either by landlord or tenant from carrying on the business of fishing on the Reserves? or, is the question merely to whom rent for the Reserves ought to be paid?

Hon. Colonel SWABEY—I will, once more, endeavour to make his Honor understand what I hope to be pardoned for saying he seems most strangely unwilling to comprehend. There are two classes of Reserves. In the first, 500 feet from highwater mark are reserved for the disposal of the Crown for fishing purposes; and the fee simple of such Reserves has, by the highest legal authorities been declared to be in the Crown. With respect to this class of Reserves, Lord Glenelg in a Despatch dated 8th January, 1838, says, "These lands have been reserved to the Crown, and they must be considered as forming a part of the Territorial Revenue which should be employed in the public service, in whatever manner may be most compatible with a prudent and economical use of them." And, further, he goes on to say that such reserved lands should not be alienated in perpetuity, or for any considerable length of time; and concludes by deprecating any such disposal of them as would secure to the proprietors or tenants of the adjacent soil, the exclusive possession of those facilities which are necessary for engaging in the Fisheries of Prince Edward Island. In the body of the Despatch, speaking for his Mistress, the Queen, he says, "I am of opinion that such reserved lands should be put up for Auction, at a fair upset price, to be let, either for each fishing season, or at most for one or two seasons in advance." In accordance with this suggestion, were such Fishery Reserves dealt with for several years before the transfer of the Territorial Revenue of the Crown to the Government of this Colony; and precisely in the same manner have they been dealt with, by the local Government, since that transfer was made. We have set up no new claim to such Reserves. We have only asserted our right to deal with them as the Crown, up to that time, had done. We formerly held that the disposal of these lands, for fishing purposes, was in the Crown; and, since the surrender of the Crown Lands and Crown Revenues to the Legislature of the Colony, we have held, and we still hold that the disposal of them for fishing purposes is in the local Government; and that the proprietors of the adjacent soil have never had and never can have any proprietary claim to them; for their original dedication to the purposes of fishing is irrevocable; and the action instituted by the late Government against Mr. Cox, and recently decided against him at Georgetown, affords the most conclusive legal proof that the disposal of such Reserves is now in our local Government. As to the other class, in which there is saved and reserved a free liberty to all Her Majesty's subjects of carrying on a free Fishery or Fisheries, the same high legal authorities which decided that the fee simple of the other class is in the Crown, also, at the same time, decided that the fee simple of this class is in the proprietors. When his Honor (Mr. Johnson) said "the reservation is not the land itself, but merely free liberty to carry on free fisheries thereon," had his remarks been intended to apply to this last named class, they would have been quite correct, and founded upon a fact which all admit; but, as applied to the other class, of which the lands are distinctly stated to be reserved for the disposal of the Crown, although only for a special purpose, nothing could be more erroneous. The object of the Fishery Reserves Bill, his Honor seems most strangely unwilling to comprehend; and, reiterates his query, 'Is the question merely to whom rent for the Reserves ought

to be paid?' although that query has already been most distinctly answered more than once. Once more, however, I beg leave to tell him that,—as the Bill itself most distinctly sets forth, and as his Honor the President has been at considerable pains to inform him—the sole object of the measure was, by law, to relieve tenants from their liability to rent for Fishery Reserves.

Hon. Mr. JOHNSON—When such lands were sold, did the sale of them interfere with or deprive the fisherman of his privileges?

Hon. Colonel SWABEY—No: it did not; for the right reserved to the Queen's subjects collectively freely to carry on fisheries thereon is irrevocable; and, therefore, whenever they have been sold, they have been sold subject to such reservation of right to all Her Majesty's subjects.

Hon. Mr. CRASWELL—At the time the Bill was sent up to this House I thought it unnecessary; and I still think it is uncalled for. In 1851, when, on certain conditions, the Territorial Revenue of the Crown in this Island was transferred to its local Government or Legislature, the Fishery Reserves, of which the fee simple was reserved to the Crown, being a part of that Revenue, were placed immediately and directly under the control and at the disposal of our local Government; and, therefore, in my opinion, from the time of that transfer's being made, the Government had it in their power, independently of any additional authority which, by any special enactment, could be conferred upon them to relieve tenants from the liability to rent which had unjustly been imposed upon them on account of any portions of such Fishery Reserves. The Bill was certainly devised for no other purpose than that of relieving tenants from obligations to pay rent for Fishery Reserves which had been unjustly imposed upon them by the proprietors of the adjacent soil; but I hold that it was not required, for I cannot see how any proprietor having unjustly leased lands, respecting the ownership of which there neither was nor ever had been any misunderstanding or dispute, could so far take advantage of the wrong which he had committed, as to compel a tenant to continue to pay rent to him for land the right to which was vested in a third party. We all, I believe, very well know how proprietors took advantage of the necessity and ignorance of immigrants, on their arrival in this Colony; and, exercising a right of ownership over the lands reserved in the Crown for the Fisheries, included them in the leases of their township lands, the immigrants having no knowledge of the imposition so practised upon them, nor even suspecting any thing of the kind. But now, long as it is since tenants became fully aware of the imposition which had thus been practised upon them, and long as it is since, through their representatives in the Legislature, and in every other way open to them, they have sought to be relieved from the obligations on account of Fishery Reserves, which were fraudulently imposed upon them, or into which, more properly speaking, they were entrapped,—and now that the power, till lately in the Crown, to dispose of these Reserves, is vested in the local Government of this Colony, as fully and effectually as it formerly was in the Crown, I cannot see that, at this moment, there is any thing to prevent the Government's dealing with them in such a manner as fully to relieve tenants from liability to rent to township proprietors on account of them. Whilst the disposal of them was in the Crown, there surely was no need for a special law to enable the Crown to assert its power to control or dispose of them; and now that the power to dispose of them has been transferred by and from the Crown to the local Government of the Colony, neither, it seems to me, do they stand in need of any such law to enable them to step in and relieve tenants who are, by township proprietors, unjustly held liable to rent on account of any portions of them; or that they can by any means be withheld from exercising that power for the general or particular disposal of them, so long as they only seek to exercise it with due regard to the especial purpose for which the Reserves were originally made.

His Honor the PRESIDENT—His Honor (Mr. Craswell) seems not to be aware that, although the title of proprietors to those Reserves was originally bad, and is, in fact, still so, yet tenants under lease, having covenanted to pay rent for them, can, by law, be compelled to pay it, even although deprived of

them for fishing purposes, unless otherwise relieved from it; and the sole object of the Bill was to relieve them from it.

Hon. Mr. JOHNSON—Do not tenants, in all such cases, take the leases of their lands subject to such reservations?

Hon. Colonel SWABEY—Certainly they do. But the Government and the Legislature, in their desire to preserve all the rights of the people,—both collectively and individually—and seeing that, if the right assumed by proprietors to exact rent for the Reserves should not be contravened or set aside, either the people in general would be defrauded of their common rights and privileges in the Reserves, or tenants would be compelled to pay rent for lands of which they might, at any time, be dispossessed by fishermen,—deemed it advisable to endeavor to prevent by law the existence or the occurrence of either of these evils; and the Fishery Reserves Bill of the last session was framed and passed accordingly.

Hon. Mr. DINGWELL—I fully concur with his Honor the President in all that he has said concerning the question now under our consideration; but what I now wish to state is the great satisfaction which I have had in listening to his Honor's observations respecting what has lately been done and said in another chamber. His Honor's remarks have been characterized with so much dignity and propriety, and he has therein evidenced so much of that spirit of gentlemanly forbearance and self-respect which, on such occasions, should animate every gentleman occupying such a position as that in which he is placed, that I cannot forbear endeavouring to express the great pleasure with which I have listened to him. His Honor has most justly said that we shall best show how truly we despise such low abuse as has been alluded to, by carefully guarding against every thing of the kind in our own discussions; and I feel confident that, when he said this House will entertain every measure evidently for the public good, which may be sent up to us, how much soever we may condemn or be opposed to the general policy of the party now dominant, he said no more than will be verified by our acts if we be put to the proof. We will, I am certain, cheerfully coincide with them in every measure devised by them which may really be for the public benefit; but, on the contrary, when they make a direct attack upon this House, or assume, by their acts, that one branch of the legislature can set aside the power and privileges of another, or of itself suspend or subvert our constitution, we must manifest a proper sense of the duty which we owe to the country and ourselves. The extraordinary presumption of the dominant party is sustained by the majority which they command in the other House; but, were they to bear in mind how very small was the majority really given to them by the people, and were they prudently to consider by what questionable means they have raised it to its present number, they would, I imagine, abate much of their arrogance, and demean themselves with a little more propriety and consideration than have hitherto marked their proceedings.

His Honor the PRESIDENT then read the resolution, which is as follows; and, having put the question thereon, it was carried on the division below given.

*Resolved*, That this House is of opinion that the right of this Government to dispose of those Fishery Reserves, the soil of which is reserved to the Crown, is not a right depending on any obsolete claim, as stated in the Despatch of the Right Hon. the Secretary of State for the Colonies, dated the 20th October, 1858, but one which is in frequent exercise and cannot be alienated.

CONTENTS—His Honor the President, Hon. Col. Swabey, Hon. Mr. Wright, Hon. Mr. Craswell, Hon. Mr. Dingwell, Hon. Mr. Walker, Hon. Mr. Bagnall, Hon. Mr. Hutchinson, Hon. Mr. McIntyre.

NON-CONTENTS—Hon. Mr. Forgan, Hon. Mr. Johnson.

ADDRESS TO HER MAJESTY, praying that Her Royal Instructions may be given for the formation of an Administration in this Colony, to preside over its affairs in consonance with the principles recognised and established by the Civil List Act of 1851.

MONDAY, May 2, 1859.

The subjoined Address to Her Majesty, moved by the

Hon. Col. SWABEY, was, this day, submitted to a Committee of the whole House, agreed to therein, reported accordingly, and adopted on the following division:

CONTENT—His Honor the President, Hon. Col. Swabey, Hon. Mr. Craswell, Hon. Mr. Walker, Hon. Mr. Dingwell, Hon. Mr. Wright, Hon. Mr. McIntyre.

NON-CONTENT—Hon. Mr. Forgan, Hon. Mr. Johnson.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

We, Your Majesty's faithful subjects, the Members of Your Majesty's Legislative Council of Prince Edward Island, in Colonial Parliament now assembled, humbly approach your Throne with sentiments of loyalty and attachment to your august person and Government.

Your Majesty was graciously pleased, in the year 1851, to concede to your faithful subjects in Prince Edward Island the benefits of Constitutional or Responsible Government.

To this end Your Majesty was pleased to give your royal assent to a Bill transmitted from this Legislature, and passed on the 23rd April, 1851.

This Act conceded to this Island a system of Responsible Government similar to that which is in force in Your Majesty's neighbouring Provinces of Canada, Nova Scotia, and New Brunswick, together with Your Majesty's real and personal property, in exchange for the assumption by this Colonial Legislature of the payments necessary for the future support of the Civil Charges of Your Majesty's Government, as likewise of sundry Pensions to persons indicated by Your Majesty who had been long official servants of the Crown in this Island.

The conditions of this arrangement have been faithfully carried out on the part of your faithful subjects, and Your Majesty need not be reminded that Responsible Government consists in the members of a Government being respectively members of one or other branch of a Legislature, which is the practice now in force in the before named neighbouring Provinces.

At a recent Election, with the details of which it is not necessary to trouble Your Majesty, a small majority was obtained in the House of Assembly of parties who endeavour to do away with the constitutional form of Government.

A majority, however, having been declared, it became the duty of the former administration to place their offices at the disposal of Your Majesty's Representative.

Their successors have insisted on appointing to all the Departmental and most important offices in the Colony persons who have no seats in the Legislature, and who are consequently in no way responsible to the people, and the Statute whereby all persons accepting office under the Crown are, when members of the Assembly, compelled to present themselves to their constituents for re-election, is thus evaded, and no parliamentary responsibility exists.

In the year 1854, when Your Majesty's affairs and the interests of your subjects were watched over by Sir Alexander Bannerman, now Lieut. Governor of Newfoundland, a similar attempt to abrogate the Constitution was made by the same parties. On that occasion Your Majesty's Legislative Council deemed it a duty they owed to Your Majesty and the country to present to His Excellency the following Address:

*"To His Excellency Sir Alexander Bannerman, Knight, Lieutenant Governor and Commander-in-Chief in and over Her Majesty's Island, Prince Edward, &c. &c. &c."*

"MAY IT PLEASE YOUR EXCELLENCY.

"We, the Members of Her Majesty's Legislative Council of Prince Edward Island, are desirous of calling Your Excellency's attention to the recent appointments to offices

in the Government of this Island, made, as it appears to us, in violation of the compact entered into on Your Excellency's arrival in the Colony, and calculated to deprive Her Majesty's subjects of the form of Government at that time graciously conceded to their representations and wishes by Her Majesty's command.

"We consider ourselves justified in believing that the form of Government was understood to be Responsible Departmental Government, as in our estimation will be made evident in reference to Your Excellency's Speech on your first meeting the Colonial Legislature, as well as to the Act of 16th Victoria, Cap. 3, in both of which documents the nature of the Responsible Government granted was explained and described to be similar to that then in force in the Provinces of Canada, Nova Scotia, and New Brunswick—a construction which has received its confirmation from its being so practised under Your Excellency's auspices up to the time of the recent change of Government.

"The conditions imposed on this Colony as their part of the compact, have been faithfully performed, whilst the proceedings of Your Excellency's present advisers give us just cause to apprehend the departure from that compact which in our opinion was entered into on the part of the Crown.

"We are prepared to admit that under the system conceded to us, a majority of the House of Assembly is constitutionally entitled to the possession of the Government, and readily acknowledge that were it not that Her Majesty's Royal allowance to an Act creating an entire new Franchise not yet acted on, connected with other circumstances, points out that the existing House of Assembly is not a true representation of the people—it would be the duty of this House to give Your Excellency's Government a constitutional support were it sought on terms honourable to the Members of this Council.

"That notwithstanding the efficiency of this branch of the Legislature is sensibly affected by having no adequate share in the Government of the Colony, we entirely repudiate the supposition that to a Government constructed on those principles which we conceive to be constitutional and responsible, any difficulties would be offered by any majority of this Island, which might differ from that Government, on less important political opinions.

"We further beg to refer to Your Excellency's Speech at the opening of the present Session, when you were pleased to state that you had received a requisition from several members of the Assembly, to convene the Legislature on an early day, they stating that "they considered that no time should be lost in order to exclude by legal enactment departmental officers from occupying seats in the Legislature." Your Excellency was pleased in reply to say that you declined to call the Legislature together at an unusual period, because in so doing you might be deemed to admit that evils had arisen demanding an immediate change, whilst you bore testimony to the prosperity of the Colony under the existing form of Government.

"We agree with Your Excellency that there exists no cause for alteration, nor do we recognize any desire for it on the part of the people.

"That in the mean time the offices of Keeper of Plans and Treasurer, filled heretofore by members of this Council, are given to gentlemen having no seats in the Legislature.

"That, in respect to the Treasurer in particular, the absence of that officer from one or other branch of the Legislature is not only a great inconvenience, when information is required, but withdraws that department from the surveillance of the public, which experience has shown to be so necessary to the maintenance of public confidence.

"Reviewing these circumstances, we beg to draw Your Excellency's attention to the fact that the Government have a majority in the House of Assembly consisting of those who proposed to Your Excellency their intention to pass legal enactments for the purpose of excluding departmental officers from the Legislature, notwithstanding which no step have been taken to carry out their expressed views on this matter; and two of that majority actually hold office and remain in the Legislature, yet they have made use of their official position as members of Your Excellency's Government to introduce changes not warranted nor sought for by the people.

"And thus it is proposed to Your Excellency to introduce ingredients of Government from the United States into the constitution of Her Majesty's Colony, to which Her Majesty's subjects are averse, and which are in imitation of a system probably having its origin, not in any analogous circumstances, but in the fact that in a federal union the pretensions of the representatives of different states are very difficult of adjustment, and which is moreover accompanied by great and acknowledged practical evils, and is known to be disapproved of in the American States themselves, on the just ground that their departmental officers are not the servants of the people, but of the President.

"We, therefore, pray that Your Excellency will be pleased to interfere and avert, in such manner as to your wisdom may appear best suited, these impending evils."

After the ensuing prorogation, this was followed by His Excellency's dissolving the then House of Assembly, and after the election of a new Parliament, the departmental officers were constitutionally appointed from both Houses of the Legislature; and we know that His Excellency Sir Alexander Bannerman's prompt decision in this matter was honoured by Your Majesty's Royal approbation. The somewhat adventitious circumstances of two very recent general elections render a similar course inadvisable in the present instance.

But if, in the year 1854, there existed powerful reasons for so decisive a step, those reasons not only exist at the present time in their full extent, but much has been added to aggravate the injustice then done to this branch of the Legislature; for, at that time, there were in this House two members named to take their part in the Executive Government. At this time, although there are two honorable gentlemen coinciding in political matters with the majority in the House of Assembly, and one of whom is now selected by themselves, the framers of the Government have not condescended to acknowledge the existence of the Legislative Council by placing either of these gentlemen in the Executive Government.

And here we think it proper to assure Your Majesty, that though a decided majority of this Council does not, in general, agree in opinion on public measures with the majority of the new House of Assembly, nothing can be farther from our thoughts than to interrupt by our votes the legitimate proceedings of the House of Assembly. If such an intention should be alleged against us, we can but deny its veracity and appeal to the Journals of our House in the year 1854, when parties and circumstances were relatively the same, for its refutation. The imputation can have no weight until it is borne out by our proceedings.

To sum up the ground-work of our humble representation, we complain of a total exclusion from the Executive Government of the Colony.

We beg most dutifully to lay before Your Majesty some further facts, of which it appears to us to be our bounden duty to take care that Your Majesty should not remain uninformed. In a population so mixed as this, it has been a just policy not altogether to exclude from the administration of its affairs



the Roman Catholic population, consisting of 32,000 out of 71,000, as appears by the Census taken in 1855.

In the late Executive Council, out of nine members, there were three Roman Catholics. In that just formed there is not one.

As things are, we, Your Majesty's dutiful members of your Legislative Council, and all your faithful Roman Catholic subjects, are excluded from any share in the Government of the Colony.

We need scarcely remark on the daily difficulties thrown in the way of all Legislative business by the absence from this House, not only of all departmental officers, but of any one whomsoever who can answer the smallest practical enquiry either regarding administrative affairs or the proceedings and intentions of the Government.

Under all these circumstances, we, Your Majesty's faithful subjects, members of Your Majesty's Legislative Council, pray that Your Majesty will be graciously pleased to give your Royal instructions, that an administration may be formed to preside over the affairs of Your Majesty's loyal subjects in this Island in consonance with Your Majesty's gracious instructions at the time when your Royal assent was given to the Civil List Bill passed in this Legislature 23rd April, 1851, and the compact then so generously entered into by Your Majesty may not be disturbed.

#### HON. MR. JOHNSON'S PROPOSED AMENDMENT.

Whereas, by a Despatch bearing date the 31st day of January, 1851, addressed by the Right Honble. Earl Grey, Her Majesty's then Colonial Secretary, to Sir Alexander Bannerman, the late Lieutenant Governor of this Island, His Lordship was pleased to disallow the Act passed in the previous year by the Colonial Legislature of this Colony, to make provision for the Civil List thereof, principally on the grounds that the said Act contained a condition by which "a system of Responsible Government similar to that in force in the Provinces of Canada, New Brunswick, and Nova Scotia, should be granted to and established in this Island:"

And whereas by the said Despatch, Her Majesty's said Colonial Minister was pleased to declare that "the grant of Responsible Government had never been embodied, as a condition in similar Acts, and that so much as related to the said subject of Responsible Government should stand, as was the case in the other North American Colonies referred to, on the faith of the Crown: ["Hear!" from his Honor the President,] "and also that upon certain provisions being made for certain retiring officers then in the Civil Service of this Colony, His Excellency the then Lieutenant Governor, the said Sir Alexander Bannerman, should be at liberty, without entering into particulars, to reconstruct the Executive Council in such manner as to include those who possessed the confidence of the Assembly:"

And whereas the members of Her Majesty's Executive Council, or Government of this Colony, and the principal public officers therein, resigned their seats and their said offices, shortly before the present meeting of the Legislature; and thereupon His Excellency the Lieutenant Governor was pleased to appoint a new Executive Council, with whom His Excellency is now administering the Government of this Colony:

And whereas His Excellency's said new Executive Council enjoy the confidence of the people of this Colony, as indicated by the support of at least eighteen against twelve of the Representatives in the present Colonial Parliament:

And whereas all, but one, of the twelve members composing this honorable House have been appointed under the system of Departmental Government, by the Lieutenant Governor and His Excellency's late Council, and a large majority of said twelve are gentlemen whose political opinions are well and popularly known to be in unison with the principles of Departmental Government, and which principles a large majority of the people have repudiated as totally at variance with their judgment and wishes:

And whereas the people of this Colony have repeatedly and unmistakably declared against being governed by heads of departments, as witnessed and proved at the hustings during the last two years, especially when out of five official gentlemen who have appealed to the people for approval, namely,

Commissioner of Public Lands, Attorney General, Treasurer, Colonial Secretary, and Postmaster General, one only has been able to procure his return, namely, the Hon. Col. Secretary.

Resolved, therefore that, in constructing the new Administration of this Island, His Excellency the Lieutenant Governor has acted in accordance with the well understood wishes of its inhabitants, and that there exists no law or constitutional rule, in this Colony, which demands the presence in either branch of the Legislature of any of the principal salaried officers of the Government; and that to require any or either of such officials to be brought into the Legislature against the wishes of the people (who have found from practical experience that the departmental rule is totally inapplicable to a Colony of such limited advantages for carrying on that form or system of Government) would be unwise and a breach of that faith which was established between this Colony and the parent kingdom, when Her Majesty was pleased to concede to it the advantages of Responsible Government.

WEDNESDAY, May 18, 1859.

Hon. Col. SWABEY called the attention of their Honors to an Address to Her Majesty agreed to elsewhere, having reference to the Address to Her Majesty agreed to by the Legislative Council, on the 2nd instant, which said Address agreed to elsewhere, went in one paragraph, as he had been credibly informed, to impugn the correctness of a statement made in that of the Legislative Council respecting the influence which an Address of the Legislative Council to His Excellency Sir Alexander Bannerman had had upon his mind; and moved the appointment of a Committee to prepare an Address to His Excellency Sir Dominick, by means of which their Honors might be enabled to free themselves from the imputation of misrepresenting a fact in their Address to Her Majesty, which he understood had been cast upon them. The motion, having been seconded by the Hon. Mr. WALKER, was agreed to, and the Hon. Col. Swabe, Hon. Mr. Hutchinson, and Hon. Mr. Bag-mall, were appointed a Committee accordingly.

R. B. IRVING, Reporter.

## HOUSE OF ASSEMBLY.

5th May, 1859.

### THE LAND QUESTION.

House in Committee on the despatches relating to the Land Question—Mr. John Yeo in the Chair.

Hon. Col. GRAY—Mr. Chairman, I now rise for the purpose of bringing under the notice of the hon. Committee the subject which, of all others, I consider to be the most important, and which urgently demands the co-operation of hon. members on both sides of this House to bring it to a speedy and final settlement. Sir, we have now before us two despatches from a Minister of State whose high private character, brilliant talents and profound knowledge of all that concerns the institutions of these Colonies, afford me the surest guarantee that never in the history of this Island was there a brighter prospect opened to us for a fair and equitable settlement of the land question. I will, with your permission, proceed to read those passages in the despatches of the Right Hon. the Secretary of State, which give me this assurance:—

[The hon. member then read several extracts from recent despatches of the Colonial Minister, which were referred to and quoted in the Address of the House of Assembly in answer to the Governor's Speech at the opening of the Session.]

Sir, here we find the Secretary of State himself coming forward and meeting us, as it were, half way, and yet, in the face of so much courtesy and condescension, we have those among us who rearsitate from the tomb in which I, and, I firmly believe, almost all the people of this Island had supposed it to have been buried and forever set at rest, not

only from lapse of time but also by the repeated decisions of the Home Government, a question, the agitation of which, at the present juncture, in the very teeth of these despatches, is not only extremely uncourteous to the Secretary of State individually, but is also a manifest insult to the majesty of the British Government, and which, if countenanced by this House, although I feel sure that such will not be the case, may produce results but little conducive to the prosperity of this Island, annexation to Nova Scotia or New Brunswick, and the entire deprivation of our rights and privileges as a separate Government. But, Sir, I would ask, are we to leave ourselves open to the imputation that there are those among us who do not desire a settlement of the land question, but who would prefer keeping it open, regardless of the injury they may inflict upon a too credulous people, and who, by the agitation from time to time of one or more of its phases, would make it subservient to their own aims and selfish purposes. And, Sir, I cannot help expressing my astonishment at the specious reasoning of the hon. member lately at the head of the Executive, to account for his present agitation of what he must well know is but a delusion, a mockery and a snare. However, we have now the Secretary of State himself inviting us to come forward, and I trust a considerable majority of this hon. House will agree with me, and not subject ourselves by complicity in such agitation to a deprivation of that kind consideration for the affairs and claims of the tenantry of the Island, which in these despatches we see the Right Hon. Secretary so plainly, although it may be, inferentially promising. Sir, I have therefore to propound, for the consideration of hon. members, certain Resolutions which I have drawn up without partiality, favour or affection, but which, I am convinced, will be found most conducive to the final settlement of this long vexed question—the fruitful source of much of the bickerings and heart-burnings which have for so many years distracted the people of this Island, and which will also give real relief to their present burdens, and designate the only way in which, by a persistent course of honest industry, every tenant in the Island may in a few years become a freeholder, and that without subjecting the people to the enormous taxation which the wild and reckless proposition of the hon. member in his Loan Bill would inevitably entail upon them, and their posterity. The Preamble and Resolutions are as follows:—

[The preamble and resolutions here referred to were published in the *Examiner* of the 6th June last.]  
 Sir, it is obvious that by this measure a tenant will have the power of becoming a freeholder by a gradual payment by instalments, without running the great risk which is now incurred by purchasing under the Land Purchase Act, by the provisions of which the Sheriff is empowered to come in and distrain, and probably ruin the purchaser, who may not be prepared to pay the instalments as they become due to the Government. All this can be avoided—the farm itself will become a bank in which the tenant can invest his savings at good interest. Every incentive will thus be given to the industrious and hard-working man to provide for the gradual conversion of his leasehold into a freehold tenure. Whenever he shall find himself in possession of a few pounds, by paying an instalment, he at once reduces his annual rent, and as he finds year by year his burdens growing lighter, a double spur is given to his industry and energy; while, on the other hand, should any casualty occur, such as sickness, failure of crops, &c., as the time for payment of an instalment is left to his own option, he need suffer no uneasiness or apprehension, as it will not be in the power of any Sheriff to make him afraid. Sir, I implicitly rely on the support of hon. members in carrying this measure; and conscious of

their wisdom, impartiality and deep sense of justice, I now entrust it for their judgment and decision.

Mr. COOPER—After giving a resume of the Land Question from the original grants—proceeded to show that no reliance was to be placed on despatches; for one Colonial Minister differed from another, and instanced the despatches then before the Committee, as widely different from those of the late Secretary of State, Lord Stanley; and the next incumbent of the Office might differ from both. It is a principle of human nature that they who endeavor to obtain money by false pretences, should use every exertion to effect their object. The British Government has admitted that they have inflicted grievous wrong upon the poor people of the Island, and the remedy ought to emanate from them. But now, after long continued spoliation, the taking some £25,000 or £30,000 a year from the industrious tenants, it is proposed by the resolutions to make the tenantry pay for the freeholds of their farms. He would support the Government in asking for a grant, but it would be most unfair to call upon the settlers to buy out the unjust claims of the proprietors. He had prepared an amendment which he would read.

Hon. Mr. HAVILAND was amused at the line of argument adopted by the hon. member, whose assertion that the condition in the original grants of settlement by foreign Protestants was impracticable, went to confirm by inevitable inference the absolute property in the grantees freed from such limitation. His objection to the tenants purchasing the fee simple of their lands came truly with a bad grace from one of the champions of the Loan Bill. Had the £100,000 been obtained under that Bill, would not the tenants have had to repay it? Are not the settlers on the Worrell Estate supposed to pay for their lands? If not, what mean the advertisements in the *Royal Gazette*, notifying them to meet the Commissioner of Public Lands, and pay their instalments, under penalty of having their properties seized? By the resolutions before the Committee, the tenant can pay at whatever times he may choose, as his own convenience may dictate. They had been treated to the old story of Escheat, which had formed the burden of so many doleful songs. He would, however, remind the hon. member, that when he assented to the Loan Bill, he admitted the validity of the title of the proprietors.

Mr. COOPER was satisfied to support the Loan Bill, because he did not think repayment would ever be asked. It was necessary that no great cry should be raised about it in England, which would be the case if direct application were made to indemnify the proprietors from the Imperial Treasury. He was convinced we would never be called upon to repay the loan.

Hon. Mr. THORNTON approved of the spirit of the Resolutions, but objected to the long Preamble, which, although the hon. introducer said it had been framed in a spirit of conciliation, he considered it as casting reflections on members of former Houses of Assembly. In one respect the first Resolution differs from the suggestion in the despatches of the Colonial Minister, for the latter intimates the desirableness of having an impartial "Committee" to report upon the question. This Utopian idea could never be practically realized, for of whom in the Colony could such impartial tribunal be formed? The Resolution, however, advocates the appointment of a single Commission, thus resting the decision of the vital interests of the people of the Island in a single individual. It would, he considered, devolve too much power and interests of too great magnitude on the individual who might be selected; and if he were "unconnected with the Island or its affairs," as stated in the Resolution, he would require at least twelve months' attention to the subject before he could acquire the information necessary for the proper adjudication of the subject; and before the lapse of that period it might be that he

would not be quite so "disinterested" as at the date of his appointment. The second resolution met his approval, for it had always been a principle of his public conduct, if he could not get all he wanted, to take what he could get, for the the people. The remission of arrears of rent referred to in the resolutions was a highly proper suggestion. Those arrears cramped the energies of the tenants, and a liberal amount of relief from those burdens which pressed so heavily on many, coupled with the prospect of gradually purchasing the freehold estate of their farms, would operate as an incentive to increased industry and economy. One great cause of accumulation of arrears was the frequent occurrence of disastrous seasons between the years 1845 and 1851. As an agent himself, he knew the impossibility of many tenants, during the period referred to, paying their rents. In fact there were many cases in which the tenants absolutely required advanced to enable them to put their crops into the ground. As to the sum to be paid at one time on account of the purchase of the lands, he considered £10 too high; £5 would, he thought, be preferable, as the smaller the sum the greater would be the inducement to appropriate it for such purpose. He could see no reason for applying the principle to leases of 100 years, and not extending it to those of shorter duration. There was no reason why the tenant, under a lease of 60 or 40 years, should not be placed on the same footing as any other.

Hon. Col. GRAY discharged a pleasing duty in expressing satisfaction at what had just fallen from the hon. member. His observations were of a character more complimentary than might have been expected, when it was considered how frequently, and to what extent the influence of party spirit enters into the discussion of political questions. The plan developed in the resolutions had occupied his thoughts for some time past. He could not, however, divest his mind of the opinion that the first part of the preamble was necessary. As to the laches of the proprietors, he would not enter into any discussion of that question at the present time, as his object was to conciliate all parties, and obtain harmonious action in the settlement of this troublesome question. He would only say, that in the management of an estate he would rather remit to a tenant, unable to pay, portions of his rent, than suffer an accumulation of arrears to depress his energies. As to the reference to the possible change in the office of Colonial Minister, which had been advanced by the hon. member, Mr. Cooper, that might take place, indeed it was probable that the present officer would come out to Canada as Governor General; but it was well known that the working staff of the department remained in their situations, and his successor would carry out his views. He considered the amount of £10 low enough as a partial payment. Any industrious young man can easily accumulate that sum. He had in his own service a respectable young man who had been with him about three years, and he had left in his (hon. Col. G.'s) hands some £80. The minimum of £10 could not be considered inapplicable to the circumstances of the people, when a farmer could get £30 or £40 for a horse. He had no objection to apply the benefits of the plan to leases of less than 100 years' duration. He had a decided objection to the granting of leases for short periods.

Hon. Mr. LONGWORTH congratulated the country on the fact, that the solution of the Land Question had at length assumed a practical shape in the propositions before the Committee, which afforded a prospect of substantial benefit to the people at large. The hon. member, (Col. Gray) was entitled to the gratitude of the country for the mode which he had proposed to settle the matter. As his proposal savoured not of party, so it ought not to be regarded from a party point of view, but be considered on the broad basis of its own merits, and should meet the support of independent members on both sides of the House. He was gratified at the sensible and practical character of the remarks of the hon. member, Mr. Thornton, which afforded a pleasing contrast to the oft-repeated and visionary opinions of the hon. member, Mr. Cooper, at which, however, he was not surprised, as it was not to be wondered at that a person, cherishing and advocating peculiar opinions for thirty years or more, on this particular subject, almost to the exclusion of every other, should cling to his first

love with ever increasing fondness. Notwithstanding, he could not but think that hon. member must see that the principle embodied in the Resolutions was eminently calculated to settle the minds of the people. All admitted that a grievance was inflicted by the original grants, but that grievance was not of our creation,—it had descended to us,—and unless we now endeavoured to find some practical relief, would descend to our posterity. As his hon. friend (Hon. Mr. Haviland) had said, the conditions being impracticable, the grants became valid without condition; and the Crown having dispensed with the performance of the conditions, the proprietors held unconditionally, and do so to this day. Besides, our own legislation, as recorded in our Statute Books, recognized and confirmed the titles of the proprietors. The Land Tax Bill, the Land Purchase Bill, the Rent Roll Tax Bill, and the Loan Bill, all admitted the validity of the proprietary titles. About one-twelfth part of the Island had been purchased by the Government under the Land Purchase Bill, and that Act had received the support of the hon. member, although the original grants of that property had the same conditions, on the non fulfilment of which the hon. member relied as destructive of the proprietary titles. The remedies suggested by the Imperial Government were all conceived in a conciliatory spirit. He agreed with the hon. member, Mr. Thornton, that the suggestion of the Colonial Minister, recommending an impartial Committee, was impracticable, if it was to be composed of individuals connected with the Island. No unbiassed tribunal could be here constituted; for parties would, of necessity, be influenced in favour of the proprietors, or their sympathies would be with the tenantry; and, therefore, the proposition in the resolutions, that the Commissioner should be unconnected with the Island or its affairs, met his hearty approval. Let a gentleman, selected from England or the neighbouring Colonies, travel over the Island, and make himself acquainted with the subject in all its phases—let him satisfy his mind as to the actual state of the people—he would not find any thing like a general disinclination to pay rent. In some districts he would undoubtedly find the tenants largely in arrears; and in such cases he would recommend liberal remissions, according to the circumstances of the respective cases. The preamble, though, perhaps, some hon. members might consider its language rather strong, he considered necessary, in referring to the previous schemes which had been attempted by different parties on this question. The first resolution had been objected to by the hon. member, Mr. Thornton, as limiting the Commission to one person. If more were added, the least number of Commissioners must be three, in order to provide for a majority in case of a difference of opinion. This addition would necessarily involve great additional expense, whether to be defrayed by ourselves, or from England, he knew not; but one competent person would, he thought, be quite sufficient. There was nothing in this resolution to call for opposition. Conciliation was the only true policy. The rights of the proprietors had been recognized for years; yet while he fully admitted those rights, it would be found to be impolitic for them to insist on receiving high prices for their lands. It would be more for their interest to sell at a moderate figure, and get rid of their lands as soon as possible, and with them all the annoyance of hostile legislation and onerous taxation; nor was it to be presumed that, in view of all the circumstances connected with the agitation of the question of the land tenures, and the general situation of the tenants, that any Commissioner would recommend a high rate. After reading and briefly expressing his approval of the 2nd and 3rd resolutions, the hon. member proceeded to say, with reference to the 4th, that he considered it conceived and framed in just appreciation of the difficulties under which many of the people laboured, and well calculated to remedy them. It provided for the payments, on account of the purchase, by instalments, at such times as suited the convenience of the tenantry,—thus providing against the misfortunes of a failure of crops, or the contingencies to which illness or other causes might subject him who was bound to pay certain specified sums at fixed periods, whose failure in promptly meeting his engagements might be the cause of his ruin. By the adoption of this principle of the resolutions, the



country would save the expenses incurred by the operation of the Land Purchase Bill, the poor man would be relieved from the heavy costs to which that Bill could subject him, and with which he had been threatened. There would be found no difficulty for an industrious man to save ten pounds towards the purchase of his farm; and he would soon feel a constantly increasing stimulus to do so; as after each payment he should find his annual rent diminished by the interest on the payments he had from time to time so made. The hon. member who introduced these resolutions had stated that of three years wages his servant had left in his hands £80,—a gentleman near him had just informed him that he held £100 for one of his servants—the undrawn wages of a like period. Now, such people as those could pay for their farms at any moment. The hon. member, Mr. Cooper, had advocated the appropriation of a large sum for the general purchase of the proprietary interests, as was done in the emancipation of the negroes in the West Indies; but if such large sum were obtained, the repayment of it would fall upon the people of the island, and would confer no boon on the public,—for the Government, getting possession of the lands, the settlers would be charged with the price, and would be under heavy responsibilities to pay their instalments at the times limited, as is now the case with those who have availed themselves of the Land Purchase Bill. In justification of his opinion, the hon. member stated, that though he had supported a measure pledging the faith of the Colony to repay the amount, he had no idea that we would be required to do so. Did that hon. member mean to state publicly, on the floors of that House, that his action in the matter was based upon an intention to practise a fraud upon the British Government? He was astonished at such an expression of opinion,—such conduct would be unjustifiable and disgraceful in a private individual; and he must say that, uttered in the halls of legislation by a representative of the people, it reflected no credit on him or the constituency which sent him there.

Mr. COOPER hoped he would be allowed to answer the hon. member who had referred to him, as though he were alone in the opinions he entertained on the subject of the Land Question; but those opinions had been entertained by men conspicuous for their talents and high social position. Escheat had been recommended in 1802, and some lands were actually escheated a few years after. In 1839, the late Lord Durham, who had been commissioned to investigate the cause of the agitation on this subject, and suggest a remedy, had reported favourably to the views entertained by him (Mr. Cooper.) The idea had been instilled into the minds of many of the people that the day for Escheat had gone by, but Lord John Russell had, on one occasion, referred to the Escheat of a family estate which had been the subject of litigation so long that one of the parties ruined the other. In brief, the inhabitants had been treated worse than pirates treat the victims of their rapacity—they had been swindled out of their birth-rights. He repeated his conviction that the proprietary influence had prevented the Loan, which otherwise would have been obtained, and the Island would never have been called on to repay it.

Hon. Mr. YEO considered the resolutions were based upon fair and just principles, and the hon. member who had introduced them could not be considered a land-jobber, and as such having any personal interest in keeping this question open. He had acted with a sole view to the interests of the tenants. As a proprietor himself he (hon. Mr. Yeo), knew that it was an injury to the tenant to allow his rent to fall into arrear; but a great portion of the arrears commenced in the years 1835 and 1836, when the agitation, fostered by the hon. member, Mr. Cooper, had caused the ruin of many, who, acting on his suggestions, refused to pay their rents. That hon. member would be remembered as a curse to the country. He, for one, considered him the greatest curse that ever came into the Island, and no honest man could sanction the idea of that hon. member, that we should borrow money without intending or expecting to repay it.

Mr. DOUSE—In reply to the speech of the hon. member, Mr. Cooper—would only say that it was not worth while to listen to the greater part of it. He could have written it

off before he heard it, so often had he heard the same ideas from that hon. member. But, with reference to his alleged motives for supporting the Loan Bill, he would say, if ever dishonesty existed, the hon. member, he considered, the very king of it. He was ashamed to listen to such sentiments—they were disgusting. They might do well enough to delude some ignorant people at the East Point, but honest men of intelligence would recoil from such baseness. He held in his hand a paper in which that hon. member abused Messrs. Coles and Whelan for not supporting Escheat. That question, he doubted not, would soon receive its quietus. The new Governor, who was expected to arrive shortly, would probably have instructions for his guidance on the subject. As an old agent, he might say that Lord Selkirk's tenantry had a right of purchase at prices defined in their leases; but few had availed themselves of the privilege—their minds having been unsettled by the pernicious agitation which had been excited and kept alive by factious demagogues, for their own selfish purposes. He would support the hon. Col. Gray in this attempt to set le the question. Strangers desirous of settling among us were induced by the agitation which had been so steadily kept up to believe that good titles could not be had, and consequently would not invest their capital in the Island. He could not find language to describe the injury which the hon. member, Mr. Cooper, had inflicted on the community. He had caused the ruin of many a family, and it was a matter of no rare occurrence to hear tenants in his (Mr. D's.) office curse the day on which that hon. member first set foot on the Island. He was a wicked, cruel man, and ought to be ashamed of himself. For one he could not bear the name of Cooper—it stank in the nostrils of the tenantry.

Hon. Mr. THORNTON hoped the hon. member would not allow his feelings towards the hon. member, Mr. Cooper, to lead him to transgress the limits of parliamentary courtesy. Such language was improper, and should not be heard in the House.

Mr. COOPER was aware that the main object of the Government was to talk against him. But what they should do would be to refute the statements of his amendment, which, however, they could not.

Mr. SINCLAIR was not inclined to support the resolutions, as embodying a reasonable plan for adjusting the future relations between landlord and tenant; yet, in saying this, he would not place himself in a false position. By the preamble we would appear as admitting that the agitation of the land question had been all wrong; and were we now to bow as beggars and ask the proprietors to remit some of the arrears and give terms to the tenants as matter of favor and not of right? He agreed that it would be better for the tenantry to purchase from the proprietors than from the Government, but we should assert the rights of the people, and he was willing to leave the claims of both parties to the arbitration of disinterested persons. The British Government had admitted that there was something to be settled, and that admission placed the proprietary and the tenantry in an equal position before an arbitration having for its object an amicable settlement. He agreed with the resolutions, but objected to the preamble, as compromising our rights and positions as British freemen.

Mr. DAVIES considered the resolutions as suggesting the only practicable means of finally settling the question. The time at which the hon. member, Mr. Cooper, could have pressed his peculiar views was when Responsible Government was introduced, but then the late Government had opposed the establishment of Escheat. It consisted, within his own knowledge, that several parties came here for the purpose of settling in the Island, but declined to do so in view of the relations subsisting between landlord and tenant. The plan before the Committee was, in his opinion, the only feasible one. The price of purchase would be fixed, and it would conduce to the interest of the proprietors to demand too high sums for their lands. As to the operation of the Land Purchase Bill, he did not think a farthing would be realized from it towards indemnifying the public for the price they had paid for the lands they had purchased under it; for it appeared that hitherto when the best of the land had been



sold, the working expenses and interest on the cost had exceeded the proceeds. There was naturally a strong disinclination on the part of the people generally to be taxed for the purchase of free farms for the tenants. He trusted that the resolutions would pass unanimously, and to ensure such result the preamble might be altered to meet the views of those who agreed with the hon. member, Mr. Sinclair.

Hon. Mr. COLES was not present at the commencement of the debate, but had looked over the resolutions, which he considered virtually amounted to nothing. They contained merely recommendations, without the suggestion of any law to give those recommendations a practical effect. One proprietor might accept the terms, and another might refuse. As the resolutions were intended to supersede the rights of the people to the Fishery Reserves and Quit Rents, and to cancel future inquiry into the fulfilment of the conditions of the original grants, he should oppose them, at least until a Bill should be introduced making it compulsory on proprietors to accept the terms offered to them. The Quit Rents were invested in the Colony by the Civil List Bill, and it would be unjust to those who had paid to remit their arrears to others who had not. Let the proprietors pay what they owe to the Government, and let the Courts decide the amount. At the expiration of the Land Tax Bill thousands of pounds would be demandable for arrears of Quit Rents, and if the House chose to remit them, let them do so by Bill. As to the surprise expressed by the hon. member, Mr. Davies, that the late Government had not settled the Land Question, he could assure him that they had done all they could to effect that object. They had passed the Loan Bill at the suggestion of the British Government, and it was the minority, not the majority, of the late House which had kept up the agitation for a Court of Enquiry, by coaxing Mr. Cooper on in his endeavours to obtain it. By the resolutions the tenant would have to pay just what the proprietors might choose to demand. If a price were fixed, which, by law, the landlord should be compelled to accept, he would not object to support it, but would oppose a scheme which left the matter wholly optional with him. One proprietor, Mr. Bruce Stewart, had adopted the scale of the Land Purchase Bill, and found it advantageous. He trusted that the House would not consent to give away the Fishery Reserves. They were to be held by the Government in trust for the people, and no argument for their cession could be fairly drawn from the amount of rent to be derived from them, for their great value was to be estimated by the encouragement they would afford to the prosecution of the Fisheries; and the people were only beginning to find out their importance. The term "deceptive schemes" in the preamble was improperly inserted. The House of Assembly, in former years, had been unanimous in its opinion of the necessity and justice of an Escheat, and the only difference of opinion arose from the fact that the hon. member, Mr. Cooper, wished to go behind the indulgence of 1816. The Land Purchase Bill did not merit the character of a deceptive measure; it had been characterised as just and wise. The late Government deserved credit for having obtained the transfer of the Quit Rents to the Colony, as by that transfer, at the expiration of the Land Tax Bill, the Government of the day would be in a position to claim large sums from proprietors. The suggested remission of arrears of rent, in the resolutions, could, of course, only refer to those tenants who were in debt to their landlord. Why should not the industrious man, who had paid up in full, be allowed equivalent advantages? He was surely entitled to the same consideration. However, as it was the pledged duty of the majority to clear the proprietors, he supposed they would do so. He, for one, however, would oppose the resolutions.

Hon. Mr. PALMER viewed the resolutions as in every way worthy of the grave consideration of the House. The questions they involved had frequently been subjects of discussion and legislation in the House, and of agitation throughout the country. So many and so various projects for their settlement had been started from time to time, and so thoroughly discussed, that it would be a waste of time to enter into the merits and demerits of the several schemes at this late day. In fact, the subject had been worn threadbare; and he put it to the Committee if it would not be wise and proper for them to adopt the spirit of the proposition contained in the despatch of the Colonial Minister. But few individuals of sound mind in that House, or outside, believed that Escheat would ever be conceded. True, it was a fertile theme for those who found it necessary to keep themselves prominently before the public eye. It was always of service to those who sought to gain or retain the favor of some constituencies, but, no man of sense expects to see it conceded; the time for that had passed. The hon. member, Mr. Cooper, perhaps, might still cling to the hope or expectation that some Colonial Minister might, at some day in the remote future, consent to it; and he should leave him in the enjoyment of his anticipation, without going into an examination of the grounds of his faith. The hon. member, Mr. Thornton, had expressed his concurrence with the spirit and principle of the Resolutions, but had objected to the phraseology of the preamble. As he had agreed to the substance of the resolutions, he trusted that many would follow his example. The only objection to the substance of the resolutions urged by the hon. member was, that they contemplated the appointment of but one commissioner. That objection was really, of but little weight, for the Colonial Minister spoke of an impartial Committee, and if the resolutions were agreed to by the House, it would be easy for the Minister to carry out their views by associating one or two more gentlemen in the Commission. The despatch informed the Government that the whole question of the land tenure had been engaging his attention, and now if, by the manifestation of a conciliatory spirit, we show ourselves actuated by a desire to do what is reasonable, and to respect the rights of property, we would be supported by the Imperial Government in our endeavours to obtain a final and satisfactory settlement. It became the duty of the House now to say whether they would do so, or whether, by holding out to the people expectations which could never be realized, they would lose the substance by grasping at the shadow. Hon. members would consult the best interests of the tenantry by adopting the suggestions of the Colonial Minister. It was well known that various propositions had been tried and found ineffectual. The public accounts for the last few years shew that the Land Purchase Bill has not justified the predictions of its friends, that it would be a self-sustaining measure; besides, its operation was not extended to the whole body of the tenantry; nor was it probable that any more estates would be purchased by the Government. One class of the community objected to be taxed for the benefit of another. The Loan Bill had received its quietus, but if it had passed, and the money had been obtained under it, that objection would have been urged with as much or probably more force. He appealed to the House, if it would be wise to offer opposition to the plan suggested by the Colonial Minister—that plan was simple and practical,—it did not hold out the Utopian idea of free lands for nothing. By it, the Imperial Government were to appoint a disinterested party as Commissioner. There was no reason to doubt that they would be cautious in their selection, and would appoint the most competent person they could find. That gentleman would come to the Island—

investigate the relative claims and equitable rights of landlord and tenant—make himself thoroughly master of the subject, and recommend what mutual arrangements he might think suitable. The terms of settlement would doubtless vary according to the various circumstances of the several Estates. It would not be likely that the proprietors would hesitate to accept the terms proposed. It had been objected to this scheme that the acceptance of the terms recommended was not made compulsory on them. They had had sufficient experience of the results of compulsory legislation on the rights of individuals. Proprietors would not be so blind to their own interests as to reject the suggestions of the Commissioner, sanctioned as they would be by the Colonial Minister, whose approval would be tantamount to the application of compulsion; for the proprietors would then understand that their properties would be left liable to our local legislation. The hon. member, Mr. Sinclair, had taken exception to the tone of the resolutions, as being too supplicatory—that in fact they should have contained demands of right. Had that gentleman been a member of the House as long as he (Hon. Mr. P.) his experience would have brought to his recollection many instances wherein the assumption of such an attitude had led to the loss of objects which would have been obtained had they been sought in a different mode, by the House confining itself within reasonable bounds, and basing its action on reasonable and moderate principles; and he repeated that hon. members would not be doing their duty to their constituents if they did not give their cordial assent to the propositions now before them. As to the hon. member, Mr. Cooper, he well knew that in 1837 an Act passed, confirming the titles to lands after 40 years possession, whether the owners were in the Island or not. As to the question of Escheat, it had been dragged into every discussion.—in the debate on the address—the Fishery Reserves—the Loan Bill; in fact, it was paraded on every possible occasion, until he was sure the House and country must be heartily sick of it. The hon. member, the leader of the late Government, had quoted, some evenings since, at considerable length, from his (Hon. Mr. P.'s) speech on the subject, in the year 1855;—had he given the whole speech he would have induced an impression very different from that which he sought to create on the occasion referred to. In the session of 1855, when that hon. member had at his back a majority strong enough and willing to carry any measure he might introduce, there was not a man on the floor of the House who made a more decided stand against Escheat. He (Hon. Mr. P.) had been, and was opposed to Escheat, but he believed that on the eve of elections that hon. member and his party had held out to the people the prospect of obtaining free lands through the medium of a Court of Escheat. When that gentleman came into power, he determined to test the sincerity of his professions, and he succeeded most thoroughly, for the hon. member, at great length, showed that Escheat was impracticable. He characterised the agitation as “hopeless,” “mischievous,” “a will of the wisp,” &c. He said that the final answer had been given by the British Government—that it was an attempt to misguide the people for electioneering purposes, and that it ought to be put down, and used other language equally denunciatory. What opinions can be entertained of his sincerity when the same hon. member now says that Escheat must be had. What reliance can be placed in such advocacy? The present was the first occasion in which the British Government had held out the olive branch, in connection with the subject. They ask us to join in some reasonable and just proposal; and surely hon. members ought to bury party feelings on this question, and support the resolutions, the adoption of which he believed would result in substantial benefit to the people. Should the event be otherwise, we would still be in no worse position than before. It was in every way, therefore, desirable that the resolutions should be supported as generally as possible; and to attain that object, if the language of the preamble grated harshly on the ears of some hon.

members, he would have no objection to modify it, to meet their wishes, so long as the spirit was retained.

Hon. Mr. COLES considered the resolutions as all nonsense, there being no guarantee that any practical result would follow their adoption or operation. When the hon. member for Charlottetown (Hon. Mr. Palmer) first rose, he stated that the proprietors could not be interfered with, but at the conclusion of his speech he stated that they could be coerced into the adoption of the recommendations of the Commissioner. His opinions had not been changed. He had opposed Escheat on the old ground of the breach of the conditions of the grants, and while there was a prospect of other feasible means of settlement; but the withdrawal of the Loan Bill—a measure recommended by the Colonial Minister—and the loss of the Fishery Reserves Bill, had brought up the question under very different aspects. The usurpation of the Reserves was in itself sufficient to involve the forfeiture of the grants. The House were not justified in delegating to any Commissioner, or set of Commissioners, the rights entrusted to them by the people. They had now a Government favorable to the proprietors; and the question could speedily be settled by a fair trial. While the Commissioner would require years to bring his investigations to a close, it could soon be arranged at a great saving of expense, by making him presiding officer in a Court of Escheat, where the sworn verdict of 12 honest men would decide the dispute, and any person feeling himself aggrieved by their decision could carry his case for final adjudication to England, where it would be finally disposed of by the tribunals of last resource. The hon. member for Charlottetown need not taunt him with his present advocacy of Escheat. He had steadily opposed it, as he before stated, and had induced his political friends reluctantly to support his views, in many instances against their own convictions. The constantly recurring changes in the person at the head of the Colonial Office was another objection to the adoption of the resolutions. The present Colonial Minister might be out of office to-morrow, and Mr. Labouchere might succeed him. In that case the latter gentleman would probably act on the principles he had suggested when formerly in office, and throw his predecessor's plans overboard. He would never consent to give up the disposal of the Quit Rents and Fishery Reserves to any Commissioner. The House was the body to which the people confided their management, and they should not abdicate their functions. With reference to the hon. member's allusion to the quotations from his speech in 1855, he could only say that it surprised him and his friends when they heard the hon. member deliver it. By that speech that hon. member had done more to promote Escheat than any one in the House. The truth was, that the opposition in the late House had supported Escheat in opposition to the then Government; but as their political position was now changed, they had altered their views with their altered circumstances. He was surprised and sorry that the people should send representatives who would not hesitate to hand over their dearest rights to some Commissioner, to be appointed from England; for although it might be said he was to be disinterested and unconnected with the Island, the proprietors were ready at the Minister's elbow, and although that officer might mean to do what was right and impartial, it would be an easy thing for Sir Samuel Cunard, Lord Selkirk, or any other of them, to whisper into his ears a recommendation of some party whose appointment they might desire. Let the local Government, if they were determined to carry out this scheme, have a voice in the appointment, and let them be held accountable.

Hon. Mr. YEO thought the matter might be settled by two or three parties from the neighbouring Colonies.

Mr. DAVIES was at a loss to know what good could possibly arise from the further agitation of Escheat. The Crown had the right to grant the lands, and when Responsible Government was conceded, we were told that the titles of the proprietors could not be disturbed. The better course would be to throw ourselves on the good feelings of the proprietors, who would probably remit the arrears of rent, and offer favorable terms to the tenantry for the purchase of the freeholds. As to the Quit Rents, the Home Government in 1833 stated that they had given up their claim to them.

Hon. Mr. COLES.—The despatch containing that statement referred to New Brunswick.

Mr. DAVIES.—Well, in this Island the arrears were given up when the Land Tax Bill was passed.

Hon. Mr. COLES.—No.

Hon. Mr. POPE had not expected honest or fair conduct from either of the hon. members, Mr. Coles or Mr. Cooper. The former stated that he had always opposed Escheat, yet his address to the electors last summer contained a reference to "circumstances" which had operated to incline him to support Escheat. The only circumstances to effect this change had emanated from the Colonial Office, when it was discovered that the financial statement sent to England differed so widely from the truth, that it represented the Colony as out of debt. He could see nothing in the resolutions which should elicit opposition; they virtually request the proprietors to make some concessions to the tenantry; if the request should not be complied with, no harm would have been done. Fault had been found with the preamble for its allusions to measures of the late Government, which were characterised as delusive and deceptive. On that account he supposed the resolutions would not receive the general support of the minority; but he considered they afforded the only means of obtaining anything. The hon. member, Mr. Coles, had objected to the resolutions, that there was nothing compulsory, nothing in the shape of a law, in connection with them. He well knew that compulsory legislation would be inoperative, that it never would be sanctioned; and he would ask, on what conditions had that hon. member taken office in 1851? [The hon. member here read some extracts from the celebrated despatch, styled the "bloody," in which Lord Grey, Colonial Minister at that time, recommended the local authorities to abandon the question of Escheat.]

Hon. Mr. COLES denied that he had accepted office on those conditions.

Hon. Mr. POPE.—There was the despatch to speak for itself. Yet the hon. member, when out of office, asks for compulsory legislation with reference to the rights of the proprietors, while in power he strenuously opposed Escheat, to which he was now willing to accord his support. There was no more ridicule and abuse applied to the hon. member, Mr. Cooper, for his persistent advocacy of Escheat. One hon. member, Mr. Sinclair, had said that we had nothing to do with the proprietors—that we ought not to ask favors for the tenantry. In answer to that, he could tell him that the Home Government had repeatedly declared that the House should not interfere with their rights. Hostile legislation had effected nothing for the benefit of the people. The agitation of Escheat had been a curse to the country as long as he could recollect. It might suit the hon. member, Mr. Cooper,—it enabled him to go through the country and get money from the people, of which he could appropriate a portion to the cost of a steerage passage to England—take up his abode in the fashionable locality of Wapping or Mile End, and return, having out of £300 expended about £10, and saved the remaining £290. What that hon. member's opinion of the merits of this agitation, might be readily inferred from the fact that, while he had been advising the poor tenants to refuse to pay their rents, he had not allowed his own to fall into arrear. Why did he recommend to others a course of action which he would not adopt in his own case? In conclusion, he gave his hearty support to the resolutions, which he fervently hoped would result in some practical benefit to the country, as he knew they were introduced with hope.

Mr. SINCLAIR.—The Colonial Minister had recommended a reference to an impartial committee. If the resolutions went to the appointment of such tribunal, whose duty it would be to report to the Colonial Minister the result of their investigations, he would support them; but the very first resolution placed the House in a humiliating position. The House might as well petition the proprietors themselves in the first instance. The Colonial Minister stated that there were matters requiring settlement. That being admitted, he had no objection to refer those matters to arbitration, and to let the award be submitted to the Imperial Government. He approved of the plan suggested for the purchase of the freehold interests, but thought it preposterous for the House to place itself in the position of beggars. He was in favor of an impartial committee, but was opposed to

the appointment of one individual, to negotiate with the proprietors, and ask them what they would be pleased to give or take.

Mr. COOPER had been attacked personally by the hon. member, Mr. Pope. He never in his legislative capacity indulged in personal vituperation. He used arguments, and cited authorities in support of them.

Hon. Col. GRAY would remark that the hon. member, Mr. Sinclair's observation, that we had nothing to do with proprietors, was true in but a very limited sense, for however little we might have to do with them, they had a great deal to do with us. The law had invested them with rights, the strict exercise of which would be fraught with disaster, if not ruin, to many. We could only expect relief by appealing to considerations of equity.

Hon. Mr. POPE did not consider that the position assumed in the resolutions was in any degree humiliating. It was fully justified by the circumstances of the country. The proprietors could exact their rents, and the House, as representing those who owed them, should not be above asking for a remission. As to the idea of legislation hostile to the claims of the proprietors, the Home Government would not sanction anything of the kind, even if the House were unanimously in favor of it.

Hon. Mr. HAVILAND.—The whole debate was but a repetition of what they had heard for years; but the new feature of most prominence was the fact that the opposition had become inoculated with a fondness for Escheat. Before the general election, when the political balance was turning, fear of the loss of power made an Escheator of the hon. leader of the late Government, who now sees he question from a different point of view from that from which for 16 years he gazed at it, during which period he denounced it as impracticable, declared it useless, and finally decided by the British Government since 1800. But he thinks it prudent now to take another view, being no longer leader of the Government; and as no new facts can be adduced to justify this change, he must fain drag into light some will-of-the-wisp, some hobby to parade before the public. To induce them to repose in him once more a portion of that confidence which they had withdrawn. And so he had promised the country that he would, at some future day, pour into the Treasury some £200,000 of Quit Rents. He remembered the time when a member of the former House, Mr. Benjamin Davies, introduced a resolution on the subject, and submitted an estimate of what he considered due. On that occasion the hon. member laughed at him, and almost called him a madman. That hon. member had jumped Jim Crow in a manner which would have done credit to the greatest political harlequin that ever existed. Unstable as water, he was one thing to-day and another to-morrow.

Hon. Mr. COLES warmly denied the statement.

Hon. Mr. HAVILAND.—The hon. member was ready enough to contradict him, but he could not put him down. He had not been able to do so when at the head of the Government, nor could he do so now. As to his assertion that there had been no prohibition of Escheat in 1851, at the time Responsible Government was conceded, he had been anticipated in his refutation of that statement by his hon. friend Mr. Pope producing the memorable "bloody despatch."

Hon. Mr. COLES had not taken office under that despatch.

Hon. Mr. HAVILAND.—The British Government granted Responsible Government by that despatch, and any Government formed must have been constituted in accordance with the stipulations it embodied. With reference to the resolutions, he would first refer to the objection advanced by the hon. member, Mr. Sinclair, that they were couched in terms too humble. He did not think that gentleman had put the case fairly. The resolutions were to the purport, that an humble address be presented to Her Majesty, praying that she would be pleased to appoint a Commissioner. That was the proper and customary mode of addressing the Sovereign; and the House recommended the basis on which the report of the Commissioner would be founded. He was amused at the inconsistent nature of the objections which had been made to the resolutions. The hon. member, Mr. Coles, would not entrust the rights of the people to any Commissioner. Mr. Sinclair did not see the force of that objection—his confidence was

abundant in any person who might be appointed; but he would not go, cap in hand, and endeavour to get a remission of arrears for the tenantry. Would he be more likely to induce the proprietors to make such remission, and to sell their lands at low prices, payable in small sums, if he quixotically essayed the achievement, sword in hand? If the suggestions contained in the resolutions should be fairly carried into operation, the present Government and House of Assembly would be found to have done more for the country than the opposition ever did.

Hon. Mr. COLES—It had been sought by the present Government to make it appear that their predecessors had done nothing for the benefit of the people, when the fact was, all the remedial measures which had been passed had emanated from, and been carried by them in the teeth of their political opponents. The Land Purchase Bill had had the effect of inducing the proprietors to lower the price of their lands—the One Ninth Bill had prevented them from receiving their rents in sterling instead of currency, and the purchase of the Worrell Estate had made, and would make more freeholders than would be the consequence of the resolutions. He denied that the late Government had seen the despatch of Earl Grey to Sir Alexander Bannerman when they took office, although the party whom they superseded had. When its production was moved for in the House, he knew nothing of its contents. Had the concession of Responsible Government been made in the terms of that despatch, it would have been referred to in the Civil List Bill. He had never sought to interfere with the rights of property—he had but asserted the vindication of the rights of the people of the Island. He had never ridiculed Mr. Benjamin Davies for his action on the subject of the arrears of Quit Rents. He had suggested the propriety of an address to the British Government, to know the amount which had been paid; and the reply was, that they had no accounts of such payments. The arrears of the Rents had not been given up. Had it been otherwise why was the late George K. Young employed to effect a settlement of the question? The Colonial Minister had stated that it would be unfair to discharge from their liabilities those who had paid nothing, and thus place them on the same footing with others who had made payments. It was humiliating for the Legislature to ask, as supplicants, for a remission of arrears of Rents,—let the tenants themselves make the request, and the Legislature could then recommend their application. As to the observations of the hon. member, Mr. Pope, as that gentleman always indulged in low scurrilous abuse, without adducing any arguments, he would not notice him. If nothing could be obtained from the proprietors, the matter had better be dropped at once. The only way was by trying for a Court of Escheat. He had no objection to the principle of the other resolutions, but was opposed to the begging character of the first. At the expiration of the Land Tax Bill, the question of the arrears of Quit Rents would come legitimately before them for settlement.

Hon. Mr. POPE would not lay claim to such debating qualities as the hon. member, not having sat in the House for 20 years, uttering untruths, and obstinately adhering to them. As to the reference to the Worrell Estate, he admitted that many who had previously been tenants were now freeholders, but they had been made so by taxation of the people from one end of the Island to the other. The whole amount of the price of that Estate would be sunk, and the consequence would be general taxation of the people for the benefit of a few individuals. On that account the Land Purchase Bill was justly entitled to the designation of a "deceptive" measure, for it had been confidently asserted that it would be self-sustaining. Now, the best of the land was gone, and the expenses exceeded the receipts by some £7000 or £8000. The hon. member had said that he had not seen "the bloody despatch" until it was laid before the House. It had probably been brought down by that gentleman himself, and why, when he had become acquainted with its contents, did he not at once resign? He held on to power under it as long as he could, and it was only when he found himself sinking that he grasped at Escheat, as a buoy which might possibly keep his head above water for four years more, but he had found out his mistake.

Hon. Mr. LONGWORTH would not detain the Committee for any length of time after the morning debate, but he must

express his surprise at the course now pursued by the hon. the Leader of the late Government, who, after 16 or 17 years persistent opposition to the hon. member, Mr. Cooper, had within the last few months changed his views, and now followed in that member's footsteps. There could be no sound argument for such change of opinion, for if the position he had so long maintained were based on grounds satisfactory to his mind, there had been no alteration in the facts to induce such change. It had been caused by the critical vibration of the political scales, and he had adopted it as affording the only chance of retaining the reins which he found were rapidly slipping from his grasp. It had been well known that he had always opposed escheat, for the good and sufficient reason, that he considered the advocacy of it prejudicial to the best interests of the Island. With reference to the arrears of the quit rents, they had been settled when the Land Tax Bill was passed, but the successful revival of the claim would effect the total ruin of the Island tenantry, who would be called upon to pay the proportions due from the respective holdings. The only question that could arise, would be as to the revival of the quit rents after the expiration of that Bill, until which time they must be in abeyance. The hon. gentleman had taken his case from the hon. member, Mr. Sinclair, who had conjured up a grievance from the language of the resolution. Words expressive of animosity are invariably used in addresses similar to the one proposed to be adopted, and which is not to the proprietors but to the Sovereign. The hon. member had assigned no reason for the appointment of more than one person as Commissioner. The object sought to be obtained was the appointment of a competent person, whose duty it would be to obtain all the information he could, and report the same, with his opinions to Her Majesty's Government. It appeared to be the only feasible project for settling this question. Was the country at present in a position more favorable to the attainment of escheat now than it was years ago, when the breach of the conditions of the grants was still recent? The House should act on the suggestion of the Colonial Minister, the adoption of which would at least manifest their desire to adopt any practicable scheme for allaying the constantly recurring agitation of this question. He approved of the observations of the Hon. Mr. Thornton, that it was impossible to expect to find disinterested parties as Commissioners from the inhabitants of the Island; and the hon. mover of the resolutions had very properly expressed the wish that the party to be selected should be chosen from abroad. A party chosen from such source would be most likely to exercise his judgment on the information he might obtain, unbiassed by the prejudiced views of interested persons. The arguments of the opposition had failed to induce his disapproval of the resolutions, especially when he considered that the Legislature had recognised the titles of the landlords by several acts.

Mr. SINCLAIR—Hon. members seemed to take a pleasure in misunderstanding or misrepresenting him. His objection had not been to the phrase "humble address," but to the principle of soliciting a negotiation with a view to induce the proprietors to grant such remission of arrears, and grant such terms of purchase as they might please to accept.

Mr. HOWAT—The hon. member, Mr. Coles, had objected to the resolutions, that they were not compulsory. He would ask him if the Land Purchase Bill, introduced by him as Leader of the late Government, was of such a character? The resolution prays for the appointment of a Commissioner to decide between landlord and tenant, and was so far the commencement of a Court of Enquiry in a moderate form. It had been reported that some hon. members on his side of the House had pledged themselves to go for a Court of Enquiry. The plan proposed would be a Court of Enquiry between landlords, having good titles, and their tenants. He for one had stated in his canvass, that escheat, on the grounds of non-compliance with the conditions of the original grants, was impracticable, and as to the quit rents it would be a long while ere they could be realized. He had agreed to support a Court of Enquiry in the cases of lots of which there were no grants to be found. As allusions had been made to promises of candidates, he would refer to the observations made by the hon. member, Mr. Coles, at Tryon. There he stated that all escheat-



one were Liberals, and all Liberals escheators. Now, what was the effect of an escheat? Was it not a declaration that the property of the land was in the crown, instead of the proprietors? But the principle involved in the Loan Bill and in the Land Purchase Bill implied that the land was in the proprietors, and not in the crown. Escheat meant that the land was our own. The bills he alluded to, introduced by the hon. member himself, admitted that they were somebody's else,—and though now coming out as an escheator, the hon. member when in power had ridiculed the hon. member, Mr. Cooper, for his advocacy of escheat, and denounced him as not being a sound Liberal on that account. The hon. member was for any thing or everything as might best suit his own purposes.

Mr. MONTGOMERY—The land question had been agitated for a long time, and he thought it would continue to be so until the position of the tenants should have been improved. Before he came to the House, he thought a Court of Enquiry could be obtained, but now he believed that the time for it had nearly if not absolutely passed. The most advantageous time for ascertaining what lands belonged to the people was at the period of the passage of the Civil List Bill, but the late Government had failed to avail themselves of the opportunity which then presented itself. He would support the resolutions before the Committee.

Hon. Mr. WHELAN had read the preamble and resolutions in the morning, and although he had been at first sight inclined to go with the spirit of them, yet more mature consideration had led him to the conclusion that it was his duty to oppose them *in toto*. As to the preamble, it contained not only unmerited reflections on his side of the House, but statements positively untrue. It referred to delusive hopes and measures inducing discontent and disunion, &c. True it was that difference of opinion had been caused by the agitation of escheat, the reserves, and the other measures that had been introduced by the Liberal party, but what important question had not produced the same effects? The Committee had heard great stress laid upon the despatch which told Sir A. Bannerman that his Government should not interfere with the rights of the proprietors, but often had the walls of the Temperance Hall re-echoed to the eloquent champions of the Political Alliance, as they declared that no respect was to be paid to despatches which did not meet the views of the people. But now, when they have got a despatch in accordance with their own wishes, the country was to be told that they must not think of moving in any manner indicative of a difference of opinion from that contained in a despatch. He then characterized, as emphatically and positively untrue, the statement that the subject of escheat and quit rents had always led the tenantry into trouble. Cases of individual suffering might have occurred years ago, when parties had been led to believe that they would hold their lands free of rent, but he denied and challenged the traducers of the people to the proof that the invariable consequence of the agitation had led to the result alleged. As to the resolutions, with reference to the first, he thought it simply absurd. The House might ask Her Majesty to appoint a Commissioner. This Commissioner might be a disinterested person. But what could he do. He might read the records of our legislation on the subject. He would probably fall in with the members of the Government, of whom there were no fewer than seven in the House, and what advice would they be likely to give him? What the bias they would seek to give his mind? Would any one imagine that a Commissioner, obtaining his information from the members of Government here, could possibly give an impartial report on his return to England? The present Colonial Minister is favorable to the proprietors. There was every reason to believe that he was surrounded by them, and that the despatches on the Reserves and Loan Bills had been suggested by them. Independently of the influence which the members of the Island Government might exercise over his mind, and however disinterested he might be supposed to be, up to the time of his appointment, there was little doubt but that he would be found nothing more or less than a proprietary agent. It was unreasonable to suppose that any one person could be found competent to the proper discharge of the duties to be devolved upon him. Suppose a very improbable case, that a party came out unbiassed on either side of the question—that

interested parties did not imbue his mind with their partial views—in what time could the most competent person get through the task before him? Not in one, two, three, four or five years. The scheme was a mockery and a delusion—it was in effect telling the tenants that the Government had no desire to settle the question—that they but intended

“To keep the word of promise to the ear,  
And break it to the hope.”

It appeared, that unless the tenant agreed to the report of this Unitarian Commissioner, he could not be entitled to a remission of arrears, and as to the rate at which he was to be allowed to buy out the freehold interest, it was felt as undefined, as the amount of remission of arrears. Where everything was so vague and uncertain, he could see nothing to encourage the tenant to hope that the adoption of the resolutions would materially improve his condition. He was to have the option of purchasing. Would it be said by any hon. member that he has not that option at present? They had frequently heard the hon. member, Mr. Douse, say that he was in the habit of giving leases to tenants, with the right of purchasing at fixed prices. Most of the leases in the Island had covenants of that nature. As to characterising the measures of the late Government as deceptive and delusive, the supporters of these resolutions had better appropriate such terms to the present scheme. As to the great boon afforded by allowing the tenants to pay by instalments, the clause recommending that was of a piece with all the rest. The landlords, under the present system, would doubtless be glad to receive the purchase monies of their lands in that way; and Mr. Douse would be glad to see Lord Seikirk's or his own tenants adopt that course, as affording gratifying evidence of thrift. As to the abatement from the rent of the interest on the amount of the instalments, surely any man was entitled to interest on money which he had advanced; and any one having money lying by him, could readily invest it at a rate of interest far exceeding that to be allowed him by his landlord. Besides this, the tenant was to be allowed the privilege of obtaining the deed when he had paid the full amount of the purchase money, and not before! A great boon truly! These model resolutions embody such an exhibition of paternal love that the tenantry might be expected to throw up their caps in honor of their benevolent patrons, who had consented to give them their deeds when they had paid for their lands to the uttermost farthing! As to the anticipated result of the gradual conversion of the tenants into freeholders, he thought the chance would be gradual enough. It would probably occupy the time for which most leases were now given, namely, 999 years (laughter.) He would now offer a resolution in amendment, based upon common sense, and having no connection with the Circumlocution Office, in which the hon. mover of the resolutions was qualified to hold a high situation. He had heard the Hon. Mr. Longworth express his astonishment that the Quit Rent question had been dragged into the discussion, but the resolutions refer to that among other matters, and when it was sought to cast reflections on the inhabitants of the Colony, it was but fair and reasonable that a counter statement should be submitted.

WHEREAS certain despatches from former Secretaries of State for the Colonies, and printed in the Journals of the House of Assembly of this Island, clearly show that the Crown never relinquished, in favour of the assumed Proprietors of Township Lands in Prince Edward Island, its claim to the arrears of Quit Rents, or to the controul of the Fishery Reserves, and by the Civil List Bill passed in 1851 ceded to this Colony its interest in those Quit Rents and Reserves.

RESOLVED, therefore, that measures should be adopted to recover from the Proprietors of Township Lands the amount of Quit Rents of which they have been long in arrears, so soon as the present Act authorising an assessment upon such shall expire—the money being requisite for the encouragement of education and for the general improvement of the Colony; and that other measures should be resorted to, to put in force the right which this Colony has legally acquired to lease or otherwise dispose of the Fishery Reserves for the benefit of the people of this Island.

The Hon. Mr. Whelan continued—As to the right of the

House to deal with the Fishery Reserves and the Quit Rents as the property of the people, it was clear that they had been transferred to them by the Civil List Bill, and although he had frequently had the benefit of the advice of the three legal gentlemen opposite, to the effect that the preamble to that Bill had nothing to do with the enacting portion, yet, presumptuous as it might appear in him to differ from such high authorities, he had not been convinced, and had consequently studied a little law himself, and he found from no less authority than that of Dwarrie on Statutes, that it was a guide and instruction by which to ascertain the meaning of the Act itself. (The hon. member here read the authority, amid some good humoured interruptions from Hon. Mr. Haviland.) Having read one resolution in amendment of that part of the preamble which stigmatised the course pursued by the minority on the questions of Escheat, the Quit Rents and the Fishery Reserves, he would now propose another on the subject of the Land Tenures:

[For this Resolution see page 43.]

This amendment contained nothing but a plain statement of matters of fact, in stating that the scheme of purchase by the local Government had been carried as far as was practicable in the circumstances of the Island, and notwithstanding the assertions to the contrary, it would be found that no loss would ultimately accrue from the action of the late Government in that direction.

After some conversational debate on the subject of the affairs of the Worrell Estate and the history of the Quit Rent claims, with the nature and most of the particulars of which the public are already acquainted, and in which Hons. Messrs. Whelan, Palmer, Coles and Haviland took part—

Mr. OWEN proceeded to state, that he differed from the Hon. Mr. Whelan in the view he took of the resolutions which he considered as affording the prospect of far greater benefit to the tenantry than the Land Purchase Bill, the accounts connected with the operation of which shewed that the receipts last year amounted only to some £700, while the vendors of the Worrell Estate claimed as still due them some £6000 or £7000. That was as though a man could be considered doing a safe business who should purchase a couple of thousand pounds' worth of goods, and only receive enough to pay his shop expenses. He lived near one portion of that Estate, and knew that the best lands had been purchased, and a great proportion of those remaining unsold was of a very inferior quality. The only way to get rid of it, was by having it properly classified, and selling it at a low price. It was not to be supposed that the young men of the Island would remain here, and purchase land at a high rate, when they could get lands of good quality in the neighbouring Colonies and the United States at five shillings an acre. Escheat was utterly impracticable,—any measure having that for its object would have to be sent for approval to the Privy Council, and would not receive the assent of that body. He believed that the land holders generally were disposed to sell their lands. One whose property was situate in the district which he represented had offered to dispose of the best of it for 10s. per acre. Several parties settled on the Worrell Estate had refused to attorn to the Government, because, as they said, they were unable to pay the instalments of the purchase money. He did not view the resolutions in the same light as the hon. member, Mr. Sinclair—for at present the tenants were bound to pay them their rents, and were not allowed to dispute their titles. He would fain see freeholders supersede tenants, and he thought the adoption of the resolutions would conduce to the change.

Hon. Col. GRAY, after objecting to the amount of irrelevant matter which had been introduced into the debate, and the repeated readings of the same despatches, the only effect of which was a waste of time—state that the resolutions, having been so favorably received by hon. members, with some few exceptions, he would waive his right to the general reply. He would, however, say that the opposition to which he referred was to be expected, when the parties from whom it emanated had been endeavouring in vain for eight years to settle the questions which the resolutions would probably do in eight months.

Hon. Mr. COLES—Say nine.

Hon. Col. GRAY had not interrupted that hon. member, and

thought he might have accorded him the same liberty of expressing his sentiments. However, he was not surprised at the interruption, for he had seen the criminal in the dock insult the judge who was pronouncing sentence upon him. He was sorry that the Hon. Mr. Thornton was not in his seat. That hon. member had suggested the extension of the benefits of the plan proposed in the resolutions to leases of 60 years, and he was willing to adopt his suggestion.

Mr. HOLMES approved of the resolutions, which he considered the best which had ever been brought under the consideration of the Legislature, and which were well calculated to have the desired effect of settling the land question. It had been stated, on the part of the Opposition, that the majority had been returned to the House bound to support the interests of the proprietor. In his own individual case, he could assert that no more gross misstatement had ever been made. He was elected freely. No pledge to the support of particular measures had been sent for him to sign, as had been the case with certain members of the Opposition, who had been required to bind themselves to the support of the Government of the day. He was as anxious as any one to relieve the tenantry from the burden of paying rent, but his desire for the attainment of that object would not lead him to the advocacy of measures which he knew would never be acceded to, or to make statements which he knew to be untrue, as had been done by some before the late elections, on the subjects of the Loan Bill, the Reserves, and the Quit Rents. It had been stated, and the statements had received credence among many of the people, that the Bill guaranteeing the Loan had passed—that so large an amount of Quit Rents would be realized that the proprietors would be induced to sell their lands at a very low figure. These assertions, so confidently put forth, had operated to a certain extent against the party with which he was connected. He had read a very significant editorial in the *Examiner*, in which the editor stated that he did not feel as much regret and disappointment at the loss of the Loan Bill as he would have experienced some time before. That statement virtually meant that the Opposition, having made use of the Bill for electioneering purposes, were not surprised at its defeat, because it had become no longer necessary to guilt the tenantry into returning them to their seats in that House.

On motion of Hon. Mr. Whelan, seconded by Hon. Mr. Haviland, the right of purchase in terms of the resolutions was extended to leases for 40 years.

The divisions on the resolution and amendments have already been given to the public.

Hon. Messrs. Thornton and Wightman, and Mr. Conroy, were absent when the House divided.

W. M. HOWE, Reporter.

TUESDAY, 10th May, 1859.

### ELECTIVE LEGISLATIVE COUNCIL.

Hon. Mr. HAVILAND, in moving the order of the day, that the House resolve itself into a Committee of the whole on the consideration of this Bill, said, that it was unnecessary for him to preface his motion with a long speech. The principle of the proposed change in the constitution of the Legislative Council had been under the consideration of the House several times, and on each successive occasion the number of its advocates had increased. When last before the House the principle of the measure had received the approval of the Hon. Leader of the late Government, whose practical support, however, was limited to the application of the elective principle to the supply of vacancies in the present body, as they might from time to time occur. The Bill provided for the election of the whole Council—a system in favor of which, he believed, a majority of the inhabitants of the Colonies would be found to give their votes. The Councils were elected in the Cape of Good Hope, Australia, and Canada. In the latter Colony, the elective principle had been applied in a manner and to a degree different from the mode resorted to in the others, and for a very sufficient

reason, which rendered it impossible to dissolve the whole Council at once, as an Imperial Statute had secured to members their seats for life; but the Bill added 48 new members, and thus the elected members had a majority at the board. Wherever tried, the elective principle had been found to work well. The objection of the Opposition to the change sought to be introduced, that it was unnecessary—the Council acting in harmony with the House—would not be entitled to much weight as an argument on principle at any time, but at present it certainly was not applicable as a fact. The members of the Council, with the exception of two, were notoriously opposed to the majority of the House. The majority of the Council were so obstructive that no uncertainty now existed as to the fate of any Government measure. This difficulty had been foreseen years since, when Responsible Government had been first conceded. Harmonious action was to be expected so long as the members nominated to the Council agreed with the majority of the House, which consisted of, and comprised members and supporters of the Government that had appointed them. The alleged harmony of action has recently been exemplified by the Council having passed an address to the Queen concerning the Government. Besides, nominees can never have the same weight and influence in the country as elective members. The Legislative Councillors of this Island do not even hold their seats for life, but merely during pleasure. People in their position should be able to feel, that in the rejection of any measure which had received the sanction of the popular branch, their situation entitled their conduct to due consideration; but at present they had nothing to fall back upon but their own individual and personal influence. He did not wish to make observations disparaging to the Councillors individually, but it was certain that they possessed no public influence. To the last House 14 members were returned pledged to support the change sought to be introduced by the Bill, and of these 14 all had been sent back to the present House, with the exception of the Hon. Francis Longworth, who did not come forward as a candidate, but the hon. member, Mr. Davies, his successor, advocated the same views, and now this House embraced four more pledged to the same course. It was but necessary for the House to ask for an elective Council, and it would be conceded by the Imperial Government forthwith. He could quote the published opinions in favor of the principle from statesmen and politicians in Britain—men of all shades of opinion, from Lord Derby at one extreme to Mr. Roebuck at the other. He had heard members state that it was necessary to the proper working of Responsible Government that the members of Council should be nominated. He took a different view of the matter. He admitted the necessity which existed for two branches of the Legislature, to prevent hurried legislation. Two separate chambers had been found necessary in the free states of Italy from the time of the middle ages. Where but one existed, all soon went to confusion. In France, the great Revolution vested the Legislative functions in one body, the majority of which sent their opponents to the guillotine. The benefits arising from one branch deliberating on the measures of the other had often been experienced in the Colonies and in England, in the correction of errors which had escaped the notice of the chamber into which the bills containing them had been passed. Such occurrences shewed that with but one branch there was not sufficient security to the public; but it by no means followed that the Upper House was to be a mere office of registration for the measures which had passed the lower. [He then read an extract from the Address of the Canadian Assembly in 1853.] On introducing into the

Imperial Parliament the Bill making the Council elective, a measure necessary in consequence of the Constitution of Canada having been settled by an Imperial Act, the Duke of Newcastle made an able speech in favour of the principle of the measure, which extract he (Mr. H.) then read. Surely if ever Colonial Minister made a statement which was applicable to our situation the one which he had just read was entitled to that designation. He would ask any man of independent character, which he would consider preferable as conferring the greater honor, a seat in that House by Mandamus under the great seal and sign manual of the Queen, or one conferred by the voice of the people? He would read an extract from the speech of another statesman, the Earl of Harrowby, to shew that there was but one opinion on this question among men of all shades of opinion in Great Britain. Lord Derby, too, who might be considered the embodied essence of Toryism or Conservatism, on the debate in the House of Lords, as to the power of the Crown to grant life peerages, gave expression to a similar opinion. Such had been the result everywhere where the old system had obtained. Lord Brougham, the enlightened and veteran statesman, had expressed his thorough disapproval of the system of nomination to seats in the Legislative Councils of the Colonies; and it now rested with the House to say whether they would be content to continue an institution based on a principle long since rejected and decried as unsuited to our circumstances and to the age in which we lived. He believed that some members of the Opposition would support the principle of election, but would limit its application to the partial infusion of new blood into the old body; but the only way would be to make the whole Council elective at once, for otherwise, if a portion were elected, and the remainder held their seats under the present tenure, it could not be expected that any harmony could exist between them. One party would say that they represented the voice of the country, while the others were merely the exponents of their own individual opinions. The Bill provided for the election of twelve members, as soon as it should have received the Royal assent. Of these, who were to be elected by the respective counties generally, and not from electoral districts, six were to be chosen for Queen's, and three from Prince and King's Counties respectively. [Hon. Mr. Thornton—Hear!] He supposed that the hon. member intended to oppose the appointment on the ground that Queen's had double the number of members assigned to either of the counties, but the objection would not be found to have much weight, if it were remembered that Queen's County was more than double either of the others in population and value of agricultural produce. Besides, the Bill would give to King's and Prince Counties a larger representation in the Council than they at present possessed, for they have but two for each. The qualification for electors was the same as that for electing members of the House, and the mode for conducting the elections was similar in principle to that which was in force with reference to the same body. As it was necessary that a Legislative Councillor should be a man possessed of property in the Island, the Bill proposed to fix the qualification of a candidate at the sum of £700, in either freehold or leasehold property. He was not wedded to that or any other particular amount, but would not consent to reduce it below £500. The seat of any Councillor would be vacated by his becoming a defaulter or bankrupt, or divesting himself of his property qualification. The Crown would have no power to dissolve the Council. (Hear, hear!) Hon. members might cry *hear!* but what would be the use of an upper branch of the Legislature if it were not a body interposed between the Crown on one hand,

and the people on the other, and if the Government of the day had the power of dissolving the Council, the intimation of the probable exercise of such prerogative might seriously affect the conduct of members. Such result had often been experienced in the lower branches of the Legislature in different countries. In conclusion, he would merely say, that the Bill provided for the election of their President by the members of the Council, and that the minimum age of a Candidate for a seat was 30 years. He then moved the Bill to Committee.

Hon. Mr. McAULAY rose to second the motion. He did not claim the paternity of the Bill, but he thought he stood towards it in the relation of a grandfather. For, some nine years since, he had advocated the principle of the measure. At that time he foresaw that events would render the adoption of some such change in the constitution necessary; yet his bantling, for which he felt all a parent's fondness, was allowed to perish still-born; but although the body had been consigned to the tomb, the spirit which had animated it still survived. The bread which he had then cast upon the waters had now returned after many days,—the seed which he had sown had taken root, and flourished in many places; and he was happy to think that its fruits would soon be realized by the inhabitants of this Island. A few years since the introduction of such a measure would have been characterised as an audacious assumption of authority, which could only be exercised by the Imperial Government, in which was vested the exclusive rights to make, modify, or abrogate the political institutions of the Colonies. A century ago, in the then Colony of Massachusetts, inhabited by men of our own kith and kin, a nominated Council was found not to work satisfactorily, and the British Government allowed the people to elect those whom they wished to legislate for them. An upper chamber, nominated by the Crown, was necessary in newly settled countries; but when in the lapse of time, they had advanced in population, wealth and intelligence, such a body was as ill adapted to their circumstances as would be the garments of the child to the habiliments of the full grown man. Our gracious Queen, the worthy head of a noble empire, wished her people to be governed in accordance with their own opinions legitimately expressed. The people of the Island had expressed their opinion on this subject in most emphatic terms, and it was for that House to give practical effect to their wishes. It had been said that the Legislative Council was analogous to the House of Lords. If any resemblance existed, he was unable to trace the features of similarity. That body had grown up as a separate branch of the Imperial Parliament, from an age so remote that its inception could be but dimly traced. Its origin might be dated from the time of William Rufus, whose sword-girt barons were entertained by their monarch at the festive season of Christmas. This association of men of equal rank gradually united them as a collective body in the state, and their power and weight went on increasing until the tyranny of John drove them to the assertion of their own rights, and those of their more humble countrymen. Thus it was that the despotic power had been checked by the aristocratic and popular influences, which form the basis of the British Constitution. We ought to be proud to copy, as nearly as our circumstances will permit, the institutions of the mother country; and the substitution of an elective for a nominated Council would be an approximation to the Imperial system. He would ask those who characterised the proposed change as being alien to the spirit and practice of the British Constitution, if the Parliamentary Peers of Scotland and Ireland were not elected? To the argument that the elective principle, as applied

to Legislative Councils, had not been adopted in Nova Scotia or New Brunswick, he would answer, that he utterly repudiated the idea of blindly following the example of any Colony. We should be guided by our own sense of what we considered most adapted to our situation, and if the hereditary nobles of Scotland and Ireland were content with the election to legislative functions, surely the great men of Prince Edward Island need not feel their dignity offended by the adoption of the same principle. There could be no prospect of harmonious action between the House and Council under the present system. As the interests of the people are affected by the action of those who make the laws affecting themselves and their properties, it was but right that they should have the choice of saying who shall make such laws, and the right to govern themselves having been conceded, it was absurd to say that they should not alter the present constitution of the Council, if they so willed it.

Hon. Mr. COLES had heard a good deal about the British Constitution, and the hon. member who had just sat down had treated them to a dissertation on the origin of the House of Lords, which he had alleged commenced its legislative functions in after dinner discussions of the affairs of the nation. No doubt the circulation of the bottle tended to improve the character of the debate, but history furnished many instances where the House of Lords had differed from the Commons, but had yielded to the wishes of the people, when they found that they were resolved to maintain their views. The passing of the Reform Bill and the admission of Jews to Parliament were instances to prove his statement. A similar course of conduct would be found to be adopted by the Legislative Council of this Colony, which, if manifesting factious opposition to the will of the people, as represented by the House, would be dissolved by the Crown. If, as the Bill proposed, the Councillors were elected by the same constituency as chose members of the Assembly, they would necessarily reflect the same views, and thus their efficiency and the very purpose for which they were constituted would be destroyed. If the Council should factiously oppose the views of the House, they could be dissolved; but it could not be shown that they had done so. He had last year declared himself in favour of the elective principle, and he supported the gradual application of that principle as being the only mode in which it would be likely to meet the approbation of the Council. Was it probable that the present Bill would receive the sanction of the body whose destruction was its object? That result was not to be expected. The hon. introducer of the Bill had said that harmony could not exist in a body the members of which were partly elected and partly nominated to their seats; but the Hon. Mr. McAulay had shown that the House of Lords was partly hereditary and partly elective. The probability was, that if the elective principle were applied to the filling up successive vacancies, in 8 or 9 years the constitution of the whole body would be changed; but the Bill, as it at present stood, could only be productive of disputes and ill feeling between the two branches. Besides, if it were to become law, the newly constituted chamber, consisting of new members, would experience the inconvenience resulting from the ignorance of legislative business, which always characterised bodies under such circumstances. He believed the Council was in favour of the elective principle, as being in accordance with the popular wish, if it was moderately introduced. His opinion was strengthened by the fact, that the Government had found it necessary to offer to a former member of the Council the privilege of re-obtaining his office of £300 a year, on condition of his resigning his seat at the Council Board. This was virtually a sale of an honorary



distinction, conferred by the Sovereign on the member to whom he referred. One argument on which the Government had founded the imputation of obstructive character of the Council was, that they had passed an address to the Queen. They had a right to do so, as an integral branch of the Legislature, when they saw the constitution subverted. Not a solitary member of the Government had a seat at their board. No means of communication between them and the Government subsisted. Private members submitted copies of despatches and messages. No precedent could be found for such a course in any part of the Queen's dominions. As to the apportionment of the representation in the Bill, it should be borne in mind that previously to the bargain to which he had referred, King's County had three representatives in the Council, and it had been the intention of the late Government to equalise the representation, as vacancies occurred.

Mr. COOPER was favourable to the elective principle, but thought members of the upper House should not be removable too rapidly. In Britain, whose institutions afforded the greatest degree of security for life and property, the House of Lords were a check upon hasty legislation; but in a small Colony of some 80,000 inhabitants, of whom about 15,000 were electors, it was idle to expect that fixed adherence to traditional and hereditary feelings and principles which characterised the course of the British House of Peers. When he considered that in that House, consisting of 30 members, there were no less than seven members of the Executive, and that there was no one responsible officer, no one of them to whom reference could be made, as Attorney General or Provincial Secretary, he thought it would be as well to see how that alteration would approve itself to the people before breaking up the Council. If members were to be elected, the candidates should be those who would not court the people, but whom the electors should request to come forward. £300 in land was a sufficiently high qualification, and the selection should be made from the House. He thought it advisable that the Bill should not be pressed this session, but published, in order that the people might have an opportunity of forming their opinions, after deliberate knowledge of its provisions.

Hon. Mr. PALMER—The hon. member's opinions, it appeared, had undergone changes on almost every subject but that of Escheat. He thought that his plan of electing members of the Council by the House would not suit, for if they elected a body to meet the wishes of the majority of the House, that hon. member would not be satisfied, and one which would meet his approval would not be very acceptable to the House. He had been once opposed to the principle of elective Councils, because it would give undue preponderance to the democratic element, and he considered that the principle of nomination, if impartially exercised, would effect a nearer approximation to the institutions of the mother country; but experience had shown that the system could not work beneficially. That opinion had been induced in a great measure by the general impression among the people at large, and a review of the practical results which had attended its working. In the Imperial Parliament the independence of the second branch was secured by its composition being hereditary, and occasionally receiving nominated members whose seats were, however, also hereditary. Not so with the upper chamber of the Legislature in this Island. Years ago, when the members of that body were more the nominees of the Crown than of a party, there was some analogy to the British constitution; but since Government had been carried on by a party for a party, the existence of a body, constituted as was the present Council,

was incompatible with the proper administration of the public affairs of the Colony. Much stress had been laid upon the fact, that the Council must harmonize with the majority of the House; if they do not they will be in opposition to the voice of the people. If that is the essential requisite of a Council, nominated by the majority of the House—if its functions are to consist in the manifestation of a spirit of servile submission to the will of those who appointed the members, its usefulness is gone, and it became high time that a spirit of independence and self-reliance were infused into its deliberations, for without that it could not be of any benefit to the country, nor prove a check to the House in times of political excitement. If the Council were to be merely the nominees of the majority of the House, it followed that it should be dissolved, and reconstructed when the House was. The time had arrived to change its constitution, and the application of the elective principle was the only remedy. The Bill was calculated to give fair representation to the different counties according to their wealth and population. It had been said the Bill would be of no use, because the Council would not assent to it. He did not suppose they would be guilty of so suicidal an act. The members would be reluctant to appeal to a constituency, more especially when that constituency comprised the electors of a whole county. Yet it was their duty to pass the Bill in such shape as the majority of the House might deem proper. Some hon. members might prefer a partial to a total dissolution of the Council. That idea might be worthy of consideration. He did not feel himself bound to the exact details of the Bill. Those details had been ably advocated by Hon. Mr. Haviland, who had well discharged his duty to the public—a large majority of whom had expressed a decided opinion in favour of the measure. If the House passed the Bill they would have done all in their power. He did not expect that it would pass the other Branch, who were merely the nominees of the minority, and a very small minority, of that House. If the House determined to carry the Bill in its present shape, it would not be worth while to send it to the Council to have it rejected, but another power could be brought to bear. The allusion of the hon. the leader of the late Government to the alleged sale of a seat at the Council board, would, if true, merely prove the inherent badness of the present constitution, and the necessity for a change. It was not necessary that he should go at length into the reasons so ably urged by his hon. friend, Mr. Haviland,—he was content to support the Bill, unless greatly altered in its details; and would submit it to the public for their judgment, instead of sending it up to the Council.

Hon. Mr. LONGWORTH would not discuss the measure at any great length, after the able advocacy of its provisions, and the citation of high authorities in favor of its principle, which had been quoted by the hon. member who had introduced it. The opposition had not ventured to run counter to public opinion by manfully objecting to the whole measure; but had contented themselves with the partial and gradual adoption of the principle—thus advocating the institution of an incongruous and mongrel body. It had been recommended to take the Council, as at present constituted, and gradually infuse new blood into their body—that a departure from the system of nomination would be a departure from the principles on which the House of Lords was constituted. There was no analogy between the constitution of the two bodies; and the Hon. Mr. Haviland's quotation from Lord Derby's speech on the elevation of Baron Parke to a life Peerage, under the title of Lord Hensleydale, showed the vast difference between even a peerage held by an hereditary tenure and one

merely for life. It had been very properly stated that no similarity existed between the two, the possession of a peerage for life had no status of equality with the hereditary Peers would be looked down upon, and would feel a painful consciousness of his inferior position. Such arguments bore upon the question before the House, and with greater force; for the nominated councillors do not hold their comparatively trifling honours for life, but merely during pleasure. The case had been different in Canada, where the seats were held for life under an Imperial Act; but that constitution was effectually abrogated by the addition to a body of 45 nominees of 48 elective members—thus completely giving the ascendancy to the principle which the people were desirous of seeing introduced. The nominated position having vested rights to their seats, the Crown could not consistently deprive the incumbents of them, but gave at once the preponderance to the elective portion of the Council. He did not see how new members, elected by the people, could harmonize with the old nominees, ostensibly put into the Council by the Crown, but virtually by the dominant party of the day. The latter would present a mere reflex of the views of their patrons, and it would be useless to expect that they would act in unison with their opponents. What was the remedy for this state of things? Partial measures would be found inadequate; and it was a duty which they owed, not only to themselves and their constituents, but also to the Council, to raise it in public estimation. No independent Council can be expected, so long as they are merely nominees of a party. That objection is inherent in the very system. The only practical remedy was in the election of councillors. Once let the principle be adopted, and the adjustment of the details could soon be effected. As to King's and Prince Counties having three members each, while Queen's was to be represented by six, it would be found that the latter had not the proportion to which she would be entitled, regard being had to her population. The hon. leader of the late Government had declared that it was intended to give a third member to Prince County; yet when he had the opportunity he had not done so, but had appointed Mr. Hutchinson from Charlottetown, so that the Bill proposed to do more for the out counties than his Government had ever done. He was in favor of the election of the whole body, as provided by the Bill; and the qualification of candidates should be higher than that required for seats in the House, for he thought that the Council should represent not only the people, but the property of the country. He was, however, not pledged to any particular amount. The sum named, £700, might be considered too high; probably an amount somewhat less would conciliate the support of some hon. members.

Hon. Mr. COLES vindicated the appointments to vacancies in the Council by the late Government. Hon. Mr. Forgan was a Tory, Hon. Mr. Hutchinson had been of the same political creed, and if he had changed sides, had, he presumed, acted from conviction; Hon. Mr. McIntyre had been appointed to supply the vacancy caused by the resignation of a gentleman from the same section of the country, and belonging to the same religious denomination as his predecessor, and no communication had been held with either previously to their appointment. They were not asked, nor expected to pledge themselves to support the Government which had appointed them. Hons. Messrs. Young and Swabey had been appointed by the old Compact—the latter gentleman, after he had failed to obtain a seat in the Assembly, and the fact that they differed from those who put them into the Council shows that members of that body did not feel themselves bound to support the party views of those to whom they were indebted for their seats, but could and

did act independently of such considerations. The hon. member, Mr. Palmer, had said that it would be no use to send the Bill to the Council, but had threatened the "Iron Rod" of another power to be brought to bear. The Royal Instructions require that the reasons for the contemplated dismissal of a Legislative Councillor should be sent home for approval, and the refusal of the Council to pass this Bill could hardly be thought sufficient to justify their dissolution. Some time since allusion had been made to the qualifications of Councillors. The present instructions had no reference to property qualifications—they merely authorized the appointment of fit and proper persons. It was supposed that the Executive Council would submit the names of properly qualified persons for seats in the Council. If the Government was of opinion that the Council would reject the Bill, why ask the House to pass it?

Hon. Col. GRAY had heard very able and well digested remarks from his hon. colleagues in the Government, and from Hon. Mr. McAuley; but as a plain farmer, he would offer a few arguments in plain language on what appeared to him the main point involved, namely, which was most desirable, a nominated or elective Council? The present Government had been styled one of patchwork. It might be so, but it was not a mere sham. If ever a people had been deluded by a name, the inhabitants of this Island had been gulled for the last seven years by the name of Responsible Government. The unhappy Roland put on record the last sad reflection of his life: "Oh Liberty, what crimes are committed in thy name!" The same was true with reference to the mode in which Responsible Government was carried out in this Colony, to which its enemies should come if they wished to find a justification of their opposition. With reference, however, to the question more immediately before them—the choice between a nominated or an elective Legislative Council—he did not think that the Island possessed the requisite materials. The sum of £700 was, he considered, too low as a property qualification. In one colony a candidate was required to qualify on £3000, in another, £1000, in real or £5000 in personal property. As it was, however, necessary to have an upper branch, it would be their duty of two evils to choose the least; and therefore it was that he would support the Bill. It could not be said with truth that we had Responsible Government, so long as the Legislative Council might be at the beck and nod of the leader of any party which might be dominant in that House. He did not refer especially to the leader of the late or of the present Government, —he would invest neither with such influence. Under the present system the Leader nominates to vacant seats at the Council Board; and it would be absurd to deny that in the Government, having the confidence of the majority of the House, are vested the nominations to the Upper Branch. They must continue the present mockery, or make the Council elective. When he had been offered a seat in that body some five years ago, he asked if he was to take it unpledged. He was told that he was to consider himself perfectly free, and he went there unfettered. Before the lapse of a few months, however, he saw that the whole thing was a perfect farce. The divisions were regulated solely by regard to party interests. In short, it was a perfect game of "Follow my Leader." He followed him, and bid them good bye. (Laughter.) He came to this House as the chosen of 900 voters, and felt that he held a position of far greater weight in the country than when he had for a short time sat in a body which had earned the character imparted to it, of a sham. For what purpose had the Council been originally constituted? The framers of the constitution had intended the "potent, grave, and reverend signors" of the Council to act as a check upon the exuberant spirits and hasty acts of the junior branch; but instead of affording such check, they had seen them in the character of very humble servants of the Leader of the party at the time dominant in the House. The hon. member, the Leader of the late Administration, had told the House that two of the present councillors (Hons. Messrs. Swabey and Young) had been appointed by the old Tory party. If so, they had of late been changed into office

holders. The independence of the one might be inferred from the fact of his holding 12 or 13 offices; the other 2, 3 or 4; he did not exactly recollect the number. Now, would it not be black ingratitude, if, invested by his hon. colleague, the Leader of the present Government, with so liberal a number as a dozen public offices, when, perhaps, he might not own the very chairs in his house, he should be found to oppose him in the legislative capacity which was due to his kindness? Some two or three years ago he had told his constituents that the people would never have Responsible Government while the Leader had power to nominate to seats in the Legislative Council. They asked what was the use of returning a majority to the Assembly, if the majority of the Council were all slaves of one man? He hoped soon to see a Council composed of men who would be slaves to no one. The hon. Leader of the late Government had intimated that some members of the Council would be willing to adopt the elective principle. It might be so, but the will of the people would make the whole of the seats elective. He had no objection to the course suggested by Hon. Mr. Palmer. The discussion of the Bill would occupy a good deal of time, and the season was now far advanced; and if it were sent to the Council, much time would be wasted, he feared, but to little purpose, as it was not likely to meet the approval of that august body, which was characterised by an inordinate degree of vanity, but very little independence. Therefore, another course from that pursued generally was necessary for the House to adopt, in order to obtain what the people wished—an independent Upper Chamber.

Mr. SINCLAIR.—It was unnecessary to fire broadsides without an object at which to direct the aim. Hon. members on the Government side had argued as though they had anticipated great opposition to the Bill; perhaps they wished to excite it. It had not met with any opposition to the principle. It appeared to him that the Government were anxious that it should not pass, and for that purpose endeavoured to excite such feelings as would render its defeat inevitable. One clause seemed to have been introduced expressly for the purpose of preventing the Council assenting to it—that which provided for the immediate election of the whole body. He had heard it said, when the Liberals were in power, that they kept a *nest-egg* in reserve, as a means of retaining popularity. The present Government were following their example, by keeping this Bill in abeyance as their *nest-egg*. It framed properly, why not adopt the usual and constitutional course to pass it into law at once? The Government said that they did not expect it to pass the Council, but they would lay it before the people. Why did they not introduce a measure which they could expect would pass, and if that were thrown out, and it were in accordance with the popular wish, the people would rally to their support, and their position would thus be materially strengthened.

Hon. Mr. WHELAN had no expectation that any observations of his would influence the minds of hon. members on either side of the House, for he was, he feared, almost alone in unqualified opposition to the principle of the Bill. To that principle he had always been opposed, and he emphatically denied the right of one branch of the Legislature to interfere with the construction of another. Besides, he did not consider that the Council would be of more service to the country by being made elective. It was unnecessary that he should review all the arguments that had been urged in favor of the Bill, but he had heard none which would induce him to change his opinion, although the hon. member, Mr. Coles, had offered a change to come over the spirit of his dream since last session, when he had warmly opposed the measure. The course pursued by the Government, with reference to the Council, was precisely such as might be expected from them, now that they had not a majority of that body ready to do their bidding. Ten or twelve years since the party now in power would not allow a syllable to be breathed against the Council of that day. It was accounted almost sedition to utter a remark in any degree disparaging to them. They were then the independent representatives of the wealth and intelligence of the people; but now they were unworthy of any respect, and no epithets were too vile to be applied to them. When, at the time to which he referred, the Council had shown a spirit of determined antagon-

ism to the measures of the party with which he was associated, he had not once uttered a word or written a line advocating a change in its constitution. He believed with the poet, that "Time at length sets all things even," and the result had justified his confidence. There was no ground for the belief that the Council would factiously reject any measures of the present Government; and it was unfair, uncourteous, and unconstitutional to stigmatise the members of that body as being the slavish puppets of a party, when they were as much entitled to public respect as the House of Assembly. He denied that it was the general wish of the people that the constitution of the Council should be changed, or that the question had been made a test at the elections. Some few members might have been returned pledged to the measure, but there was no authority for the assertion that it was generally desired. But were it otherwise, the change could not take place without the consent of the Council itself. (Laughter) Hon. members might laugh, but they would probably laugh at the other side of their mouths, if the Council should introduce a Bill altering the constitution of the House.

Hon. Mr. HAVILAND would laugh more heartily at that.

Hon. Mr. WHELAN would do so too, but really the Council had as much right to do so, as they had to pass this Bill. Such conduct would not be a whit more impudent and absurd than their own. The hon. member, Mr. Palmer, admitted that the Bill would not pass the Council, and Hon. Col. Gray said that it was unreasonable to suppose that it would. Why then waste the time of the country by thus enacting a solemn farce? With reference to what had been said on the subject of the address to the throne, recently adopted by the Council, that body had an undoubted right to express their opinions on the recent change in the constitution of the country, and it was their duty to declare their opinions in emphatic terms, and they ought not to be called to account for having done so in that House. The hon. member, Mr. Haviland, had stated that it was only necessary to ask the Home Government, and it would sanction the proposed change. That might be the case, if the Bill came before them in proper shape, and the consent of the other Branch was necessary to that. As to the citations from the speeches of Lords Derby, Harrowby and other British Statesmen, with which the hon. introducer of the Bill had favored the House, he, for one, would never consent to pin his faith upon the sleeve of any man. It might suit the purpose of that hon. member to quote those authorities when their opinions happened to coincide with his own; but he recollected the time when the views of Lord John Russell, an eminent statesman as any of them, on the subject of Responsible Government, had been scouted by that hon. member and his *confreres*, as being foolish and absurd, and the system of Responsible Government was stigmatised as mere humbug and moonshine. Apart from his objection to the principle, the details of the Bill would meet his decided opposition. The unequal allotment of representation to the counties was one ground of objection; and the attempted justification of it was a mere fallacy; for if the preponderance of wealth and population gave Queen's a right to one half of the seats in the Council, the same argument should apply to that House, and the favored county should have the same proportion there. The qualification for the Councillors was too high for so small and comparatively poor a Colony. It might do for Nova Scotia or New Brunswick; but the effect of it here would be to place the whole legislative power of the Upper Branch in the hands of the proprietors. Again, the extraordinary provision that the Crown should not have the power of dissolving the elective Council, while it could at any moment send the members of the Assembly back to their constituents, might lead to most embarrassing complications. Suppose, for instance, the Council entertained views diametrically opposed to those held by the House of Assembly, and that each body was determined to adhere to their own—the Government might dissolve the House, and if the newly elected one were imbued with the opinions and spirit of their predecessors, what would be the result? The Council could not be dismissed, and how was the Governor to remove the dead lock? If the Crown had power to dissolve one branch, it should be in a position to exercise the same authority over the other. Another objectionable result

ought, and probably would, occur. At present that House had the exclusive control of the purse strings; but once bring this elective principle into operation, and the Council, as an equally elected body, could claim a co-ordinate right. The Bill also contains provisions on matters which should properly be left to the members of Council themselves to settle—such as the appointment of their President, and the power to punish their refractory or delinquent fellows. All such assemblies made such rules and regulations as they thought fit; and this appeared to him to be a very offensive interference with the universally recognized right of such bodies to regulate their own internal affairs. The hon. member for Georgetown, Mr. McAulay, had represented himself in the venerable character of "grandfather" to this precious Bill, and had stated that the spirit of his long-since deceased offspring had survived the body, and now animated this pot child of his colleague. For the credit of that hon. member, he charitably hoped that the Pythagorean doctrine of the transmigration of souls had not received an illustration in this case, but that his banishing had been changed at nurse; for if its lineaments resembled those before them, the venerable grandaunt had but little cause to regret the untimely death of so ill favored an archon. His reference to the Massachusetts of a hundred years ago was not a particularly brilliant illustration of his argument, for the early history of that Colony was as replete with absurdities as that of any country of the time. To be consistent, he should have recommended for our adoption the highly enlightened code commonly known as the Blue Laws of Connecticut, and the humane and intelligent practice of burning supposed witches. He would vote against referring the Bill to Committee, as he considered it would endanger the harmony which should subsist between the House and the Council, which latter, inflamed with the passions and angry feelings excited by election contests, would not be as likely as at present to exercise a calm and deliberate supervision of the measures of the House; but would probably augment the bickerings and heart-burnings arising from political struggles, of which there was already too much.

Mr. HOWATT would address himself to the main question involved, namely, whether it was desirable that the constitution of the Council should be changed, or allowed to remain as at present. That body, as now constituted, was and had been obstructive, not only to the conservative, but also to the liberal party. For when the latter passed a Bill to cause the proprietors to put their titles on record, the Council threw it out; it might be, at the suggestion of the very parties who had introduced it into the House. The hon. member, Mr. Coles, stated that a late member of the Council had been bought. If such were the case, it went to shew the rottenness of the present system of appointment to seats, and was certainly a high compliment to the wisdom of the hon. member (Mr. Coles) who had selected the gentleman referred to. It was an old saying, that money makes the mare go, and it appeared to have made the Council or go too. (Laughter) As to the details of the Bill, he considered that Queen's County would have an undue proportion relatively to King's and Prince Counties. He would not, however, oppose the Bill on that ground at present, but at a future time would support a modification of that provision. He would, however, oppose the qualification of candidates, as being altogether too high for the circumstances of the country. It might appear low to some possessed of plenty of property, but it must be reduced before it would meet the views of the great body of the people. It was calculated to invest the Council with too aristocratic and exclusive a character; and the Bill should give an opportunity to the better class of farmers of becoming candidates. He also objected to the plan proposed of each Councillor being elected by the whole County. The majority of farmers were but little known out of their own immediate neighbourhood; it would be better, as there were to be three members for King's and Prince Counties respectively, that there should be three electoral divisions for each. The hon. member, Mr. Coles, had said that Councillors might vote against the party that appointed them. They might, it is true, but no party would put his opponents there. Much stress had been laid by the opposition on the assertion that the Council would not pass the Bill. That had

but small weight with him. They were sent there to carry out the wishes, not to betray the interests, of those whom they represented; and if the Council rejected a measure which he considered of the public weal required, he would persevere, and never allow expediency to influence his conduct against a principle.

Hon. Mr. THORNTON, being in favor of the principle of the Bill, would vote for sending it to Committee, at which stage of its progress it would be proper to discuss the details of the measure. A great deal of time had been spent on those in this debate, quite unnecessarily, as the same grounds would all be gone over again when the Bill should have been committed. The country demanded a change in the composition of the Council, and the sooner the elective principle was adopted the better. Its application should, however, be gradual, and such he would support; but objected to so violent and sweeping an alteration. Two hon. members had claimed, one that he was the grandfather, the other that he was the father of this Bill; but a reference to the Order Book of 1850 would show that he could arrogate to himself the relation of great grandfather to the measure, and consequently it was not to be expected that he would drown his descendant. By the adoption of the elective principle they would not be preceding Canada and the lower Colonies, but merely following in their footsteps.

Hon. Mr. HAVLUND congratulated the House on the general recognition of the principle of the Bill, in his opposition to which the Hon. Mr. Whelan stood alone; but it was the first occasion on which the Hon. Mr. Thornton had made known the relation in which he stood to the Bill. He was glad that the principle found favor in the eyes of that hon. member, although he regretted his opposition to the details. There would be no use in inserting the small end of the wedge. The present Council must be abrogated. There was no chance of their co-operating with any government to which the hon. the leader of the minority would be opposed. He was amused at that hon. member's reference to Messrs. Swabey and Young, as having been put into the Council by the old Tory party, consequently they at the present day reflected the views of them who sent them there. With that party the Government had nothing to do. They had gone to their political tomb, and he hoped the Council would speedily participate in the same fate. It was absurd to say that they would support the majority of the present House. The former gentleman held 13 or 14 offices under the late Government, and the latter had been their Attorney General in former years, when he sulked, and went out of office—came back, and now was out again. The hon. member, Mr. Whelan, was entitled to great credit for the length of his speech, which consisted principally of railing comments on his own and Hon. Mr. McAulay's observations. He had, however, misrepresented him, (Hon. Mr. H.) when he stated that his advocacy of the Bill was based upon the opinions of Lord Derby and others. He had merely adduced their opinions to shew that an elective Council would be conceded by the Government of the mother country, whenever it might be asked for. In addition to the statesman whom he had cited, he would fortify his argument by the opinion of the late Sir William Molesworth, who had been not a Tory, but as great a Radical as the hon. member himself. (Laughter) [The hon. member here read from a speech of the late Sir Wm. Molesworth, delivered in March, 1859, advocating elective Councils]. The death warrant of the nominee system had been signed; it had found no favor in the British Lords or Commons. In the year 1837 the Home Government, on address, had remodelled the old Councils in these Colonies, and would do so now, when once made aware that such was the wish of the people. At present the Councillors were not the nominees of the Crown, but of the leader of the Government of the day. There was no foundation for the assertion that the qualification of £700 would have the effect of putting into the Councils none but proprietors. He had stated his willingness to reduce the amount to £500, and expected it would be cut down in Committee. A proprietor would not be the party most likely to succeed in an appeal to a constituency of tenants. The hon. member (Mr. Whelan) knew that the Bill was not intended to have, nor would it have that effect, but he wished the opinion to go abroad to the country in his speech. As to the objection to the division of Councillors, among the different counties, while each had an equal representation in that House, he said boldly that Queen's had not her fair proportion on their floor, and for that he blamed the hon. member's celebrated Good Friday Bill. That gentleman had laid some stress on the fact that there had been no petitions before them praying for this change. Where were the petitions requesting an addition of six members to the former number of the House? That addition had been made in the expectation of getting a majority of seats for the late Government at the then ensuing general election, but alas! the hon. member and his friends had dug a pit and fallen into it themselves, and out of it they were not likely to get for some time to come.

(To be continued.)

W. M. Howe, Reporter.



## HOUSE OF ASSEMBLY.

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

*(Continued from page 36.)*

Hon. Mr. COLES—As my hon. friend Mr. Wheaton has prepared an amendment to the paragraph, and as he is not present to move it himself, I shall perform that office for him. [The hon. member here read the amendment which has been published.] The amendment indicates the only equitable and feasible mode of settling the question. By submitting it to the proper tribunals it will be finally disposed of. If from such reference the tenantry get nothing, they must be satisfied with their lot; and if the claims of the proprietors shall be sustained, they must be supported. As to the proposed arbitration, it is all nonsense. Let each party bring his legal advisers, and let the Court and Jury decide their relative rights, as was done in the instances of Lots 15 and 55, where twelve freeholders gave their verdict on the evidence submitted to them; from such decision an appeal would be to the Court of Chancery here, or to the English tribunals, whose decision would be binding on all parties. The government should adopt that plan, and as they have a majority at their back there will be no difficulty in disposing of the question in the manner I have indicated.

Hon. Mr. HAVILAND—It is amusing to hear the hon. member lecturing the Government, and instructing them what principles they should adopt in settling the land question. If he was sincere in his present opinions, why did he not advocate them when in power for so long a period? Why oppose the hon. member Mr. Cooper's motion for the establishment of a Court of Escheat?

Hon. Mr. COLES—Wise men sometimes change their views.

Hon. Mr. HAVILAND—And fools jump Jim Crow; but of all the instances of such performances I have ever known, the present course of the hon. member is the most glaring. In 1855, when he had a ready majority at his back, none were so vehement in his denunciations of Escheat as the hon. member; but now that he is no longer in the Government, when his political stock in trade is exhausted, he finds it convenient to change his views, in hopes of again deluding the people. A man who, like the late Sir Robert Peel, changes his policy while in power, and by such change forfeits his high position, is entitled to respect; but the case is reversed in this instance, and the hon. member can claim no credit for his present advocacy of Escheat.

Hon. Mr. COLES—Look at my address before I left the Government.

Hon. Mr. HAVILAND—Yes, that address appeared when the hand-writing was on the wall; when the sceptre was about to depart; when the miserable Government was doomed. I shall allude, without more than a passing reference, to the last dying speech and confession of the ex-Chancellor of the Exchequer, on the subject of the wearisome Worrel Estate. I am content to take the last report of the Commissioner of Public Lands, from whose figuring it appears that there was a sum of £122 5s. 5d. against the property on account of interest and working expenses. If such be the case, it is idle to predict the time when the purchase money will be realized from the land, the most valuable portion of which has been sold, and the residue offers but little prospect of settling so long as better soil can be obtained. After the experience of that property no one should regret the loss of the Loan

Bill; for if the management of that petty property had been so unfortunate, what would necessarily have been the result of the far greater operations under the Bill. Besides there was an inherent injustice in the principle of the measure, which should at least have made each property coming within the sphere of its action, primarily and solely liable for its own costs and charges; for it is unjust that the man in King's County should be liable to pay for the property of him in Queen's; or that either should be burdened for the benefit of the resident in Prince's County. It has been truly characterised as a tax upon industry for the benefit of idleness. The refusal of the British Government to guarantee the Loan; has been stigmatised as a breach of faith. It is nothing of the kind, for it will be seen that no express promise had been given; Mr. Secretary Labouchere merely suggested the possibility of some such measure, when he was informed by the late Government that great irritation was experienced at the loss of the Reserves and Rent Roll Bills. The Imperial guarantee was to be contingent upon the sufficiency of our financial affairs to repay the Loan, and when they were found to be in such a state that they afforded no security for that purpose, the ministry naturally and properly withdrew the measure they had introduced. It has been asserted that the proprietors had opposed the measure. Such is not the case, for it would clearly be their interest to receive Government Debentures for their lands. The true reason of the loss of the measure is to be found in the fact that Lord Stanley was misled when he stated that we were out of debt, and had a small surplus; and had the late Government been honest they would have shewn that not only were we in debt, but that the debt was annually increasing. The Journals shewed a balance against the Colony of £29,800, and it is therefore unfair and untrue to charge the British Government with a breach of faith, because they did not act on statements the falsity of which was at length brought to their notice.

Hon. Mr. COLES—The hon. member seems indignant that a breach of faith has been imputed to the British Government. Mr. Labouchere's despatch contained a promise to guarantee the Loan; and a subsequent one stated that the Lords of the Treasury would negotiate the Debentures. If these were not promises, what can be so considered? I am not to be deterred by the hon. member from calling things by their right names. I am as loyal as any man, and Her Majesty herself is accustomed to the free expression of their opinions by her people at home and abroad. The hon. member commenced by saying that I advocate Escheat because no longer in power. Last winter, when a majority of liberal members was expected to be returned to the House, I stated that if the Loan Bill should be lost I would go for Escheat. I repeat that the Bill was opposed in consequence of misrepresentations as to the finances of the Colony; amongst others that the expenditure exceeded the Revenue by £15,000. If it was for their interest that the Bill should pass, why did they run over the country getting signatures to a petition against it? The Bill was, however, withdrawn before the document was received in England.

Hon. Mr. POPE—I am anxious to have this long standing question settled, but would not endeavour to hoodwink and humbug the people as the last speaker has done; nor am I of those who would, while paying my own rent, urge others to refuse to pay theirs, as has been the course of some. As so much allusion has been made to the Worrel Estate, I will shew the committee the reasons which induced the late Government to purchase it; and I think they will agree with me that the intention was not so much to benefit the people

as to provide many offices for some of their party who stood in need of them. The reason why so high a price was given for the property, was that Mr. Mooney was becoming very troublesome in his application for an office. To pacify him, the Hon. Col. Swabey had to give up his situation of Registrar, with the understanding that when the Estate became the property of the Government, he was to be the Commissioner of Public Lands. Mr. Joseph Ball was also to be installed as Surveyor General on a handsome salary. My brother bought the estate for £8500 sterling, and sold it to the Government for £17,000 sterling. Now, who were the Commissioners appointed to value it? Joseph Dingwell, whose relatives and friends are numerous on the property; Joseph Ball, who was to receive a salary of £250 a year, and William Swabey, whose annual salary of £300 was dependent on its purchase by Government. Is it likely that they would report against their own interests? They were the Commissioners to appraise one portion. For the other part, the Hons. Messrs. Thornton, Beaton, and James Dingwell, (a brother of Mr. Joseph Dingwell,) were appointed. Well, they reported in favor of the purchase, and Mr. Ball got his £250, and Col. Swabey his £300 a year, according to promise, and they have been benefitted if the country has not. I would not object to the Loan Bill, if I could believe that its operations would be self sustaining; but with the experience of the management of the Worrel Estate to guide my judgment, I can come but to one conclusion, that the Loan would have been ruinous to the country. The accounts connected with that property shew that up to the 31st January last, the end of the financial year, but £6922 14s 10½d had been received on account of lands sold, the loss of land tax, interest, salaries, &c., amounted to £6630 6s 8d, thus giving an excess of expenditure over receipts, of £607 11s 9½d. If those figures be true what have we to expect but that in a few years the whole purchase money will be sunk? It might suit the objects of the late Government to have it in their power to compel the votes of the tenants on this estate in their favour by threats of ruin, if they did not sustain them in office; and the same corrupt results were expected from the Reserve Bill. I would ask, too, on what grounds the charge of breach of faith on the part of the British Government is based? The late Executive Council sent home false and dishonest statements, showing a balance in favour of the Colony of £6000 or £7000; and when our actual position was shewn, and the Colonial Minister found that he had been deceived, he promptly gave the reason for withdrawing the Bill from Parliament, viz: the unsatisfactory state of our finances. In the statement of our assets sent home by the late Government, the public lands were estimated at 4s sterling per acre, equal to 6s currency. Now, sir, I find a large proportion of the Worrel Estate, no less indeed than 36,800 acres were purchased by the late Government at the following rates:

6,800 acres at 1s currency	£3,400	0	0
25,000 " 5s "	6,250	0	0
5,000 " 4s "	1,000	0	0
	£10,650	0	0

while taking the fictitious valuation of the late Government—

36,800 acres at 4s 6d, equal to 6s cy., would amount to	11,040	0	0
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making a difference of	£390	0	0
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Will the hon. leader of the late Government dare to say that he put the true value of the lands in the statement he trans-

mitted to the Colonial Office, when he knew well that the best of the land has been taken up by men of substance who have paid their instalments, and that it would be wise to give the residue to any who would settle on it, as it will never pay the expenses? That hon. member has argued that the opposition of the proprietors had defeated the Bill; and as a proof of his assertion, stated that they had got up a petition against it, but admitted that the Bill was lost before the petition got to England. But what was to be expected from such a Government as the last? Who but robbers or madmen would estimate as worth 4s sterling, land that had been valued by their own appraisers at but 8d sterling? The hon. ex-Chancellor of the Exchequer has expressed his willingness to go with the present Government. I give him every credit for sincerity, for I believe if he could get a seat in the Executive Council he would support the present or any other Government.

Hon. Mr. THORNTON—I shall briefly give my reasons for supporting the amendment, although I have been and still am a non-Escheator, if any other feasible plan can be adopted. I have been an agent for several years, and am at present a trustee of lands, and as such it might be more for my interests personally to keep as such the tenants of whose landlords' property I have the management. But I say that the sooner the whole tenantry of the Island are converted into freeholders, the better. As allusion has been made to the report of the Commissioners for valuation of the Worrel Estate, I am quite prepared to justify it; and the reasons there assigned for the Government purchasing the property operate as strongly as ever on my mind. One great result of the Land Purchase Bill is the reduction of the price of land. The purchase of the Worrel Estate by the late Government had the effect of inducing proprietors to lower their prices, as they could no longer get 20s, 30s, or even 50s per acre, while the Government would sell at rates so much lower. There is one strong argument in favor of the conversion of leasehold tenures into freeholds, which has been overlooked in the debate. I allude to the large amount of money which would be retained in the Island, but which is now remitted to absentee proprietors for rent. On the same grounds as those on which I supported the Land Purchase, I was in favour of the Loan Bill; but with reference to the latter, it was never contemplated that the whole amount of £100,000 would be drawn at once. It was only intended to be used from time to time in the purchase of properties, as they might be offered to the Government. The great bulk of the people can only become freeholders under the operation of some general measure, and not by the miserable system of the purchase of a little bit of land here and there, while the great breadth of the soil is held by large proprietors, at high prices. As an agent, I have had ample opportunities of knowing the difficulties of collecting rents, and the embarrassments under which an unfortunate season places the already indebted tenant. In many instances, unless the Landlords relieve him, his energy becomes paralyzed, and pauperism stares him in the face. Although as I said before, I am not an Escheator, yet I shall support the amendment, if no other means can be found available for the settlement of this question. As to arbitration, I have no confidence in that as a practical solution of the difficulty. The award of the arbitrators would be made subject of appeal, the legal gentlemen would take care of that, and the poor tenant would realize the fable of the wolf and the lamb.

Mr. DAVIES—All has been done that could be done on the subject of Escheat, and all had been without avail. The hon. member Mr. Cooper had been twice a delegate to obtain a Court of Escheat, and both his missions had been fruitless. The hon. member Mr. Coles had denounced the agitation as strongly as any one could, and it was too late for him now to say that it would be conceded. The recent despatches are confirmations of the proprietary titles under the original grants. Much has been said about the Worrel Estate. In my opinion that property has never been worked in such a manner as to make it self sustaining. The first duty of the Government after purchasing it, should have been to have

calculated the first cost of the land, the interest on that, the loss of land-tax, the expense of management, the comparatively valueless areas of swamps, &c. : and then have fixed their tariff of charges at such a rate as would cover all these items and provide a sinking fund for the payment of the purchase money. There exists no prospect that the future purchases and payments will be better than the past. As has been said by Hon. Col. Gray, hostility has been tried long enough, and it is now our duty to take the despatch in the spirit in which it is conceived, and endeavour to stop further agitation of the titles of proprietors, which has the effect of preventing the investment of capital in land. I do not mean to say that the Worel Escheat will produce nothing, as some hon. members have argued; but I certainly think that but very little will be received from it when finally wound up; while the Loan Bill would, if in operation, have entailed unjust burdens upon the Merchant, the Mechanic and the small Proprietor.

Mr. COOPER—Measures of various kinds have been proposed, but nothing but a court of Escheat will ever have the effect of settling the question. Numerous and grievous wrongs have been inflicted on the people of the Island. The grants provided that the lands were to be settled with foreign protestants. Now foreigners could not hold lands under British dominion, save as tenants; and therefore it was an act of injustice to deprive British subjects of their birth-right. Lots 15 and 55 were settled in freehold, and why has not the same state of things been realised elsewhere. In New South Wales the very convicts can, after the expiration of their sentences, become freeholders. The only way to effect a just settlement is by means of a properly constituted tribunal, and the proprietors, if their case be righteous, need not fear the result of an appeal to such a tribunal.

Hon. Mr. YEO—I wonder that the hon. member did not settle the question when he went to England—his trips cost a good deal of money, but all ended in smoke. I have sold good land for £35 per 100 acres, taking cattle or any produce in payment; but I want to know how a man who cannot pay his rent, can pay for the purchase of his farm. I do not approve of the Government and their servants becoming land-jobbers, for while proprietors can get but little from their properties, the expense of Government management will eat up all the property.

Hon. Mr. LONGWORTH—I am amused, Mr. Chairman, at witnessing the various opinions which have been expressed on this subject, some from hon. members whose views have undergone great changes since last session. Without going over the ground so often traversed, by reviewing the past history of the question, I will put the plain question, what does the paragraph mean? We but pledge ourselves to give the subject the consideration which its importance demands. While I readily admit that the report of the Hon. Mr. Thornton, which has been referred to, is well drawn up, there is one important consideration omitted, without which it is impossible to arrive at a just conclusion. It contains no estimate of the probable amount of the working expenses of the Estate. I entertain a high respect for that hon. gentleman, and by no means attribute to him any unworthy motives in preparing that report; which, however, did not justify the purchase of the property, for it contained no estimate of the cost of the staff of officials connected with the management, whose expenses are eating up the receipts. As to the question of Escheat, it will be time enough to go into that question when the despatches are brought down. I shall, however, not allow to go abroad uncontradicted the assertion of the hon. member Mr. Coles, that the possession of a proprietor for any length of time, even 500 years, could not perfect his title. Now the law says that 28 years possession gives title. One argument of the hon. member, Mr. Thornton, for his support of the Loan Bill, was drawn from the cases of hardship and distress which he had known the tenantry to suffer. Without disputing the truth of this statement, they afforded no reason for supporting a measure which was based upon the principle

of taxing the freeholders and mechanics of Prince and Queen's Counties for the purchase of farms for the people in King's. Such a principle carried into practice would enable men too indolent to acquire property by their own exertions, to do it at the expense of their more industrious neighbours.

Hon. Mr. WHELAN—The principal objection that has been urged against the amendment is that the agitation for Escheat is unwise because it has so often failed. There is but little force in that argument, for British history, and in fact all history is replete with instances of repeated failures being ultimately crowned with success. Let hon. members bear in mind the old distich,

He who fights and runs away

May live to fight another day.

I can say with my hon. friend Mr. Thornton, that I have not been an Escheater, but last year I stated in my place, that if the Loan and Reserves' Bill were lost, I should support the establishment of a Court of Escheat. The hon. member Mr. Longworth deprecated the discussion of Escheat, until the despatches shall be brought down; but the Government has not promised to introduce any bill or measure on the subject; no allusion to such action is to be found in the speech or address. This discussion might be omitted if the Govt. in the speech or address had promised any specific measure, but not having done so, the present is the proper time for the opinions of the minority to go before the Government and the country. As to the allusion to the failure of the hon. member Mr. Cooper's missions to England, it was easy to account for the want of success. Our claim to the same degree of liberty as our brethren in the mother country possessed was not recognized; the Colonial Office was governed by cliques interested in poisoning the mind of the Colonial Minister. What chance had Prince Edward Island of succeeding at the Colonial Office against such influence, at a time, too, when the Legislative Council of the Colony was crammed with the members of a faction opposed to the wishes of the people, and which looked upon all who were in favor of Escheat as little better than savages. It had been alleged against the minority some 2 or 3 years ago, that in opposing Escheat they had betrayed their party and forfeited their pledges—that they had in 1851 been returned to support Escheat. I could name some members of the present Government who declared that the opposition had betrayed the people's interests on the subject of the land question, and that the Government party were the only friends on whom the public could rely. The value they place on consistency will be tested by the vote to-night, when we shall see how far the prospectus of the Political Alliance—which insisted on a Court of Enquiry as a *sine qua non*, and to which many members owed their seats—will be adhered to by those who have submitted to its dictation in other matters.

Hon. Mr. HAVILAND—I am glad that you admit its power.

Hon. Mr. WHELAN—I admit your subservency to its dictation. Two members of the Government, Hons. Messrs. Yeo and Laird, years ago voted with Mr. Cooper for Escheat. The latter had always, until his elevation to executive honors, been a consistent Escheater; and the former, on the occasion to which he referred, had justified his vote by the necessity which existed for settling the matter by any means whatever. What has now induced such a change in that hon. member's opinions? Is it, that now that he is a councillor, he has received an intimation from his leader that he now finds it convenient to characterise as a fudge a measure he supported a few years ago? Another member of the

Government, Hon. Mr. Haviland, has argued that the British Government were not guilty of a breach of faith, because a direct and unequivocal promise of the guarantee of the Loan had not been made. The despatch of Mr. Labouchere, and the speech of Lord Stanley in the House of Commons, were sufficient answer to that objection. The Government had asserted that His Excellency the Lieutenant-Governor had been misinformed by his late advisers on the subject of the finances of the Colony. That assertion makes his alleged ignorance bear the charge of his fidelity to his public duties, for all the accounts were open to his inspection, and it is unlikely that under such circumstances he would be misled by any set of advisers. Had Canada, Nova Scotia, or New Brunswick, been treated as we have been on the subject of the Loan, every town and hamlet would have resounded with denunciations of the parties who had held out such promises only to break them; but here the voice of remonstrance must be silenced amid the conflict of passion. I have been told that if I advocated Escheat, I might ride into the House on the strength of it; but I have always stated that I would not support Escheat while there was a probability of the remedial measures of the liberal party being crowned with success. We are told to wait till the despatches are brought down. The despatches are here though not officially, and the minority are not to be blinded by such a quibble as that. The Colonial Minister is, I am aware, a brilliant novelist, but as a despatch writer is not admired by any class of politicians—but this despatch has probably been written by some understrapper at the Colonial Office. Suppose that the Government acted on the suggestion for a Commission, and appointed five proprietors and an equal number of tenants, regular fire-eating Escheators? No report would be made, for the proprietors would not admit that their titles were bad; the others would not allow that they were good; a heavy expense would thus be fruitlessly incurred.

Hon. Mr. PALMER—The position of the opposition is very peculiar, and, I believe, unprecedented in the annals of Colonial politics. I have always understood that where the object in debating the address was to damage the Government, some reasons ought to be adduced and arguments shown, that the Government should not stand because their policy did not commend itself to the good will of the people. It is impossible that the Government could have matured important measures in the short time since they came into power; during which they have been occupied in filling the offices and making other necessary arrangements. The opposition advance nothing to shew why the Government should forfeit their position; but their course resembled that of a party who, at his arraignment, pleaded guilty, and when brought up for sentence wished to withdraw the plea, pretending that he ought not to have admitted his guilt. When the late Government went out of office, they resigned only when the country had pronounced against them so unmistakably that they could no longer hold on. His Excellency's speech says that certain measures mooted in the Colony have been laid before Her Majesty's government, and that despatches on the subjects of them will be laid before the House. Why then should it be sought to compel the Government at this period of their tenure of office, and at this early part of the session, to disclose what measures they may have in contemplation? When the despatches shall have been laid before the House, then it will be ample time to discuss the measures which may be proposed. Members of the opposition are so over-charged with their political steam that they are blowing it off rather prematurely, and each of them thinks himself victimised to a greater extent than his neigh-

bour. I regret that so much time has been consumed in the discussion of the Loan and Reserves Bills at this stage of the session, as the same ground will be gone over again when the despatches are before us; and in the long discussion not a single new idea has been propounded, not a new principle advocated—the debate on the part of the opposition has been but a rehash of the arguments and assertions which have been repeated over and over again until patience is exhausted. I ask how long is this to last? It is well understood that several important measures await our action. The disputed seats, the Revenue and appropriation Bills, and others. That portion of the discussion which referred to the Fishery Reserves is legitimate enough, because the paragraph referred to that question, but all the rest is irrelevant. The amendment proposes to pledge the House to a certain course, and threatens a Court of Escheat. Now, sir, how can the opposition know the course which the Government may purpose to adopt, with reference to the questions which have been dragged into this discussion? Had the speech recommended any particular measure, and the address had embodied an opinion on such measure, the opposition would then have had a fair opportunity of testing their strength against the Government, which at present has to come down to the House, with the remnants left in the Cabinet box of the late Government. I have taken several pages of notes, of which, however, it is unnecessary that I should make any use, as the arguments and assertions of the minority have been so well answered by my honorable colleagues. The Government will be prepared to submit certain measures for the adoption of the House; if they should fail in carrying them, they will be able to justify themselves to the country.

After a few remarks from Hon. Mr. Coles and Mr. Cooper, on the antecedents of the Escheat agitation, the amendment was lost and the original paragraph was carried.

The next and final paragraph having been read—

Hon. Mr. WHELAN—In submitting the amendment which I have prepared, I think it improper to allow the Committee to rise without the expression of an opinion as to the change in the constitution of the Colony by the present Government. If they did so, their conduct might be considered as a tacit acquiescence in the infraction of the constitution. The amendment states that the system recently inaugurated is contrary to the law of the land and the British constitution. The preamble of our Civil list Bill, in exchange for which we obtained the concession of Responsible Government, states that we had asked for a system similar to that in force in Canada, Nova Scotia and New Brunswick. If we have such system, the amendment fails to the ground; if we have it not, the world should know it. If the present system shall be continued, it is better that the Act should be repealed than that the new doctrine dictated by the Political Alliance should be maintained in defiance of the law of the land. The late Government were twitted with having been unduly influenced by the possession of offices on the floor of the House, which, their opponents alleged, destroyed their independence. But what is the present condition of the House? At no previous time were there more than six members of the Executive in the House, now there are no less than seven.

Hon. Mr. YEO—The House consists of 30 members now.

Hon. Mr. WHELAN—That does not affect the question. The argument for the increase in the number of representatives was that it would neutralize the influence of the Government; but now we see nearly one fourth part of the House composed of members of the Government, and the popular control over the office-holders removed. And what do we see with reference to the appointments to office? One prominent member of the Government, in every respect entitled to take office, was prevented by the Alliance, and his cousin appointed. The hon. member for Charlottetown, Mr. Palmer, who has faithfully served his party for a number of years, and who was in every way entitled to, and qualified for it, has been by a secret



association, prevented from occupying a position which was his due. Another councillor has not taken office, it is true, but some rumour assigns to a brother of his the speedy assumption of an official character. When the late Government was in power, the then opposition harped upon the fact of the Road Correspondent and Mr. Pope Welsh being connected with the leader of that Government, as evidencing conclusively the existence of a family compact. But now we see one councillor with his cousin in office, as Attorney General; another with a brother still to be appointed; a third with a son-in-law in office, and another with a brother in the Excise office, and another related to nearly the whole of them. What reason is there to suppose that those offices would be better filled by those who at present hold them, than they would be by members of the House? It would be more constitutional and more satisfactory to the country if the officers referred to were here. It has been said that the people sanctioned the change, and that the Government majority was returned to effect it. Mr. Chairman, I believe that if ledger influences and religious bigotry had not been active elements in the late elections, the result would have been very different. Besides these, the Political Alliance had dictated imperiously to their slaves, and had claimed to express the well understood wishes of the people; and their nominees were prepared to give effect to their assumption, and probably would do so, if they wished the stars and stripes to float over us. This plan of appointing relatives and connections to office is exciting bickering and contention among the supporters of Government, which could not exist under the former system, as it made those whom the people confided in the recipients of office. And this state of affairs has been occasioned by the violation of a law of the land, as is the case also with the Registrar of Deeds, who is not to be found. That gentleman received his appointment in consideration of his being able to bring a goodly number of his co-religionists to the hustings to vote for a supporter of the Government. Of a surety, the Snatchers are on the other side now.

Mr. DAVIES—They are not in the House, however.

Hon. Mr. WHELAN—It is worse, now that the snatching is for the benefit of cousins, brothers, and other relatives; and it is not an unfair inference, that pecuniary consideration has influenced some of the appointments.

Mr. HOWAT—Mr. Chairman, if country members were as long-winded as I am, I do not know when we would get through the business of the country. The hon. gentleman, who has just sat down talks like an idiot, notwithstanding his very great eloquence. He says that we are the slaves of a party—that we have violated the constitution—annihilated Responsible Government. Now, Sir, what is Responsible Government? I shall not attempt to define it. Mr. Johnston, of Nova Scotia, was asked what it meant, but felt himself unable to answer the question; but lo! a greater than he is here in the person of the Hon. Mr. Whelan. Sir, my opinion is, that Responsible Government is whatever the people choose to make it—like a field, it can be ploughed lengthwise or across. The hon. member says we are the slaves of the Political Alliance—that we must submit to its dictates—acknowledge its behests—vote that right which we know to be wrong, and thus run the race of Clark. No, Sir, it exercises no power over me, it has no influence in our part of the country. The Liberals have told us that His Excellency the Governor would not allow us to sit in the House, without submitting to their mode of Responsible Government. But, Sir, His Excellency has shown his wisdom in not interposing any obstacle to the formation of the Government. Thus, Sir, the gentlemen on the other side, and their friends, have proved themselves very bad authorities in this matter. Their principles are almost dead, and they themselves are dying very hard, and they must die—their policy must cease in future to afflict the country with its pernicious influence. We have pledged ourselves to our constituents to carry out the principles of wise and judicious reforms, and I, for one, am determined to do so.

Hon. Mr. COLES—Under the present mongrel system of Government, every member of it is as much bound to support it as was any head of a department under the previous system, so that the argument about the greater freedom from improper

influences fell to the ground. There should be three or four heads of departments in the House, and I regret that the leader of the Government has not accepted the office to which he was so fairly entitled; and I believe, that sooner than have allowed him to retire as a representative, had he taken office, a majority of his friends would have returned him here as an official. I should like to see every member of the Executive holding office, and I would rather see their number reduced to five, with offices, than as at present. This Government is a disgrace to the Colony, and a laughing stock to our neighbors. I say not this in reference to the individuals composing it, but to the principle on which it is constituted. The people will not remain long satisfied with the system of dispensing the patronage among the relatives of members of the Executive. Such has not been the course pursued in the other Colonies; and in Nova Scotia. Mr. Johnston, to whom the hon. member has referred, did not adopt it when he succeeded to power, but carried out the constitutional system, which is as near an approximation to the British as the difference between Imperial and Colonial institutions will admit. At present, a person coming from the country, having business with the Government, may be unable to see members of the Council; while, until recently, if the Governor was in his office, a Council could be formed at once from the officers in the building; but now the Governor cannot hold confidential communication with his principal officers, because they are not his advisers.

Hon. Mr. WHELAN—The principal defender of the Government appears to be the hon. member, Mr. Howat, who is put forward as a stalking-horse, when the members of the Executive do not wish to make themselves appear ridiculous. He said that the opposition were dying hard; if such be the case, they are dying in defence of the liberties of the people, which the Government are seeking to annihilate. If the Government come in as reformers, it is strange that they have propounded no measure. It is said that members holding offices under the late Government dared not oppose the Government; but there were some of the present majority who, to please the proprietary party, opposed measures to which they had pledged their support.

Hon. Mr. PALMER—With reference to the allusion which has been made to the Act 14 Vic., Cap. 3, which the hon. member, Mr. Whelan, stated gave us the system of Government we are accused of having violated, I must say that it is the first time I have heard that Responsible Government has been ascertained and defined by a fixed law in either of the neighbouring Colonies or anywhere else. I well know, however, that when, in 1851, that hon. member's party was returned with a large majority, a law was passed by which the Colony was to assume the burden of the Civil List in consideration of a transfer of the Crown revenues. It was attempted to make the assumption of the Civil List contingent upon the session of a system similar to those of the other North American Colonies, but the bill was rejected by the Imperial Government on that account. The system was conceded, not on the faith of the Act, but on the faith of the Crown, not as we chose to ask, but as Her Majesty chose to grant. Sir A. Bannerman came out with instructions to form his government in accordance with the wishes of the people, and the fact that he did so shows that the popular will was his guide. The party who then assumed the reins had wielded the powers of Government, with but a brief interruption, from that time to the 4th April last, not under that system, nor in fact any other, save that of expediency. They clung to power as long as they could, consistently with the interests of themselves and their friends, and soon were they found departing from the examples of the other Colonies. When vacancies occurred in the Legislative Council, instead of supplying them with independent men, none were chosen but those who were bound to go heart and soul with the majority of the House of Assembly; and candidates for seats in this House, rejected at the hustings, were not objected to, until the Council was filled up with mere partisans, and has become a mere cipher,—until at length the country awoke to a sense of the evil results of having the Assembly crowded with the heads of departments, such as the Treasurer, Secretary, Collector of Excise, Registrar of Deeds, &c., and no

counterbalance in the Council. When a gentleman is returned to this House, and the Government offers him an office, his acceptance of it constitutes a bond of union between them; and on his appeal to his constituents for re-election, the whole influence of the Government is brought to bear in his favor, as his colleagues know they must sink or swim together. The people felt that the possession by their representatives of highly paid offices must have the effect of marring their independence. If a member, so situated, with his salary dependent on his vote, should presume to act, according to the dictates of his own conscience, differently from the course of his colleagues, he would be told that he must merge his conscience in his pocket, and vote with his brethren, or otherwise their craft would be in danger. In 1854 the country was pretty generally impressed with these views, and the Government formed that year was pledged to remedy the evils; but the bill then introduced, which provided for the exclusion of all but the Attorney General and Colonial Secretary, and which would probably have satisfied the people, irrespectively of the composition of the party in power, was rejected by the Legislative Council, which was not allowed to pass it when it was sent up—members were seen behind the seats of the Councillors, tearful lest, by any means, their humble servants might be induced to pass the bill. The position of the majority of the House of Assembly was this: the Government was formed with two officers on the floor of the House, when a dissolution took place—based upon what is known as the school house petitions, circulated by partizans, who went round the country and put down every name they could hear of. The desire for the exclusion of officials did not abate, but had been steadily increasing, until the country has declared in unequivocal terms for their total exclusion, and the candidates on the Government side went to the polls pledged to it. The formation of the Government has given dissatisfaction to the opposition; that, Sir, was to be expected, it is their province to find fault and make all the political capital they can from such a source. Therefore, I was not surprised to hear, to-night, the assertion that a new family compact had started into being, because one or two relationships existed between some members of the Executive and some of the newly-appointed officers. Doubtless, the filling up of the offices has caused some dissatisfaction to individuals: it was not to be expected that the appointments could secure the unanimous approbation of all parties. Men will have their individual and party predilections, whether members of the denounced Political Alliance or not. What happy times there would have been, if that Alliance had never existed! For my part I am happy to listen to the opinions of a body so respectable and intelligent; and I shall be glad to think that the formation of the Government has given satisfaction, although I would by no means reject a fit and proper person, who might be a candidate for office, merely because he might be opposed by a few members of that association. As to the objection that the Attorney General was a partner in professional business with a member of the Executive Council, I cannot consider this a very grave injury to the public service, any more than if a member of the Council had gone security for a public officer; and I have yet to learn that something like that was not done under the late Government. We are told, Sir, that the public liberties are endangered by the presence here of seven members of the Executive without office; if such be the fact, they would certainly be more dangerous with salaries. An unpaid member of the Government in the House, assuming onerous duties, is not as likely to be under improper influence, as he who has a large salary at stake,—the former undertakes the discharge of an irksome and thankless office, which he would not do merely to serve a few friends. If an office-holder does not perform his duty properly he will be told that he has forfeited the confidence of the House and of the country, and, therefore, he must leave his office. It has been rumoured outside that the head of the Executive would not consent to the adoption of the present system; but that officer, than whom no one was more conversant with the principles of Colonial Government, was satisfied to yield to the well understood wishes of the people as expressed through their representatives. The Government has been legitimately and constitutionally appointed;

and now, Sir, I shall defer any further remarks to another opportunity.

Hon. Mr. COLES—The hon. member has stated, that by the Civil List Bill there was nothing binding on the Government to carry out the same system of responsibility as had been conceded to the other Colonies. Now, the preamble expressly states, "that a system of Responsible Government, similar to that now in force in the Provinces of Canada, New Brunswick and Nova Scotia, should be granted to, and established in this Island,"—and the bill was sanctioned before the establishment of the system in the Island. I have been surprised at the remarks which have been made with reference to the Legislative Council. The discussion which has arisen, as to the property qualifications of members of that body, would have induced any one to think that none but the wealthiest landholders in the Island would be appointed to it by the present Government; but the gentleman they recently put there is the owner of about a quarter of a town lot in Charlottetown, and what property he may hold in the country is, I believe, only leasehold. The hon. member, Mr. Palmer, has referred to the elections of 1854, when his party obtained a majority. That majority was made up of men who had deserted their pledges, and were, at the next election, rejected by the people they had deceived, who sent back a clear majority of liberals. The present majority was the result of a combination of influences. In three of the electoral districts religious animosities had been excited in favour of the Government, and in another the defeated candidate was within 7 or 8 votes of the successful one. It has been said that a member of the Executive would not now have the same influence in the House as formerly, when he held office; but in fact he is now less independent than formerly, when he has the interests of relatives and connexions to maintain. Under the late system the people could deprive him of his office, the knowledge of which was an inducement for him to bring in measures for the general good; now, that inducement is removed. As to what has been said about family compacts, a very strong one had been concocted between the office-holders and the members of this Government.

[To be continued.]

W. M. Howe, Reporter.

## DEBATE ON THE ELECTIVE LEGISLATIVE COUNCIL BILL.

Mr. CONROY was in favour of the principle of election. That opinion he had formed before coming to the House, for under the present system of appointment to seats in the Council, a change of Government four years hence might cause the majority of that day to make the same complaint as the Government now made. He did not, however, approve of the apportionment of the representation. At present it appeared that all the talent of the country centred in Charlottetown, and in that House they found that all the wealth and legal knowledge were arrayed on one side; so that, if, as the hon. member Mr. Haviland had said, Queen's County had not a fair amount of representation, her inhabitants were amply compensated by their preponderance of wealth and knowledge. He had no doubt that the Bill would ultimately be carried, and he trusted that it would be framed in such manner that it would be permanent. He was in favor of reducing the qualification of candidates to £500, and equalizing the representation of the several counties.

Hon. Mr. COLES said the Bill would not satisfy King's or Prince's Counties, on the question of the division of representation. Under the high qualification it required, Queen's could send her men of wealth into those Counties for election, and secure their return. He suggested the gradual application of the principle. If such had been done twelve months since there would now be four elected members in the Council, and in six or seven years probably not more than one or two of the present members would hold seats there.

Hon. Mr. HAVILAND could not agree to that opinion. There might as well be no Bill introduced for rendering the

upper branch elective if they had to wait for death vacancies or resignations. It was true that an unusual number of vacancies had occurred during the last six or seven years, and those contingencies had enabled the late Government to cram the Council with their supporters. The probability of similar opportunities of changing the composition of the Council during the ensuing period of the same duration was against all the doctrine of chances. It was not to be expected that the present Councillors would fall like a set of nine pins.

Hon. Mr. COLES was last year inclined to add three elective members to the present Council, making 15 in all. He repeated his objection to the introduction of twelve new members constituting the whole body, as it was impossible that their inexperience of legislative routine should not cause inconvenience; but his principal objection was that the Council would not sanction the measure.

Hon. Mr. McAULAY—There was no connection between sound reason and the scheme propounded by the hon. member. If the nominee system were good and beneficial to the country it should be retained; but if otherwise, if the members of Council did not hold their seats for the benefit of the country, for whose advantage were they there? The Lieut. Governor represents the sovereign, but if the Council bears the same character, there would then be two aristocratic influences to bear upon one democratic branch of the constitution; and thus the liberties of the people might at any moment be crushed. As a representative to good men and true, he would not submit to such a state of things. Our gracious Queen desired that her people should govern themselves as they wished; and against the will of the people the parchment titles of the Legislative Councillors would be but dust in the balance.

Hon. Mr. THORNTON deprecated the introduction of much irrelevant matter into the debate. The question for decision was the immediate or gradual alteration of the constitution of the Council, the principle of election having been sanctioned by the House. The intelligence of the country had decided in its favor; and it was not the part of a wise man to run counter to public opinion unequivocally manifested. The common object should now be to make the new body as pure as possible. The proposed apportionment of the representation he considered very unfair, for while in the House Prince and King's Counties had respectively an equal representation with Queen's, it was proposed to give the latter six out of twelve members of Council. He would prefer to have the Council to consist of 14 members, of whom King's and Prince Counties should elect four each, and Queen's would have six—a numerical preponderance which would be quite as great as that County could expect.

Hon. Mr. PALMER—It was the bounden duty of hon. members to give effect to the wishes of the people, and none could entertain a doubt that the public mind had been strongly impressed with the conviction that the elective principle must be applied to the Council; and that beneficial results were not to be anticipated from its action, so long as its present composition continued. While such was the state of public opinion, there could be but little cause for hesitation as to the propriety of effecting the change immediately, or by the protracted system of gradually supplying vacancies occurring from time to time. Under the latter system, it would be impossible to say how many years would elapse before the Council would be in a position to co-operate with the majority of the House in measures of general interest. A strong remedy was required to cure the evils resulting from the anomalous situation in which the Council stood relatively to the House of Assembly—a situation to which no other Colony could show anything analogous. If the present composition of the Council justified the hope that it would harmonize with the House after the lapse of a reasonable period of time, he might be disposed to allow the change to be gradually introduced; but, constituted as it was, no such expectation could be entertained. The House would not be justified if they allowed the Council to continue on its present basis, or postponed the application of the admitted remedy. Although the Bill should not pass the Council, its sanction by the House would show the nearly unanimous opinion of the people's representatives.

and its publication would have the effect of eliciting the expression of the popular wish on the subject, which would be a guide for their action next Session. As to the remarks which had been made relatively to the apportionment of the representative Councillors to the different Counties, the proper time to discuss that and similar questions of detail would be when the different clauses came up in Committee.

Mr. SINCLAIR—Admitting the necessity for a change in the constitution of the Council, did not agree with the opinion that it was so obstructive a body as some had characterised it. The people, he believed, condemned it as not being obstructive enough, as in fact a mere echo of the House. He agreed with Hon. Mr. Coles that it would not be expedient to introduce a total change at once, as inconvenience must arise from a Legislative body composed entirely of inexperienced members. He did not, however, approve of the suggestion of supplying by election vacancies which might from time to time occur. He would prefer the immediate vacating of one-third of the seats, and another third to be declared vacant in three years, and the remainder of the present incumbents to retire in three years after, by which means a total change would be effected within a reasonable period.

Mr. DAVIES was in favor of an immediate change of the constitution of the Council. It would be too long to wait until the present members should resign their seats or die. As to Mr. Sinclair's observation, that the Council was regarded as a mere echo of the Assembly, and consequently not obstructive, he could not perceive the force of the argument—as if they were an echo of the last, they must of course be obstructive to the present House. He trusted that the Bill would pass, as the change was desired by the people, and the principle had been adopted in other Colonies, and would receive the sanction of the Imperial Government.

Mr. COOPER—The Council ought to be obstructive to any rash and precipitate measure of the House; but there had been nothing in their conduct hitherto to justify the appellation. The Government might desire to make them obstructive by passing a Bill which they knew would be rejected by the Council.

Mr. OWEN—It was generally admitted that a change was necessary, and the only difference of opinion was as to the mode and time of effecting that change. If an elective Council was deemed desirable, the sooner we had it the better. He was in favor of sending the Bill to the Council this Session, as he thought the country would be dissatisfied if the measure was kept in abeyance for another year.

Mr. CONROY—As the Bill then stood there was no probability that the Council would agree to it, and the best way would be to supplant the present members by moderate means. If it were provided that one-half should retire now, and the remainder in a few years, it might meet with the approval of the Council. If the seats to be vacated were to be decided by lot, it was probable that not much opposition would be manifested, as each member would consider that he might retain his seat, and the evil day of abdication would come to his neighbour sooner than to himself. The only other way would be to take them all by the shoulder, and shove them out; but he thought the more quietly the business could be done the better.

Hon. Mr. LONGWORTH—The necessity for harmony between the two branches of the Legislature was universally admitted, and the soundness of the elective principle applied to the Council had been admitted by every member of the House, with but one exception. It had been affirmed in the Imperial Parliament, and adopted in other Colonies. The evils of the system of nomination had invariably manifested themselves in the constant appointment to the Council of supporters of the party in power for the time being; and when that party lost its position, the members of a popular Government, supported by the Assembly, were impeded by a branch of the Legislature composed of their political opponents. It had been urged that the Council would not pass the Bill. They might not, but they had no vested right to their seats, which they held merely during the pleasure of the Crown, which could at any time remove them, and would do so if such were the deliberate wish of the people—Executive action

in accordance with which was the corner stone of Responsible Government. By the very principle of their organization the Council must either echo the sentiments of one party, or be a mere obstructive body to the policy of the other. Under the Bill, the members of the Council would occupy a much higher and more constitutional position than at present. As to the confusion which would arise from the election of a Council, consisting entirely of members without Parliamentary experience, the same objection might be urged to every general election of members of our Assembly; and if such should be the result, it would afford the strongest proof of the dissatisfaction felt by the people at the present constitution of the Upper Branch. The Bill, however, provided that candidates should be men of such position, that such inconvenience need not be anticipated; besides, it was probable that some of the present members, if popular, would be returned; and it might be that some members of the Assembly would seek a seat in the Council under the new system.

Hon. Mr. POPE was amused at the minority, with the exception of one hon. member, the Hon. Mr. Whelan, now supporting the elective principle, after having so strenuously opposed it on former occasions. They now contented themselves by characterising its application to the whole body simultaneously as unconstitutional, but were in favor of its partial adoption. If it were unconstitutional to apply the change to the whole, it was equally so to a portion on the occurrence of vacancies. If the people are to govern through their representatives in the House, and they have declared the alteration necessary, it must be considered so. One proof of its necessity was to be found in the fact that in their address to the Queen the Council had stated a falsehood concerning the Government and the House. They had stated that the Government had but "a small majority." Now the majority comprised 18 to 12 of the minority. He had no wish to say anything personal of any individual member, but when he reflected that such a statement had been put forth by a man who was not a freeholder—who had no property in the country—

"Who, when he puts his hat upon his pate,  
Doth put a ring fence round his whole estate,"

he could not but think that the sooner the change took place the better. The party he referred to was possessed of 12 or 13 offices, and although it might be said that he was not in receipt of pay from one or two of the most trifling, yet he was paid as Registrar of Leeds or Commissioner of Public Lands, of Small Debts, as Adjutant General of Militia, as Legislative Councillor, Member of Board of Education, &c. Mr. Hutchinson's appointment had been justified on the ground that he had been twice elected Mayor of Charlottetown. Why then had he not been appointed to the Council while he was Mayor? It was only when the people had rejected him that he obtained a title to a seat in the Council. He was opposed to the plan proposed by the Hon. Mr. Thornton, to increase the number of Councillors under the Bill to 14. It was quite large enough, perhaps too large already. And the same might be said of the House. It was ridiculous to have such a number as thirty members. It was altogether too much. He was in favor of diminishing the numbers of both branches. If the House should wait until the present members of the Council died out, they might wait a long time, for they would be found to be pretty tough. When the Bill went to the Council, if that body rejected it, let application be made to the Sovereign, and let no time be lost. The sooner the battle began the better.

Hon. Mr. THORNTON regretted that the subject could not be discussed without personalities. For years the whole alleged sin of the Council had been fathered on one indivi-

dual. He had been designated by language at once improper and unparliamentary. He had been termed a busybody, a mischief-maker, as the very head and front of all offenders.

Hon. Mr. POPE—Who is he?

Hon. Mr. THORNTON—The reference to the 12 or 13 offices proves who was the individual alluded to. Hon. members should confine their remarks to the whole body of the Council, and not select one individual as though he ruled the Council. (Hon. Mr. Pope, yes!) He did not believe any such thing. As to the hon. member's declaration of war with the Council, and his aspiration for its speedy commencement, he could not consider such expression of opinion as calculated to facilitate the passage of the Bill. The Council had a right to the same degree of courtesy that the House claimed for themselves. Suppose the Council should pass a bill declaring that 30 members of Assembly were too many, and that 18 were sufficient, would not the House resent such interference with the constitution. He believed himself that the business was better done when the House consisted but of 18.

Mr. OWEN—The hon. member, Mr. Whelan, had last night stated that the majority had been obtained by fraud and chicanery; he could assure him that he had secured his seat in spite of a partizan Sheriff. The principle of the Bill had been tested and approved at public meetings. If the change was necessary, they should have it at once. They should pass the Bill as soon as possible, and send it to the Council. If they rejected it, then other measures could be resorted to.

Hon. Mr. HAVILAND had hoped that when the principle of the Bill had been debated and settled, the discussion in Committee would have been limited to the details; but members had chosen to go over the grounds they had previously travelled. As to the effect of the Council rejecting the Bill, suppose they did, and passed an Address to the Queen against being dissolved, it would be an easy matter for a Colonial Minister to authorize the Lieutenant Governor to nominate to that body an additional number of members, to give effect to the wishes of the people. At present, the number of Councillors is restricted to twelve. In Nova Scotia the number was so increased, and in Canada Lord Elgin, on assuming the Government, found a Legislative Council of twenty members holding seats for life under an Imperial Statute. When the new party came into power, and found those irresponsible Councillors arrayed in opposition, Lord Elgin, by a stroke of his pen, increased the number by more than double. A similar course could be adopted here, if necessary. The necessity of the change was admitted by every member, but Messrs. Whelan and Kelly. The only difference of opinion was as to the immediate and total or gradual and partial adoption of it. As to the objection, that new members would be inexperienced, it seemed strange to hear that argument from those who eulogised the present incumbents as so highly respected and independent. If such were the case, there could be no doubt that some of them would be elected by the people, but the inference was, that they were afraid to risk the result of an appeal to a constituency. Besides, it was probable that many members of Assembly would seek seats in an elective Council, deeming the representation of a whole County a higher honour than they now enjoyed.

The question having been put, the clause was agreed to. The remaining clauses, after brief re-assertions of arguments already published, were agreed to, and the Bill ordered to be printed, and to lie over till next Session.



ADDRESS FROM THE LEGISLATIVE COUNCIL  
TO THE QUEEN ON THE FORMATION OF THE GOVERNMENT,  
AND THE ASSEMBLY'S REPLY.

MAY 14 & 16, 1859.

Committee on Address to the Queen in answer to the Address of the Legislative Council. Mr. John Yeo in the Chair.

The Address of the Council having been read by the Chairman, the discussion was commenced by Mr. Howat, who repeated the assertion that the exclusion of officials from the House was a violation of constitutional principle,—which had been infringed by the Council, in censuring the conduct of the representatives of the people, to whose wishes they should endeavour to give effect, and who had, at the late elections, most distinctly signified their desire for such exclusion. It was the duty of the House to resist this unprecedented encroachment on their privileges, which struck at the root of Responsible Government, as it was an attempt to have Government constructed, not in accordance with, but in opposition to the popular will.

He was followed by the Hons. Messrs. Palmer, Haviland, Longworth, Yeo, Pope, Gray, and McAulay, who, after arguing that it was the imperative duty of the House not to suffer the Address of the Council to go to the foot of the throne, without contradiction or comment, proceeded at considerable length to review *seriatim* the statements it contained, and to controvert them. The Council at present comprised 9 members opposed to the views of the majority of the House, and of these 7 owed their seats to the late Government, which was not represented by the minority. The question was, whether these 9 or 7 councillors were to rule the Island against the wishes of the people, and the large majority of the House—which had yesterday declared, by a majority of 23 to 2, the necessity for a change in the constitution of that body? And although some difference of opinion had been manifested as to the details in effecting the change, yet the mode was settled by a vote of 17 to 9.

The assertion in the Address, that a system of Government had been conceded, similar to that in force in the other Colonies, was untrue and its fallacy had been fully demonstrated in the debate to which he referred. Responsible Government had not been granted to any Colony in any particular form—but the concession was of the general right of self-government.

The charge that the Government had violated the constitution, was a presumptuous and unwarrantable assertion. The Government was based on the support of a majority of the people's representatives on the floor of the House, and if the people wished that no office-holders should be there, they had a perfect right to exclude them. That such was their desire, had been amply proved; and with the knowledge of that fact, he was surprised at the temerity of the Council in charging them with a violation of the right of self-government.

In requiring that the officers of the present Government were not in either branch of the Legislature, the Council has studiously ignored the practices of the late Government, which had availed itself of a discreditable subterfuge, for the purpose of deceiving the people. The law stipulated that any member of the House accepting one of the principal Government offices, should vacate his seat and go back to his constituents for re-election, but any one holding one of the most petty offices, such as Commissioner of Small Debts, Roads or Boundaries, need not vacate his seat on being appointed to the highest office. And if any pliant tool, whose services were required to support the party who employed him, could not obtain a seat in the House, what was easier than to put him into the Council with an office? Equally unfounded was the assertion, that the dissolution in 1854 was caused by any attempt to subvert the constitution. The Assembly of that year was dissolved principally on account of the new Franchise Bill having been assented to, which gave a very great addition to the number of electors, who had previously no political power whatever.

The Address of the Council alleged one objection to the present Government—which was founded in truth—that no member of that body was in the Executive Council; although

two were alleged to be supporters of its policy and principles. No practical benefit could result from the appointment to the Executive of either or both of these gentlemen, as they would find themselves in so hopeless a minority in the Legislative Chamber to which they belonged, that they need expect nothing but the contemptuous ridicule of the majority. Although the Council denied that their conduct had been, or would be, influenced by party feelings or organization, the best refutation of that assertion was to be found in their proceedings with reference to the only Government measure submitted to them during the present session. The bill providing for the prepayment of the postage on letters for Europe had been summarily rejected: and the journal which was the organ of the majority of the Council and of the minority of the House had misrepresented its character, describing it as an arbitrary attempt to compel a revenue from the pockets of the people, whether they would or not. That bill had been recommended by the Imperial Government, and its principle and details had been adopted by other Colonies, as being essential to an uniformity of postal arrangements, which would greatly conduce to the advantage of the Colonies by simplifying the present system of Post Office accounts, and enabling the mother country to reduce the rate of ocean postage. The Island was the only one of the Colonies which had declined to come into the arrangement. The late Government, last summer, referred the subject to the then Postmaster General, Mr. Owen, for his report. That gentleman, actuated, no doubt, by conscientious objections, gave it as his opinion that it would not be expedient to pass the bill, as he thought its enactment would involve inconvenience to the poorer class, especially the settlers in the backwoods. The matter was subsequently referred to his successor, Mr. Davies, and that gentleman reported in favor of the scheme, and his report was referred to a sub-committee of the late Executive Council, and met their approval, and afterwards was adopted by the whole of the late Government. It thus appeared that in carrying the bill through the House the Government had but followed in the footsteps of their predecessors; and the bill had, in the Legislative Council, met the opposition of two members of the late Government, the President and Hon. Col. Swabey, who had previously been in favor of it. In view of such a state of facts, there was but little reason to give credit to the declaration in the Address that the Council was ready to approve measures sent from the House.

In alluding to the absence from the Government of any members of the Catholic persuasion, doubtless the Council thought that they could make excellent capital out of such a circumstance. It was possible that the 12 notables in the Council Chamber might come to be regarded as the defenders of the faith. No one would deny the right of any body of Christians to share in the honors and rewards of political life, and no class of religionists in the colony could with truth say that their creed had been a barrier to their full and equal participation with their fellows in the enjoyment of social, political, and religious equality. The truth was, that the Roman Catholic body had, with but one or two exceptions, identified themselves with the minority, and manifested their opposition to the Government in every way they could. Under these circumstances, it could not be expected, that where not a solitary Catholic had been elected as a supporter of the Government, that they could invite a gentleman of that persuasion to take a seat in Council. It was to be hoped that at no distant time they would see that their present course was not calculated to benefit themselves, and that they would combine with their fellow-subjects in promoting the real interests of their common country. There had been, and there was, on the part of the Government, and of the party which supported them in the House, no desire to exclude Roman Catholics—on the contrary, it was to be regretted that they had practically excluded themselves.

In opposition to the Address of the House, it was contended principally by the Hon. Messrs. Coles and Whelan, that the Address of the Council was fully justified by the position in which the public affairs of the Island had been placed by the present Government. That the statements it contained were fully borne out by the facts, and that the Council had acted

wisely and constitutionally in bringing to the notice of Her Majesty the extraordinary degree to which the constitution had been violated, and its fundamental principles disregarded by the Government. It was urged by Hon. Messrs. Coles, Whelan, and others, that the Council had as much right to complain of the conduct of the Government, as the latter had to complain of them. Although it were desirable that the Council should co-operate with the House in giving effect to the wishes of the people, they were certainly entitled to have their own opinions as to the nature of those wishes. The present Government, by refusing to take departmental offices, had not treated their opponents fairly, for their predecessors had resigned when they found themselves in a minority, and were willing that the majority should receive the offices on the same terms as they had them, viz: by virtue of the approval of the constituencies, indicated by their re-elections to their seats, after their acceptance of official situations. As to the assumed opposition of the Council to the majority of the House, it was competent for that body to adopt such line of action as they thought most in accordance with the principles of the constitution, and the requirements of the country. The British House of Lords had never been considered a mere echo of the Commons; they had deferred, indeed, to the determined wishes of the people, but their opposition to any measure emanating from the popular branch had not been made a pretence for abolishing or swamping them, as was threatened here, because the Council thought the Government had infringed the constitution. If our constitution was supposed to bear any analogy to the British, we must have the system of Government by responsible heads of departments, as was the case in the mother country. Members of Government taking office, and being re-elected by their constituencies, would necessarily occupy positions of more independence than at present, when no opportunity was afforded the people of expressing their opinions as to the manner in which the public offices were filled. In the year 1850, preparatory to the adoption of Responsible Government, it was considered necessary to provide pensions for the then Attorney General and Colonial Secretary, because, under the system about to be inaugurated, their successors would be required to have seats in the Legislature; and the gentlemen to be displaced had taken and held their offices under no such obligation. The Government had used the cry of exclusion of office-holders from the Assembly to gain support at the elections, under the plea, that by such means the independence of the Legislature would be increased; they had not, however, said anything about the presence of members of Government on the floors of the House, of whom they now had the unprecedented number of seven, representing more executive influence than had ever been there. As to the charge that the late Government had appointed to offices rejected candidates, it came with a bad grace from the men who put into office those who would not dare to seek a constituency. A man might be rejected, although he possessed the confidence of a large portion of the constituency to which he appealed, and of the population generally; but we now had men in office who could not obtain any appreciable number of votes. Notwithstanding what had been said to the contrary, the dissolution of 1854 was caused by the Bill relative to the partial exclusion of officials from the House, introduced by the Government, and the passage of the new Franchise Bill was a co-operating cause.

The Post Office Bill, concerning the rejection of which by the Council so much capital had been made by the Government, was by no means identical in its nature or provisions with that which the late Government would have been willing to have carried. The one merely provided for the ultimate payment of double postage in case of non-pre-payment of the single rate; while the late measure prohibited entirely the transmission of any letter to Britain, unless the postage were prepaid—in other words, the letter, the postage of which might not be paid in advance, was not to be forwarded at all to its destination.

The absence of Catholics from the Government was an undoubted, and, indeed, an admitted fact, and the Government

would in vain attempt to give it over. The census returns showed that the members of that communion comprised nearly one-half of the gross population of the Colony; and the declaration in the Address before the House, that they had sent no supporters of the Government to the House, was a significant admission that they did not possess the confidence of that large and influential section of the people. The late Government had left a vacant seat in the Legislative Council, which the present might have filled up with a Catholic, of which denomination many vote for members of the majority. As a branch of the Legislature, co-ordinate with the House, the Council were entitled to courteous and respectful treatment; their Address to the Queen only stated matters of fact, which could not be controverted, such as the exclusion of officials from the Legislature, the absence of Catholics from the Government, and of members of the Executive from the Legislative Council. The late elections did not prove the popular desire for excluding office-holders to the extent which the majority asserted. The late Col. Secretary, and the late Queen's Printer, were triumphantly returned, and the late Registrar of Deeds had withdrawn from the contest, and his place was supplied by a person of similar principles; the late Postmaster General had lost his seat by a minority of only 8, and nearly 50 votes of parties non-resident in the district were recorded against him. True, the late Treasurer was defeated, but he had left his former district. The assertion of unqualified and factious opposition of the Council to measures of the House, was unfounded and unjust. They had passed every measure sent up, but one—the Post Office Bill—and it was better that the Government and the House should adopt a conciliatory course, than one which could have but the effect of producing discord and bad feeling. It would be found, on reference to the Journals, that the Council had thrown out many bills of the late Government, which did not argue the blind subserviency which had been attributed to them.

After a very protracted debate, of which the foregoing summary contains the substance of the arguments on both sides, the Address was agreed to, on the following division:

YEAS—Hon. Messrs. Gray, Palmer, Laird, Longworth, James Yeo, Haviland, Pope, McAulay, the Speaker, Messrs. Davies, Douse, McNeill, Montgomery, Holm, Howat, Ramsay, Owen.—17.

NAYS—Hon. Messrs. Coles, Kelly, Wightman, Thoratou, Whelan, Messrs. Cooper and Sutherland.—7

W. M. Hows, Reporter.

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

*Concluded.*

Hon. Mr. HAVILAND—The hon. member's own government afforded a pretty good illustration of a family compact. There were himself, the Surveyor General, father-in-law to his daughter, the Road Correspondent, his son-in-law, and the Sergeant at Arms, his brother-in-law,—quite a snug family party. As to the majority of votes given for the Government and the opposition respectively, it will be found, that the 16 Government members had some 1564 votes more than their opponents had received; and before the prorogation that majority may be increased to 2000. The Government cannot be charged with having gone to the hustings with fraud and misrepresentation; their principles were boldly avowed, and the true reason of their being in power now is the fact, that the people had become thoroughly disgusted with the mockery of Responsible Government to which they had so long submitted. The late Government so far ignored Responsible Government, that the best claim to office was, that the appointee should have been rejected by the people; the defeated candidate then

was admitted to have a claim to an office, or a right to be shoved up into that refuge for the destitute—the Legislative Council. How many of the members of that body could get the confidence of a constituency? In fact, liberals themselves considered it, as at present constituted, a mere delusion, and a sham.

Hon. Mr. COLES—It was not so when it rejected your constitutional bill.

Hon. Mr. HAVILAND—Yes! the Council was not permitted to pass that Bill, which had for its object the exclusion of all officials but two from the House. We had a beautiful specimen of the liberality of the late Government, when Mr. Clark was publicly dared to give his vote, and made to sign an apology, which placed him in such a position that he could not, on that account, face a constituency. The hon. member had said, that the people would not have returned the members of the Government, if they had taken office, and gone back for re-election. The reverse would have been the case,—as a proof of this, I will mention, that while of our party all the members of the Government have been re-elected, of the minority the hon. member is the only office holder, out of three members of the late Government, who was not rejected. As to the opinion promulgated by the hon. member, Mr. Whelan, that the Government had violated the provisions of an Act of Parliament, I will merely observe, that legal opinions, emanating from his side of the House will be received with more deference than at present, when his party shall have succeeded in having an Attorney General on the floor. The only guide to Sir Alexander Bannerman in the formation of his Government in 1851 was to be the well-understood wishes of the people, as expressed through their representatives. That system we have, and if the present Government does not give satisfaction to the country, we can change it for another; but hope never to see such a mongrel as the last. The objection, that the people had now no voice in the appointment to office, because the parties appointed, not being in the Assembly, had not to go back for the approval of their constituents, might have had some weight under the old election law, but in the law of 1856, any member holding any paltry office, a Road Commissioner for instance, can take any departmental office without vacating his seat; for instance, the hon. member, Mr. Thornton, is a Road Commissioner; now, people might have every confidence in him in that capacity, who would not approve of him as a Treasurer or Colonial Secretary. As long as such a law is in the Statute Book, it is a mere farce to talk about going back to be re-elected. Great stress has been laid upon the Government appointing their supporters to office. I would ask, when did the late Government ever appoint their opponents? It has been said that the present Government resembles that of the United States, in a want of responsibility. I deny this. The moment an adverse vote declares that the Government has lost public confidence, it goes to the wall. It is more pure than the late Government, and indirect and immediate responsibility approximates more nearly to British than American institutions; and I feel assured, that it will work

more satisfactorily to the country. At present the people have more control over the public servants than they had under the late Government,—under which one official became security for another, so that if any complaint of misconduct was preferred, the members of Government had a direct interest in checking investigation, and securing the delinquent; but now no member of the Executive, nor any member of the Government side, will become responsible for any public officer. As to the absence from the Speech of allusion to the introduction of specific measures, it is not to be expected, when it is considered how short a time the present Government has been in office, and how their time has been occupied by affairs requiring immediate attention. The Speech does, however, allude generally to measures to be submitted.

Hon. Mr. COLES—Notwithstanding all that has been said about Mr. Clark's apology, and the disparaging comments which have been made with reference to his conduct in making it, I contend that it was creditable in him to have acknowledged his error when he voted by mistake. The explanation was voluntary, and the Government have made use of it for the purpose of inducing the exclusion of public officers from the House. I have heard of apologists more humble than Mr. Clark's, and made within the last fortnight. (Name, name.)

Hon. Mr. HAVILAND—I never would, and never have eaten humble pie. I did say, and now repeat, that the Governor acted unconstitutionally in dissolving the late House. I accepted a seat in the Council at the wish of other members.

Hon. Mr. POPE—The amendment carries falsehood on the face of it. There is no such law as stated. The hon. member, Mr. Coles, may well talk of Responsible Government, as a very fine thing when he worked it, when his connections were shoved into office. He was unable to have an Attorney General in the House, and so had to look to the other end of the building for one. Nearly all the late office-holders were rejected candidates, as the Attorney General, the Commissioner of Public Lands, the Registrar, and the Postmaster General. Was that Responsible Government?

Hon. Mr. THORNTON—The late system worked pretty well, but I did not approve of it altogether. I should prefer to have the Attorney General and Colonial Secretary in the House, which, however, I do not wish to see crowded with office-holders. The opinion of the people on the subject might have been tested by the acceptance of office on the part of one member of the Government, and his remission to his constituents, who would thus have an opportunity of manifesting their opinions in a constitutional mode. At present there is no responsibility.

After a few unimportant remarks from one or two members, the Address was reported agreed to without amendment.

The division stood as follows:—

YEAS—Hons. Messrs. Gray, Palmer, Laird, Longworth, James Yeo, Haviland, Pope, Messrs. Davies, Douse, McNeill, Montgomery, Holm, Howat, Bamey, Sinclair, John Yeo.—16.

NAYS—Hon. Messrs. Coles, Kelly, Wightman, Thornton, Whelan, Messrs. Conroy, Cooper, Doyle, Knight, McDonald, Sutherland, Walker.—12.